

# Parking Services Consideration of parking ticket challenges

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## 1. INTRODUCTION

If you are reading this you may have received a Penalty Charge Notice (a “PCN”) commonly referred to as a ‘ticket’, ‘parking ticket’ or ‘fine’.

The PCN may have been issued by a Civil Enforcement Officer (CEO) or by CCTV camera (fixed or mobile) for a parking (such as parking on a yellow line) or moving traffic contravention (such as driving in a bus lane or making a banned turn).

Parking and traffic regulations are in place for good reasons, for example, to keep traffic moving, to improve road safety and the environment and to address and balance the needs of different road users. The Council would prefer motorists to take account of the signs and regulations, and to drive and park properly. Those motorists who do not do this are liable to receive a PCN.

## 2. CONSIDERATION OF CHALLENGES

The statutory guidance for local authorities in England on civil enforcement of parking and traffic contraventions says that the Council is obliged to publish policy on the exercise of discretion.

The Council will consider any written challenge submitted against the issue of a penalty charge notice (PCN) up until the issue of a charge certificate and has the discretion to consider late representations. All challenges will be considered, and each case will be decided upon its own individual merits.

A PCN will be cancelled upon the receipt of a challenge if the Council is satisfied that a valid concession or exemption to park applied, the PCN was issued in error or if there is strong mitigation for the cancellation of the PCN, such as if the PCN was incurred in circumstances beyond the reasonable control of the motorist.

Read the [Statutory guidance for local authorities in England on civil enforcement of parking contraventions](#).

### 2.1. Consideration principles

Primarily the Council takes the approach that consideration of PCN challenges is underpinned by the following consideration 'principles'.

#### 2.1.1. Merits of the case

The circumstances surrounding a particular PCN are unique and therefore each PCN will be considered on its own merits.

### **2.1.2. Genuine mistakes, mitigation and discretion**

Any PCN may be cancelled if the mitigation put forward by the motorist is deemed strong enough to warrant it. Cases will be considered objectively, and discretion may be given where it is evident that the motorist made an honest attempt to park legally/correctly but made a genuine mistake in doing so, incurring the PCN in the process, or that the PCN was issued in circumstances beyond the motorist's reasonable control.

### **2.1.3. Proportionality**

The enforcement action and any subsequent decision to uphold or cancel the PCN upon challenge will be fair, proportionate, reasonable and justifiable.

### **2.1.4. Full consideration of evidence and the 'balance of probabilities'**

All relevant evidence will be fully considered as appropriate before a decision is made. Unlike criminal law where the standard of proof is 'beyond a reasonable doubt', civil law is based on the 'balance of probabilities'. Decisions will therefore be based on an evaluation of the weight of the evidence, some of which may be contradictory, and favour that which is most persuasive or compelling.

### **2.1.5. Legal and policy framework**

All consideration will have regard to legislation, case law and to Council policy, as well as to any likely adjudicator response.

### **2.1.6. Driver/vehicle history**

Both driver and vehicle histories will be checked to see if either has a history of incurring similar PCNs and whether discretionary cancellations have been granted previously.

### 3. MITIGATION

Whilst every case will differ, it may be appropriate for the Council to use its discretionary power to cancel penalty charges.

Below are some examples of mitigating circumstances and types of evidence that could be supplied:

Mitigation	Evidence Required	Comments
The motorist claims that the vehicle had broken down and could not be moved.	Confirmation from a garage or receipt for parts. An AA or RAC attendance sheet.	Cancellation will depend on whether the breakdown was unforeseen.  For example: running out of petrol would be avoidable and not considered unforeseen.
The motorist claims that they were delayed in returning to their car.	Appropriate evidence to explain what the delay was, and why it could not be avoided.	For example: being held up in queue can be avoided; driver should allow for any delays when parking.
The motorist claims that they were attending to an emergency.	Reasonable proof of an emergency e.g. credible report of an accident or incident.	For example: planned maintenance would not be considered an emergency but attending to a gas leak may.
The motorist claiming that they became unwell while driving or needed to stop due to their medical condition.	Medical evidence of a condition that is consistent with the condition described.	This applies to serious medical conditions where the evidence is already available.
The motorist claimed that they stopped to collect (prescribed) medication from a chemist.	Medical evidence to support that this was an exceptional situation.	Cancellation will be considered if evidence is supplied to support exceptional circumstances.  Motorists are expected to park legally when collecting prescribed medication.
A motorist forgot to renew their virtual permit or display their paper permit in the correct manner.	Evidence to explain why the permit could not be renewed on time or displayed in the correct manner.	Being generally forgetful will not be accepted as a sufficient reason.

As circumstances differ from case to case and as each case is considered on its own merits, we cannot limit or prescribe the factors that we consider when considering exercising our discretion. Therefore, this document cannot cover every situation that may arise or every situation in which we may exercise our discretion to cancel a PCN. However, set out above for illustrative purposes only are examples of certain situations in which The Council may or may not exercise our discretion to cancel a PCN.

**Please note that this document will be subject to ongoing review and will be revised from time to time. Please check the Council website for updates.**