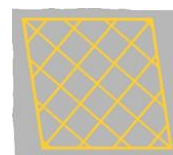
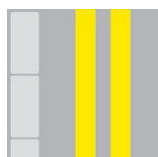


Parking, Bus Lane and Moving Traffic Enforcement Cancellation and Appeals

Guidance for the enforcement and cancellation of
Parking, Bus Lane and Moving Traffic Penalty
Charge Notices.



The approach set out in this document provide guidance only in line with the Traffic Management Act (2004).

Each case must be considered on its own merits, considering all the evidence available and the exceptionality of the circumstances.

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Introduction

The guidelines in this document are intended to inform the public and provide guidance to council employees working in the enforcement of parking, bus lane and moving traffic regulations.

This is consistent with current best practice and aims to provide clarity, consistency and transparency within the enforcement process, compliance with the Department of Transport's policy and Operational Guidance to Local Authorities and with the aspirations of the Traffic Penalty Tribunal and the Local Government Ombudsman. The importance of 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, consequently, decisions made by councils must not be limited by overly strict or fixed approaches.

This document addresses the following:

- a) The statutory grounds upon which representations may be made
- b) Mitigating circumstances

For ease of reference each statutory ground or mitigating circumstance is split into 2 columns – when we may accept an appeal and when we may reject an appeal.

However, it is important to recognise that each case must be considered on its' own merits and clarity, fairness and reasonableness should be paramount. In all cases where an appeal is received, we will consider the evidence and mitigating circumstances alongside the evidence from the issuing officer, which may include photographic evidence taken at the time the PCN was issued.

This approach will be subject to regular review.

Civil Enforcement contravention codes and Penalty Charge levels

Code	Notes	Contravention	Penalty Charge
1	On Street	Parked in a restricted street during prescribed hours	Higher
2	On Street	Parked or loading / unloading in a restricted street where waiting and loading / unloading restrictions are in force	Higher
4	On Street	Parked in a meter bay when penalty time is indicated	Lower
5	On Street	Parked after the expiry of paid for time	Lower
6	On Street	Parked without clearly displaying a valid pay & display ticket or voucher	Lower
7	On Street	Parked with payment made to extend the stay beyond initial time	Lower
8	On Street	Parked at an out-of-order meter during controlled hours	Lower

9	On Street	Parked displaying multiple pay & display tickets where prohibited	Lower
10	On Street	Parked without clearly displaying two valid pay and display tickets when required	Lower
11	On Street	Parked without payment of the parking charge	Lower
12	On Street	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
14	On Street	Parked in an electric vehicles' charging place during restricted hours without charging	Higher
16	On Street	Parked in a permit space or zone without a valid virtual permit or clearly displaying a valid physical permit where required	Higher
18	On Street	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher
19	On Street	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
20	On Street	Parked in a part of a parking place marked by a yellow line where waiting is prohibited	Higher
21	On Street	Parked wholly or partly in a suspended bay or space	Higher
22	On Street	Re-parked in the same parking place or zone within one hour after leaving	Lower
23	On Street	Parked in a parking place or area not designated for that class of vehicle	Higher
24	On Street	Not parked correctly within the markings of the bay or space	Lower
25	On Street	Parked in a loading place or bay during restricted hours without loading	Higher
26	On Street	Parked in a special enforcement area more than 50 cm from the edge of the carriageway and not within a designated parking place	Higher
27	On Street	Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway	Higher
28	On Street	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	Moving Traffic	Failing to comply with a one-way restriction	N/A
30	On Street	Parked for longer than permitted	Lower
31	Moving Traffic	Entering and stopping in a box junction when prohibited	N/A
32	Moving Traffic	Failing to proceed in the direction shown by the arrow on a blue sign	N/A
33	Moving Traffic	Using a route restricted to certain vehicles	N/A

34	Bus Lane	Being in a bus lane	N/A
35	On Street	Parked in a disc parking place without clearly displaying a valid disc	Lower
36	Moving Traffic	Being in a mandatory cycle lane	N/A
37	Moving Traffic	Failing to give way to oncoming vehicles	N/A
38	Moving Traffic	Failing to comply with a sign indicating that vehicular traffic must pass to the specified side of the sign	N/A
40	On Street	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher
41	On Street	Stopped in a parking place designated for diplomatic vehicles	Higher
42	On Street	Parked in a parking place designated for police vehicles	Higher
43	On Street	Stopped on a cycle docking station parking place	Higher
45	On Street	Stopped on a taxi rank	Higher
46	On Street	Stopped where prohibited (on a red route or clearway)	Higher
47	On Street	Stopped on a restricted bus stop or stand	Higher
48	On Street/Moving Traffic	Stopped in a restricted area outside a school, a hospital or a fire, police or ambulance station when prohibited	Higher
49	On Street	Parked wholly or partly on a cycle track or lane	Higher
50	Moving Traffic	Performing a prohibited turn	N/A
51	Moving Traffic	Failing to comply with a no entry restriction	N/A
52	Moving Traffic	Failing to comply with a prohibition on certain types of vehicle	N/A
53	Moving Traffic	Failing to comply with a restriction on vehicles entering a pedestrian zone	N/A
54	Moving Traffic	Failing to comply with a restriction on vehicles entering and waiting in a pedestrian zone	N/A
55	On Street	A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban	Higher
56	On Street	Parked in contravention of a commercial vehicle waiting restriction	Higher
57	On Street	Parked in contravention of a bus ban	Higher
61	On Street	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	Higher
62	On Street	Parked with one or more wheels on or over a footpath or any part of a road other than a carriageway	Higher
63	On Street	Parked with engine running where prohibited	Lower
70	Off Street	Parked in a loading place or bay during restricted hours without loading	Higher
71	Off Street	Parked in an electric vehicles' charging place during restricted hours without charging	Higher
73	Off Street	Parked without payment of the parking charge	Lower
74	Off Street	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher

78	Off Street	Parked wholly or partly in a suspended bay or space	Higher
80	Off Street	Parked for longer than permitted	Lower
81	Off Street	Parked in a restricted area in an off-street car park or housing estate	Higher
82	Off Street	Parked after the expiry of paid for time	Lower
83	Off Street	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	Lower
84	Off Street	Parked with payment made to extend the stay beyond initial time	Lower
85	Off Street	Parked without a valid virtual permit or clearly displaying a valid physical permit where required	Higher
86	Off Street	Not parked correctly within the markings of a bay or space	Lower
87	Off Street	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher
89	Off Street	Vehicle parked exceeds maximum weight or height or length permitted	Higher
90	Off Street	Re-parked in the same car park within one hour after leaving	Lower
91	Off Street	Parked in a car park or area not designated for that class of vehicle	Higher
92	Off Street	Parked causing an obstruction	Higher
93	Off Street	Parked in car park when closed	Lower
94	Off Street	Parked in a pay & display car park without clearly displaying two valid pay and display tickets when required	Lower
95	Off Street	Parked in a parking place for a purpose other than that designated	Lower
96	Off Street	Parked with engine running where prohibited	Lower
99	On Street	Stopped on a pedestrian crossing or crossing area marked by zigzags	Higher

For more information on the contravention codes used for Civil Enforcement, please see the PATROL website - <https://www.patrol.gov.uk/contravention-codes/>

Statutory Grounds to Make Representations

The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) Regulations 2022 set out the grounds under which statutory representations (an appeal) can be made. This section sets them out and common circumstances around each one that we receive.

Representations must be made within 28 days of service of the PCN and may be disregarded if after this time. However, discretion should be exercised when the vehicle owner provides a valid reason for a delay and has strong ground for representation.

	MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
SG1)	The contravention did not occur	
	Proof provided that the vehicle did not contravene the restriction	No evidence to substantiate the claim and recorded footage clearly shows vehicle in contravention
SG1.1)	Where the motorist claims they were loading/unloading	
	Parking Bus Lanes – See MC47	
	On a waiting prohibition or in a controlled bay If evidence is available or provided to show: 1. Goods being delivered or collected were heavy, bulky, or numerous and it would be unreasonable to expect them to be carried from a 'legal' parking place. 2. Loading/unloading activity was adjacent to the premises concerned but includes taking goods to where the recipient may reasonably require them in the premises. 3. Loading/unloading must be continuous while the vehicle is parked in the restricted area. 4. Loading/unloading activity was timely (includes checking goods and signing paperwork) but not delayed by unrelated activity.	On school 'keep clear' zig zag markings On bus stop clearways On Taxi ranks On Police bays Where loading is prohibited In car parks (except when depositing materials in recycling bins) If a valid pay & display ticket was not purchased first

	If in the course of business, including commercial delivery/collections, couriers, multi drop parcel carriers, removal services etc. <i>CEOs should be made aware that delivery drivers/staff are expected to secure their vehicle when it is unattended and can legitimately be locked during some stages of the delivery process.</i> <i>Once the delivery process is complete the driver must move the vehicle even if it is within the maximum period allowed for loading/unloading.</i> <i>[Source – DfT Operational Guidance, Traffic Orders, decided cases e.g. Jane Packer]</i>	
SG1.2)	Where the motorist claims that a pay & display ticket machine was faulty Parking Only	
	If service records confirm a pay & display machine was faulty or taken out of service at the time of the contravention. If there is reasonable doubt because evidence is not available to confirm that the machine was operational (e.g. no test ticket), and no alternative payment methods were reasonably available, including other working machines or cashless/digital payment options. If all available methods of payment (machines and cashless systems) were unavailable or not functioning at the time.	If there was another pay & display machine nearby that was working correctly at the time. If cashless/digital payment options were available and operational, and the motorist has not demonstrated that they attempted or were unable to use them. If there is no record of the machine being faulty or taken out of service. If evidence confirms that other users were able to successfully purchase parking (via machine or cashless system) during the relevant period.
SG1.3)	Where the motorist claims that the restriction is not clearly signed or marked Parking Bus Lanes Moving Traffic	
	If signs and/or markings are missing or unclear.	If site visits records or photographs establish that signs and/or markings are correct and consistent with each other and

	If signs and markings are inconsistent with each other and/or Traffic Order or legislation.	the Traffic Regulation Order and the Traffic Signs Regulations General Directions.
SG1.4)	Where the motorist was carrying out construction or demolition works etc.	
	Parking Bus Lanes Moving Traffic	
	Parking If evidence confirms that the motorist was simply loading/unloading (see policy S1.1, above) If a valid waiver to park at the location in question had been issued and was on display in the vehicle. Parking/Bus Lanes/Moving Traffic 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.	In all other circumstances.
SG1.5)	Where the motorist claims that the PCN was not served (i.e. PCN not found attached to vehicle or handed to driver)	
	Parking Only	
	If the Civil Enforcement Officer's pocket notebook 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.	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.
	Information Only - Service of PCNs by Post If the PCN 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 PCN may be served by post (within 14 days of the contravention): If the CEO has been prevented, for example by force, threats of force, obstruction or violence from serving the PCN by either affixing it to the vehicle or giving it to the person who appears to be in charge of the vehicle. <i>The threat of violence or force directed towards the CEO must be such that the officer concerned had substantial reason to fear that any attempt to serve the notice would</i>	

	<i>result in them being assaulted. Details of the incident must be recorded in handheld computer or pocket notebook and the incident reported to the police.</i> If the CEO had started to issue the PCN, i.e. has completed his/her observations and had put the data into the handheld computer and would, in other circumstances, have to cancel the PCN, but did not have enough time to finish or serve it before the vehicle was driven away. <i>CEOs should continue to issue a PCN once they have started. However, as the driver's return to the vehicle presents an opportunity for the CEO to speak with him/her, it may be the most appropriate course of action to draw attention that the vehicle is parked in contravention and to ask the driver to comply with the restriction. It is of course also possible that a driver will not be willing to speak to the CEO and will take the opportunity to drive away before the PCN has been served. In such circumstances, providing the CEO had actually started to issue the PCN (a CEO has not started to issue a PCN if s/he is observing the vehicle or jotting down some details, it is only when the CEO starts to create the PCN and would otherwise have to cancel it, that they have started to issue it), it may, following careful consideration of all the circumstances, be served by post.</i>	
SG1.6)	Where the motorist claims that their vehicle was not parked/present in the alleged location at the time and on the date the PCN was issued Parking Bus Lanes Moving Traffic	
	Following consideration of all available evidence, paying particular attention to the vehicle registration mark, make, model and colour of the vehicle: If the motorist can prove the vehicle was not in the location at the time. The VRM had been incorrectly recorded. The recorded footage or photographic evidence clearly shows the vehicle to be a different make model to that registered at DVLA and shown on the vehicle's registration document.	If there is no evidence or if the evidence presented does not support the claim.
SG1.7)	Where the motorist claims that a valid authorisation to park had been issued, or the motorist had valid authorisation to use the bus lane Parking Bus Lanes	
	If the motorist can produce a valid authorisation or records show that the	If the motorist cannot provide a copy of the valid authorisation or if there is no record of any issue of the authorisation.

	motorist held a valid authorisation to park or to use the bus lane.	
SG1.8)	Where the motorist claims that a pay & display ticket was purchased and correctly displayed	
	Parking Only	
	If the motorist produces a Pay & Display parking ticket that was valid at the time the PCN was issued and the CEO's evidence confirms: • A face down ticket was on display in the vehicle. • A ticket was displayed but partially concealed so that relevant details (expiry time, date, etc) could not be seen and checked. And providing that either: • The serial number printed on the back of a face down ticket was visible and could be seen and recorded by the CEO. • The serial number of a partially concealed ticket was visible and could be seen and recorded by the CEO. Or Where the registration number details entered at the time of purchase and printed on the ticket produced match the registration number details of the vehicle concerned, subject to some latitude being allowed for errors.	If the motorist is unable to produce a ticket that was valid at the time the PCN was issued. The CEO cannot confirm that either a face down ticket or partially concealed ticket was on display at the time the PCN was issued. The serial number of the ticket produced does not match serial number printed on the back of the ticket seen by the CEO. Where the registration number details entered at the time of purchase and printed on the ticket produced do not match the registration number of the vehicle concerned, subject to some latitude being allowed for errors. When evidence confirms that the ticket produced was not purchased by the motorist (obtained from another motorist, found in the car park, etc.). In circumstances when a PCN 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 PCNs have been cancelled previously, not to exercise the same discretion on the occasion concerned.

SG2)	The recipient was not the owner at the time <i>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.</i>	
	a) If the DVLA confirm the motorist was not the registered keeper at the time of the contravention, or b) If the previous registered keeper provides proof that the motorist purchased or acquired the vehicle after the contravention, or c) The subsequent registered keeper provides proof that the motorist sold or disposed of the vehicle before the contravention	a) If the DVLA confirm the motorist was the registered keeper at the time of the contravention b) If the previous registered keeper provides proof that the motorist purchased or acquired the vehicle before the contravention, or subsequent registered keeper provides proof that the motorist sold or disposed of the vehicle after the contravention c) 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 SG4)
SG3)	The vehicle was in control of a Person who did not have the consent of the owner <i>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.</i>	
	If the registered keeper/owner confirms that the matter has been reported to the police as a crime by providing a valid crime report reference number.	If the current registered keeper is unable to provide any proof of theft or taking without consent. 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.

SG4)	The recipient was 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 liability in respect of any PCN served in respect of any contravention involving the vehicle	
	If the hire company can provide proof that the vehicle was hired at the time of the contravention, i.e. a signed agreement. If the hire company can provide the full name and address of the person to whom they hired the vehicle. ACTION – send a new Notice to Owner to the person named by the hire agreement. That person is legally deemed to be the owner of the vehicle for the purposes of processing the PCN.	If the person named by the hire company as the person to whom they hired the vehicle, without proof, either does not exist, cannot be traced or denies responsibility for the contravention. If the vehicle was being used as a courtesy car without an agreement that had been signed to accept responsibility for PCNs issued. If the hire company are unable to prove that they neither 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.
SG5)	The penalty exceeded the amount applicable in the circumstances of the case	
	If the PCN/Notice to Owner showed the incorrect amount of penalty charge, i.e. the wrong differential penalty charges level.	If the PCN/Notice to Owner showed the correct amount of penalty charge.
SG6)	There has been a procedural impropriety by the Enforcement Authority	
	a) Where it is established that the enforcement authority has failed to observe any requirement imposed on it by the Parking, Bus Lane or Moving Traffic Contraventions Regulations in relation to the imposition or recovery of a penalty charge or other sums.	If it is established that: a) All requirements of the Parking, Bus Lane or Moving Traffic Contraventions Regulations have been fully and correctly observed by the enforcement authority.

	b) The taking of any step, whether involving the service of a document or the purported service of a Charge Certificate in advance of the time scale set out in the regulations.	b) That service of all documents has taken place in compliance with relevant time scales. c) A fixed penalty notice has not been served for the same contravention on the date and at the time the contravention occurred
SG7)	The order which is said to have been contravened is invalid	
	If the relevant Order was found to be invalid.	If the relevant Order was found to be valid.
SG8)	The enforcement notice (PCN or Notice to Owner) should not have been served because the penalty has been paid in full or at the discounted amount within the relevant time period	
	It is established satisfactorily that the penalty charge had been paid.	If payment has not been received.
SG9)	(Regulation 10 Parking PCN only) That no one prevented the civil enforcement officer from fixing to the vehicle or handing it to Person who appeared to be in charge	
	It is determined that a CEO was not prevented from fixing the PCN to the vehicle or handing it to the driver.	It is determined that a CEO was prevented from fixing the PCN to the vehicle or handing it to the driver.
SG10)	There are compelling reasons why the Enforcement Authority should cancel the penalty and refund any money paid to it on account of the penalty	
	The decision whether a PCN should be cancelled will only be taken following full consideration of all the evidence available.	

Mitigating Circumstances

This section gives information on circumstances that can be received regarding Penalty Charge Notices that are not covered in the statutory reasons above. This is not a comprehensive list but gives an idea of what you may need to deal with. To ensure that we are consistent and fair it is necessary to ensure that each case is assessed on its own merits and a full response provided showing that they have been considered.

	MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
MC1	Where the motorist claims to have become unwell while driving Parking Bus Lanes Moving Traffic	
	If the motorist provides proof of a medical condition, temporary or permanent, that is consistent with the conditions described and would be grounds for contravening the restriction. Where a PCN was issued by a CEO and notes made by the CEO support the motorist's representations.	If the motorist cannot provide some proof of a medical condition, temporary or permanent, consistent with the conditions described, or Where other evidence contradicts the motorist's claims.
MC2	Where the motorist claims to be a doctor, nurse, health visitor attending a patient Parking Bus Lanes	
	Parking If the motorist concerned possesses a Medical Dispensation badge (BMA, HEBS) that the Council concerned recognises and approves and/or is exempt under the relevant Order, or: If the motorist produces evidence from Senior Management that they were responding to an urgent medical call and there was no nearby legal parking place. Bus Lanes Where the recorded footage clear shows that the vehicle was displaying a flashing green light to indicate that it was a doctor on an emergency call out.	Parking If the motorist was not attending a patient in urgent circumstances or if there was a legal parking space nearby. 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. If motorist was parked in an area which does not correspond with the claim made, i.e. far from patient's location, say, in a car park. Bus Lanes If the motorist was not attending a patient in urgent circumstances or there is not any

	If there was not a flashing green light on the vehicle or it is not evident from the recorded footage, then documentary proof is provided by the medical practice where the GP is employee.	evidence that the doctor was attending an emergency call out.
MC3	Where the motorist stopped to use the toilet Parking Bus Lanes	
	On production of medical evidence confirming a relevant medical condition and in support of the circumstances described.	In all other circumstances.
MC4	Where the motorist stopped to collect (prescribed) medication from a chemist Parking	
	On production of medical evidence confirming a relevant medical condition and in support of the circumstances described.	In all other circumstances.
MC5	Where the motorist was a patient visiting a doctor's surgery Parking	
	If the motorist can provide a letter from a doctor to confirm that the visit was very urgent and that they were unable to walk from the nearest legal parking space.	If the motorist was not the patient but only driving the vehicle carrying the patient. If the motorist was attending a prearranged, non-urgent appointment. If the motorist could reasonably have been expected to park legally elsewhere.
MC6	Where the motorist claims to have been recently bereaved Parking Bus Lanes Moving Traffic	
	Where the circumstances can be confirmed (by sensitive enquiry).	Only if there is significant evidence to doubt the sincerity of the representations.
MC7	Where the motorist was delayed in returning to their vehicle and parking time purchased had expired, or delayed returning to a limited waiting parking place Parking	
	If supported by appropriate evidence, the motorist's claims that the delay returning to the vehicle was caused by circumstances	If the delay described by the motorist was entirely avoidable, i.e. queuing in a shop.

	that were entirely unforeseeable, unavoidable and exceptional. If the motorist's vehicle had broken down, subject to concurrence with policy MC22, below. If the motorist was rendered unable to drive since parking the vehicle.	If the motorist, simply underestimated the time needed and could have reasonably purchased more time, i.e. when conducting business, shopping or commuting. If the motorist was unable to drive since parking due to excess alcohol / drugs in the body or had been detained and charged or prevented 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 Parking	
	In no circumstances.	If the motorist overstays the initial period of time purchased or returns within a period of 'No return'.
MC9	Where the motorist left the vehicle parked without a valid ticket on display to obtain change Parking	
	If the motorist had not left the car park, or on street pay and display area, while obtaining change and a ticket was purchased.	If the CEO's notes indicate that the motorist returned to the vehicle while the PCN was being issued: • Having apparently completed the purpose which led to the vehicle being parked in the first place, i.e. carrying shopping etc. • Having obtained change outside the car park or away from the on street pay and display area.
MC10	Where the motorist claims to have been unaware of the parking charge payable or of the restriction/prohibitions applicable to vehicles of a certain class or weight Parking Bus Lanes Moving Traffic	
	Parking If signs providing information about the parking charge payable, and the restrictions applicable to vehicles of that class or weight, are incorrect, inadequate or missing altogether.	In all other circumstances.

	Bus Lanes/Moving Traffic Mitigating Circumstance - MC45 – would apply where the motorist claims to be unaware of the restriction/prohibitions applicable to vehicles of a certain class or weight	
MC11	Where the motorist claims to have been unaware of recent rise in tariff Parking	
	If statutory notices were not erected/advertised in accordance with procedural regulations. If revised tariff is not on tariff board(s) or advertised on pay and display machines or on street signage.	If statutory notices were erected/advertised in accordance with procedural regulations and tariff board(s), pay and display machine information or no street signage were correct.
MC12	Where the motorist had parked with one or more wheels outside of a marked parking bay in a car park Parking	
	Only in the most exceptional of circumstances that were outside the motorist's control and are supported by incontrovertible evidence. Otherwise, in no circumstances.	When clear and incontrovertible supporting evidence (photographs/sketch/plan) is not available.
MC13	Where the motorist 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 Parking	
	If it can be established that this is the motorist's first contravention of this type and they can provide evidence that they are a current Blue Badge holder or were transporting a current Blue Badge holder.	If the motorist has previously had a PCN cancelled for the same contravention within a reasonable period and has been warned to display a valid badge / time clock correctly in the future. If the motorist was parked on a waiting restriction beyond the 3-hour time limit permitted by the Blue Badge Scheme, or on another restriction for which the Blue Badge does not provide an exemption.

MC14	Where the motorist claims to have been unaware of the existence of a Controlled Parking Zone	
	Parking	
	If it can be established that the signing and markings of the CPZ are at fault (missing and/or unclear), see policy SG1.3, above.	In all other circumstances.
MC15	Where the motorist was displaying an expired authorisation to park, i.e. waiver, parking place suspension, season ticket, residents' permit, business permit or visitors permit	
	Parking	
	If the renewal of the authorisation was delayed by the Council's administrative processes. If it can be established that other reasonably unforeseen circumstances delayed the renewal of an authorisation to park, e.g. sickness on the part of the applicant or a postal dispute/delays (supported by appropriate evidence). In the case of season tickets and residents/business parking permits only, if the authorisation had expired by less than 14 days and further purchase and/or entitlement is confirmed.	In all other circumstances. In the event of more than one vehicle registration included on the 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 parked in contravention of a waiting/parking prohibition whilst displaying a residents' visitor permit	
	Parking	
	In no circumstances.	On all occasions unless other mitigating circumstances apply.
MC17	Where the motorist is a new resident within a controlled parking zone and had parked in a residents' bay without displaying a valid residents' permit	
	Parking	
	In no circumstances.	On all occasions.

MC18	Where the motorist had parked incorrectly in a controlled bay on-street Parking
	If it can be established that the motorist was genuinely loading or unloading subject to compliance with guidance provided in SG1.1 above. On all occasions.
MC19	Where the motorist assumed that they were entitled to “a period of grace” before the PCN was issued Parking
	Where a vehicle was parked in accordance where a grace period would apply, and evidence shows the PCN was issued within the grace period. A 10-minute grace period applies in on street and car park designated parking places (parking bays) only. It applies in the following circumstances: • At the start of controlled hours where the bay changes from unrestricted to restricted use, provided the vehicle was parked before the restriction commenced • Upon expiry of a paid-for parking session during controlled hours • Upon expiry of a permitted free parking period during controlled hours (e.g. maximum stay) Grace periods and observation periods are distinct and should not be confused. An observation period is the time a CEO spends monitoring a vehicle to establish whether a contravention has occurred or whether an exemption (such as loading or boarding/alighting) applies. Vehicles may be observed during any applicable grace period. In all other circumstances.

MC20	Where the motorist claims they were attending a funeral	
	Parking	
	If no evidence exists to the contrary, considering the sensitivity of this issue.	Only if there is a significant reason to doubt the sincerity of the representations.
MC21	Where the motorist claims that snow, foliage, fallen leaves or flooding covered the signs or markings	
	Parking Bus Lanes Moving Traffic	
	If it can be established that such conditions prevailed and it is likely that signs and markings were obscured as claimed and there was no alternative indication of the restriction.	If it can be established that such conditions did not cause lines and signs to be obscured as claimed. If any reasonable alternative indication of the restriction was available to the motorist. Parking If the CEO's notes, photographic evidence etc directly contradict the motorist's version of events. 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. Bus Lanes/Moving Traffic If the recorded footage directly contradicts the motorist's version of events.
MC22	Where the motorist claims that their vehicle had broken down	
	Parking Bus Lanes	
	If the motorist can provide satisfactory evidence of a breakdown, i.e. proof of vehicle recovery or a bill of sale for repair or parts. Bus Lanes The recorded footage clearly shows that the vehicle entered the restriction to leave	If the motorist is unable to provide satisfactory evidence of any kind that their vehicle had broken down. If the cause of the vehicle break 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.

	the remaining carriage way clear and was seen to come to a standstill. Moving Traffic – Box Junction The record footage supports the motorist's version of events.	Bus Lanes/Moving Traffic If the recorded footage contradicts the motorist's version of events.
MC23	Where the motorist claims that they were attending an emergency or another vehicle that had broken down Parking Bus Lanes	
	If the motorist can provide reasonable proof of the emergency, i.e. a credible report of an accident or incident, or that they were attending to another vehicle that had broken down.	If the motorist is unable to provide evidence of any kind that they were attending an emergency or another vehicle which had broken down. Parking If the CEO'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. Bus Lanes If the recorded footage contradicts the motorist's version of events.
MC24	Where the motorist claims to have put money into the wrong ticket machine Parking	
	If the position of the ticket machine used by the motorist is likely to cause confusion and a valid ticket from said machine is provided.	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 in the same place previously.

MC25	Where the vehicle in question was on police, fire bridge or ambulance duties	
	Parking Bus Lanes Moving Traffic	
	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.	In all other circumstances.
MC26	Where the motorist claims to have been collecting or depositing monies at a bank (cash and valuables in transit –CVIT)	
	Parking Bus Lanes	
	If the procedure explained in the motorist's representations are consistent with the allowance for loading and unloading; see policy SG1.1 above. If specific arrangements have been agreed with the Authority. Bus Lanes The recorded footage clearly shows that the vehicle is specifically adapted for CVIT.	In all other circumstances
MC27	Where the motorist claims to have been unaware of a temporary parking restriction or special event restriction	
	Parking	
	If the motorist claims that there was no indication of the restriction, and the CEO's notes/photographs do not confirm that appropriate signing was in place. If the process followed to make the temporary order was defective in some way.	If the CEO's notes/photographs confirm that the vehicle was parked in an area restricted by the Temporary Order or Notice, and that appropriate signing was in place and clearly visible.
MC28	Where the registered keeper liable for payment of the PCN is expected to be absent for a long period of time, e.g. is living abroad or is in prison	
	Parking Bus Lanes Moving Traffic	
	If it is a custodial sentence proof of term would be required. It would not be worthwhile to pursue a PCN if the person is serving a lengthy term.	On all other occasions.

MC29	Where the registered keeper liable for payment of the PCN is said to have died	
	Parking Bus Lanes Moving Traffic	
	Where the circumstances can be confirmed (by sensitive enquiry).	Only if there is significant evidence to doubt the sincerity of the representations.
MC30	Where the vehicle driven by the motorist is diplomatically registered	
	Parking Bus Lanes Moving Traffic	
	In all circumstances. A Bus Lane or Moving Traffic PCN/Notice to Owner should never be sent to the keeper of a diplomatically registered vehicle. Information for debts from unrecovered penalty charges, from keepers of diplomatically registered vehicles, should be passed on to the Foreign & Commonwealth Office. <i>[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...]</i>	In no circumstances.
MC31	Where the motorist received a Fixed Penalty Notice (FPN) from the Police for the same contravention at the same time	
	Parking Bus Lanes Moving Traffic	
	To prevent ‘double jeopardy’, if confirmation provided by the police that proceedings for a criminal offence in connection with the same incident have been instituted.	In all other circumstances.

MC32	Where a Council officer or Member parked in contravention and claims to have been on Council business	
	Parking	
	If the officer or Member was carrying out emergency or other statutory work and the vehicle could not have been reasonably parked elsewhere.	If it can be established that the officer / Member could have reasonably parked elsewhere.
MC33	Where the motorist claims to be in the service of the Environment Agency, a water undertaker or sewerage undertaker in pursuance of statutory powers or duties	
	Parking Bus Lanes Moving Traffic	
	If the motorist was carrying out emergency or other work, which is deemed necessary to park in contravention, and the vehicle could not have been reasonably parked elsewhere.	If it can be established that the motorist could have reasonably parked elsewhere and it was not necessary to park in contravention.
MC34	Where the motorist stopped to drop off someone	
	Parking	
	If the circumstances are seen by the CEO. If, in exceptional circumstances and subject to observations times, the motorist had to escort a passenger (child, elderly or disabled person) to home or school.	If motorist was parked/stopped on school keep clear markings, pedestrian crossing, bus stop clearway.
MC35	Where the motorist was unaware of the overnight waiting ban/commercial vehicle waiting restriction	
	Parking	
	If motorist was instructed / authorised to park in contravention of the restriction by the police. If the motorist claims the restriction was not clearly marked or signed (See MC49 below).	In all other circumstances.
MC36	Where the motorist states they were in police custody when PCN issued	
	Parking	
	If proof (from the Police) has been provided that the police had instructed the motorist to leave the vehicle.	If no proof provided.

	If the time of arrest (proof required from the Police) provides confirmation that the motorist was legally parked and was unable to move vehicle before the restriction started.	If vehicle could have been legally parked before arrest or vehicle should not have been used.
MC37	Where the motorist states they were visiting a friend or relative in urgent circumstances Parking Bus Lanes Moving Traffic	
	If due to the urgency the contravention could not be avoided due to the exceptional nature of the incident and proof of the urgency is provided.	If there is no evidence to substantiate the claim. Moving Traffic It is deemed that the mitigating circumstance would not apply to the restriction contravened due to the dangers, or potential dangers, posed to pedestrians or other road users.
MC38	Where the motorist claims there was no legal place to park Parking	
	Only in the most exceptional of circumstances.	In the absence of exceptional circumstances.
MC39	Where the motorist states they were parked on private property Parking	
	If land search maps confirm the location is private property and not subject of the relevant Traffic Regulation Order. If there is insufficient evidence to establish location of the vehicle.	In all other circumstances.
MC40	Where the motorist had parked while asking directions / opening gates to private property Parking	
	If evidence provided by the CEO does not contradict representations.	In all other circumstances.

MC41	Where the motorist stopped to answer a mobile phone	
	Parking Bus Lanes Moving Traffic	
	In no circumstances.	On all occasions.
MC42	Where the motorist states that the details on the PCN are incorrect, e.g. location	
	Parking Bus Lanes Moving Traffic	
	If there is reason to doubt that the PCN was issued correctly. Parking Consider evidence provided by the CEO and any notes made. Bus Lanes/Moving Traffic The recorded footage clearly supports the details on the PCN.	If the details on the PCN are found to be correct.
MC43	Where the motorist states they were unaware of enforcement on Bank/Public holidays	
	Parking Bus Lanes Moving Traffic	
	In no circumstances.	On all occasions.
MC44	Where the motorist states that restriction was marked after the vehicle had been parked	
	Parking	
	If records confirm that signing / lining / placement of cones or suspension notices was likely to have taken place after the vehicle parked.	If there is evidence to show that signage / lining / cones or suspension notices were already in place at the time of parking.

MC45	Where the motorist claims to have been unaware of the existence of the restriction	
	Parking Bus Lanes Moving Traffic	
	If it can be established that the signing and markings of the bus lane are at fault (missing and / or unclear), see policy SG1.3 above. Or the evidence/recorded footage shows signage/markings were clearly obscured at the time the contravention occurred.	In all other circumstances.
MC46	Where the vehicle has an exemption to use the restriction	
	Bus Lanes Moving Traffic	
	If a PCN has been issued as it is not evident from the footage that the vehicle has an exemption and proof is provided i.e. unmarked taxi	On all other occasions.
MC47	Where the motorist claims he/she was loading/unloading	
	Parking – See SG1.1 Bus Lanes	
	This is only applicable to Pulteney Bridge Bus Lane. All other bus lanes are subject to a loading ban. If evidence is available or provided to show: 1. Goods being delivered or collected were heavy, bulky, or numerous and it would be unreasonable to expect them to be carried from a 'legal' parking place. 2. Loading/unloading activity was adjacent to the premises concerned but includes taking goods to where the recipient may reasonably require them in the premises. 3. Loading/unloading must be continuous while the vehicle is parked in the restricted area.	No evidence to prove that loading/unloading took place and the recorded footage shows the vehicle enter and travel through the entire length of the restriction without stopping to load/unload.

	4. Loading/unloading activity was timely (includes checking goods and signing paperwork) but not delayed by unrelated activity. If in the course of business, including commercial delivery/collections, couriers, multi drop parcel carriers, removal services etc.	
MC48	Where the motorist claims that the restriction is not clearly signed or marked Parking Bus Lanes Moving Traffic	
	If signs and/or markings are missing or unclear. If signs and markings are inconsistent with each other and/or Traffic Order or legislation.	If site visits records or photographs establish that signs and/or markings are correct and consistent with each other and the Traffic Regulation Order and the Traffic Signs Regulations General Directions.
MC49	Where the motorist was carrying out construction or demolition works etc. Bus Lanes Moving Traffic	
	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.	In all other circumstances.
MC50	Where the motorist claims that their vehicle was in the alleged location at the time and on the date the PCN was issued Parking Bus Lanes Moving Traffic	
	Following consideration of all available evidence, paying particular attention to the vehicle registration mark, make, model and colour of the vehicle: If the motorists can prove the vehicle was not in the location at the time. The VRM had been incorrectly recorded. The recorded footage or photographic evidence clearly shows the vehicle to be a different make model to that registered at DVLA and shown on the vehicle's registration document.	If there is no evidence or if the evidence presented does not support the claim.

MC51	Where the motorist claims that a valid authorisation to use the bus lane had been issued	
	Bus Lanes	
	If the motorist can produce a valid authorisation or records show that the motorist held a valid authorisation to use the bus lane.	If the motorist cannot provide a copy of the valid authorisation or if there is no record of any issue of the authorisation.
MC52	Where the motorist claims to have been directed by a police constable in uniform	
	Parking Bus Lanes Moving Traffic	
	If confirmation provided by the police confirms the motorist was directed by a police constable to contravene the restriction.	In all other circumstances.
MC53	Where applicable, a vehicle that requires access to adjoining land	
	Bus Lanes Moving Traffic	
	Where recorded footage shows the vehicle was accessing adjoining land, where access from another location would not have been possible.	In all other circumstances.
MC54	Where the motorist claims they didn't know the area and/or was lost	
	Parking Bus Lanes Moving Traffic	
	In no circumstances. Drivers must be familiar with UK road signs and the Highway Code and must always comply with them, regardless of whether they are unfamiliar with an area.	In all circumstances.
MC55	Where the motorist claims they were following a Sat-Nav	
	Bus Lanes Moving Traffic	
	In no circumstances. Drivers must be familiar with UK road signs and the Highway Code and must always comply with them, regardless of whether they are following a Sat-Nav.	In all circumstances.

MC56	Where the motorist claims they did not cause any road safety issues	
	Bus Lanes Moving Traffic	
	In no circumstances. Traffic restrictions and signage are legally established by the Highway Authority based on safety evidence, and drivers are required to comply with them rather than making their own judgement on whether it is safe to do so.	In all circumstances.
MC57	Where the motorist claims they were not aware camera enforcement was taking place	
	Bus Lanes Moving Traffic	
	In no circumstances. Appropriate and clear signage will be in place to indicate enforcement is taking place. Regardless of whether cameras are in use, drivers should always comply with marked and signed restrictions.	In all circumstances.
MC58	Where the motorist claims they did not receive a warning notice	
	Bus Lanes Moving Traffic	
	Where the contravention happened within the first 6 months following the commencement of enforcement, and records show that a warning notice was not issued against the vehicle for the first contravention. The date which enforcement commenced at a location can be found on our website - https://www.bathnes.gov.uk/parking-and-travel/enforcement-and-fines	In all other circumstances.

MC59	Where the motorist state they entered the box junction when traffic was flowing smoothly but it then came to a sudden stop	
	Moving Traffic	
	In no circumstances. Drivers should ensure there is enough space on the other side of the junction for their vehicle to clear the box completely without needing to stop.	In all circumstances.
MC60	Where the motorist states only a small part of the vehicle stopped in the box junction and did not obstruct traffic	
	Moving Traffic	
	Where recorded footage shows only a small part of the vehicle stopped in the yellow box and the footage shows traffic was not obstructed in any way.	In all other circumstances.
MC61	Where the motorist states the vehicle was only stopped in the box junction for a very short period (1-2 seconds)	
	Moving Traffic	
	Where the recorded footage shows the vehicle did only stop for a very short period (no more than 2 seconds) and continued to proceed.	In all other circumstances.
MC62	Where the motorist states they stopped in or entered the box junction to allow an emergency vehicle through	
	Moving Traffic	
	Where the recorded footage shows the vehicle stopped in or entered the yellow box to allow an emergency vehicle to pass through.	In all other circumstances.

MC63	Where the motorist states they entered the box junction for the purpose of turning right, or stopped in the box junction when prevented from turning right by oncoming traffic or another vehicle which is stationary whilst waiting to complete a right turn	
	Moving Traffic	
	Where the recorded footage shows the vehicle stopped in or entered the box junction with the intention to make a right turn.	In all other circumstances.
MC64	Where the motorist states their exit became blocked after they entered the box junction	
	Moving Traffic	
	If the recorded footage shows the motorist's intended exit was clear when they entered the box junction.	In all other circumstances.
MC65	Where the motorist states a pedestrian stepped out in front of the vehicle in the box junction, causing them to stop	
	Moving Traffic	
	If the recorded footage shows the motorist stopped after a pedestrian stepped out in front of the vehicle within the box junction.	In all other circumstances.
MC66	Where the motorist states another vehicle unexpectedly entered the path of their vehicle in the box junction, causing them to stop	
	Moving Traffic	
	If the recorded footage shows the motorist stopped after another vehicle unexpectedly entered the path of their vehicle, causing them to stop in the box junction.	In all other circumstances.
MC67	Where the motorist states they stopped to avoid a collision in the box junction, that could not have been anticipated	
	Moving Traffic	
	If the recorded footage supports the motorist's statement, showing the vehicle stopped to avoid a collision in the box junction that could not have been anticipated.	In all other circumstances.

MC68	Where the motorist states they stopped to avoid an obstruction in the box junction	
	Moving Traffic	
	If the recorded footage shows the vehicle had stopped to avoid an obstruction in the box junction.	In all other circumstances.

Contacts and Further information

Parking Services
Bath & North East Somerset Council
PO Box 5197
Bath
BA1 0UF

Email: parking@bathnes.gov.uk
Phone: 01225 477133 or 01225 477134

<https://www.bathnes.gov.uk/parking-and-travel/>

<https://www.patrol.gov.uk/>