

## Outline Guidance on Waiving Penalty Charge Notices

### Mitigating circumstances

Policy Number	Policy Name	Description of current policy and considerations
1	<b>Bank holiday restrictions</b>	<p>Appeals sometimes state that they:</p> <ol style="list-style-type: none"> <li>1. assumed that restrictions did not apply on Bank Holidays;</li> <li>2. assumed that a particular day was a Bank Holiday;</li> <li>3. the sign did not state that Bank Holidays were being enforced; or</li> <li>4. they dispute the benefit of enforcement of a Residential bay on a Bank Holiday.</li> </ol> <p>Action</p> <p>If an appeal is received and it is clear from their statement:</p> <ul style="list-style-type: none"> <li>✓ that there is obvious confusion, misunderstanding , an assumption based on press coverage or practices in another borough that parking was permitted on an official Bank Holiday or day reasonably assumed to be a Bank Holiday, the PCN may be waived with a warning if no other warnings have been given previously</li> </ul> <p>Vinci Park, will continue to issue PCNs as and when they observe a contravention on a Bank Holiday for the following reasons:</p> <ul style="list-style-type: none"> <li>• To demonstrate that permit holders are getting full protection for their fee.</li> <li>• To prevent shoppers and commuters from parking in residents' bays.</li> <li>• Traffic Management responsibilities in respect of traffic flow and road safety are being actively managed through appropriate enforcement, ultimately resulting in improved compliance.</li> </ul>
2	<b>Blocked access (obstruction)</b>	If an individual receives a PCN for <b>parking over someone else's drive</b> , the PCN should not be waived. Note: we often issue PCNs on marginal cases if an enforcement request is made by the owner of a property, but may waive it with a warning not to park in such a way again
3	<b>Blue badge and disabled drivers /passengers</b>	<p>If a <b>Blue Badge is incorrectly displayed</b> but we can establish that it is a valid badge, the PCN may be waived.</p> <p>If a <b>Blue Badge holder fails to display</b> their Blue Badge correctly, the PCN will be cancelled on no more than one occasion in any rolling 12 month period.</p> <p>If a clock has been (1) incorrectly set or (2) not displayed when required or (3) they have overstayed their allotted time, the PCN will be waived on not more than one occasion in any rolling 12 month period.</p>
4	<b>Broken Down vehicles.</b>	Challenges and representations against PCNs where a motorist claims that the vehicle has <b>broken down</b> will be accepted only if supporting evidence in the form of a confirmation letter from the AA or similar motoring organisation or a garage repair invoice is

	<b>Waive - TMO</b>	produced. If the breakdown appears to have been avoidable e.g running out of petrol/water etc the PCN will not be waived.
5	<b>Legally detained</b>	If a PCN is issued to a vehicle and the <b>owner/driver had been legally detained</b> , consideration will be given to waiving the PCN if supporting evidence is supplied.
6	<b>Dropping off or picking up passengers</b>  <b>Waive - TMO</b>	Except on designated clearways and bus stops and pedestrian crossings, a vehicle is allowed reasonable time, i.e. approximately 2 minutes to <b>drop off and pick up passengers</b> , irrespective of any waiting or loading restrictions in place. Greater time applies to those who have a disability.  If a CCTV Enforcement Operator or a Traffic Warden observes activity in these circumstances, a PCN should not be issued. A PCN may be waived if it can be demonstrated that the driver was picking up or setting down an individual with a disability who and may have, for example, assisted the individual to their property.
7	<b>Funerals and weddings</b>  <b>Bereavement</b>	Exemptions apply for <b>hearses and wedding cars</b> , but vehicles belonging to mourners or wedding guests must park in accordance with the restrictions.  Where a motorist claims to have been <b>recently bereaved</b> , consideration may be given to waiving the PCN if evidence to support the claim is provided.
8	<b>Health care workers</b>	If a <b>doctor, nurse or midwife receives a PCN whilst on duty</b> , consideration will be given to waiving it if evidence of the emergency is provided. PCNs will not simply be cancelled due to the nature of their work.
9	<b>Hospital, dental, doctor, opticians appointments</b>	If there is a delay in the appointment time or the <b>treatment took longer than anticipated</b> , waiving the PCN will not normally be considered. However if the delay was caused for reasons outside the driver's control, written confirmation from the medical practitioner will be considered.  A reasonable time should also have been purchased, or a reasonable amount of time should have been allowed for the appointment before restrictions started.
10	<b>Loading and unloading</b>  <b>Waive - TMO</b>	If <b>loading or unloading</b> at a permitted location takes place, a period of observation will be adhered to. It is acknowledged that the person may have been away from the vehicle while the PCN was being issued. <ul style="list-style-type: none"> <li>• A PCN will normally be waived where the appellant has provided evidence, such as a delivery invoice, confirming loading or unloading took place at the time.</li> <li>• Drivers who claim that they were collecting/delivering high value cash/jewels may be considered if evidence can be supplied.</li> <li>• Collecting shopping is not permitted.</li> </ul> <p>A Memorandum of Understanding is in place with the British Security Industry Authority (BSIA), who are the representative body</p>

		for companies who deliver cash to banks, building societies, etc.
11	<b>Lost keys</b>	Where it is claimed that <b>car keys have been lost, stolen or locked inside</b> the car preventing removal from a parking place, the PCN may be waived providing there is supporting evidence from the police or motoring organisation. If the vehicle was parked in contravention before the keys were lost, stolen or locked inside, the PCN will not be waived.
12	<b>Medical &amp; emergency cases</b>	<p>Consideration will be given to any appeal where the appellant believes that a <b>valid emergency situation</b> or <b>medical emergency</b> caused them to park incorrectly, or to be delayed back to their vehicle.</p> <p>If possible, documentary evidence confirming the reason for the delay is of great help, but often this is not possible</p> <p>These type of appeals may include;  (1) a child was sick in the car causing them to pull over, (2) an elderly relative was taken ill, (3) a child fell over and hurt themselves whilst running back to the car.</p> <p>Below are examples of medical appeals which may be considered if a medical condition is known:</p> <ul style="list-style-type: none"> <li>• If a motorist claims they had an <b>urgent need to use the toilet, because of a known condition</b>, consideration will be given in these circumstances but there should be documentary evidence to support this claim.</li> <li>• <b>Pregnancy</b> - If an appellant simply states that they are pregnant, the PCN would not normally be waived. If further mitigating circumstances are described, consideration will be given.</li> <li>• <b>Diabetic</b> - PCNs will not be waived as it is a known and manageable condition. DVLA publish clear guidelines stating that medication should be readily to hand and guidance on reporting the incident to them.</li> <li>• <b>Asthmatic</b> - PCNs will not be waived as it a known and manageable condition.</li> <li>• <b>Mental Health issues</b> - PCN may be waived with independent documentary proof.</li> <li>• <b>Temporary mobility problem</b> (e.g, broken leg &amp; on crutches) - PCNs may be waived with independent medical proof from a qualified medical practitioner.</li> <li>• <b>Prescribed medication</b> - If the appellant can demonstrate the they are taking new or amended medication and a medical practitioner can confirm that the would not have been known by the individual, then consideration to waive the PCN would be given.</li> </ul> <p>Given the often sensitive nature of this category of appeal and the common lack of supporting evidence, officers will continue to make a considered judgement. These cases will be referred to the Processing Manager or a more senior officer for decision.</p>
13	<b>New/changed restriction</b>	If a new restriction has been implemented or an existing one amended, for approx 1 month consideration will be given to waiving PCNs if the motorist was genuinely confused by the change or simply not aware of any changes.
14	<b>Did not receive</b>	Often a Motorist will only appeal once a Notice to Owner (NTO) has been served. The claim may be that <b>'they did not receive a</b>

	<b>the PCN on the windscreen.</b>	<p><b>PCN</b> on their windscreen and they would have paid it if they had known’.</p> <p>Only in <b>exceptional circumstances</b> might we consider accepting such a statement but would request documentary evidence if possible. In these cases, we may offer the motorist the opportunity to pay the discounted amount, i.e, the charge outstanding when the PCN was issued.</p> <p>If there are no grounds to waive the PCN and we have photographic evidence to demonstrate the PCN was served to the vehicle, or pocket book notes taken by the Traffic Warden at the time confirming that the PCN was handed to the driver, we generally reject a claim that they ‘did not receive the PCN’. The owner is then obliged to pay the full charge as stated on the NTO.</p>
15	<b>Change of Enforcement method times/area.</b>	Occasionally traditional <b>enforcement methods are amended or changed</b> . This may be for policy reasons or further to an enforcement request by a member of the public. As there may be local or long standing parking arrangements in place, consideration may be given to cancel the PCN.
16	<b>Pay and display Driver returns just after issue</b>	In some cases the motorist <b>returns to the vehicle as the PCN is being issued</b> or very shortly after. There may be some genuine discrepancies in terms of the times shown on a P&D machine when compared to a motorist’s watch and the time on the Traffic Warden’s hand held computer used for issuing tickets. Consideration is therefore given to waiving the PCN.
17	<b>Pay and display Not aware</b>	Claims from motorists that they <b>did not see or realise they parked in a pay and display location</b> will not be accepted as grounds for waiving a PCN.
17a	<b>Pay and display Machine Fault</b>	Where it is claimed the <b>machine was not working</b> , a check on the machine will be made to determine whether or not a fault was reported or observed at the time the PCN was issued. If this is found to be the case, the PCN will be cancelled. However if there is another pay and display machine close by, the motorist is expected to purchase a ticket from this machine and the PCN should not be waived in these circumstances.
17b	<b>Pay and display Obtain Change</b>	Where the motorist left the vehicle parked without a valid ticket on display to <b>obtain change</b> , consideration will not be given to waiving the PCN.
17b(1)	<b>Pay and display Delayed return</b>	Late or unforeseen delay is not acceptable. However consideration may be given if trains are delayed and evidence can prove the delay was beyond their control.
17c	<b>Pay and display</b>	Often a pay and display ticket is displayed with the <b>expiry details/serial number face down</b> . In these circumstances, the Traffic

	<b>Incorrect display</b>	warden will issue a PCN, as validity of the ticket cannot be verified. The serial number on the reverse of the pay and display ticket will be recorded in the Traffic Warden's pocket book notes and photographs may be taken. On checking the notes taken at the time of the contravention or the photographs, if the pay and display ticket was indeed valid and had not expired, we will waive the PCN.
17d	<b>Pay and display No display</b>	For total failure to display a Pay and Display ticket, a PCN will not be waived. However, if the original or valid copy of the P&D ticket, purchased prior to the PCN issue is provided, the PCN may be waived on the first occasion within a 12 month period.
17e	<b>Pay and display Pay by phone</b>	The concept of <b>using mobile phone parking</b> may be new to some motorist and mistakes can be made. It is for this reason that we will waive the PCN on the first occasion if the appellant tried but failed to start their parking time using a mobile phone. Enforcement should only have taken place if a CEO is satisfied that no valid pay and display ticket was on display.
18	<b>Permits</b>	The parking contravention is for <b>failure to display a permit</b> . However, if on checking our records it is clear that a valid permit is held, the PCN will be waived.
19	<b>Visitor vouchers</b>	A valid visitor voucher may be submitted as part of an appeal, but was not displayed in the car at the time.  We would consider waiving the PCN for a first contravention, if a valid visitor voucher is submitted as part of an appeal on no more than one occasion in every 12 month period.
20	<b>Signs and lines  Waive - TMO</b>	If a PCN is issued and the driver claims the <b>lines were too worn to be seen or the sign was missing</b> , it may be waived providing a site inspection confirms this to be the case. (This would actually be a cancellation not a waive).  However, where a motorist claims that snow, foliage, fallen leaves or flooding covered the signs and markings, providing this can be established, consideration will be given to waiving the PCN.
21	<b>Suspended bays</b>	Consideration will only be given to waiving a PCN if the motorist can show that they could not have reasonably known about the <b>bay suspension</b> .
22	<b>Vehicle not at scene</b>	Where a keeper of a vehicle receives a Notice to Owner and claims that <b>their vehicle was not parked in the area at the time</b> , the keeper will be asked to verify the details of the vehicle including the tax disc number. A PCN will not automatically be waived in these circumstances and will be dependent on the evidence provided by the keeper of the vehicle.
23	<b>Communication and Correspondence</b>	If at any stage it is believed by a senior officer within Parking Services that a motorist has <b>received unreasonable or unsatisfactory service</b> or the motorist has been unduly or avoidably inconvenienced, consideration will be given to waiving the PCN.

24	<b>Start and end of restriction</b>	In some cases the motorist may return to their vehicle as the PCN has been or is being issued. If this occurs either within 5 minutes of the <b>start or end of a restriction</b> , consideration will be given to waiving the PCN.
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