



Listening Learning Leading



**South Oxfordshire and  
Vale of White Horse District  
Councils  
Joint Car Park Management  
Policy**

**December 2022**

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## 1 Introduction

- 1.1 These guidelines are intended to inform the public how the South Oxfordshire District Council and the Vale of White Horse District Councils manage their **off-street** car parks under Civil Parking Enforcement Regulations (CPE) and the Traffic Management Act (TMA).
- 1.2 This policy supersedes all previous separate South and Vale council car park pricing policies. Previous policies are attached as Appendix A for information.
- 1.3 Both councils are members of the [Parking and Traffic Regulations Outside London \(PATROL\) Adjudication Joint Committee](#) which produces an annual statement of accounts which is subject to external audit.
- 1.4 This policy aims to provide clarity, consistency, and transparency on how we carry out enforcement and manage our car parks and is aligned with the Department for Transport's (DfT) guidance and with the aspirations of the Traffic Penalty Tribunal and the Local Government Ombudsman.
- 1.5 South Oxfordshire District Council owns, manages and is responsible for the enforcement of public car parks in Didcot, Henley-on-Thames, Wallingford, Thame, Benson, Chinnor, Culham, Goring, and Wheatley.
- 1.6 Vale of White Horse District Council owns, manages and is responsible for enforcement of public car parks in Faringdon, Wantage and Abingdon.  
See Appendix B for a full list of car park locations.
- 1.7 As the highway authority, [Oxfordshire County Council](#), is responsible for enforcing **on-street** parking within the two districts.
- 1.8 This policy also uses DfT guidance on how councils should forecast revenue in advance and sets out how we manage revenue from the income generated from our car parks and Penalty Charge Notices (PCN).

## 2 Equality and diversity

- 2.1 We will treat people fairly, equally and with respect when implementing our car park management policy, and in line with other council policies.
- 2.2 Our customer service team is available to help people on 01235 422600, including those who not able to use our online forms. Please note, all calls to this number are recorded and saved for six months before they are deleted.

## 3 Car park revenue

- 3.1 To help determine how we use the income we receive from parking fees and penalty charges, we follow section 55 (as amended) of the Road Traffic Regulation Act 1984. The guidance states that local authority parking enforcement should be self-financing. The Secretary of State does not expect either national or local taxpayers to meet any deficit. We therefore aim for our parking income to at least meet the cost of managing and running our car parks. In line with the legislation, we will ringfence any surplus parking income ring fenced for spending on our car parks.
- 3.2 We carry out enforcement to ensure the efficient management of our car parks.
- 3.3 We use penalty charges to dissuade motorists from breaking parking restrictions, we do not set targets for raising revenue from Penalty Charge

Notices (PCNs). We aim to run our enforcement operations efficiently, effectively and economically.

### **3.4 Parking Charges**

3.4.1 We set our car park fees and charges so that over a five-year rolling period they at least meet the costs of running our car parks. The costs include charges for capital expenditure and administration and are reviewed annually.

3.4.2 We may set parking charges in specific car parks to help regulate and influence usage to help support town center vitality and viability, as well as our environmental and corporate objectives. This may include using different pricing to encourage those parking for longer periods to park on the edge of towns to help free up town center parking for shoppers and visitors.

3.4.3 We benchmark our car park fees and charges against

- (a) car parks provided in towns and villages in the district by other bodies
- (b) on-street parking charges
- (c) car parks in neighbouring authority areas

3.4.4 When people pay to park, they are agreeing to abide by the terms and conditions set out in the car park where they park their vehicle.

3.5 Information on specific tariffs, charging periods and other restrictions can be found on car park information boards and ticket machines, and at [southoxon.gov.uk/parking](http://southoxon.gov.uk/parking) or [whitehorsedc.gov.uk/parking](http://whitehorsedc.gov.uk/parking)

3.6 We review all fees, charges, rules and regulations annually to ensure that they continue to meet statutory requirements and our local aims and objectives.

### **3.7 Penalty Charges**

3.7.1 The purpose of penalty charges is to dissuade motorists from breaking parking restrictions. The objective of civil parking enforcement is for 100 per cent compliance, with no penalty charges issued.

3.8 Parking charges and penalty charges will be proportionate and set penalty charges in accordance with guidelines set by the Secretary of State. To ensure the penalties we issue are fair and appropriate, we apply different fines, depending on the level of contravention.

3.8.1 The parking enforcement offences and the penalties that apply in public car parks in South Oxfordshire and the Vale of White Horse are set out in Appendix D.

3.8.2 Regulations covering our car parks are made in accordance with the Traffic Management Act 2004. These are civil regulations, meaning that in the event a vehicle owner does not park in accordance with the regulations, we are able to take civil enforcement action to enforce any penalty.

3.8.3 The regulations governing the enforcement of parking in our car parks are made in the form of Off-Street Parking Places Orders. These are legal documents that set out what is and is not permitted in our public car parks.

3.8.4 The current Off-Street Parking Places Order (Order) which applies to South and Vale car parks is available for inspection by appointment at our offices or through either council's websites.

3.8.5 We carry out enforcement of the Order by issuing Penalty Charge Notices (PCNs). Formal challenges to a PCN are dealt with by the Traffic Penalty Tribunal (TPT). Non-payment is dealt with by the Traffic Enforcement Centre (TEC). Please see the appendix C for how we process PCNs.

3.8.6 Civil Enforcement Officers, issue PCNs on our behalf when vehicles are parked in contravention of the Order.

## **4 Civil enforcement officers (CEOs)**

4.1 Our car parks are managed under contract by Saba who employ Civil Enforcement Officers (CEOs). CEOs provide a visible presence and check vehicles which are parked to ensure that they follow parking regulations, the correct payment has been made for each vehicle and bay correctly occupied. They also ensure PCNs are issued correctly in line with our car park Orders.

4.2 All CEOs are trained by Saba to undertake their role and how to implement the regulations. They are provided with a uniform and an identification number so that they can be identified.

## **5 Penalty Charge Notices (PCNs)**

5.1 Under the [Traffic Management Act \(TMA\) 2004](#) (TMA), we are required to follow a specific process in issuing and enforcing a PCN - this process is detailed in Appendix C.

### **5.2 Don't ignore a PCN**

5.2.1 If you ignore the PCN or any letters we send you, or if you do not follow the process laid out, we will register the debt at court and pursue payment. This may result in the case being referred to an Enforcement Agent (Bailiff) which means the costs may increase.

### **5.3 Payment of PCN's**

5.3.1 Payment of a PCN is either through [southoxon.gov.uk/parking](http://southoxon.gov.uk/parking) or [whitehorsedc.gov.uk/parking](http://whitehorsedc.gov.uk/parking) or **0345 6460421** (24 hours 7 days a week). The council will not accept payment by cheque or postal order, if you need to discuss ways of paying your PCN please contact the car park team on **01235 470118**

## **6 Communication**

6.1 Information on the current tariffs, charging periods and other restrictions that apply to the car parks are displayed on the information boards and ticket machines and on the councils' websites

[southoxon.gov.uk/parking](http://southoxon.gov.uk/parking) or [whitehorsedc.gov.uk/parking](http://whitehorsedc.gov.uk/parking)

## **7 How we operate the car parks**

### **7.1 Car Park usage information**

7.1.1 While we enforce the regulations under section 55 (as amended) of the Road Traffic Regulation Act 1984, there are a number of terms and conditions that we determine locally.

7.1.2 Each year we undertake a usage survey which identifies on a particular working day the number of vehicles parked in each car park and the duration of stay

during the charging hours. We publish the results of this survey on our websites and use this information to review how we provide our car park service, in order to achieve the aims and objectives in line with our Corporate Plans.

## **7.2 Off-street bay sizes**

7.2.1 There is no statutory size for any type of parking bays, we will review bay sizes within car parks based on the current recommended sizes published by the British Parking Association ([www.britishparking.co.uk](http://www.britishparking.co.uk)) when providing new car parks or resurfacing and relining our current car parks.

7.2.2 Along with our statutory requirement to install disabled bays, we will consider installing bays for the following users:-

- Electric Vehicles (including charging bays)
- Parent and child bays
- motorcycles,
- buses/coaches,
- mobile homes and
- taxis

## **7.3 Terms and Conditions**

7.3.1 For details of the current terms and conditions are included on the individual car park web pages which include the current information listed below:

- Opening hours
- Types of car parks
- Fees and Charges
- Permit types and charges
- Parking for blue badge holders
- Requests for other alternative use of car parks
- Electric vehicle charging
- Vehicle larger than a single space
- Licences to trade
- Payment methods

7.3.2 When people pay to park, they agree to abide by the terms and conditions set out in the car park where they park their vehicle

## **8 Data protection and use of personal data**

8.1 When undertaking enforcement action alongside Saba Parking, we will process personal data belonging to the individual who has received the PCN. This can include, but is not limited to:

- (a) vehicle registration numbers (including CCTV images and photographs of vehicles taken by CEO)
- (b) names and addresses
- (c) financial information (such as credit cards or bank account details taken when payment is made).

Full details of our Data Protection, Saba and PATROL and our car parks processing of Personal data can be found at

[southoxon.gov.uk/parking](http://southoxon.gov.uk/parking) or [whitehorsedc.gov.uk/parking](http://whitehorsedc.gov.uk/parking)

## 9 Complaints

- 9.1 If you are not happy with the way an informal review or formal representation has been dealt with by our car parks team (rather than the outcome of the review) you can make a complaint via our formal complaints process. You can find information on how to do this at [www.southoxon.gov.uk/south-oxfordshire-district-council/about-the-council/get-in-touch/comments-suggestions-and-complaints/](http://www.southoxon.gov.uk/south-oxfordshire-district-council/about-the-council/get-in-touch/comments-suggestions-and-complaints/)  
[www.whitehorsedc.gov.uk/vale-of-white-horse-district-council/get-in-touch/comments-suggestions-and-complaints/](http://www.whitehorsedc.gov.uk/vale-of-white-horse-district-council/get-in-touch/comments-suggestions-and-complaints/)
- 9.2 Our complaints procedure specifically excludes matters where the complaint involves legal proceedings or cases where individuals have a separate right of appeal. Given that there is a separate right of appeal to the Traffic Penalty Tribunal for Penalty Charge Notice, appeals against PCNs are not dealt with under the complaint procedure. However, if you feel that we have not acted reasonably or fairly and your complaint is not in relation to an appeal against a penalty charge notice, you can use our complaints procedure.

## 10 Annual report

- 10.1 The Traffic Management Act (TMA) 2004 requires the us to publish annual report separately for each council, which details parking enforcement activities in the respective districts.
- 10.2 Guidelines recommend that the report contains the following information:
- Financial.
- Total income and expenditure on the parking account kept under section 55 of the Road Traffic Regulation Act 1984 as modified by regulation 25 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.
  - Breakdown of income by source (i.e., off-street parking charges and penalty charges).
  - Total surplus or deficit on the parking account.
  - Action taken with respect to a surplus or deficit on the parking account.
  - Details of how any financial surplus has been, or is to be spent, including the benefits that can be expected because of such expenditure.
- Statistical
- Number of higher level PCNs served
  - Number of lower level PCNs served
  - Number of PCNs paid
  - Number of PCNs paid at discount rate
  - Number of PCNs against which a challenge or formal representation was made
  - Number of PCNs cancelled as a result of a challenge or a formal

representation

- Number of PCNs written off for other reasons (e.g., CEO error or driver untraceable)
- Number of vehicles immobilised
- Number of vehicles removed
- Number of CEOs deployed.

10.3 We make annual reports available by publishing them on our websites. We also provide annual returns to the Government and for the Adjudication Service.

## **11 Miscellaneous**

11.1 Saba CEOs monitor safety and security in our car parks and report any incidents or potential problems.

11.2 If there are any special events due to take place affecting the car parks we will inform the public by placing notices on or near to the information boards.

11.3 We do not accept any liability for the use of our car parks and vehicles are left at the owner's sole risk.



## 12 Appendix A Previous Car Park Pricing Policy

### 12.1 South Oxfordshire District Council 2006 Car Park Pricing Policy

- a) Car Park fees and charges shall be set so that over a five-year rolling period they at least meet the costs of car parks calculated in accordance with proper accounting practice. Costs will include charges for capital expenditure.
- b) Pricing may be used to regulate and influence usage to support town centre vitality and viability. Therefore, short term and long-term parking to be differentially priced and located to encourage workers to park on the edge of towns to free up town centre parking for shoppers and visitors.
- c) Car Park fees and charges to be benchmarked against
  - i. car parks provided in towns and villages in the district by other bodies
  - ii. on-street parking charges
  - iii. car parks in neighbouring authorities:
    - Cherwell DC
    - Aylesbury Vale DC
    - Wokingham DC
    - Wycombe DC
    - Vale of White Horse DC
- d) Parking is provided free of charge for disabled badge holders
- e) ~~No fees and charges to apply on Sundays~~ *removed by Cabinet in 2021*
- f) Parking fees and charges to be reviewed annually.

#### Season tickets and permits

- g) Season tickets are available for purchase in advance by residents, tourists and businesses for all long stay car parks but do not guarantee a place. They are available for one year, a quarter or one week at a discounted rate.
- h) Permits are available for market traders which give discounted rates for all day parking in long stay car parks for one day of the week over a quarter or a year. They also do not guarantee a place.
- i) Discounts will be determined each year when fees and charges are reviewed.

## 12.2 Previous Vale District Council Car Park pricing policy

The Vale Council's existing parking pricing policy was last reviewed in 2011 when policy B (1) was removed. This was to reflect the fact that the introduction of the free two hours meant that the income from the service would not meet the expenditure. The other policies are:

- B (2) Differential pricing may apply between areas in the Vale, including between car parks in the same town
- B (3) Pricing may be used to regulate and influence usage to achieve a balance between sustainability and environmental objectives, and town center vitality and viability; hence, short- term and long-term public parking should be differentially priced and located to encourage edge of town parking for commuters, thus freeing town center parking for shoppers and visitors
- B (4) Parking will be provided free of charge for disabled badge holders
- B (5) Parking fees and charges will be reviewed annually.

## 13 Appendix B List of Car Parks

### 13.1.1 South Oxfordshire District Council

Town	Car Park	Address	Post Code
<b>Didcot</b>	Edinburgh Drive	Edinburgh Drive, Didcot,	OX11 7LT
<b>Goring</b>	Wheel Orchard	Wheel Orchard, Goring,	RG8 9HB
<b>Henley</b>	Kings Road	Kings Road, Henley-on-Thames,	RG9 2DQ
	Grey's Road	Greys Road, Henley-on-Thames,	RG9 2AA.
	Southfields	Southfields (off Goodall Close), Henley-on-Thames,	RG9 1BJ
<b>Wallingford</b>	Castle Street	Castle St, Wallingford,	OX10 8DL
	Riverside	Riverside, Wallingford,	OX10 0BU
	St Georges Road	St Georges Road, Wallingford,	OX10 8HJ
	Goldsmiths Lane	Goldsmiths Lane, Wallingford,	OX10 0DN
	Cattlemarket	Cattlemarket, Wallingford,	OX10 0AU
	Thames St	Thames St, Wallingford,	OX10 0HD
<b>Thame</b>	Cattlemarket	Cattlemarket, Thame,	OX9 3FD
	Southern Road	Southern Road, Thame,	OX9 2EE
<b>Benson</b>	Mill Stream,	Benson,	OX10 6RL
<b>Chinnor</b>	High St,	Chinnor,	OX39 4SJ.
<b>Culham</b>	Culham Lock,	Culham	OX14 3BT.
<b>Wheatley</b>	Church Road,	Wheatley,	OX33 1NB

### 13.1.2 Vale of White Horse District Council Car Parks

Town	Car Park	Address	Post Code
<b>Abingdon</b>	Audlett Drive	Audlett Drive, Abingdon,	OX14 3ND
	Abbey Close	Abbey Close, Abingdon,	OX14 3JE
	Cattle market	Abbey Close, Abingdon,	OX14 3JH
	Charter Multi Story	Broad Street, Abingdon,	OX14 3LH
	Civic Car Park	Abbey Close, Abingdon,	OX14 3JH
	Hales Meadow	Culham Road, Abingdon,	OX14 3NN
	Rye Farm	Culham Road, Abingdon,	OX14 3NN
	West St Helen Street	West St Helen Street, Abingdon,	OX14 5BU
<b>Faringdon</b>	Southampton Street	Southampton Street, Faringdon,	SN7 7AZ
	Gloucester Street	Gloucester Street, Faringdon,	SN7 7HY
<b>Wantage</b>	Portway	Portway, Wantage,	OX12 9BU
	Limborough Road	Limborough Road, Wantage,	OX12 9AJ
	Mill Street	Mill Street, Wantage,	OX12 9AJ

## **14 Appendix C Penalty Charge Notice process**

### **14.1 PCN is Issued**

- 14.1.1 **Don't ignore a PCN.** If you ignore the PCN or any letters we send you, or if you do not follow the process laid out, we will register the debt at court and pursue payment. This may result in the case being referred to an Enforcement Agent (Bailiff) which means the costs may increase.
- 14.1.2 We will provide evidence of the parking offence, either from direct observation or from the record of an approved device, such as CCTV. Wherever possible, CEOs will make drivers aware that they have broken the parking rules at the time.
- 14.1.3 When issuing a PCN, the CEO will either fix it to the vehicle or give it to the person who appears to be in charge of the vehicle. In certain circumstances, they will post it to the vehicle's owner. See below in 14.1.6.
- 14.1.4 The information that a PCN must contain are set out in the regulations and will contain the following:
- (a) details of the issuing council
  - (b) location of the vehicle
  - (c) the contravention code
  - (d) observation start and finish times
  - (e) penalty charge notice number (this should be uniquely identifiable)
  - (f) CEO identification number.
- 14.1.5 Photographs and notes from the CEO are kept as evidence and may be used to help resolve any disputes. We will make use of digital cameras and similar technology. We will disclose any evidence at the earliest possible opportunity, normally on the website within 24 hours for those issued with a PCN to view. Details as to how to view this evidence can be found on the back of the notice
- 14.1.6** In the following circumstances, we may need to serve a penalty charge notice by post which will also act as the Notice to Owner:
- (a) If the CEO has been prevented, for example by force, threats of force, obstruction, or violence, from serving the PCN, either by fixing it to the vehicle or by giving it to the person who appears to be in charge of that vehicle.
  - (b) If the CEO had started to issue the penalty but did not have enough time to finish or serve it before the vehicle was driven away and would otherwise have to write off or cancel the penalty charge notice.
- 14.1.7 In these circumstances, we will confirm the identity of the vehicle owner with the DVLA and will then issue a PCN to them by post which will also act as the Notice to Owner. The postal penalty charge notices should be sent within 14 days of the contravention.

### **14.2 Levels of Penalty**

- 14.2.1 PCNs have two levels identified by the code included on the PCN. See Appendix D for details. Current prices are available on the councils' websites

### **14.3 Payment of PCN's**

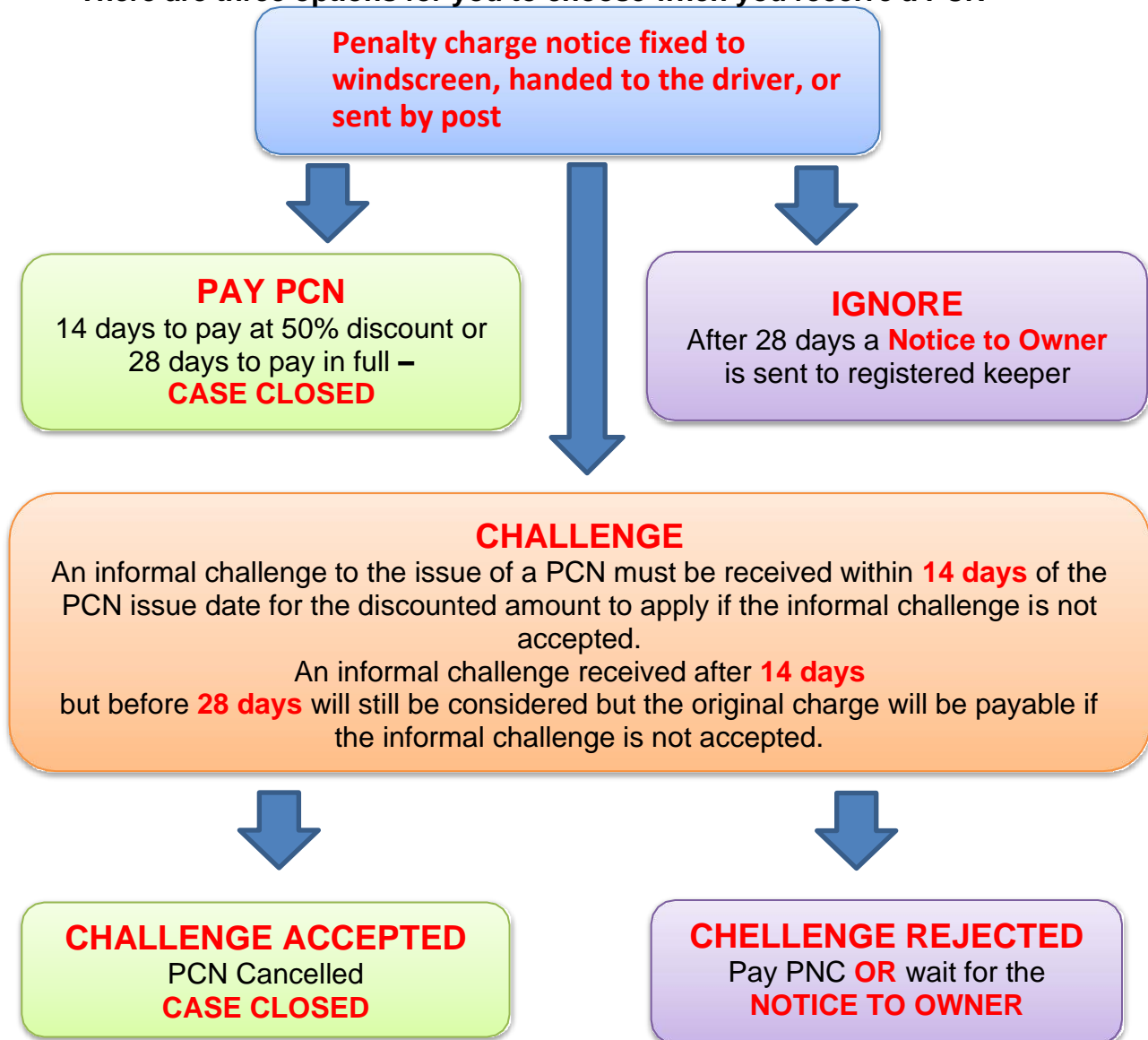
14.3.1 Payment of a PCN is either through [southoxon.gov.uk/parking](http://southoxon.gov.uk/parking) or [whitehorsedc.gov.uk/parking](http://whitehorsedc.gov.uk/parking) or **0345 6460421** (24 hours 7 days a week). The council will not accept payment by cheque or postal order, if you need to discuss ways of paying your PCN please contact the car park team on **01235 470118**

#### 14.4 How to dispute a PCN

14.4.1 You can only dispute a PCN issued in our off-street public car parks. If you receive a PCN while parking elsewhere, please refer to the information on the PCN. There is a statutory process that must be followed when you challenge a PCN. This is split into two stages

#### 14.5 Stage 1 - Informal challenge

There are three options for you to choose when you receive a PCN



The detail of this stage of the process is set out in the paragraphs below

14.5.1 Guidance about this process can be found on the back of the PCN. You must make a challenge in writing, either by using the 'Challenge or make a representation' button under 'Challenge or make a representation' on the web page, or by post to

**Car Parks, Abbey House, Abingdon OX14 3JE.** Please state why you believe you should not pay the PCN and include any information or evidence you feel is relevant.

- 14.5.2 If you are unable to submit a request for an informal review in writing or via our web site, please call our customer service team on 01235 422600, and they will complete the information on your behalf.
- 14.5.3 We cannot accept requests to review a PCN by telephone. You cannot come to our offices to challenge or discuss a PCN.
- 14.5.4 To qualify for an informal challenge, you must submit your request within 28 days of the date on the PCN. We will not consider any request received after this period.
- 14.5.5 If you are submitting a challenge, please do not pay your fine until we have confirmed whether or not we have upheld your challenge, as payment will be accepted as settlements against PCNS, we may not consider your challenge and may not offer any refunds. When we receive an informal challenge, we will not take further action until the matter has been considered and a reply sent.
- 14.5.6 Provided Saba Parking have received a request for an informal challenge (dispute) of an PCN within 14 days of the date on which the PCN was issued, if the PCN is upheld following a review you will receive an allowance to enable you to pay the penalty charge at the discounted amount.
- 14.5.7 When submitting a challenge, please include any evidence you have, as this will give you a greater chance of success. This could be:
- (a) a valid pay and display ticket
  - (b) photos to show there were no road markings to restrict parking
  - (c) photos of signs that are hard to see or understand
  - (d) a letter from someone who was with you saying what happened – write ‘Witness statement’ at the top of this
  - (e) a repair note, if your car broke down.
- 14.5.8 Please ensure you include:
- (a) the date the ticket was issued
  - (b) your full address including post code
  - (c) your vehicle registration number
  - (d) the penalty notice number.
- 14.5.9 You can submit the details and upload any documents onto our online portal
- 14.5.10 If you need to send documents by post, please send copies rather than originals to ensure they don’t get lost in the post. You can also send them via recorded delivery, so you’ll have proof that they have arrived.
- 14.5.11 Informal review requests will be considered by Saba Parking who will, having regard to Appendix E, the circumstances in which PCNs can or cannot be cancelled. The outcome of an informal challenge will be either your challenge will be upheld, in which case the PCN will be cancelled or your challenge will be rejected. You will receive a response within 10 days of submitting your challenge.

14.5.12 If your challenge has been rejected and you don't agree, you can make a formal representation (Stage 2) once you receive the Notice to Owner (NtO).

#### **14.6 Notice to Owner**

14.6.1 If no informal challenge is requested, or the PCN not paid after 28 days, we will make an enquiry to the DVLA via electronic link to confirm the identity of the registered vehicle keeper. Once we've contacted the DVLA, we are obliged to send a Notice to Owner (NtO) in order to comply with the procedures laid down in the civil debt recovery process, this is a statutory requirement.

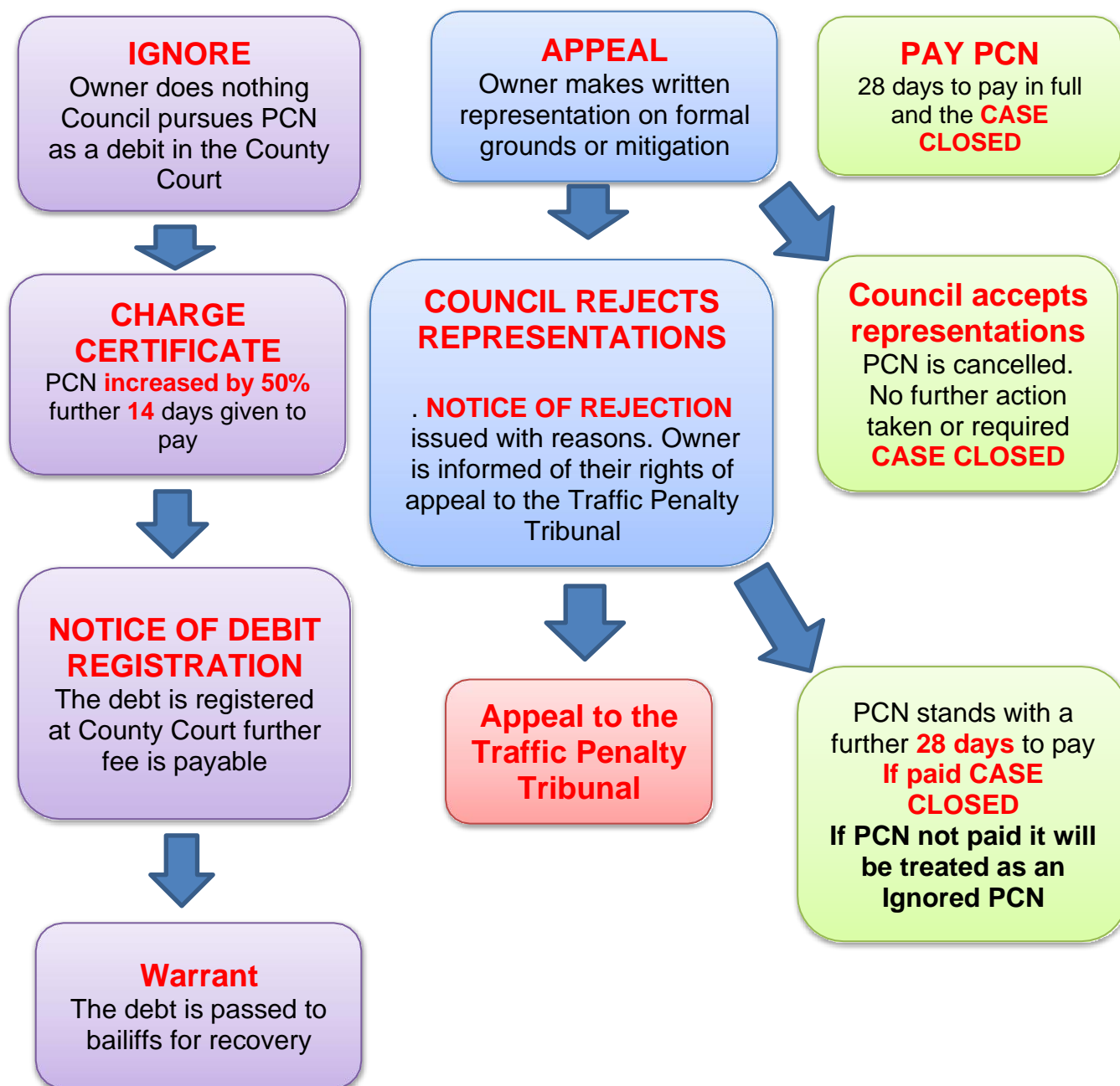
14.6.2 Unlike the previous procedure through the magistrate's court, failure to respond to a Notices to Owner (Not) is not an offence. If you do not pay an NtO it will be registered as a debt against the keeper and enforcement agents will be instructed.

14.6.3 The NtO gives details about the PCN – when it was issued, under what contravention code etc. The NtO requests payment at the original amount of the PCN and warns that if payment is not received within 28 days a Charge Certificate will be issued, increasing the Penalty Charge by 50 percent. The NtO explains how to make representations against the PCN and under which grounds representations can be made. Any representation must be made within 28 days.

#### **14.7 Stage 2 – Formal Representation**



**Once you receive a Notice to Owner you have three options**



**The detail of this stage of the process is set out in the paragraphs below**

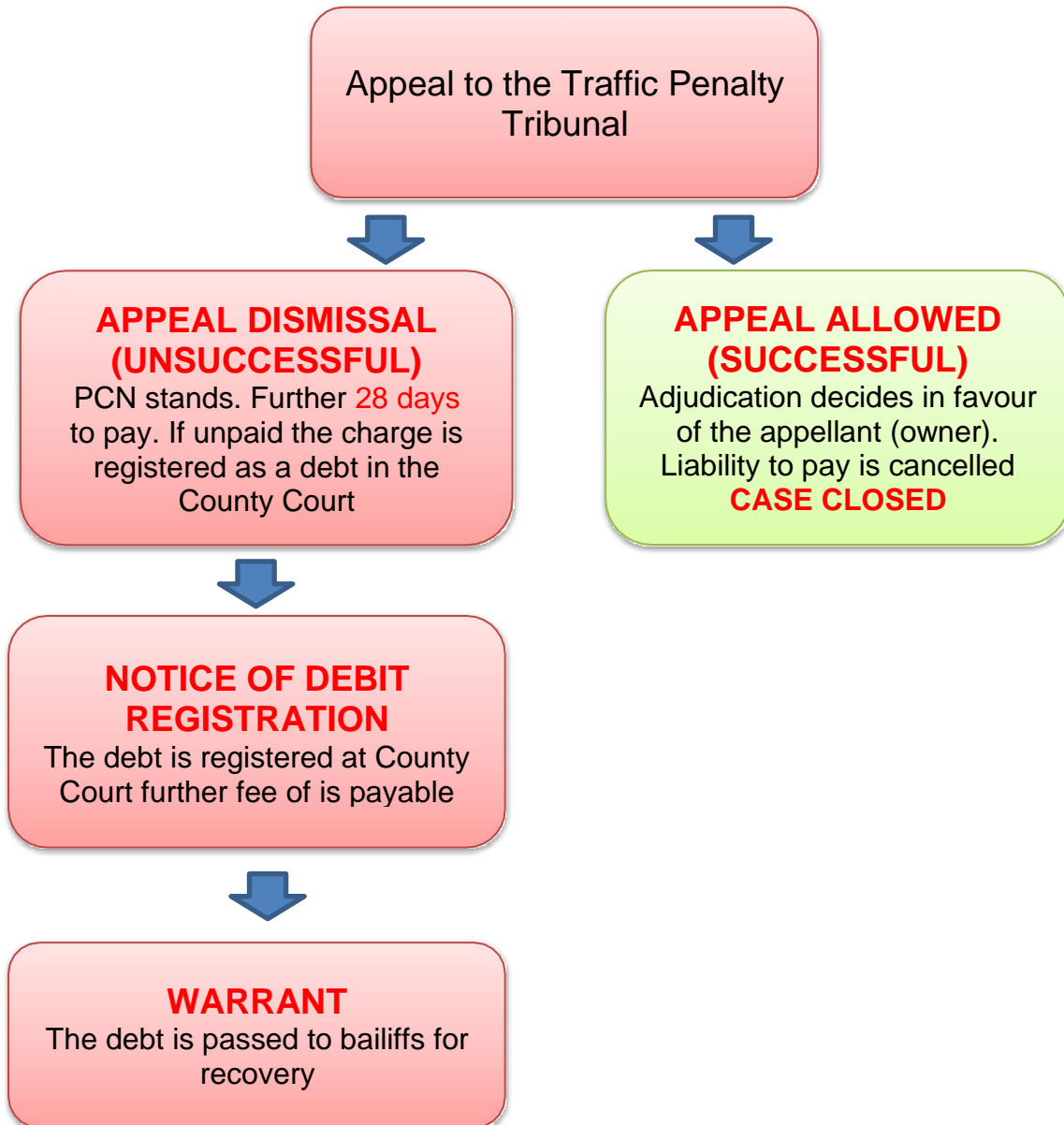
- 14.7.1 The grounds for making a formal representation are stated on the NtO, and the representation must be made in writing by the registered keeper of the vehicle. If you don't appeal and don't pay within 28 days, the penalty will go up by another 50 per cent.
- 14.7.2 A web code is printed on the top right corner of the NtO. If a web code has not been provided, the penalty is not at the formal representation stage. You need this code to submit a formal representation because we can only deal with the registered keeper of the vehicle from this stage, or someone they have authorised to act on their behalf.
- 14.7.3 Once you have submitted your representation, we will carefully consider it and write

to you within 28 days with our decision. If we accept your representation, you will not be required to pay the PCN.

14.7.4 If we reject your representation, we will send you a Notice of Rejection of Representation and you will have the opportunity to either pay the PCN or appeal to the Independent Adjudicator at the Traffic Penalty Tribunal Service (TPT). You can only appeal to the Independent Adjudicator after you have received the Notice of Rejection of Representation.

14.7.5 If you have already paid the PCN and you have been sent a Notice to Owner, please write to us with the details and evidence of the payment.

### 14.8 Stage 3 – Appeal to the Independent Adjudicator



**The detail of this stage of the process is set out in the paragraphs below**

14.8.1 If your formal appeal is rejected, we will send you a 'notice of rejection'. At this point, you can challenge our decision at an independent tribunal. It's free to do so and you don't have to go to the tribunal – you can submit your reasons and

evidence in writing online via [Traffic Penalty Tribunal](#).

14.8.2 If you win the appeal, you will not be required to pay the PCN.

14.8.3 If the independent tribunal disagrees with your appeal you are advised to pay your PCN within 28 days, otherwise the penalty will go up by another 50 per cent. If you continue to fail to pay the fine, we may choose to prosecute you which may result in your credit rating being affected, and you might also have to pay court costs.

14.8.4 For full details of the process, please see the [Traffic Penalty Tribunal](#) website.

#### **14.9 A Charge Certificate**

14.9.1 If the PCN remains unsettled, we will issue a Charge Certificate 28 days after the NtO. The Charge Certificate notifies the keeper that the amount outstanding has increased by 50 percent and warns that the amount will be registered as a debt with the County Court, if not paid within 14 days.

14.9.2 There is no formal Right of Appeal once the Charge Certificate has been issued. If the Charge is not paid within the 14 days, we will apply to register the outstanding amount as a debt, incurring a fee added to the amount due.

#### **14.10 An Order for Recovery**

14.10.1 After we register the debt, we will send an Order for Recovery to the Registered Vehicle Keeper notifying them that a Penalty Charge has been registered in their name at the Parking Enforcement Centre at Northampton County Court and the outstanding amount will increase by to cover a Court Registration Fee.

14.10.2 The Order for Recovery states **YOU MUST WITHIN 21 DAYS** either pay the amount due or file a statutory declaration. If you do nothing, your possessions may be removed and sold to pay this charge.

#### **14.11 Statutory Declaration – Unpaid Penalty Charge**

14.11.1 The Statutory Declaration (Stat Dec) gives the registered keeper a final opportunity to deal with the charge, before enforcement officers are instructed to begin proceedings.

14.11.2 The only grounds on which a Statutory Declaration can be made are:

- (a) You did not receive the Notice to Owner (notification of the penalty charge).
- (b) You made representations about the Penalty Charge to the issuing council, and you did not receive a Rejection Notice.
- (c) You appealed to the Parking Adjudicator against the issuing council's decision to reject your representation but have had no response to your appeal.
- (d) If the penalty charge has been paid in full.

14.11.3 If a Statutory Declaration is filed under a) and accepted by the County Court, the PCN process is reset to the Notice to Owner stage and the Notice to Owner is issued again. This gives the keeper a further chance to make representation against the PCN or to settle the Charge at the original amount.

14.11.4 If filed under grounds b) or c), the PCN process is reset to pre-Charge Certificate and the case may be referred to the Appeals Service for investigation.

14.11.5 Please be aware that proceedings for contempt of court may be brought against you

if you make or cause a false statement to be made in an application verified by a statement of truth without an honest belief in its truth.

#### **14.12 Warrant of Execution Unpaid Penalty Charge**

14.12.1 A Warrant of provides an enforcement agent with the authority to recover the debt. The enforcement agent is entitled to include reasonable costs for executing the warrant and will accept payment or may remove goods to the required value.

14.12.2 If you have been contacted by the Enforcement Agents (Bailiffs) but want to challenge the penalty, you must now contact the Enforcement Agents directly, as the case has progressed to enforcement stage. You may also want to contact Citizen's Advice or a solicitor for advice.

#### **14.13 If you can't afford to pay your penalty in full**

The law doesn't require us to offer a way of paying by instalments and we don't have to offer or agree to an instalment plan but we will consider each request on its merits.

14.13.1 You must provide us with a full financial breakdown, including information about your income and expenditure for us to consider an assessment. Any proposal you make must be realistic and reasonable, so that the outstanding sum is paid as quickly as possible.

14.13.2 We may consider passing the outstanding debt to our Enforcement Agents (Bailiffs) who can consider an instalment arrangement. But it is important for you to know that this will increase the overall amount you owe.

14.14 The complete parking penalty enforcement process can be found at [patrol-uk.info/docs/process\\_map.pdf](http://patrol-uk.info/docs/process_map.pdf)

## 15 Appendix D - Common contravention codes explained in numerical order

15.1 The table below identifies the common contravention codes and the level of penalty that is given against each code

Contravention Codes	Description	Level
70	Parked in a loading area during restricted hours without reasonable excuse	Higher
71	Parked in an electric vehicles' charging place during restricted hours without charging	Lower
73	Parked without payment of the parking charge	Lower
74	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher
75	RESERVED FOR LITTERING FROM MOTOR VEHICLES	
77	RESERVED FOR DVLA USE	N/A
78	Parked wholly or partly in a suspended bay or space	Higher*
80	Parked for longer than permitted	Lower
81	Parked in a restricted area in a car park	Higher
82	Parked after the expiry of paid for time	Lower
83	Parked in a car park without clearly displaying a valid pay & display ticket or valid pay by phone transaction	Lower
84	Parked with payment made to extend the stay beyond initial time	Lower
85	Parked in a permit bay without clearly displaying a valid permit	Higher
86	Not parked correctly within the markings of a bay or space	Lower
87	Parked in a disabled person's parking place without clearly displaying a valid disabled person's badge	Higher
89	Vehicle parked exceeds maximum weight and/or height and/or length permitted in the area	Higher
90	Re-parked in the same Town car (park within one hour after leaving)	Lower
91	Parked in a car park or area not designated for that class of vehicle	Higher
92	Parked causing an obstruction	Higher
93	Parked in car park when closed	Lower
94	Parked in a pay & display car park without clearly displaying two valid pay and display tickets when required	Lower
95	Parked in a parking place for a purpose other than that designated	Lower
96	Parked with engine running where prohibited	Lower

### 15.2 CODE: 70

**Off-street only - Parked in a loading place or bay during restricted hours without loading**

The area will be marked on the surface that it is for loading/delivery purposes only. Only vehicles conducting legitimate deliveries may use these spaces. CEOs will observe vehicles for ten minutes to check for loading/unloading activity.

**15.3 CODE: 80**

**Off-street only - Parked for longer than permitted**

Some car parks have a maximum stay, indicated on the car park information board, and the pay & display machines, as well as on our website. This code is used when someone has stayed longer than the maximum time limit indicated. This code may apply even if you display a valid parking ticket. CEOs will check all windows for parking tickets. They will log times they observe the vehicle to prove that it has stayed in the car park for longer than the permitted time. They will not issue a PCN until at least ten minutes after the maximum period has expired.

**15.4 CODE: 81**

**Off-street only - Parked in a restricted area in a car park**

Certain car parks have bays or areas, which are not available for general parking. For instance, wheelchair bays or hatch markings indicating areas should be kept clear for access purposes. This code applies when someone parks in the restricted area without permission, even if the vehicle displays a valid parking ticket for that car park.

**15.5 CODE: 82**

**Off-street only - Parked after the expiry of paid for time**

We use this code if the driver has overstayed the time stated on their parking ticket or the time paid for by other means. parking tickets must be displayed prominently and clearly in the windscreen of the vehicle. A PCN will not be served until at least 10 minutes after the paid for time has expired.

**15.6 CODE: 83**

**Off-street only - Parked in a car park without clearly displaying a valid pay and display ticket or voucher or parking clock**

This code applies when a vehicle is parked in a pay and display car park where

- (a) No payment ticket is displayed
- (b) A ticket is displayed but it is not valid for that parking place
- (c) A ticket is obscured/face down and the details cannot be read.

Motorists are expected to pay for their parking on arrival and display a valid ticket (or voucher). No time is allowed to go and get change.

Before serving a PCN, CEOs will check that the machine is functioning correctly and where other means of payment is available that the vehicle has not paid for parking in another way through its vehicle registration

number. If one pay and display machine is not working motorists must use an alternative machine, where one is available, or an alternative method of payment such as phone payment. CEOs will check the vehicle for a valid parking ticket, looking at all windows. Parking tickets are not transferable between vehicles.

A ten-minute observation period will be given

**15.7 CODE: 85**

**Off-street only - Parked without clearly displaying a valid permit where required**

We use this code where a vehicle is parked in a permit bay and

- (a) no permit is displayed
- (b) A permit is displayed but it is not valid for that parking place
- (c) A permit is obscured/face down and the details cannot be read.

This is an instant contravention, and no observation period is required.

**15.8 CODE: 86**

**Off-street only - Not parked correctly within the markings of a bay or space**

This code applies when a vehicle is parked partly outside the parking bay (one wheel or more out of the bay).

The CEOs will take photographs to show how the vehicle was parked.

This is an instant contravention, and no observation period is required.

**15.9 CODE: 87**

**Off-street only - Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner**

We use this code is used when vehicles use designated disabled bays without displaying a disabled Blue Badge. Any vehicle using the disabled bay must display the Blue Badge (and time clock where the exemption is time limited) along with either a valid parking ticket or evidence of the vehicle's tax exemption from the Vehicle Excise Duty as required. Regulations vary between car parks and requirements are displayed on the car park signs. This is an instant contravention, and no observation period is required.

**15.10 CODE: 90**

**Off-street only - Re-parked in the same town car park within one hour [or other specified time] after leaving**

We use this code if a vehicle returns to car parks in a specific town within a specified time. A sign on the entrance and throughout the car park will state the no return period. CEOs will record wheel valve positions on first and second observations to prove that the vehicle has returned.

**15.11 CODE: 91**

**Off-street only - Parked in a car park or area not designated for that class**

### **of vehicle**

This code applies when the wrong type of vehicle is parked (e.g., a car in a coach bay, a car in a motorcycle bay or a coach in a car bay).

CEOs will take photographs to show the type of vehicle that was parked.

This is an instant contravention, and no observation period is required.

### **15.12 CODE: 92**

#### **Off-street only - Parked causing an obstruction**

We use this code when a vehicle park causes an obstruction. This is more serious than code 86. It normally means that other traffic has difficulty manoeuvring around the obstruction. CEOs will take photographs of the vehicle causing the obstruction.

This is an instant contravention, and no observation period is required.

### **15.13 CODE: 93**

#### **Off-street only - Parked in car park when closed**

Some car parks are not open all the time and some are closed by a barrier. This code applies if cars are left in the car park at a time when it is closed. This is an instant contravention, and no observation period is required.



## 15 Appendix E Cancellation Criteria

### FOR CONSIDERING DISPUTES AGAINST THE ISSUING OF PENALTY CHARGE NOTICES (PCNs) FOR THE VALE OF WHITE HORSE DISTRICT COUNCIL AND SOUTH OXFORDSHIRE DISTRICT COUNCIL

Agreed by: Name: James Carpenter

Title: Head of Development and Corporate Landlord

Date: Updated May 2022

REASON FOR DISPUTE	WHEN TO CANCEL	PCN UPHeld	COMMENTS
<b><u>Offence: all offences</u></b>			
1. Adverse weather conditions	If vehicle has been abandoned in extreme conditions or roads are impassable		Examples of extreme weather would be snow or flooding or high winds if trees are blocking the road
2. Where more than one PCN is issued to the same vehicle on the same day in same location	All PCNs except for the first offence in the same car park within 24 hours	When the PCN's have been issued in different car parks.	Only one PCN per 24 hours can be issued to a vehicle for a particular car park.
3. Marked emergency service vehicle	Service provides evidence that the vehicle was on official duty		Evidence should be on official headed paper
4. Doctor on call, district nurses, carers and midwives	Proof that the vehicle was left in response to an emergency call	Routine house visits Person's property is next to a car park	Evidence should be on official headed paper
5. Removal vehicles, private ambulances, hearses	Proof that the vehicle was required to be in the car park or area		Evidence should be on official headed paper

REASON FOR DISPUTE	WHEN TO CANCEL	PCN UPHELD	COMMENTS
6. Information is incorrect or incomplete on the ECN	Incorrect/incomplete information recorded by inspector – this does not apply to wrong make of vehicle		E.g., camera failure or wrong vehicle details
<b><u>Offence: no valid ticket and no valid permit</u></b>			
7. Driver went for change	Driver able to produce a ticket for the relevant car park, within ten minutes of vehicle first being logged.	If parked in a permit holder only area.	
8. Driver claims machine was faulty	Officers able to verify that the machine was faulty.	Driver incorrectly uses machine and perceives a machine fault.	Officers will take into account where there are known to be intermittent faults from a particular machine. Investigate by checking any discrepancies between money recorded by machine and actual coins in cash box
9. Driver forgot to buy ticket	In no circumstances,		Signs are clear within the car park, and in line with the car park order, ticket must be on display
10. Driver produces valid blue badge	Badge is valid for the time the PCN was issued or confirmation from OCC blue badge department that a badge application had been approved at the time		
11. Driver didn't read or is unable to read signs	In no circumstances	Claims unable to read English. Drivers should have sufficient language/ knowledge to understand the highway code.	Help on writing a dispute may be given if the person's first language is not English or if they have other problems with writing

<b>REASON FOR DISPUTE</b>	<b>WHEN TO CANCEL</b>	<b>PCN UPHELD</b>	<b>COMMENTS</b>
12. Valid ticket produced with registration number on the ticket	All first offences	Any subsequent PCN within one year of first PCN being issued for the same offence	
13. Driver claims that signs were not visible	Inspector agrees that the view of the sign/s was obstructed at the time when the PCN was issued		
14. Vehicle broken down	The driver must provide proof that they bought a ticket and also proof that they were not able to access the vehicle if the ticket is not displayed.		Not able to access vehicle, for example electrical fault or lost key.  If the driver informs the office to say they are unable to move the vehicle, then officers insist they must still purchase a ticket for their duration (meter feed if necessary or if short term car park). They then would supply this ticket in the event of getting an PCN
15. Permit fallen off windscreen or dashboard or not visible	On first dispute if we know that a valid permit has been issued to the person	Any subsequent dispute (where permit is not clearly visible) relating to the same permit or vehicle within one calendar year of the first PCN being issued	Must still dispute in writing, email acceptable. Staff, councilors, and public all treated the same.
16. Vehicle stolen and abandoned in car park	Driver able to provide proof, e.g. crime report. Police left vehicle in car park following an arrest		Proof must be on official headed paper
17. Driver produces valid day permit	Driver is able to produce valid day permit for relevant car park and that he was obtaining it around the time the PCN was issued. Proof obtained from issuer	When 24-hour period is exceeded.  If the permit has been tampered with, e.g., dates changed.	Permits must be filled in correctly with pen or ink, no photocopies are accepted.

REASON FOR DISPUTE	WHEN TO CANCEL	PCN UPHELD	COMMENTS
18. Driver produces double issue ticket stub, receipt ticket or cash back ticket (relating to some supermarkets)	Driver produces a receipt ticket with registration number		
19. Driver produces a ticket showing registration of another family vehicle	Mistakenly entered the registration of another family vehicle and the driver can produce proof that they own the two vehicles	Driver produces a ticket from a registration machine that does not match the registration number on the PCN and cannot prove they own two vehicles.	
20. Driver produces a ticket but it does not exactly match the vehicle registration plate	If the ticket displayed is not the exact vehicle registration but is correct if numbers/letters transposed or up to two letters or numbers wrong. One strike per calendar year from issue of PCN – provide written warning.	<p>The ticket that the driver produces is not the exact vehicle registration and the PCN is issued within one year of a written warning on this issue.</p> <p>When records show that the driver obtained a ticket/payment by other methods with the correct registration details prior to the PCN being issued and has deliberately transposed the registration details to enable meter feeding</p>	
21. Driver produces cashless receipt/claims to have paid via cashless method	<p>When cashless receipt is for correct car park but shows a different vehicle and driver produces registration document &amp;/or back office cashless system confirms ownership of both vehicles.</p> <p>When receipt is produced for correct car park</p>	When cashless receipt is for car park owned by another authority.	The council will cancel all first offences within one calendar year

REASON FOR DISPUTE	WHEN TO CANCEL	PCN UPHELD	COMMENTS
	<p>and correct car.</p> <p>When driver produces valid cashless receipt showing correct paid tariff but wrong location.</p>		
<p>22. Driver/passenger becomes ill or stops to assist a person (doesn't have time to get or display ticket)</p>	<p>If official proof can be provided. (e.g. confirmation from a shop/office/paramedic/first-aider/doctor)</p>	<p>Unable to accept a letter from a friend, relative or work colleague to support dispute</p>	
<p>23. Driver purchases a second ticket e.g. has not left the car park for the required time (no return period)</p>	<p>When previously agreed with the office e.g. if broken down</p> <p>Driver can prove that he has moved vehicle for the allowed time</p>	<p>If the vehicle has left the car park but another member of the family uses the same car park within the no return period.</p>	<p>Having bought and displayed a first ticket, if driver displays second ticket which takes him over the maximum stay period and has not left the car park for the required time, then the second ticket is not valid and an PCN is issued.</p> <p>Even if the vehicle has left the car park and returns with another driver, the PCN is still upheld.</p> <p>It is acceptable to buy a ticket and then come back and buy a further ticket as long as the total stay is no longer than the maximum stay period. This does not apply to free tickets/periods.</p>
<p>24. Service vehicles, emergency call-out vehicles, gas/electrical/alarm companies</p>	<p>Driver is able to provide timed and dated evidence that the work was being carried out as a health and safety emergency at a particular premises.</p>		

REASON FOR DISPUTE	WHEN TO CANCEL	PCN UPHELD	COMMENTS
<b><u>Pay and display ticket expired</u></b>			
25. Driver/passenger becomes ill or stops to assist a person	If official proof can be provided. (Confirmation from a shop/office/paramedic/first-aider/doctor)	Unable to accept a letter from a friend, relative or work colleague to support dispute	
26. Driver delayed in returning to car park	Where a driver has attempted to purchase sufficient parking time but was then unable to return to the vehicle for the following reasons: <ul style="list-style-type: none"> <li>• unable to leave court hearing.</li> <li>• arrested</li> <li>• medical circumstances</li> </ul>	Where a driver is delayed for reasons beyond or not beyond their control, where more parking time should have been allowed, e.g.: <ul style="list-style-type: none"> <li>• attending interview</li> <li>• arranging/attending funeral</li> <li>• attending meetings</li> <li>• voluntary work</li> </ul>	Driver will need to provide evidence of delay before cancellation is considered  Long term medical condition does not prevent the proper use of the car park
27. Driver produces valid ticket	Where a machine issues a faulty ticket Medical emergency Proven police involvement or other similar event	In all other circumstances	
28. Two tickets purchased at the same time – driver adds together to accumulate required parking period (Machine did not accept all the money paid at the time of purchasing a ticket)	When the car park inspector has taken photos of two tickets side by side on the dashboard which add up to the correct time/value required or cover the issue time of the PCN  If both tickets are registration linked and purchased within ten minutes of each other		

REASON FOR DISPUTE	WHEN TO CANCEL	PCN UPHELD	COMMENTS
29. Driver claims to have paid for part of a tariff or over the tariff	In no circumstances		An example of a part tariff payment would be where a tariff is: <b>50p for 1 hr and 90p for 2 hrs.</b> <b>Driver attempts to pay 70p for 1½ hrs</b>
<b><u>Permit not valid for this car park</u></b>			
30. Permit holder unaware where to park.	Unable to access the car park (flooding, travellers). Event in town	None	Non payment of PCNs by staff /councillors pursued in the same way as all public.
31. Permit holder parked in wrong car park		Permit holder unaware of correct area or pleads ignorance or mistake or someone else outside the car park team told them where to park  Members of staff or councillors saying they were delivering items to the council	Permits or season tickets exist for all long stay car parks. All permits are car park specific  There is a delivery area to the side of Abbey House
32. Driver displays an on-street parking permit/ticket	In no circumstances		Need to explain to drivers that tickets/permits are not transferable between council off-street car parks and Town Council on-street parking areas.  An arrangement has been made with the Abingdon Town Council to allow residents with a valid town council permit to park in a Vale Council car park from 6pm until 9am the next day

REASON FOR DISPUTE	WHEN TO CANCEL	PCN UPHELD	COMMENTS
33. Unaware of the correct area to park	Where parking in the permit only area is unavoidable due to maintenance work being carried out in pay and display car park and signs are displayed indicating that this is acceptable	Where there is no exceptional circumstances/ignorance	Parking in a permit only area would be clearly signed and the car park team must be aware
<b><u>Offence: non display of disabled badge</u></b>			
34. Driver states they have a valid blue badge	If the badge produced is valid at the time the PCN was issued.	Where the terms of the disabled badge scheme are not met  Further similar offences within one calendar year of first PCN	The council will cancel all first offences within one calendar year, sending the badge owner a warning letter stating that subsequent offences may not be cancelled
35. Driver claims that an application has been made	Proof that the application has been made, prior to the issuing of the PCN, and if the disabled badge is subsequently issued	If proof cannot be provided	
<b><u>Offence: vehicle exceeds weight limit</u></b>			
36. Driver challenges weight of vehicle	Driver is able to produce evidence that the vehicle does not exceed the stipulated weight		Inspectors are given guidance on the assumed weight of vehicles, but it will be impossible for inspectors to be definitive
<b><u>Offence: vehicle not parked wholly within a bay</u></b>			
<b><u>Offence: unauthorised parking</u></b>			
37. Driver claims unaware of this offence	Signs unclear or missing		Examples of unauthorised areas include: <ul style="list-style-type: none"> <li>• yellow lines/boxes</li> </ul>



REASON FOR DISPUTE	WHEN TO CANCEL	PCN UPHELD	COMMENTS
			<ul style="list-style-type: none"> <li>• circulation areas</li> <li>• motorcycle bays</li> <li>• car park access roadways</li> <li>• recycling areas (other than to unload recycling)</li> </ul>
38. Driver delivering or collecting goods	Driver is able to provide a dated and timed delivery note, invoice etc. (on headed paper) showing that he was delivering or collecting large/bulky goods that require that vehicle to be close by. Applies to permit holder's car parks only. The vehicle must be immediately adjacent to the premises and (un)loading must be a continuous operation.	Driver is unable to provide proof that they were delivering/collecting.  Driver did not remove vehicle when delivery completed.	
<b><u>Offence: exceeded maximum stay (e.g. Wheatley)</u></b>			
39. Left car park and returned later	Driver able to provide proof that they left the car park and returned after the no return restriction	Driver is unable to provide proof that they left the car park.	CEOs carry out 'write downs' of vehicles to provide evidence that the vehicle has not moved. This includes times, number plate and parking bay location details
40. Driver/passenger becomes ill or stops to assist a person	If official proof can be provided.  (Confirmation from a shop/office/paramedic/first-aider)		Similar reasoning to overstay of pay and display ticket
41. Driver delayed in returning to car park	Where a driver was unable to return to the vehicle for the following reasons: <ul style="list-style-type: none"> <li>• unable to leave court hearing.</li> <li>• arrested</li> </ul>		Driver will need to provide evidence of delay before cancellation is considered  Long term medical condition does not prevent the proper use of the car park

REASON FOR DISPUTE	WHEN TO CANCEL	PCN UPHELD	COMMENTS
	<ul style="list-style-type: none"> <li>• medical circumstances</li> </ul>		
42. Vehicle broken down	The driver must provide proof that they bought a ticket and also proof that they were not able to access the vehicle if the ticket is not displayed.	/	<p>Not able to access vehicle, for example electrical fault or lost key.</p> <p>If the driver informs the office to say they are unable to move the vehicle, then officers insist they must still purchase a ticket for their duration (meter feed necessary or if short term car park). They then would supply this ticket in the event of getting an PCN.</p>
43. Vehicle stolen and abandoned in car park	<p>Driver able to provide proof, e.g. crime report.</p> <p>Police left vehicle in car park following an arrest.</p>	/	Proof must be on official headed paper
<b><u>Offence: no return within two hours</u></b>			
44. Visit was unavoidable	Driver able to provide proof of their return due to medical conditions/dental work/returning faulty goods/getting prescriptions.	Driver is unable to provide proof that they were collecting or returning to the car parks for legitimate reasons.	
45. Driver needed to move to collect heavy goods	<p>Driver is able to provide a dated and timed delivery note, invoice etc (on headed paper) showing that he was collecting large/bulky goods that require that vehicle to be close by.</p> <p>Driver is able to provide receipt of the heavy goods purchased i.e. large bag of pet food/sack of potatoes.</p>	<p>Driver is unable to provide proof that they were collecting.</p> <p>Driver did not remove vehicle when delivery completed.</p>	

## **16 Appendix F How to make a formal representation against the serving of a PCN:**

### **16.1 That the alleged contravention did not occur.**

16.1.1 This is likely to be the most common ground people will cite when submitting a challenge/dispute. It includes cases where:

- (a) A vehicle was allegedly loading or unloading in accordance with a Traffic Regulation Order (TRO), where a PCN was allegedly served too early, or where a vehicle was allegedly displaying a valid permit, ticket, voucher, Badge, etc.
- (b) The recipient never was the owner of the vehicle in question.
- (c) The recipient had ceased to be its owner before the date on which the alleged contravention occurred; or became its owner after that date.

16.1.2 Where a recipient makes representation under the (b) or (c) circumstances above, they are legally obliged to include a statement including the name and address of the person who acquired the vehicle from them who (or from whom it was acquired, as the case may be), if that information is in their possession.

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

16.1.4 That the recipient is a vehicle-hire firm and the vehicle in question was at the material time hired from that firm under a vehicle hiring agreement; and the person hiring it had signed a statement of liability acknowledging their liability in respect of any PCN served in respect of any contravention involving the vehicle.

16.1.5 Under this situation the Secretary of State suggests that the Notice to Owner (NtO) requests that the hire-firm should provide the name and address of the person hiring the vehicle at the material time and a copy of the statement of liability. This information should be used to issue a second NtO, on the person hiring the vehicle (who shall be deemed to be the owner of the vehicle for the purposes of processing the PCN).

### **16.2 That the council has made a procedural error or impropriety.**

16.2.1 The regulations define a procedural impropriety as a failure of the local authority to observe any requirement imposed on them by the Traffic Management Act (TMA) or the TMA regulations in relation to the imposition or recovery of a penalty charge or other sums. This includes, in particular, the taking of any step, whether involving the service of a document and the purported service of a Charge Certificate in advance of

the time scale set out in the regulations.

- 16.2.2 This will also be ground for a representation against a PCN that has been served if a fixed penalty notice, as defined by section 52 of the Road Traffic Offenders Act 1988, has been given in respect of conduct or the conduct constituting a parking contravention that is the subject of criminal proceedings. This is only likely to be the case on or near pedestrian crossings.

**16.3 That the Order which is alleged to have been contravened is invalid**

- 16.3.1 This ground for representation includes cases where the wording of a Traffic Regulation Order (TRO) is deficient or contradictory. This could be if the TRO is not properly indicated with traffic signs or road markings, or the traffic signs or road markings are not in order, or where the restriction marked on the street goes beyond what is provided for in the TRO and so the TRO is unenforceable (rather than invalid) and so cannot be contravened.
- 16.3.2 In the case where a PCN was served by post on the basis that a CEO cites that they were prevented by some person from fixing the PCN to the vehicle concerned or handing it to the keeper or person in charge of the vehicle, that they were not prevented from doing so and could have carried out the action.
- 16.3.3 That the NtO 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.
- 16.3.4 In addition, we will consider reasonable mitigating circumstances that do not fall into the above categories.