

**The Traffic Management Act 2004 (Part 6)
CIVIL PARKING ENFORCEMENT**

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



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1. Introduction

Part 6 of The Traffic Management Act 2004 (TMA 2004) is a piece of legislation designed to manage decriminalised parking enforcement which replaced The Road Traffic Act 1991 on the 31st March 2008.

The Secretary of State for Transport, under section 87 of the Traffic Management Act 2004, has published Statutory Guidance for which Enforcement Authorities must have regard to when interpreting, managing and deploying this legislation.

Part of the Statutory Guidance relates to the exercising of discretion where a Penalty Charge Notice (PCN) may be about to be issued, or has been issued.

The Secretary of State considers that the exercising of discretion in such circumstances should rest with back office staff and not with Civil Enforcement Officers (CEOs) so as to protect them from allegations of inconsistency, favouritism or suspicion of bribery. It also gives greater consistency in the enforcement of traffic regulations.

The Statutory Guidance notes that an Enforcement Authority must not fetter discretion and should publish a policy on the exercising of discretion and that the policy should be used flexibly with each case being judged on its merits. Additionally, an Enforcement Authority should be ready to depart from its published discretion policy if the particular circumstances of a case warrant it.

The Secretary of State has clearly noted in the Statutory Guidance that the considering of challenges, representations and defence of appeals is a legal process that requires officers dealing with those aspects to be trained in the relevant legislation and how to apply it.

Additionally, the Statutory Guidance notes that elected members and unauthorised staff should not, under any circumstances, play a part in deciding the outcome of an individual challenge or representation so as to ensure that only fully trained staff make decisions on the facts presented.

The policies in this document are intended to inform the public and provide guidance to council employees working in the enforcement of parking regulations. The policy as a whole is consistent with current best practice and aims to provide clarity, consistency and transparency within the enforcement process and compliance with the aspirations of the London Tribunals (formally Parking and Traffic Appeals Service) and the Local Government Ombudsman (LGO).

This Discretion Policy represents a foundation upon which fairness, openness, transparency and discretion can be applied and provides information and guidance on the following:

- **The statutory grounds upon which representations may be made.**
- **Mitigating circumstances.**
- **The acceptance or rejection of representations.**

This Discretion Policy will regularly be reviewed.

If you would like to receive this document in an alternative format or language, or if you wish to feedback on this Discretion Policy, please contact Highways, Traffic & Parking using the contact details on the front cover.

October 2023

Standard PCN Codes v6.9

On-Street

Code	General suffix(es)	Description	Diff. level	Notes
01	ajoyz	Parked in a restricted street during prescribed hours	Higher	Code specific suffixes apply. Suffixes y & z for disabled badge holders only. See additional notes
02	ajo	Parked or loading / unloading in a restricted street where waiting and loading / unloading restrictions are in force	Higher	Code specific suffixes apply. See additional notes
04	cs	Parked in a meter bay when penalty time is indicated	Lower	
05	cgpsuv1	Parked after the expiry of paid for time	Lower	
06	cipv1	Parked without clearly displaying a valid pay & display ticket or voucher	Lower	Higher level in Wales
07	cgmprsuv	Parked with payment made to extend the stay beyond initial time	Lower	'meter feeding'
08	c	Parked at an out-of-order meter during controlled hours	Lower	Electronic meters only
09	ps	Parked displaying multiple pay & display tickets where prohibited	Lower	
10	p	Parked without clearly displaying two valid pay and display tickets when required	Lower	"two" may be varied to another number or "multiple".
11	gu	Parked without payment of the parking charge	Lower	
12	arstuw4	Parked in a residents' or shared use parking place or zone without a valid virtual permit or clearly displaying a valid physical permit or voucher or pay and display ticket issued for that place where required, or without payment of the parking charge	Higher	Code specific suffixes apply
13		- - - - RESERVED FOR TfL USE (LOW EMISSION ZONE) - - - -	n/a	
14	ay89	Parked in an electric vehicles' charging place during restricted hours without charging	Higher	
16	abdehqwxyz4569	Parked in a permit space or zone without a valid virtual permit or clearly displaying a valid physical permit where required	Higher	Code specific suffixes apply. Suffix "s" only for use where bay is completely non-resident
17		- - - - RESERVED FOR ROAD USER CHARGING USE - - - -	n/a	
18	abcdefghijklmnoprs12356789	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher	
19	airsuwxyz4	Parked in a residents' or shared use parking place or zone with an invalid virtual permit or displaying an invalid physical permit or voucher or pay and display ticket, or after the expiry of paid for time	Lower	Code specific suffixes apply

20		Parked in a part of a parking place marked by a yellow line where waiting is prohibited	Higher	
21	abcdefghijklmnopqrsvxy1256789	Parked wholly or partly in a suspended bay or space	Higher	
22	cfglmnopsv1289	Re-parked in the same parking place or zone within one hour after leaving	Lower	"one hour" may be varied to another time period or "the prescribed time period"
23	abcdefghijklmnopqrsvxy123789	Parked in a parking place or area not designated for that class of vehicle	Higher	Suffix required to fully describe contravention
24	abcdefghijklmnopqrsvxy1256789	Not parked correctly within the markings of the bay or space	Lower	
25	n2	Parked in a loading place or bay during restricted hours without loading	Higher	On-street loading bay or place
26	n	Parked in a special enforcement area more than 50 cm from the edge of the carriageway and not within a designated parking place	Higher	"50 cm" may be varied to another distance in Scotland.
27	no	Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway	Higher	
28	no	Parked in a special enforcement area on part of the carriageway raised to meet the level of a footway, cycle track or verge	Higher	
29	j	Failing to comply with a one-way restriction	n/a	London and Wales only
30	acfglmnopsuy12789	Parked for longer than permitted	Lower	
31	j	Entering and stopping in a box junction when prohibited	n/a	London and Wales only
32	jdt	Failing to proceed in the direction shown by the arrow on a blue sign	n/a	Code-specific suffixes apply. London and Wales only
33	jbcefgghikrsyz	Using a route restricted to certain vehicles	n/a	Code-specific suffixes apply. London and Wales only
34	j0	Being in a bus lane	n/a	
35		Parked in a disc parking place without clearly displaying a valid disc	Lower	
36	j	Being in a mandatory cycle lane	n/a	Wales only
37	j	Failing to give way to oncoming vehicles	n/a	London and Wales only
38	jlr	Failing to comply with a sign indicating that vehicular traffic must pass to the specified side of the sign	n/a	Code-specific suffixes apply. London and Wales only
39		---- RESERVED FOR TfL USE (ULTRA LOW EMISSION ZONE) ----	n/a	
40	n	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher	
41		Stopped in a parking place designated for diplomatic vehicles	Higher	

42		Parked in a parking place designated for police vehicles	Higher	
43		Stopped on a cycle docking station parking place	Higher	
45	nw	Stopped on a taxi rank	Higher	“stopped” may be varied to “waiting”
46	n	Stopped where prohibited (on a red route or clearway)	Higher	
47	jn	Stopped on a restricted bus stop or stand	Higher	
48	j	Stopped in a restricted area outside a school, a hospital or a fire, police or ambulance station when prohibited	Higher	CCTV can be used on a restricted area outside a school only
49	j	Parked wholly or partly on a cycle track or lane	Higher	
50	jlru	Performing a prohibited turn	n/a	Code-specific suffixes apply. London and Wales only
51	j	Failing to comply with a no entry restriction	n/a	London and Wales only
52	jgmsvx	Failing to comply with a prohibition on certain types of vehicle	n/a	Code-specific suffixes apply. London and Wales only
53	cj	Failing to comply with a restriction on vehicles entering a pedestrian zone	n/a	‘and cycle’ may be added (see additional notes) London and Wales only
54	cj	Failing to comply with a restriction on vehicles entering and waiting in a pedestrian zone	n/a	‘and cycle’ may be added (see additional notes) London and Wales only
55		A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban	Higher	
56		Parked in contravention of a commercial vehicle waiting restriction	Higher	Non- overnight waiting restriction
57		Parked in contravention of a bus ban	Higher	Non- overnight waiting restriction
58		Using a vehicle on a restricted street during prescribed hours without a valid permit	n/a	London Lorry Control Scheme
59		Using a vehicle on a restricted street during prescribed hours in breach of permit conditions	n/a	London Lorry Control Scheme
61	124cgn	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	Higher	Code-specific suffixes apply.
62	124cgn	Parked with one or more wheels on or over a footpath or any part of a road other than a carriageway	Higher	Code-specific suffixes apply.
63		Parked with engine running where prohibited	Lower	
64	124	Parked in contravention of a notice prohibiting leaving vehicles on a grass verge, garden, lawn or green maintained by a local authority	n/a	Code-specific suffixes apply. For use in Essex only

65	124	Parked in contravention of a notice prohibiting leaving vehicles on land laid out as a public garden or used for the purpose of public recreation	n/a	Code-specific suffixes apply. For use in Essex only.
66	124cg	Parked on a verge, central reservation or footway comprised in an urban road	n/a	Code-specific suffixes apply. For use in Exeter only.
67		Using a vehicle on a restricted street without a valid HGV Safety Permit	n/a	HGV Safety Permit Scheme (Direct Vision Standard)
68		Using a vehicle on a restricted street in breach of HGV Safety Permit conditions	n/a	HGV Safety Permit Scheme (Direct Vision Standard)
72		--- RESERVED FOR BUILDERS' SKIPS CONTRAVENTIONS ---		London only
75		--- RESERVED FOR LITTERING FROM MOTOR VEHICLES ---		
76		-- RESERVED FOR WASTE RECEPTACLE CONTRAVENTIONS --		London only
97		Driving a motor vehicle in an unrestricted street in excess of the posted speed limit	n/a	London only
99	no	Stopped on a pedestrian crossing or crossing area marked by zigzags	Higher	Pedestrian Crossings

Off-Street

70		Parked in a loading place or bay during restricted hours without loading	Higher	Off-street loading areas
71		Parked in an electric vehicles' charging place during restricted hours without charging	Higher	Off-street car parks
73	gu	Parked without payment of the parking charge	Lower	Off-street car parks
74	prs	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher	Off-street car parks
77		--- RESERVED FOR DVLA USE ---	n/a	
78	abdefghklpqv156789	Parked wholly or partly in a suspended bay or space	Higher	Off-street car parks
80	gu	Parked for longer than permitted	Lower	Off-street car parks
81	o	Parked in a restricted area in an off-street car park or housing estate	Higher	Off-street car parks
82	puv4	Parked after the expiry of paid for time	Lower	Off-street car parks
83	4	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	Lower	Off-street car parks
84	gu	Parked with payment made to extend the stay beyond initial time	Lower	Off-street car parks
85	abtrwyz45	Parked without a valid virtual permit or clearly displaying a valid physical permit where required	Higher	Off-street car parks. Code specific suffixes apply.
86	prs	Not parked correctly within the markings of a bay or space	Lower	Off-street car parks

87		Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher	Off-street car parks
89		Vehicle parked exceeds maximum weight or height or length permitted	Higher	Off-street car parks
90	psuv	Re-parked in the same car park within one hour after leaving	Lower	Off-street car parks. "one hour" may be varied to another time period or "the prescribed time period"
91	cg	Parked in a car park or area not designated for that class of vehicle	Higher	Off-street car parks
92	o	Parked causing an obstruction	Higher	Off-street car parks
93		Parked in car park when closed	Lower	Off-street car parks
94	p	Parked in a pay & display car park without clearly displaying two valid pay and display tickets when required	Lower	Off-street car parks. "two" may be varied to another number or "multiple"
95		Parked in a parking place for a purpose other than that designated	Lower	Off-street car parks
96		Parked with engine running where prohibited	Lower	Off-street car parks

Suffixes and Additional Notes

General suffixes: –

- | | | | |
|---|-------------------------------|---------------------------------|-----------------------------|
| a) permit holder only electric vehicle charging bay | b) business bay | c) buses only | d) |
| doctor's bay | e) car club bay | f) free parking bay | g) motorcycle bay |
| hospital bay | i) wrong type of voucher | j) camera enforcement | k) ambulance bay |
| loading place | m) parking meter | n) red route | l) blue badge holder |
| p) pay & display | q) market traders' bay | r) residents' bay | s) shared use bay |
| t) voucher/P&D ticket used in permit bay | u) electronic payment | v) voucher | w) e- |
| scooter bay | x) disabled bay | y) electric solo motorcycle bay | 0) local buses / trams only |
| 1) electric vehicles bay | 2) goods vehicle loading bays | 3) bicycle bay | 4) virtual permit |
| dedicated disabled bay | 6) hotel bay | 7) taxis only | 5) zero emission capable |
| 9) electric vehicle car club bay | | | 6) taxi only |

Restricted street (codes 01 and 02) only: -

Suffix a) 'temporary traffic order' (code specific)

Permit contraventions (codes 01, 12, 16, 19 and 85) only: -

Suffixes w) 'wrong parking zone', x) 'incorrect VRM', y) 'obscured/illegible permit' and z) 'out of date permit' (code specific)

Note: Suffixes 'y' and 'z' are applicable on code 01 for Blue Badge contraventions only

Taxi Ranks (code 45) only: -

w) amends the contravention code description to change the wording from 'stopped' to 'waiting'

Footway parking (codes 61, 62, 64, 65 and 66) only: –

- | | | |
|-------------------------|----------------------|--------------------------|
| 1) one wheel on footway | 2) partly on footway | 4) all wheels on footway |
| c) on vehicle crossover | g) on grass verge | |

Moving traffic contraventions only: –

32 d) proceeding in the wrong direction t) turning in the wrong direction

- | | | | |
|--|--------------------------------|---------------------------------------|-------------------------------|
| 33 b) buses only only | c) buses and cycles only | e) buses, cycles and taxis only | f) buses and taxis |
| g) local buses only taxis only | h) local buses and cycles only | i) local buses, cycles and taxis only | k) local buses and taxis only |
| q) tramcars and local buses only (*) | r) tramcars only | s) tramcars and buses only | y) pedal cycles only |
| z) pedal cycles and pedestrians only (*) | | | |

38 l) must pass to the left r) must pass to the right

50 l) no left turn r) no right turn u) no U-turn

- | | | |
|--|---|-------------------|
| 52 b) buses* | g) goods vehicles exceeding max gross weight indicated | m) motor vehicles |
| s) solo motorcycles | v) all vehicles except non-mechanically propelled ones being pushed | |
| x) motor vehicles except solo m/cycles | | |

53 Code specific suffix c) amends the description to add 'and cycle' after the word pedestrian

54 Code specific suffix c) amends the description to add 'and cycle' after the word pedestrian

(*) applicable in Wales only

Camera Enforcement

Suffix 'j' identifies a contravention that can be used on highways other than red routes using CCTV. The suffix itself is not required on a PCN.

For contravention codes 01 and 02, Suffix 'j' can only be used if there is also a mandatory cycle lane at the location.

RECORD OF ADDITIONS & AMENDMENTS

VERSION	AMENDMENTS	EFFECTIVE DATE
6.9	Code 97 – added (speeding contravention – London only)	1 December 2021
6.8	Code 01 – suffix ‘a’ (temporary traffic order) made code specific and suffix ‘j’ (camera enforcement) added. Additional note added to advise about the use of suffix ‘j’	12 April 2021
	Code 02 – suffix ‘a’ (temporary traffic order) made code specific and suffix ‘j’ (camera enforcement) added. Additional note added to advise about the use of suffix ‘j’	
	Code 05 – suffix ‘g’ added	
	Code 07 – suffix ‘g’ added	
	Code 12 – suffix ‘a’ added. Note added	
	Code 14 – suffixes ‘a’ and ‘y’ added. Note added.	
	Code 16 – suffix ‘a’ added. Note added	
	Code 18 – suffixes ‘a’, ‘g’, ‘x’, and ‘y’ added	
	Code 19 – suffix ‘a’ added. Note added	
	Code 21 – suffixes ‘a’, ‘x’ and ‘y’ added	
	Code 22 – suffix ‘g’ added	
	Code 23 – suffixes ‘a’, ‘w’, ‘x’ and ‘y’ added	
	Code 24 – suffixes ‘a’, ‘g’, ‘x’ and ‘y’ added	
	Code 30 – suffixes ‘a’, ‘g’ and ‘y’ added	
	Code 52 – code specific suffix ‘c’ (buses) added (*indicating Wales only added)	
	Code 53 – code specific suffix ‘c’ added to include ‘and cycle’ Notes added	
	Code 54 – code specific suffix ‘c’ added to include ‘and cycle’ Note added	
	Code 73 – suffix ‘g’ added	
	Code 80 – suffix ‘g’ added	
	Code 78 added (off street parking suspensions)	
Code 78 – suffixes ‘a’, ‘b’, ‘d’, ‘e’, ‘f’, ‘g’, ‘h’, ‘k’, ‘l’, ‘p’, ‘q’, ‘u’, ‘v’, ‘1’, ‘5’, ‘6’, ‘7’, ‘8’ and ‘9’ added		
Code 81 – description amended to include housing estates.		
Code 84 – suffix ‘g’ added		

	Code 85 – suffix ‘a’ added. Note added.	
	Suffixes ‘w’, ‘x’, ‘y’ and ‘z’ for permit contraventions made code specific for contravention codes, 12, 16, 19 and 85. Suffixes ‘y’ and ‘z’ only for code 01. Notes added.	
	Suffix a – general suffix amended (permit holder only electric vehicle charging bay)	
	Suffix w – general suffix amended (e-scooter bay)	
	Suffix x – general suffix amended (disabled bay)	
	Suffix y – general suffix amended (electric solo motorcycle bay)	
	Suffix z – general suffix deleted	
6.7.9	Code 67 – amended to reference HGV Safety Permit Scheme	March 1 2021
	Code 68 – added (failure to comply with HGV Safety Permit Scheme conditions)	
6.7.8	Code 06 – note amended to indicate the contravention is a higher level in Wales	December 2 2019
	Code 29 added (Failing to comply with a one-way restriction)	
	Code 31, 32, 33, 37, 38, 50, 51, 52, 53, and 54 – note amended to include Wales	
	Code 32 - amended to ‘proceed’ rather than ‘drive’	
	Code 32 – suffix “w” (one-way traffic) removed	
	Code 33 – suffix “y” added for pedal cycles only and suffix “z” added for pedal cycles and pedestrians only (* indicating Wales only added)	
	Code 36 added (being in a mandatory cycle lane) and a note added that this is applicable in Wales only	
	Code 67 added (Using a vehicle on a restricted street without a valid safety permit) for Direct Vision Standard	
6.7.7	Code 12 – amended to clarify virtual and physical permit actions	25 March 2019
	Code 16 – amended to clarify virtual and physical permit actions	
	Code 19 – amended to clarify virtual and physical permit actions	
	Code 39 added (reserved for TfL - Ultra Low Emission Zone)	
	Code 85 – amended to clarify virtual and physical permit actions	
6.7.6	Code 14 – suffixes “8” and “9” added	1 January 2018
	Code 16 – suffix “9” added	
	Code 18 – suffixes “1”, “2”, “3”, “5”, “6”, “7”, “8” and “9” added	
	Code 21 – suffixes “7”, “8” and “9” added	

	Code 22 – suffixes “1”, “2”, “8” and “9” added	
	Code 23 – suffixes “7”, “8” and “9” added	
	Code 24 – suffixes “7”, “8” and “9” added	
	Code 30 – suffixes “c”, “2”, “7”, “8” and “9” added	
	Code 75 – note referencing “London only” removed	
	Code 82 – suffix “4” added	
	Code 83 – suffix “4” added	
	Suffix “7” added for taxis only	
	Suffix “8” added for zero emission capable taxis only	
	Suffix “9” added for electric vehicle car club bay	
6.7.5	Code 72 added (reserved for Builders’ Skips Contraventions)	15 December 2016
6.7.4	Code 51 – amended to remove references to complying with a sign	10 June 2016
6.7.3	Code 21 – suffix “n” added.	2 April 2015
	Code 26 – suffix “n” added	
	Code 27 – suffix “n” added	
	Code 28 – suffix “n” added	
	Code 61 – suffix “n” added	
	Code 62 – suffix “n” added	
	Code 99 – suffix “n” added	
	Supplement to notes added for suffix “j” and the use of CCTV	
6.7.2	Suffix “j” removed from contravention codes where CCTV enforcement is no longer permitted.	1 April 2015
	Code 63 – suffix “c” and note removed.	
	Code 96 – suffix “c” and note referring to bus bays removed.	
6.7.1	Code 75 added (reserved for Littering from Motor Vehicles).	1 December 2014
	Code 76 added (reserved for Waste Receptacle Contraventions).	
6.7	Code 16 – suffixes “5” and “6” added.	1 April 2014
	Code 17 – general description note amended to state “Reserved for Road User Charging Use”.	

	Code 21 – suffixes “5” and “6” added.	
	Code 24 – suffixes “5” and “6” added.	
	Code 25 – “or bay” added to the description and “or place” added to the notes.	
	Code 30 – suffix “1” added.	
	Code 41 – “parked” amended to “stopped”.	
	Code 63 – note amended to replace “coach” with “bus”.	
	Code 70 – amended for consistency.	
	Code 80 – amended for consistency.	
	Code 85 – description amended to remove reference to “permit bays”. Suffixes “y”, “z” and “5” added.	
	Code 89 – amended to simplify description.	
	Code 95 – amended to simplify description.	
	Code 96 – note amended to replace “coach” with “bus”.	
	Suffix “u” – amended from “mobile phone parking” to “electronic payment”.	
	Suffix “5” – added for dedicated disabled bays.	
	Suffix “6” – added for hotel bays.	
6.6.2	Code 45 – “parked” amended to “stopped” and a note added indicating that “stopped” may be varied to “waiting” with use of a code specific ‘w’ suffix.	1 November 2013
6.6.1	Code 12 – suffix “4” added.	1 April 2012
	Code 16 – suffix “4” added.	
	Code 18 – suffix “j” added.	
	Code 19 – suffix “4” added.	
	Code 23 – Notes added to indicate that “suffix required to fully describe contravention”	
	Code 25 – suffix “2” added.	
	Code 55 – suffix “j” added.	
	Code 85 – suffix “4” added.	
	Suffix “4” – added for virtual permits.	
6.6	Code 1 – suffix “e” removed (old definition of suffix). Suffixes “a” and “j” added.	1 April 2011
	Code 2 – suffix “e” removed (old definition of suffix).	
	Code 5 – suffix “1” added.	

Code 6 – suffix “1” added.	
Code 7 – suffix "u" added.	
Code 10 – notes amended to allow use of "multiple" instead of a specific number.	
Code 11 – suffix "g" added.	
Code 12– suffix "u" added. Suffix "x" removed. Description amended to take account of parking meters and payments where nothing is displayed in the vehicle.	
Code 16 – "or zone" added. “clearly” added Suffix "e" added (new definition of suffix).	
Code 18 – suffix "e" added (new definition of suffix).	
Code 19 – suffix "u" added. Description amended to take account of parking meters and payments where nothing is displayed in the vehicle.	
Code 20 – amended to remove "loading gap" and clarify contravention. Suffix “j” added.	
Code 21 – amended to simplify description. Suffixes "e" (new definition of suffix), "g", “1” and “2” added.	
Code 22 – suffix “j” added. Notes amended to allow use of "prescribed time period" instead of a specific period.	
Code 23 – suffixes "e" added (new definition of suffix) “1”, “2” and "3" added.	
Code 24 – suffixes "e" (new definition of suffix) "l", “1” and “2” added.	
Code 26 – suffix "e" removed (old definition of suffix). Suffix “j” added.	
Code 27 – amended to include cycle tracks and verges.	
Code 28 – added for raised carriageways.	
Code 30 – suffixes “j” "l", "m", "p" and "s" added.	
Code 36 deleted – covered by code 30.	
Code 43 added – cycle hire bays.	
Code 48 – amended to include TSRGD variations for hospitals and fire, police and ambulance stations.	
Code 57 – “coach” amended to “bus”.	
Codes 64 and 65 – police use no longer needed – amended to apply to Section 6 of the Essex Act 1987.	
Code 66 – police use no longer needed – amended to apply to Section 30 of the Exeter City Council Act 1987.	
Codes 67 and 68 deleted – vehicle emissions codes no longer needed.	
Code 71 added.	

	Code 80 – suffix "u" added.	
	Code 84 – suffix "u" added and code amended for consistency.	
	Code 86 – amended for consistency.	
	Code 90 – suffix "u" added. Notes amended to allow use of "prescribed time period" instead of a specific period.	
	Code 94 – notes amended to allow use of "multiple" instead of a specific number.	
	Suffix "c" – amended to apply to buses.	
	Suffix "e" – amended to refer to car club bays.	
	Suffix "1" – added for electric vehicles bays.	
	Suffix "2" – added for goods vehicles loading bays.	
	Suffix "3" – added for bicycle bays.	
6.5.1	Code 32 – suffix "p" removed.	1 November 2009
	Codes 37, 50, 52, 53 and 54 – amended to remove references to complying with a sign.	
	Code 38 added with code-specific suffixes.	
6.5	Code 6 – suffix "s" removed;	31 March 2008
	Codes 6 & 83 – "or voucher" removed as option and added to description	
	Code 12 – no longer London only	
	Codes 12, 19, 22 – "or zone" removed as option and added to description	
	Code 15 deleted	
	Code 16 – suffix "s" removed from use in relation to shared residents' / other use bays	
	Code 26 – "in a special enforcement area" added	
	Code 27 – "in a special enforcement area" added	
	Code 40 – "clearly" removed; "in the prescribed manner" added	
	Code 48 – "during term time" option removed; "when prohibited" added	
	Code 49 – "or lane" removed as option and added to description	
	Code 62 – "or over a footpath or" added	
	Code 83 – "or parking clock" removed as option and added to the description	
	Code 87 – amended to the same description as code 40	
6.4.1	Code 12 – "zone" added as an option	14 June 2007

	Code 19 – “zone” added as an option	
6.4	Code 6 – suffix “s” removed from use in London	8 June 2007
	Code 12 added	
	Code 15 withdrawn from use in London	
	Code 15 – “zone” added as an option	
	Code 16 – suffix “s” removed from use in London in relation to shared residents’ / other use bays	
	Code 19 amended	
6.3	Code 5 – suffix (u) added	27 November 2006
	Code 11 added (for use in parking places where payment can be made using mobile phones)	
	Code 14 added (for use in electric vehicles’ charging places where parking is only allowed if charging is taking place)	
	Code 17 deleted (and reserved for Congestion Charging)	
	Code 18 – suffixes (p) (r) (s) and (v) added	
	Code 19 added (in place of previous code 17)	
	Code 21 – suffix (u) added	
	Code 22 – “zone” added as an additional option	
	Code 25 – suffix (j) added	
	Code 26 – distance becomes variable and no longer London only	
	Code 30 – suffix (u) added	
	Code 40 – “and parking disc” added as an option for use on time limited bays	
	Code 61 – suffix (j) added	
	Code 73 added (for use in car parks where payment can be made using mobile phones)	
	Code 82 description changed (“in a pay and display** car park” removed) – suffixes (p) (u) and (v) added	
	Code 87 - “and parking disc” added as an option for use on time limited bays	
	Code 89 – “and/or length” added	
	Code 91 – “a car park or” added	
Suffix (p) changed – “bay” removed to allow for use in all off-street car parks		
Suffix (u) added for use where mobile phones used to pay for parking		

	Suffix (v) changed – “bay” removed to allow for use in all off-street car parks	
6.2	Code 5 description changed (“at a pay and display** bay” removed)	1 March 2006
	Code 07 – suffix (r) included and ‘meter feeding’ moved from description to notes	
	Code 17 added (for use in shared use permit/ paid for parking bays)	
	Code 18 added (for use in parking places, e.g. Pay & Display, where unauthorised trading is being conducted)	
	Code 26 description changed from “Vehicle parked more than 50 cm from the kerb and not within a designated parking place”	
	Code 34 no longer London only	
	Code 47 description changed from “Parked on a restricted bus stop/stand”	
	Code 49 - “lane” included as optional alternative to ‘track’ - N.B. In general, where there is a mandatory cycle lane, there is a waiting restriction, and the code 01 can still be used	
	Code 83 – description changed (“pay & display” removed from before “car park”)	
	Code 95 added (for use in Park & Ride car parks or similar facilities)	
Code 96 added (for use in certain off-street coach bays)		
6.1	Code 83 - “or parking clock” included as additional option	6 June 2005
6.0	Code 10 added (Parked without clearly displaying two**** pay and display tickets when required)	July 2004
	Code 27 added (Parked adjacent to a dropped footway)	
	Code 34 description changed from “Vehicle seen contravening bus lane regulations”	
	Codes 31, 32, 33, 37, 50, 51, 52, 53 and 54 added (Moving traffic contraventions)	
	Code 46 description changed from “Parked on a clearway where stopping is prohibited”	
	Codes 58 and 59 added (Lorry Ban contraventions)	
	Code 60 deleted and “(except L B of Barnet)” deleted from note for code 62	
	Code 62 no longer London only	
	Code 94 added (Parked in a pay & display** car park without clearly displaying two**** valid pay and display tickets when required)	
	Suffix (n) added to indicate contravention on a red route	
	Suffix (o) changed from “orange” to “blue” badge holder	
Suffixes for moving traffic contraventions added		
5.5	Description of code 01 altered to “prescribed” which relates to roads listed in the schedule	January 2001
	Codes 64, 65, 66 added for use on Metropolitan Police removals	
5.4	Additional suffix (j) added to those contraventions which could, in some circumstances, be enforced by camera – subject to alteration during pilot of CCTV enforcement	November 2000
	Bus lane contravention code changed to Code 34 with suffixes (j) – camera enforcement and (0) – local buses or trams only	

5.3	Code 26 added (LLAA 2000)	September 2000
	Code 60 repealed by LLAA 2000 and replaced by Code 62 in London (except for L B of Barnet)	

3. Statutory Grounds to Make Representations

The Traffic Management Act 2004 requires there to be nine Statutory Grounds to make representations, however, 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**” or not. It is for this reason that a tenth Ground, encompassing any other information the motorist or owner/keeper would like the Council to consider, has been included.

Abbreviations used in this Document		
Abb’	Full Title	Explanation
CEO	Civil Enforcement Officer	A CEO is an individual engaged in carrying out parking enforcement, be that the issuing of Penalty Charge Notices of processing such notices.
DVLA	Driver Vehicle Licensing Agency	The DVLA is a government agency that administers the records of all registered vehicles in the UK in addition to the records of those citizens who have driving licences.
G	Ground	A statutory reason (Ground) for challenging the issuing of a Penalty Charge Notice.
LGO	Local Government Ombudsman	The LGO deals with allegations of maladministration made against Councils.
MC	Mitigating Circumstance	MC’s are applied according to this Discretion Policy to each challenge received against a Penalty Charge Notice.
NtO	Notice to Owner	An NtO is a document posted out by the Council to the registered keeper of the vehicle as notified to the Council by the DVLA.
L T	London Tribunals	London Tribunals are an independent tribunal who adjudicate on cases where the Council has refused a representation against a Penalty Charge Notice and the appellant wishes the matter to be reviewed independently.
PCN	Penalty Charge Notice	A PCN is issued when an alleged parking contravention has been observed by a CEO. It can be fixed to a vehicle of delivered by post.

TMA	Traffic Management Act 2004	The TMA is the legislation used to carry out parking enforcement.
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G1 - The alleged contravention did not occur.

G1.1 - Where the motorist claims he/she was loading/unloading.

MAY ACCEPT REPRESENTATIONS.

- On a waiting prohibition or in a controlled bay.
- If evidence is available or 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 place.
 - Loading/unloading activity was adjacent to the premises concerned.
 - Loading/unloading activity was timely (includes checking goods and associated paperwork), but not delayed by unrelated activity¹.
 - If in the course of business, including commercial delivery/collections, couriers, multi drop parcel carriers, removal services etc.

MAY REJECT REPRESENTATIONS.

- On clearways.
- On school zig zag markings.
- On bus stop clearways.
- On Taxi ranks.
- On Police bays.
- Where loading is prohibited.
- On footways/pavements where parking is not permitted.
- In car parks: (except where there is evidence that the depositing of materials in recycling bins was taking place).
- Where there is no evidence of loading / unloading taking place

¹ Source - Traffic Orders, PaTAS decided cases i.e. Jane Packer Flowers.

G1.2 - Where the motorist claims that a parking pay & display machine was faulty.

MAY ACCEPT REPRESENTATIONS

- If service records confirm a fault or that the machine had been taken out of service at the time of the contravention.
- If there is reasonable doubt because evidence not available to confirm that a machine was working at the time (test ticket) and there was not another ticket machine nearby which was operating correctly.
- If evidence is provided that payment was made via the cashless service provision.

MAY REJECT REPRESENTATIONS

- If there was another ticket machine nearby that was working correctly at the time
- If there is no record of the machine being faulty or taken out of service. If there is reasonable doubt because evidence confirms that other visitors had been able to purchase tickets during the relevant period.

G1.3 - Where motorist claims that the restriction is not clearly signed or marked

MAY ACCEPT REPRESENTATIONS

- If signs and/or markings are missing or unclear.
- If signs and markings are inconsistent with each other and/or Traffic Order or legislation.

MAY REJECT REPRESENTATIONS

- If site visit records or photographs establish that signs and/or markings are correct and consistent with each other and the Traffic Order.
- On all occasions for footway parking where not permitted by signs and lines.

(ATTENTION POINT - Footway parking is only permitted where signs and lines indicate. Where signs and lines are not present it is a contravention to park on the footway/pavement. It is not a mitigating factor to claim that illegal footway parking occurred due to the narrowness of a road and the intention of the motorist was not to cause a highway obstruction. It is for the motorist to always park safely and legally without causing an obstruction to the highway or to pedestrians using the footway/pavement).

G1.4 - Where motorist was carrying out building works

MAY ACCEPT REPRESENTATIONS

- If evidence confirms that the motorist was simply loading/unloading (see policy G1.1, above).
- If a valid waiver to park at the location in question had been issued and was on display in the vehicle.
- If works are of a statutory nature or are exempted from restrictions by a Traffic Order or legislation.
- If it can be proven that works were an emergency.

MAY REJECT REPRESENTATIONS

- In all other circumstances

G1.5 - Where motorist claims that a PCN was not served (i.e. PCN not found attached to vehicle or handed to driver)

MAY ACCEPT REPRESENTATIONS

Not applicable as a Regulation 10 PCN will be issued by post

MAY REJECT REPRESENTATIONS

- If the Civil Enforcement Officer's notes or photographs confirm that a PCN was correctly served, i.e. handed to the motorist or fixed to their vehicle.
- If the Civil Enforcement Officer has issued a Regulation 10 PCN by post.

G1.6 - Where the motorist claims that their vehicle was not parked in the location at the time and or the date the alleged PCN which was issued.

MAY ACCEPT REPRESENTATIONS

- Following consideration of all available evidence.

MAY REJECT REPRESENTATIONS

- If the motorist does not provide a crime reference number after being given a further opportunity to submit such a copy.
- If there is no evidence or if the evidence presented does not support the claim or is inconclusive.

G1.7 - Where the motorist claims that a valid authorisation to park had been issued, i.e. waiver, parking place suspension, season ticket, residents permit, business permit , visitors permit, carer permit or blue badge for motorists with disabilities .

MAY ACCEPT REPRESENTATIONS

- If evidence can be provided to show that the motorist holds a valid authorisation to park.

MAY REJECT REPRESENTATIONS

- If the motorist cannot provide evidence of a valid authorisation to park or if there is no record of any issue of the authorisation.
- If the motorist did not park in accordance with the authorisation (failed to clearly display the dispensation).
- Where the vehicle was parked in such a manner that it is causing an obstruction.

G1.8 - Where the motorist claims that a valid parking session was purchased.

MAY ACCEPT REPRESENTATIONS

- Where evidence of a valid parking session is produced
- Where the Civil Enforcement Officer has recorded the serial number and it is the first contravention of this kind.

MAY REJECT REPRESENTATIONS

- If the motorist is unable to produce evidence of a valid parking session.
- The Civil Enforcement Officer was unable to confirm that a Pay and Display ticket was visible.
- The motorist has made a similar representation before and had a previous PCN cancelled, after giving them the benefit of the doubt.

G2 - That the recipient:

G2.1 Never was the owner of the vehicle in question.

MAY ACCEPT REPRESENTATIONS

- If the DVLA confirm, by letter, that the motorist was not the registered keeper at the time of the contravention.

MAY REJECT REPRESENTATIONS

- 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 PCNs incurred, subject to the time of hire (See G4).

G2.2 - Had ceased to be its owner before the date on which the alleged contravention occurred.

MAY ACCEPT REPRESENTATIONS

- If the current registered keeper is able to provide proof that the vehicle was disposed of before the contravention, i.e. a bill of sale, registration documents, insurance documents or a letter from the DVLA; and/or;
- If the current registered keeper provides evidence of the full name and address of the person to whom they disposed of the vehicle

(ATTENTION POINT - A new Notice to Owner will be sent to the person named by the current registered keeper).

MAY REJECT REPRESENTATIONS

- If the current registered keeper is unable to prove that they disposed of the vehicle before the contravention or provide evidence of the name and address of the person to whom they disposed of the vehicle
- If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide

G2.3 - Became its owner after that date

MAY ACCEPT REPRESENTATIONS

- If the current registered keeper is able to provide proof that the vehicle was purchased after the contravention, i.e. an invoice, registration documents, insurance documents or a letter from the DVLA; and/or;
- If the current registered keeper is able to provide evidence of the full name and address of the person from whom they purchased the vehicle.

MAY REJECT REPRESENTATIONS

- If the current registered keeper is unable to prove that they purchased the vehicle after the contravention or provide evidence of 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.

G2.4 - Where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the contravention.

MAY ACCEPT REPRESENTATIONS

- Only when a hire agreement exists (See G4).

MAY REJECT REPRESENTATIONS

- In all other circumstances because the registered keeper is always liable, including when the vehicle was left in the care of third party, such as a garage.

(ATTENTION POINT – This does not apply for Bus Lane Penalty Charge Notices)

G3 - That 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.

G3.1 - Where the current registered keeper claims that the vehicle had been stolen or cloned.

MAY ACCEPT REPRESENTATIONS

- If the registered keeper provides a valid Police crime reference number which directly relates to the theft or unauthorised use of the vehicle in question.
- Where photographic evidence is provided to support the vehicle in contravention is a cloned version of the registered keepers' vehicle and/or a Police crime reference number which directly relates to the cloning of the vehicle in question

MAY REJECT REPRESENTATIONS

- If the current registered keeper is unable to provide any proof of theft, cloning or unauthorised use.
- If the police crime report reference number provided by the current registered keeper does not exist or it does not match the clone, theft or date of the alleged theft.

G3.2 - Where the current registered keeper claims that the vehicle was driven by a third party (i.e. a friend, relative or estranged partner).

MAY ACCEPT REPRESENTATIONS

- In no circumstances.

MAY REJECT REPRESENTATIONS

- In all circumstances because the registered keeper is always liable, save for when a hire agreement exists (See G4).

G3.3 - Where the vehicle has been stopped by an authorised body i.e. Police, DVLA.

MAY ACCEPT REPRESENTATIONS

- Documentary evidence from Police or DVLA supporting the claim.

MAY REJECT REPRESENTATIONS

- In all other circumstances.

G4 - 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.**
- **The person hiring it had signed a statement of liability acknowledging his/her liability in respect of any PCN served in respect of any contravention involving the vehicle.**

MAY ACCEPT REPRESENTATIONS

- 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.

(ATTENTION POINT - A new Notice to Owner will be sent to the person named by the Hire Company. This DOES NOT apply for bus lane Penalty Charges).

MAY REJECT REPRESENTATIONS

- If the hire company are unable to prove that they hired out the vehicle on the date of the contravention or provide the name and address of the person to whom they hired the vehicle.
- If the vehicle was being used as a courtesy car without an agreement signed to accept responsibility for PCNs issued.
- If the hire company's agreement does not have a driver liability clause.

G5 - That the penalty charge exceeded the amount applicable in the circumstances of the case.

MAY ACCEPT REPRESENTATIONS

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

MAY REJECT REPRESENTATIONS

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

(ATTENTION POINT – This does not apply to Bus Lane Penalty Charge Notices)

G6 - That there has been a procedural impropriety on the part of the enforcement authority.

MAY ACCEPT REPRESENTATIONS

- If any requirements imposed by the TMA 2004 or the TMA Regulations in the relation to the imposition or recovery of a penalty charge has not been observed.
- If any document has been served in advance of the time scale set out in the TMA regulations.

MAY REJECT REPRESENTATIONS

- If all requirements imposed by the TMA 2004 or the TMA Regulations in the relation to the imposition or recovery of a penalty charge has been observed.
- If all documents have been served in accordance with the time scale set out in the TMA regulations.
- If the motorist merely considers the restrictions to be unfair.

(ATTENTION POINT – This does not apply to Bus Lane Penalty Charge Notices)

G7 - That the Order which is alleged to have been contravened in relation to the vehicle concerned is invalid.

MAY ACCEPT REPRESENTATIONS

- If the Traffic Order which prescribes the restrictions that the vehicle was parked in contravention of was not constructed correctly, i.e. the legal processes in making this order was not followed correctly including public consultation.

MAY REJECT REPRESENTATIONS

- If the Traffic Order which prescribes the restrictions that the vehicle was parked in contravention of was constructed and made correctly.
- If the motorist merely considers the restrictions to be unfair.

(ATTENTION POINT – This does not apply to Bus Lane Penalty Charge Notices)

G8 - In the case where a PCN was served by post, (not a CCTV penalty), on the basis that a CEO was prevented by some person from fixing it to the vehicle concerned or handing it to the owner or person in charge of the vehicle

MAY ACCEPT REPRESENTATIONS

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

MAY REJECT REPRESENTATIONS

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

G9 - 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.

MAY ACCEPT REPRESENTATIONS

- If the penalty charge amount had been paid in full.
- If the penalty charge amount, reduced by any discount set within the period set, had been paid in full.

MAY REJECT REPRESENTATIONS

- If the penalty charge amount had not been paid in full.
- If the penalty charge amount, reduced by any discount set within the period set, had not been paid in full

G10 - Any other information that the motorist / vehicle owner want the Council to take into consideration.

MAY ACCEPT REPRESENTATIONS

- The decision on whether a PCN should be cancelled will only be taken following very careful consideration taking into account all of the evidence available.

MAY REJECT REPRESENTATIONS

- The decision on whether a PCN should not be cancelled will only be taken following very careful consideration taking into account all of the evidence available.

G11. There was no breach of the Bus Lane

MAY ACCEPT REPRESENTATIONS

- Where the Camera footage supports the claim that the vehicle had not entered the bus lane during its restricted period
- That the vehicle has a valid exemption for driving in a bus lane

MAY REJECT REPRESENTATIONS

- In all other circumstances

4. Mitigating Circumstances

MC1 - Where the motorist claims to have become unwell while driving.

MAY ACCEPT REPRESENTATIONS

- If the motorist provides proof of a medical condition, temporary or permanent, that is consistent with the condition described from a medical practitioner such as a GP or Consultant and that such evidence shows that the condition was apparent at the time of the contravention and that the condition necessitated the leaving of a vehicle parked in contravention.
- When the notes made by the Civil Enforcement Officer support the motorist's representations.

MAY REJECT REPRESENTATIONS

- If the motorist cannot provide proof of a medical condition, temporary or permanent, that is consistent with the condition described from a medical practitioner such as a GP or Consultant and/or that such evidence shows that the condition was not apparent at the time of the contravention and/or that the condition did not necessitate the leaving of a vehicle parked in contravention.
- Where other evidence contradicts the motorist's claims.

MC2 - Where the motorist claims to be a doctor, nurse, health visitor attending a patient.

MAY ACCEPT REPRESENTATIONS

- If the motorist concerned possesses a Medical Dispensation badge (BMA, HEBS) that the London Borough of Havering recognises and approves and/or is exempt under the relevant Order.
 - If the motorist produces evidence that they were responding to an emergency medical call and there was no legal parking place nearby.

MAY REJECT REPRESENTATIONS

- If the motorist was not attending a patient in emergency circumstances or if there were legal parking spaces nearby.
- If the motorist was parked outside their practice or other place of work for any reason other than to collect supplies for an immediate emergency call.
- If the motorist was parked in an area which does not correspond with claims made in representations, i.e. far from patients property, or, say, in a car park.
- If the vehicle was parked on the footway/grassverge.

MC3 - Where the motorist stopped to use the toilet.

MAY ACCEPT REPRESENTATIONS

- If the motorist provides proof of a medical condition, temporary or permanent, that is consistent with the condition described from a medical practitioner such as a GP or Consultant and that such evidence shows that the condition was apparent at the time of the contravention and that the condition necessitated the leaving of a vehicle parked in contravention.
- When the notes made by the Civil Enforcement Officer support the motorist's representations.

MAY REJECT REPRESENTATIONS

- If the motorist cannot provide proof of a medical condition, temporary or permanent, that is consistent with the condition described from a medical practitioner such as a GP or Consultant and/or that such evidence shows that the condition was not apparent at the time of the contravention and/or that the condition did not necessitate the leaving of a vehicle parked in contravention.
- Where other evidence contradicts the motorists claims.

MC4 - Where the motorist stopped to collect prescribed medication from a chemist.

MAY ACCEPT REPRESENTATIONS

- Where a medical practitioner such as a GP or Consultant provides written evidence stating that the urgent collection of such medication would have necessitated the leaving of a vehicle parked in contravention.

MAY REJECT REPRESENTATIONS

- In any lesser circumstances.
- Where suitable and verifiable evidence is not provided.
- Where the vehicle was parked on the footway/grass verge

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

MAY ACCEPT REPRESENTATIONS

- If the motorist can provide a letter from his/her doctor to confirm that the visit was very urgent, not prearranged and that they were unable to walk, due to the condition, from the nearest legal parking space.

MAY REJECT REPRESENTATIONS

- If the motorist was not the patient but only driving the vehicle carrying the patient.
- If the motorist was attending a pre-arranged, non-urgent appointment.
- If the motorist could reasonably have been expected to park legally elsewhere.
- If the condition was not considered to be urgent by the GP.
- Where the vehicle was parked on a footway/grass verge

MC6 - Where the motorist claims to have been recently bereaved.

MAY ACCEPT REPRESENTATIONS

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

MAY REJECT REPRESENTATIONS

- Only if there is a significant reason to doubt the sincerity of representations, i.e. the Civil Enforcement Officer's notes indicating that the motorist was going about a normal day, say, shopping or working.
- The contravention occurred at a time when the motorist was not engaged in matters relating directly to the bereavement, i.e. visiting the home of the departed soon after passing, a hospital, hospice or care home or the like, or making funeral arrangements or attending a funeral.
- The bereavement had occurred more than two weeks prior to the contravention.

(ATTENTION POINT - The above is not exhaustive and a sympathetic approach will be taken in such circumstances).

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

MAY ACCEPT REPRESENTATIONS

- If supported by appropriate evidence, the motorist's representations claims that the delay in returning to the vehicle was caused by circumstances that were entirely unforeseen, unavoidable and exceptional, (all of these must apply).
- If motorist's vehicle had broken down, subject to concurrence with policy MC22.
- If the motorist was rendered physically unable to drive, since parking the vehicle and evidence of that physical inability is provided.

MAY REJECT REPRESENTATIONS

- If the delay described by the motorist was entirely avoidable, i.e. queuing in a shop.
- 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 rendered physically unable to drive since parking due to excess alcohol in the body or had been detained and charged by the Police.

MC8 - Where the motorist “fed” a meter or pay & display machine by buying subsequent time to park in the same place or returned to the same place within a specified and prohibited time period.

MAY ACCEPT REPRESENTATIONS

- In no circumstances.

MAY REJECT REPRESENTATIONS

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

MC9 - Where the motorist left the vehicle parked without a valid paid for parking session

MAY ACCEPT REPRESENTATIONS

- If the motorist had not left the car park or on-street pay and display area, while obtaining change and a ticket was purchased within 5 minutes of the issue of a Penalty Charge Notice.
- Where the motorist has evidence that a paid for parking session was made using the cashless parking provision

MAY REJECT REPRESENTATIONS

- If the Civil Enforcement Officer's notes indicate that the motorist returned to their vehicle, having completed their purpose for parking, while the PCN was being issued, i.e. carrying shopping.
- The vehicle had been left in a car park, or on-street pay and display area, whilst the motorist went to obtain change and was absent for a period in excess of five minutes.
- Where a cashless parking session was commenced more than 10 minutes after the Penalty Charge Notice was served.

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

MAY ACCEPT REPRESENTATIONS

- If reference to restrictions on tariff board(s) are incorrect or missing.

MAY REJECT REPRESENTATIONS

- In all other circumstances.

MC11 - Where the motorist claims to have been unaware of a change of parking tariff.

MAY ACCEPT REPRESENTATIONS

- If statutory notices were not erected in accordance with procedural regulations.
- If revised tariff is not on tariff board(s).

MAY REJECT REPRESENTATIONS

- If statutory notices were erected in accordance with procedural regulations and tariff board(s) were correct.

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

MAY ACCEPT REPRESENTATIONS

- Only in the most exceptional of circumstances that were outside the motorists control and are supported by incontrovertible evidence.

MAY REJECT REPRESENTATIONS

- When clear and incontrovertible supporting evidence (photographs/sketch plan) is available.
- Otherwise, in no circumstances.

MC13 - Where the motorist claims to have been unaware of the existence of a controlled parking zone.

MAY ACCEPT REPRESENTATIONS

- If it can be established that the signing and marking of the CPZ is at fault. (See G1.3).

MAY REJECT REPRESENTATIONS

- In all other circumstances.

MC14 - Where the motorists virtual parking permit had expired i.e. waiver, parking place suspension, season ticket, residents permit, business permit, visitors permit, Carer Permit or Blue Badge .

MAY ACCEPT REPRESENTATIONS

- If the renewal of the authorisation was delayed by the Council's administrative processes.
- If it can be established that other reasonably unforeseen circumstances delayed the renewal of an authorisation to park, e.g. sickness on the part of the applicant, which is supported by medical evidence from a GP or Consultant or other delays beyond the individuals control and that are supported by appropriate written and verifiable evidence.

MAY REJECT REPRESENTATIONS

- In all other circumstances.
- In the event of more than one vehicle registration being included on a season ticket or permit, subsequent production of the season ticket will not necessarily cause automatic cancellation of the PCN as the season ticket may have been used on the other vehicle.

MC16 - Where the motorist is a new resident within a controlled parking zone and had parked in a resident's bay without a valid virtual parking permit

MAY ACCEPT REPRESENTATIONS

- In no circumstances.

MAY REJECT REPRESENTATIONS

- On all occasions.

MC17 - Where the motorist had parked incorrectly in a controlled bay on-street.

MAY ACCEPT REPRESENTATIONS

- If it can be established that the motorist was genuinely loading or unloading, subject to compliance with G1.1.

MAY REJECT REPRESENTATIONS

- On all occasions.

MC18 - Where the motorist assumed that they were entitled to “a period of grace” before the PCN was issued.

MAY ACCEPT REPRESENTATIONS

- Where paid for parking restrictions had commenced not more than 10 minutes prior to parking.
- Where paid for parking had expired not more than 10 minutes prior to the PCN being Issued.

MAY REJECT REPRESENTATIONS

- Where the vehicle was observed parked more than 10 minutes after the commencement of parking restrictions.
- Where paid for parking had expired by more than 10 minutes prior to the service of the PCN.

MC19 - Where the motorist claims they were attending a funeral.

MAY ACCEPT REPRESENTATIONS

- If no evidence exists to the contrary, taking into account the sensitivity of this issue.
- If no legal parking area was available nearby.

MAY REJECT REPRESENTATIONS

- If there is a significant reason to doubt the sincerity of the representations.
- If there were legal parking areas nearby.

(ATTENTION POINT - The above is not exhaustive and a sympathetic approach will be taken in such circumstances).

MC20 - Where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings.

MAY ACCEPT REPRESENTATIONS

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

MAY REJECT REPRESENTATIONS

- If it can be established that such conditions did not cause lines and signs to be obscured as claimed.
- If the Civil Enforcement Officer's notes/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.

MC21 - Where the motorist claims that their vehicle had broken down.

MAY ACCEPT REPRESENTATIONS

- If the motorist is able to provide evidence of a mechanical breakdown, i.e. proof of vehicle recovery or a bill of sale for repair or parts, or a receipt for recovery which includes the company's or organisation registered business address and VAT Registration Number.
- If the breakdown was such that the vehicle was totally immobilised.

MAY REJECT REPRESENTATIONS

- If the motorist is unable to provide evidence of any kind that their vehicle had broken down and that it was totally immobilised.
- If the cause of the vehicle "breaking down" was due to negligence on the part of the motorist, i.e. the vehicle had not been properly maintained, had run out of petrol or water or a similar reason.
- If the Civil Enforcement Officer's notes contradict the motorist's version of events.
- Where it is not the first occasion when a PCN has been issued in such circumstances and where the legitimacy of the motorists claim may be questionable.
- There is no exemption for footway parking due to breakdown unless Police have advised to park on the footway. Evidence from the Police may be requested.

MC22 - Where the motorist claims that they were attending an emergency or another vehicle that had broken down.

MAY ACCEPT REPRESENTATIONS

- If the motorist is able to provide reasonable proof of the emergency, i.e. a credible report of an accident or incident, or that they were attending to another vehicle that had broken down and that the positioning of the motorists vehicle in contravention was necessary in the circumstances.

MAY REJECT REPRESENTATIONS

- If the motorist is unable to provide evidence of any kind that they were attending an emergency or another vehicle which had broken down.
- If the Civil Enforcement Officer's notes contradict the motorist's version of events, i.e. the motorist was not seen attending an emergency or another vehicle which was broken down.
- Where it is not the first occasion when a PCN has been issued in such circumstances and where the legitimacy of the motorists claim may be questionable.
- There is no exemption for footway parking due to breakdown unless Police have advised to park on the footway. Evidence from the Police may be requested

MC23 - Where the motorist claims to have put money into the wrong ticket machine or paid for a virtual parking session using an incorrect location code

MAY ACCEPT REPRESENTATIONS

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

MAY REJECT REPRESENTATIONS

- If the ticket machine used by the motorist is positioned in such a place that confusion is not likely.
- If the motorist has had representations accepted for a similar contravention previously.
- Where the motorist has used an incorrect location code on the cashless parking provider – the App requires the user to verify their location before proceeding to payment.

MC24 - Where the vehicle in question was on Police, Fire Brigade or Ambulance duties.

MAY ACCEPT REPRESENTATIONS

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

MAY REJECT REPRESENTATIONS

- In all other circumstances

MC25 - Where the motorist claims to have been collecting or depositing monies at a bank.

MAY ACCEPT REPRESENTATIONS

- If the procedure explained in the motorist's representations is consistent with the allowance for loading and unloading (See G1.1).
- If specific arrangements have been agreed.

MAY REJECT REPRESENTATIONS

- In all other circumstances.

MC26 - Where the motorist claims to have been unaware of a temporary parking restriction or special event restriction.

MAY ACCEPT REPRESENTATIONS

- If the motorist claims that there was no indication of the restriction, and the Civil Enforcement Officer's notes/photographs do not confirm that appropriate signing was in place.
- If the process followed to make the temporary order was defective in some way.

MAY REJECT REPRESENTATIONS

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

MC27 - 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, is on extended holiday (More than two weeks) or is in prison.

MAY ACCEPT REPRESENTATIONS

- In no circumstances.

MAY REJECT REPRESENTATIONS

- On all occasions.

MC28 - Where the registered keeper liable for payment of the PCN is said to have died.

MAY ACCEPT REPRESENTATIONS

- Where the circumstances can be confirmed by suitable sensitive evidence (copy of Death Certificate).

MAY REJECT REPRESENTATIONS

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

(ATTENTION POINT - The above is not exhaustive and a sympathetic approach will be taken in such circumstances).

MC29 - Where the vehicle driven by the motorist is diplomatically registered.

MAY ACCEPT REPRESENTATIONS

- In all circumstances.
- A Notice to Owner should not be sent to the keeper of a diplomatically registered vehicle.
- Information relating to all un-recovered penalty charges from keepers of diplomatically registered vehicles should be passed on to the Foreign and Commonwealth Office².

MAY REJECT REPRESENTATIONS

- In no circumstances.

² Source - Secretary of State's Traffic Management and Parking Guidance, Vienna Convention on Diplomatic Relations, Diplomatic Privileges Act 1964 and Government Report on Review of Vienna Convention.

MC30 - Where the motorist receives a Fixed Penalty Notice (FPN) from a Police Officer or other police representative, and a Penalty Charge Notice from a Council CEO when parked in the same location on the same date and at the same time.

MAY ACCEPT REPRESENTATIONS

- To prevent 'double jeopardy', if confirmation is provided by the Police that proceedings for a criminal offence in connection with the same parking/waiting incident have been instituted.
- Upon presentation of such evidence of an intended prosecution by Police on the motorist.

MAY REJECT REPRESENTATIONS

- In all other circumstances

MC31 - Where a Council Officer or Member parked in contravention and claims to have been on Council business.

MAY ACCEPT REPRESENTATIONS

- If the Officer or Member was carrying out, or involved in, emergency statutory work or situation, there were no legal parking areas nearby, the parking in contravention was considered imperative and this is verified by written evidence from their Head of Service.

MAY REJECT REPRESENTATIONS

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

MC32 - Where the motorist stopped to drop someone off.

MAY ACCEPT REPRESENTATIONS

- If the circumstances are seen by the Civil Enforcement Officer and are reasonably considered to be the action of boarding or alighting a passenger or passengers. (Boarding and Alighting can take some time if the driver needs to assist an individual who is disabled, elderly or infirm, or who may need to have a wheelchair or pram unloaded from a vehicle - in such circumstances a reasonable extended time allowance is given, however, any Boarding and Alighting must be observed to be near continuous)
- If, in exceptional circumstances and subject to observations times, the motorist had to escort a passenger (elderly or disabled person)
- If, in exceptional circumstances or an emergency situation occurs in regards to a child at school. Evidence of age of child/children may be requested and/or evidence from the school that the child/children attend said school.

MAY REJECT REPRESENTATIONS

- If motorist was parked/stopped on school keep clear markings, pedestrian crossing, cycle lane, clearway, taxi rank, bus stop clearway, or footway unless signs permit.
- If observational or other evidence suggests that Boarding and Alighting in its true sense was not taking place.
- If observational or other evidence suggests that the escorting of a passenger (child, elderly or disabled person) was not as a result of an emergency or exceptional circumstance. i.e dropping a child off at school.
- If evidence of age of child/children and/or evidence from school that the child/children attend such school has not been received.

MC33 - Where the motorist was unaware of the Overnight Waiting Ban/Commercial Vehicle waiting restriction.

MAY ACCEPT REPRESENTATIONS

- If motorist was instructed/authorised to park in contravention of the restriction by the Police.
- Evidence of such instruction by the Police is made available.
- Where evidence suggest that signs are missing at the main entrance portals to the Borough

MAY REJECT REPRESENTATIONS

- In all other circumstances

MC34 - Where the motorist states they were in Police custody when PCN issued.

MAY ACCEPT REPRESENTATIONS

- If proof (from the Police) has been provided that the Police had instructed the motorist to leave the vehicle.
- If the time of arrest (proof required from the Police) provides confirmation that motorist was legally parked and was unable to move vehicle before the restriction started.
- See G3.3

MAY REJECT REPRESENTATIONS

- If no proof is provided.
- If the vehicle could have been legally parked before the arrest.

MC35 - Where the motorist states they were visiting a friend or relative in urgent circumstances.

MAY ACCEPT REPRESENTATIONS

- If due to an emergency the parking contravention could not be avoided due to the exceptional nature of the incident.
- That suitable written evidence of the emergency situation is provided.

MAY REJECT REPRESENTATIONS

- If motorist has already received a PCN, which has been cancelled for the same reason.
- If the Civil Enforcement Officer's Pocket Book notes provides significant reason to doubt sincerity of representation.

MC36 - Where the motorist claims there was no legal place to park.

MAY ACCEPT REPRESENTATIONS

- Only in the most exceptional of circumstances and where those circumstances can be clearly and unequivocally evidenced by the motorist and proof positive provided.

MAY REJECT REPRESENTATIONS

- In the absence of exceptional circumstances.
- In the absence of unequivocal evidence.
- In the absence of proof positive provided by the motorist.

MC37 - Where the motorist claims they were parked on private property.

MAY ACCEPT REPRESENTATIONS

- If land search maps (Havering's Highway Register) confirm that the location is private property & not subject of the relevant Traffic Regulation Order.
- If there is insufficient evidence to establish location of vehicle.

MAY REJECT REPRESENTATIONS

- In all other circumstances.

MC38 - Where the motorist was delayed in returning to their vehicle parked in a limited waiting parking place.

MAY ACCEPT REPRESENTATIONS

- If supported by appropriate evidence, the motorist's representations claim that the delay in returning to the vehicle was caused by circumstances that were entirely unforeseen, unavoidable and exceptional, (all of these must apply)
- If motorist's vehicle had broken down, subject to concurrence with policy MC22.
- If the motorist was rendered physically unable to drive, since parking the vehicle and evidence of that physical inability is provided.

MAY REJECT REPRESENTATIONS

- If the delay described by the motorist was entirely avoidable, i.e. queuing in a shop.
- If the motorist simply underestimated the time needed, i.e. when conducting business, shopping or commuting.
- If the motorist was rendered physically unable to drive since parking due to excess alcohol in the body or had been detained and charged by the Police.

MC39 - Where the motorist had parked while asking directions / opening gates to private property.

MAY ACCEPT REPRESENTATIONS

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

MAY REJECT REPRESENTATIONS

- In all other circumstances including where a vehicle has been parked on a footway/pavement.

MC40 - Where the motorist stopped to answer mobile phone.

MAY ACCEPT REPRESENTATIONS

- In no circumstances.

MAY REJECT REPRESENTATIONS

- On all occasions.

MC41 - Where the motorist states that the details on the PCN are incorrect, e.g. location.

MAY ACCEPT REPRESENTATIONS

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

MAY REJECT REPRESENTATIONS

- If the PCN was fully and correctly completed.

MC42 - Where the motorist states they were unaware of enforcement on Bank/Public Holidays.

MAY ACCEPT REPRESENTATIONS

- In no circumstances.

MAY REJECT REPRESENTATIONS

- On all occasions.

MC43 - Where the motorist states that the restriction was marked after the vehicle had been parked.

MAY ACCEPT REPRESENTATIONS

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

MAY REJECT REPRESENTATIONS

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

MC44 - Where the motorist states they were following an ambulance through a restricted route.

MAY ACCEPT REPRESENTATIONS

- Where the CCTV footage supports and documentary evidence is provided (eg. Hospital admission evidence).
- Where documentary evidence supporting the medical emergency can be produced.

MAY REJECT REPRESENTATIONS

- On all other occasions.

MC45 - Where the motorist claims they were prevented from using the correct route.

MAY ACCEPT REPRESENTATIONS

- If documentary evidence from the Police is provided or if verified from an authorised person.

MAY REJECT REPRESENTATIONS

- Where documentary evidence from the Police cannot be provided.
- On all other occasions

MC46 - Where the motorist claims they were forced into the bus lane.

MAY ACCEPT REPRESENTATIONS

- Where the CCTV footage shows an emergency vehicle approaching.
- Where the CCTV footage evidences oncoming traffic forcing the driver into the bus lane.
- Where an obstruction in the road can be seen in the footage.

MAY REJECT REPRESENTATIONS

- On all other occasions

MC47 – Where the motorist enters a School Street Zone

MAY ACCEPT REPRESENTATIONS

- Where the motorists holds a valid School Streets Access Permit
- Where the School required a motorist without a permit to attend the School during the restricted hours (Letter from School required to support this).
- Is an Emergency Service or Public Service Vehicle.
- Has a valid Health & Homecare Permit
- Hackney Carriage, School Transport Vehicle, Dial a Ride and other specialist transport services.
- Marked Delivery vans eg Royal Mail, UPS, DPD.

MAY REJECT REPRESENTATIONS

- In all other circumstances

Traffic & Parking Control

Instalment Procedure

This procedure is to be used where a motorist is in financial difficulty and cannot pay monies due as a result of the issue of a Penalty Charge Notice. The Penalty Charge Notice must be at the full charge and not currently within the discounted period following its recent issue. An instalment plan will not be considered whilst the Penalty is in the discounted period.

This instalment procedure is designed to assist the customer and ensure that the local authority discharges its legislative responsibility so as not to bring the process into disrepute and create a procedural impropriety.

To request an instalment plan, the customer will be required to provide evidence of their income/expenditure. A form will then be issued which the customer should complete, sign the declaration and return the form to the Council for consideration.

For the avoidance of all doubt the recovery of the Penalty Charge Notice will continue whilst regular payments are being made. A Charge Certificate will be issued, increasing the Penalty by 50%. The debt may also be registered at County Court, incurring a £7.00 debt registration fee. These charges will not be applied should the instalment plan be adhered to. It is necessary for this action to take place to prevent what is known as a procedural impropriety happening and it is in the interests of both the customer and the Council to do so. Once the debt has been registered, the case will be placed on hold to avoid being passed to an Enforcement Agent (formally known as a Bailiff).

Below is an example of how a Penalty Charge Notice may increase if full payment is not received within the legislative process:-

Penalty Charge Notice issued	
Discount applies for 14/21 days	£65.00
Full Charge applies for 28 days	£130.00
Charge Certificate issued (50% surcharge) 14 days permitted for payment	£195.00
Debt registered at County Court/Order for Recovery issued 21 days permitted for payment (£9.00 debt registration fee)	£204.00
Warrant of Control issued/debt passed to Enforcement Agent	
Compliance fee added (£75.00)	£279.00
Enforcement fee added (£235.00)	£514.00

Should the customer default on the instalment plan agreed, the instalment plan will automatically be cancelled and any incurred surcharges will become payable by the customer. The debt will also be passed to an Enforcement Agent in due course and will progress through the natural recovery progression of the Penalty Charge Notice.

The Council reserves the right not to agree an instalment plan request, specifically in circumstances when continued poor parking behaviours remain, where advice has already been provided by the authority or where an instalment plan has previously defaulted.

The minimum payment per week will be £8.00, dependant on the total debt outstanding.

An instalment plan will not exceed 6 months (26 weeks) and the weekly payment may be greater than the minimum stated above so as to ensure that the debt is cleared within 6 months.

Where a customer may have more than one Penalty Charge Notice outstanding, each Penalty Charge Notice will be considered separately and instalment plans arranged per Penalty Charge.

London Councils Transport and Environment Committee

Form of making Representations for London Local Authority Road Traffic Contraventions

Item No:

Report by: Andrew Luck

Job title: Transport Officer

Date: 14 March 2013

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Summary: This report reviews the determination made by the former Parking Committee for London on the form in which representations should be made against civil parking and traffic enforcement in the light of the Equality Act 2010.

Recommendations: Members are asked to agree the revised determination on the form in which representations against civil parking and traffic enforcement should be made.

Background

1. The Road Traffic Act 1991 required in Schedule 6, paragraph 2 (2), that representations against Penalty Charge Notices (PCNs) for parking contraventions must be made in a form as specified by the London authorities acting through a joint committee. This requirement was re-enacted in paragraph 4(3) of the Civil Enforcement of Parking Contraventions (Representation and Appeals Regulations) 2007, made under the Traffic Management Act 2004.
2. Both the London Local authorities Act (LLA) 1996 for bus lane enforcement, and the London Local Authorities and Transport for London (LLA and TfL) Act 2003 for moving traffic contraventions also state that the form for making representations needs to be determined by the enforcing authority, acting through the joint committee.

3. This determination covers the formal representations made against enforcement which, if rejected, allow the vehicle keeper access to the appeals process operated by PATAS.
4. The original determination was made by the former Parking Committee for London in 1993 and has not been revised since, notwithstanding changes in other legislation, particularly the Disability Discrimination Act and the Equality Act, which do have a bearing on the issue.

Current Situation

5. The current determination with all decriminalised road traffic contraventions in London is that all representations must be made in writing, either by responding and signing the relevant section of the Notice to Owner¹, by letter, by email or in any other written form.
6. The rationale behind this determination was that, once made, there should be no element of doubt about the representations and it should not be possible for the vehicle keeper subsequently to claim that the representations made had been something quite different. For this reason, simple telephone representations (even though these are not prohibited under legislation) were not accepted as there would be no irrefutable record kept of the representations made or proper audit trail.
7. Since then, operational guidance issued by the Department for Transport has encouraged local authorities to accept challenges in the most user friendly forms. However, boroughs remain reluctant to accept telephone representations as there is no audit trail or discernible process for ensuring what has been verbally stated and recorded is an accurate interpretation of what the motorist intended.
8. The Disability Discrimination Act and the Equalities Act do, though require local authorities to consider the services and procedures they operate and require them to make adjustments where necessary to meet the needs of protected groups. The Local Government Ombudsman has recently received two complaints from motorists where the vehicle keeper states that his disability makes it impossible to make representations in writing. The Local Government Ombudsman has tentatively concluded that the councils policies in requiring representations to be made in writing is faulty. This fetters discretion and does not take into account the wording of the regulations and guidance. More importantly the Ombudsman has considered that by insisting on written representations, an authority could well be contravening the Equality Act 2010.
9. The Equality Act 2010 obliges a council to make reasonable adjustments to its policies and practices where these place a disabled person at a substantial disadvantage to a person without a disability. Insisting on written representations in situations where an individual is unable to do this is, in the view of the Ombudsman, placing disabled people at a disadvantage and denying them the opportunity of accessing a statutory scheme of redress.

This also has a bearing on the determination previously made on the form of representations which had no flexibility to deal with people whose disability makes it

¹ or regulation 10 postal PCNs under the TMA 2004, moving traffic PCNs under the LLA and TfL Act 2003 or bus lane Enforcement Notices under the LLA 1996

impossible for them to make written representations, although the requirements of the Disability Discrimination Act and the Equality Act would allow this implicitly.

As a result the Committee is recommended to review the determination previously made on this issue.

Proposal

10. The general rationale behind the previous determination is still, in officers views, sound. That is that there needs to be an audit trail providing an irrefutable record of the representations made, and that representations made in writing continue to provide the best means for this. However, in the light of the Local Government Ombudsman s conclusions, there is a need to make an explicit reference to the needs of people with disabilities rather than rely on the implicit action of the Equality Act on the previous determination.

The proposed form of the determination is therefore:

Representations against parking and traffic enforcement should be made in writing, either by responding and signing the relevant section of the Notice to Owner, by signed letter, by email, by internet form or in any other written form. Where a vehicle keeper s disability prevents them from providing written representations, the authority should accept oral representations provided that an appropriate audit trail giving an irrefutable record of the representations is kept.

11. There are a number of ways in which representations might be made in ways other than in writing while still maintaining an audit trail, but authorities would need to have a defined procedure in place. This could be achieved by having, with the vehicle keeper s permission, a recording of representations made by telephone. Alternatively, this could be achieved by a council officer making and then sending a transcript of the telephone conversation by post. This would then be signed by the recipient confirming that they agree with the contents. This process could also be undertaken electronically where the council would email their record of the telephone conversation and the recipient would send a simple response confirming that they are in agreement with the transcript. In both cases, authorities would need to be aware of statutory timescales, and ensure that cases are closely monitored so that they do not escalate unnecessarily by way of the issuance of a Charge Certificate if there is any reasonable delay.

Financial Implications for London Councils

12. There are no financial implications arising from this report.

Legal Implications for London Councils

13. There are no legal implications arising from this report.

Equalities Implications for London Councils

14. There are no equalities implications for London Councils arising from this report. By implementing this change however, authorities would be recognising the impact of the Equality Act explicitly, and ensuring a positive impact on equality.

Recommendations

15. The Committee is recommended to agree the revised determination of the form in which representations against parking and traffic enforcement are to be made as follows:

Representations against parking and traffic enforcement should be made in writing, either by responding and signing the relevant section of the Notice to Owner, by signed letter, by email, by internet form or in any other written form. Where a vehicle keeper's disability prevents them from providing written representations, the authority should accept oral representations provided that an appropriate audit trail giving an irrefutable record of the representations is kept.