



## **Civil Parking Enforcement Policy Dec 2024**

### **– Part II Appeals**

#### **GUIDANCE FOR THE CONSIDERATION**

**OF**

#### **APPEALS / CHALLENGES AND FORMAL REPRESENTATIONS**

The contents of the policy are derived from the former Dorset County Council and District Councils' policies, accepted best practice and the Traffic Penalty Tribunal (TPT) recommendations regarding mitigation and good practice.

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## 1. Introduction

This policy is primarily concerned with:

How appeals, challenges and formal representations are dealt with including, how the Council will endeavour to treat people fairly, equally and with respect taking full account of their personal circumstances.

This policy has been approved by elected Members. It will be subject to regular review so that it continues to meet local needs whilst reflecting current best practice.

Elected Members (Councillors) cannot be involved with decisions in respect of individual cases. They do not have the delegated authority to cancel a Penalty Charge Notice (PCN) and will not have access to all the evidence available or the required in-depth knowledge of legislation to make decisions. Dealing with cases is a quasi-judicial role and officers within Parking Services have received the necessary training to enable them to investigate cases, evaluate the evidence in accordance with the legislation and best practice guidelines, and make an informed decision.

Taken from “Statutory Guidance for local authorities in England on civil enforcement of parking contraventions” updated 20 October 2022

*“Elected members may wish to review their parking representations policies, particularly in the area of discretion, to ensure consistency with published policies. However, elected members and unauthorised staff should not, under any circumstances, play a part in deciding the outcome of individual challenges or representations. This is to ensure that only fully trained staff make decisions on the facts presented.”*

If a driver contacts a Councillor regarding the issue of a Penalty Charge Notice (PCN), they will be directed to the Parking Services. If a driver writes to a Councillor or Chief Executive of the Council, the letter will be passed to the Parking Office who will reply to the driver and send a copy to the Councillor or Chief Executive for information.

An authority has a discretionary power to cancel a PCN at any point throughout the process. It can do this even when an undoubted contravention has occurred if the authority deems it to be appropriate in the circumstances of the case.

Under general principles of public law, authorities have a duty to act fairly and proportionately and are encouraged to exercise discretion sensibly and reasonably and with due regard to the public interest. Failure to act in accordance with the general principles of public law may lead to a claim for a decision to be judicially reviewed.

## 2. Civil Enforcement Appeals Process

This section describes the statutory process a Penalty Charge Notice (PCN) must follow.

### **Issue of Penalty Charge Notice (PCN)**

The PCN is issued by a Civil Enforcement Officer (CEO), formally known as either a traffic warden or parking attendant, and either affixed to the vehicle windscreen or handed to the driver. If this is not possible because the vehicle has driven away or the CEO was threatened, then the PCN may be sent by post. Once the PCN has been issued the CEO is unable to retract the PCN.

The PCN must be paid within 28 working days. If the PCN is paid within 14 working days, a discount of 50% is offered and the case closed.

### **Disputing the Issue of the PCN**

There is nothing to preclude the driver / registered keeper of a vehicle, challenging the issue of a PCN at this stage. This may be done in writing via the following methods: - on-line, by email or by post, details stated on the reverse of the PCN.

The Council will consider any mitigating circumstances mentioned in the challenge made by the driver / registered keeper of the vehicle. Wherever possible the driver / registered keeper of the vehicle should supply supporting evidence with their challenge to enable the Council to fully consider the case. This may include such things as:

- Pay & Display tickets, copy of valid permit or proof of cashless parking sessions or virtual permits.
- Delivery or collection notes
- Garage invoices, AA or RAC reports (in the case of breakdown)
- Doctor or Hospital letters (in the case of illness)
- Police references (in the case of stolen vehicles or arrest of driver)

(This list is not exhaustive and copies of anything that may help support the challenge should be included.)

Having considered the challenge, the Council will reply to the driver / registered keeper's challenge informing them as to whether the challenge has been accepted or rejected. The Council, once a decision has been made, will fully explain the reason for its decision sent either by email or post.

In cases where the challenge has been accepted the PCN will be cancelled.

In cases where the challenge has been rejected the Council will require payment of the PCN Charge.

If the original challenge is received by the Council within the 14-day discount period the Council will reoffer this facility from the date of its reply letter, however if the challenge was received outside this discount period the Council may require full payment of the charge.

***Note: The Challenge of the issue of a PCN at this stage does not prevent the registered keeper of the vehicle making formal representations (either on similar grounds or different grounds) on receipt of a Notice to Owner.***

### **Notice to Owner (NtO)**

After 28 days, if the PCN is not paid, the Council will apply to the DVLA for details of the owner / registered keeper. On receipt of this information a Notice to Owner (NtO) may be issued to the owner / registered keeper of the vehicle. This informs the keeper of the outstanding PCN which is payable by them and affords them the opportunity to make formal representations against the issue of the PCN and/or the NtO or to make payment.

### **Making Representations**

There are nine statutory grounds for making representations, which are as follows:-

- A. The alleged contravention did not occur.
- B. I was not the owner/keeper of the vehicle at the time of the contravention.
- C. The vehicle had been taken without my consent.
- D. We are a hire firm and have supplied the name of the hirer and hire agreement.
- E. The penalty exceeded the relevant amount.
- F. That there has been a procedural impropriety
- G. The traffic order was invalid.
- H. The CEO was not prevented from serving the PCN.
- I. The PCN was paid.

It is the responsibility of the person to whom the NtO is addressed (even if they are no longer the registered keeper of the vehicle) to make representations should they wish to dispute the issue of the NtO.

Representations should be made on one of the statutory grounds and can include any mitigating circumstances the owner / registered keeper wishes the Council to consider. The Council is required by law to consider any representations they receive from the owner / registered keeper and to reply to these within 56 days of the receipt of the representations.

The Council must send a letter to the owner / registered keeper either accepting their representations or rejecting them. The letter from the Council must include a full explanation as to the reason for its decision.

The owner / registered keeper should include with any representations any supporting evidence they have (see '[Disputing the Issue of the PCN](#)') in order to assist the Council in reaching a decision. It should be noted that failure to include such evidence may affect, or delay, the decision of the Council.

### **Appealing to the Traffic Penalty Tribunal (TPT)**

In cases where the Council reject the representations made by the owner / registered keeper of the vehicle the council will serve a Notice of Rejection (NoR) stating that it may issue a Charge Certificate unless the PCN is paid, or an appeal is made to the Traffic Penalty Tribunal (TPT) for independent adjudication. The NoR will include a pin number along with full details of how to appeal.

An appeal to the TPT is the final stage in the process of challenging a penalty. It is not a continuation of previous correspondence with the Council, but a new process.

An appeal must be made within 28 days against the Council's decision to reject the formal representations against the issue of the NtO.

TPT is a judicial body which is independent of the Council. The parties (the Council and registered keeper) offer evidence for the Adjudicator to consider. The Tribunal does not investigate the matter on its own account but like a court only considers the evidence submitted by both parties (the Council and registered keeper).

A decision is made by an Adjudicator who decides the appeal after considering the applicable law and the evidence presented by both parties.

The Adjudicator's decision in these cases is final and binding on both the Council and the appellant (owner / registered keeper).

### **Charge Certificate**

After 28 days, if no representations are made, or representations are made and rejected by the Council or an appeal is made subsequently to rejected representations and refused by an adjudicator and no payment is then received, a Charge Certificate (CC) is issued and the amount owed is increased by 50%.

***Note: At this stage, the owner of the vehicle has lost any legal right for any challenge or representations to be considered by the Council.***

### **Court Action**

If payment is not made within 14 working days of receipt of the Charge Certificate, the Council will apply to the Traffic Enforcement Court (TEC) to register the charge as a civil debt. TEC is a specialist county court, based in Northampton, which only deals with decriminalised traffic contraventions.

TEC will then authorise the Council to issue an Order of Recovery TE3 and Witness Statement TE9 which increases the outstanding charge by £10.00 to cover the cost paid to the Court for registering the debt.

The Order of Recovery will include a form affording the recipient to make a Witness Statement on one of four grounds which must then be returned to the Court.

1. I did not receive the Notice to Owner or Penalty Charge Notice
2. I made representations about the Penalty Charge to the Enforcing Authority concerned within 28 days of the service of the Notice to Owner but did not receive a Notice of Rejection.
3. I appealed against the Local Authority's decision to reject my Representations within 28 days of service of the notice of rejection but have had no response to my appeal.
4. The penalty charge has been paid in full.



### **Witness Statement Process**

The Witness Statement (WS) process is designed to speed the cases through with the objective of either swift resumption of the enforcement process or case closure. The key to the process is for all parties to act promptly, but within the framework of the legislation.

The referral provisions require the WS to be referred to an adjudicator for directions. When considering the case history, the adjudicator has wide powers and will look at the case from all angles. The decision as to what to direct is not confined to the grounds of appeal.

1. On receipt of the WS (where the appellant has ticked box 2, 3 or 4) the authority will send a "14 Day" letter to the appellant advising them that they have the opportunity to pay the outstanding amount within 14 days.
2. If no payment is received, the authority will refer, as soon as possible, the case to adjudication at TPT.
3. The authority will upload sufficient information to enable the adjudicator to issue directions.
4. Once submitted the case will be considered by an adjudicator within 3 days of the referral. Having considered the information provided, the adjudicator will direct one of the following.
  - a. **The authority may continue with the enforcement process** - the authority will send the adjudicator's direction to the vehicle owner with a letter explaining what happens next. In accordance with statutory provisions, the direction that the authority may continue to enforce the penalty gives the vehicle owner 28 days to settle the penalty before any further action can be taken.
  - b. **The authority is to close the case.** - The adjudicator will provide brief reasons for why the case should be closed. The authority will write to the appellant and will include a copy of the directions.
  - c. **Invite the appellant to join the case to clarify points that they may have made at some point to the authority or indeed on the WS.** – once all the information has been provided by both the authority and the appellant the adjudicator will issue a "authority may enforce" or direct the authority to "cancel the PCN." In either case it is the responsibility of the authority to forward a copy of the directions that the adjudicators may issue.

### **Issue of a Warrant of Control**

If payment is not made, or a Witness Statement is not submitted within 21 days of the receipt of this Notice, an application is made by the Council to TEC for a Warrant to be issued to recover the debt.

TEC then authorise the Council to issue a Warrant of Control. This is valid for one year and a day and is passed to an Enforcement Agent (EA) (formerly known as Bailiffs). The EA will add their charges to the outstanding debt. These are strictly controlled by the Ministry of Justice as are the actions that they can take to recover the debt. Any fees incurred by the EA at this stage are payable by the debtor. After the Warrant is issued, no correspondence or communication will be dealt with by the Council. These should only be directed to the EA. All payments must only be made to the EA.

An application can be made to TEC [tec@justice.gov.uk](mailto:tec@justice.gov.uk) to file a Statement Out of Time/Extension of Time (TE7) for the following reasons

1. You request permission to file a Witness Statement TE9 as the date shown on the Order of Recovery has since elapsed or
2. You are still within the deadline given on the Order of Recovery; however, you require more time to file the Witness Statement.

Further information on this recovery process can be found at: [www.patrol-uk.info](http://www.patrol-uk.info)

### 3. Specific Policy

The following sections explain how the Council considers various issues and situations in which a driver/ registered keeper may be issued a Penalty Charge Notice (PCN) when their vehicle is parked in contravention of the parking restrictions. It is also intended to help to explain why the PCN was issued.

When the driver / registered keeper of a vehicle is deciding whether or not to challenge the issue of a PCN, or the owner / registered keeper of the vehicle to make representations on receipt of the Notice to Owner, this document will help act as a guide as to how to clearly set out their case and what, if anything, they should include with their letter to support their case.

Dorset Council welcomes the increased use of electric vehicles and as the ability to charge on and off street is constantly improving, the need to adapt the policies and procedures will be an ongoing process as the need arises.

#### **Arrest – Driver Arrested**

If the driver of a vehicle has been arrested and, as a direct result, has had to leave the vehicle in contravention of a parking restriction any resulting PCN will not normally be enforced unless the driver has had adequate time to safely remove the vehicle after their release from custody.

In all cases of arrest claims a driver will be asked to provide the date, time of arrest and evidence of arrest including custody number, officer and Police Station involved and the times of leaving custody.

If the driver of a vehicle has been arrested for drink driving or driving whilst under the influence of drugs and, as a direct result, has had to leave the vehicle in contravention of a parking restriction any resulting PCN will not normally be cancelled.

#### **Bank Holidays – Restrictions Applicable**

Waiting and loading restrictions, as indicated by yellow lines/markings on the carriageway and/or kerbs are in force 365 days a year.

In Dorset, restrictions apply on bank holidays unless this is specifically stated otherwise on the signs relating to the area in which a vehicle is parked.

Where signs and lines are correctly displayed it is unlikely the Council will consider cancellation unless there is evidence that an exempt activity, such as loading or unloading, is taking place or there are other extenuating mitigating circumstances.

#### **Bank Visits**

Claims from individuals or companies that because money is being taken to, or from, a bank a PCN should not have been issued will not be accepted as an automatic reason to cancel the PCN, irrespective of the amount involved. It is appreciated that difficulty may be experienced when visiting banks but the exemption that may apply in relation to bullion vehicles whilst loading/unloading large quantities of coin and cash boxes does not necessarily apply to others.

If restrictions are in place adjacent to a bank these must be complied with by all motorists.

The Council will consider cancellation of the PCN if it can be shown that the cash involved was coinage of a heavy and bulky nature and where other extenuating mitigating circumstances can be cited.

### **Broken down Vehicles**

Claims of alleged breakdown will normally only be accepted when a challenge or representations are made if the breakdown appeared to be unavoidable at the time of issue of the PCN **and** if supporting evidence in the form of one or more of the following is produced:

- Garage receipt, on headed paper, properly completed and indicating that the fault was repaired within a reasonable time of the contravention.
- Till receipt for the purchase of relevant spare parts bought at the time.
- Confirmatory letter from the RAC, AA or other similar motoring organisation that they attended the vehicle on breakdown.
- Confirmation from the CEO that the vehicle maybe broken down.

A note left in the windscreen, stating that “the vehicle has broken down,” will not be accepted by the CEO as a reason for not issuing a PCN.

Listed below are some areas that arise in many cases where it is claimed the vehicle has broken down:

#### **Flat Battery**

- The receipt for the purchase of a new battery or parts that could cause a flat battery (alternator, solenoid etc.) should be supplied wherever possible. The receipt should not pre-date the date of the contravention or postdate it by an unreasonable length of time.
- In cases where it is alleged that the vehicle was bump/jump started and no other evidence is provided, the PCN will not normally be cancelled.
- If no evidence is forthcoming, the PCN will not normally be cancelled.

#### **Flat Tyre**

- It is reasonable to expect that in the event of a flat tyre the driver would be with the vehicle and making efforts to change the vehicle’s wheel. If the vehicle is left unattended a PCN may be issued and will normally only be cancelled if it subsequently transpires that the driver was elderly, disabled or infirm and had gone to obtain help. In such instances evidence from the assisting party is normally required.
- If the wheel could not be changed because of mechanical difficulty, evidence should be produced from the attending breakdown service supporting this.

#### **Overheating**

- In cases where it is claimed that the vehicle had overheated due to lack of water the Council will not normally cancel the PCN unless the overheating is directly attributable to a mechanical fault such as: broken fan belt,

cracked radiator, burst hose, faulty water pump or thermostat. In such cases evidence of repair should normally be produced.

- Overheating caused by heavy traffic or hot weather will not normally be accepted as a valid reason to cancel a PCN.

#### **Running out of Petrol**

- Unless this is due to a mechanical/ electrical fault and evidence is provided of the fault/repair, the Council will not normally cancel the PCN.
- Most vehicles are reliable when advising the motorist that the fuel level is low and if the motorist chooses not to adhere to the warning, then unfortunately this does not constitute mitigating circumstances when challenging the Notice.

***Note: If it is apparent from previous Council records that the same driver has made multiple claims that their vehicle has broken down, this will be considered when deciding on whether or not to accept their representations.***

#### **Bus Stops**

Bus stops can either be restricted or unrestricted:

- Restricted: A restricted bus stop will be marked with yellow lines and traffic signs. In Dorset, most bus stops are restricted; they are operational either 24 hours a day or from 7 am to 7 pm. Some bus stops are seasonal only (May to October) and would be signed accordingly.
- Restricted unused Bus stops: Whilst the TRO (Traffic Regulations Orders) is still in place, it enables any Bus Company or Transport Provider the option of applying to take over a particular route at any point and until it is legally removed, cannot be used for parking.
- Unrestricted: An unrestricted bus stop will not have a traffic sign but may be marked with advisory road markings

In cases where a PCN is issued to a vehicle other than a bus, waiting in a restricted bus stop, the PCN will not normally be cancelled.

#### **Campervans**

See [Motorhomes/Campervans](#)

#### **Challenges / Representations accompanied by Payment**

Drivers are advised not to challenge and send payment at the same time as this may prejudice their right to further appeal.

When a challenge or formal representations are received by the Council the progression of the PCN is put on hold and no further action will be taken until the case has been considered, the reply letter sent and time allowed for payment (if the case is not cancelled).

No payment is requested while an appeal is being considered, however, if a cheque payment is received at the same time as a written appeal, the cheque will be held until the challenge or representation has been considered. If a decision is made to cancel the PCN,

the cheque will be returned. If a card payment has been made, then this payment received will be refunded. Making a payment is considered to be acceptance of the PCN and any later challenge may, therefore, not be considered.

### **Complaints against Civil Enforcement Officers (CEO)**

Allegations that a CEO has made an error whilst issuing a PCN will be investigated under the normal representations or appeal procedures and a letter of formal written notice of acceptance or rejection, as the case may be, will be sent within the stipulated timescales.

Any allegation of misconduct or rudeness made against a member of the enforcement staff should be made through the Council's process [Complain to Dorset Council - Dorset Council](#) the findings of the investigation will be communicated to the complainant, in writing, within the stipulated timescales.

Help in making a complaint: If you should need help in making your complaint, please see [www.dorsetcouncil.gov.uk](http://www.dorsetcouncil.gov.uk) or contact your local council office who will be able to advise you.

Details of Dorset Councils complaints policy can be found at: <https://www.dorsetcouncil.gov.uk/your-council/complaints-compliments-and-comments/pdfs/complaints-policy.pdf>

### **Council Officers and Councillors (Elected Members) on Duty**

The Council expects all its employees and elected members, to observe the parking restrictions. Preferential treatment will not be given to Council vehicles, or to Council employees using their own vehicles for business purposes.

Unless the vehicle is being used for the purpose of enabling the Council or its contractors to perform a statutory duty, or for carrying out essential works, the vehicle driver must abide by the normal restrictions.

Should an Officer receive a PCN on their vehicle, an appeal will only be considered, if accompanied by a letter from their Line Manager.

## **Court Attendance**

see [Arrest](#)

### **Defendants**

The conditions applying to jury members and witnesses apply to defendants too.

However, there have been instances when a defendant has been given a custodial sentence and, as a direct result, is unable to remove their vehicle. In such instances the Council will expect that the vehicle will be removed as soon as is reasonably possible, by the defendant's family, friends or legal representatives.

An appeal to a PCN issued in such circumstances will only be considered if the defendant's legal representative supplies suitable supporting evidence.

### **Jury Service or Witness**

The length or timing of any court hearing or trial cannot be guaranteed and often jury members and/or witnesses find that they are unable to leave court to move their vehicle or purchase further pay and display time in a permitted parking bay or a car park. This may therefore lead to a PCN being issued for overstaying the time purchased. Courts issue clear instructions to all jury members and witnesses advising them how and where they should park.

The courts will not pay any PCN issued to a witness or jury member whilst carrying out their legal duties, even if they are delayed by the court. In such circumstances the Council will not normally consider the cancellation of a PCN unless evidence is produced to support the fact that the driver was delayed to an extent that could not have been reasonably foreseen i.e. moved to a hotel overnight.

## **Delays**

### **Public Transport**

Routine delays in running of buses or trains are not usually unexpected and drivers should allow sufficient time to take into account extra time for waiting. PCNs will not usually be cancelled because of routine delays.

### **Shops or banks**

Routine delays in shops or banks are not usually unexpected and drivers should allow sufficient time to take into account extra time for queuing at tills and checkouts. PCNs will not usually be cancelled as a result of routine delays. PCNs will not usually be cancelled where the vehicle was parked on yellow lines or in any other location where parking is not permitted.

### **Dental / Doctors / Hospital Appointments**

In cases where a claim is made that, as a result in the delay in the appointment time, or that treatment took longer than anticipated, a PCN was issued for overstaying the parking time allowed or parking time purchased, the Council will consider cancellation provided there is evidence to support this.

An appeal will only be considered if be supported by written confirmation from the dentist or doctor that the delay was caused for medical reasons outside of the driver's control.

However, the Council must be satisfied that the parking time purchased was reasonably sufficient to allow for normal delays experienced whilst attending such appointments.

### **Discretion**

The Secretary of State for Transport considers that the exercise of discretion should, in the main, rest with the Appeals Officers of the Council as part of considering challenges against PCNs and representations against a NtO. This is to protect CEOs from allegations of inconsistency, favouritism or suspicion of bribery. It also gives greater consistency in the enforcement of traffic restrictions.

CEOs employed by Dorset Council may issue a PCN to a vehicle whenever they have reason to believe a contravention has occurred and to advise any driver / registered keeper who disputes the issue of a PCN to challenge the issue with the Council (in writing) following the instructions on the reverse of the PCN. CEOs are unable to "Take Back" an PCN once issued.

The Council is required to consider and answer any mitigating circumstances that a driver raises in their challenge or representations (see [Civil Enforcement Appeals Process](#))

Elected Members are not permitted to intervene in individual cases as this would be considered as interference with the due judicial process.

### **Disabled Drivers/Passengers**

Blue Badges are issued to any person who meets the criteria, whether or not they drive a vehicle, and can be used by the blue badge holder in any vehicle. It should be remembered that the badge can only be used when the vehicle is being used to transport the badge holder. It is not permitted to use the badge for any other purpose e.g. shopping for the badge holder when they are not being transported in the vehicle, or for parking outside the blue badge holder's premises.

In normal circumstances the blue badge holder MUST be in the vehicle when the vehicle is parked and when it is driven away and if this is not the case, the driver should explain the reason.

Blue badges must be displayed in the prescribed manner (face up with time clock set at time of arrival) whilst the vehicle is parked. Failure to do so may result in a PCN being issued for the contravention of the relevant parking restriction.



Providing the Blue Badge is valid, clearly and properly displayed, the vehicle transporting the blue badge holder can park:

- In designated disabled parking bays on-street, free of charge and without time limit. Some disabled bays have a time limit of three hours or a time period e.g. 10am – 5pm or a time scale e.g. 10am – 5pm and this will be shown on the accompany signage. In this case, the time clock should be set to the time of arrival and displayed alongside the blue badge.
- Off Street parking/Car Parks – Check Tariff Boards for information on Blue Badge concessions as charges apply.
- On single or double yellow lines for up to three hours and providing that the vehicle is not causing an obstruction (the clock should be displayed and set to the time of arrival).
- In pay and display bays on-street free of charge and without time limit.
- If in a shared use bay e.g. permit holder only bays (indicated by a letter) (residents) and pay & display or permit holder only bays (indicated by a letter) (residents) and time limited bays can park free without time limit.

The Council will not normally consider cancellation of a PCN issued to a vehicle parked in contravention of the parking restrictions if the vehicle is parked:

- on yellow lines (single or double) with yellow kerb markings (and relevant accompanying signage) indicating that waiting and loading is not permitted.
- in any other restricted area (e.g. school keep clear “zigzag” markings, pedestrian crossings, loading bays, bus stops, bus lanes and bays reserved for specific users such as Police bays and Taxi Ranks).
- In locations where parking for Blue Badge Holders is limited for three hours and NO Time Clock is displayed alongside a valid badge.
- In permit holder only bays (indicated by a letter) on-street free of charge and without time limit, unless there are signs stating otherwise.

However, in the case of other contraventions, if the blue badge is not displayed, cancellation may be considered on the first occasion if a copy of the valid blue badge is supplied with the challenge letter or formal representations.

### **Non-UK Disabled Badges**

Non-UK disabled badge holders have the same rights and responsibilities as people holding UK Blue Badges (disabled badges) Details of these can be found at [The Blue Badge Rights and Responsibility booklet \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/614441/blue_badge_rights_and_responsibilities_booklet.pdf) They will also need to follow the same disable parking concessions/restrictions in car parks. See Part I - Car Parks. If they do not have a time clock then they should write their time of arrival on a piece of paper and display alongside their disabled badge to show when they started parking.

### **Doctors, District Nurses, Health Visitors**

Doctors, nurses, midwives and other health professionals are, wherever possible, expected to park legally in accordance with local restrictions. Should a PCN be issued it will normally only be cancelled upon evidence that there was an emergency situation and the driver was not therefore able to park legally.

It should be noted that regular or programmed visits are not usually considered to be an emergency.

Healthcare Professionals can apply to the Council for a Healthcare Permit which can be used to park when visiting patients in their own homes, as per the issued Terms and Conditions.

### **Drive aways / Prevented from issue**

A PCN is considered legally served if it has been placed on the vehicle or handed to the person appearing to be in charge of the vehicle. (Regulation 9)

The legislation also allows a PCN to be sent through the post under Regulation 10. (Reg 10) PCNs may be sent through the post if the CEO has started to issue a PCN and the driver of the vehicle returns and drives away before the CEO can affix the PCN to the windscreen, or if the CEO is prevented from issuing the PCN due to the threat of physical violence and/or extreme verbal abuse. A supporting statement will be written by the CEO in all cases when a PCN is issued under Reg 10. A NtO will be sent to inform the Registered Keeper that the PCN was issued under Reg 10, inviting them to pay or make formal representations.

### **Dropped Kerbs**

Dropped kerbs are placed on the footway or the carriageway to assist.

- Pedestrians crossing the carriageway – tactile crossing point where a dropped kerb on both sides of the road.
- Cyclists entering or leaving the carriageway – dropped kerb access to marked cycle path.
- Vehicles entering or leaving the carriageway.

These dropped kerbs will be enforced if a vehicle is blocking complete egress. PCNs issued to vehicles parked in contravention will not normally be cancelled unless there is proof of an exemption or extenuating mitigating circumstances.

### **Double Parking**

The definition of double parking is that the vehicle is parked more than 50cm from the kerb and is not within the markings of a designated parking bay.

Any PCN issued is unlikely to be waived except in extenuating circumstances.

### **Electric Vehicles**

The Council has installed a number of EV charging points / charging hubs within car parks and on the street. Where the bays are found within a car park, parking charges apply and the vehicle must be in the process of actively charging. PCNs will be issued to:

- non-electric vehicles
- EV not in the process of charging
- non-payment of the parking charge

Once the vehicle is finished charging from the EV charger, the vehicle should be relocated to a pay & display bay to allow other EV vehicles access to the charging point.

### **Emergency Vehicles**

Ambulances, Coastguard, Fire and Police are exempted whilst on official duties. PCNs will not normally be issued to marked emergency vehicles when on duty.

Requests for cancellation of any PCN issued to either an unmarked vehicle or an Officer's private vehicle should be made by the Officer's Area Superintendent or equivalent. They should contain confirmation that the Officer was on official business and that it was inappropriate for the vehicle to be parked elsewhere.

### **Enforcement Agents (formerly known as Bailiffs)**

Enforcement Agents, as agents of the court, are court officers. One of the many functions they perform is executing warrants on behalf of the court.

To execute these warrants, they are likely to need an appropriate vehicle nearby. For other activities they do not need a vehicle nearby, e.g. If they are serving a summons or warrant (not enforcing, it) and in these circumstances they will be expected to comply with normal parking restrictions.

When they are taking goods, they are not exempt from legislation and an official badge or permit should be displayed in the vehicle and the act of loading/unloading will normally be expected to be seen to be taking place. The Council understands however, that once goods have been seized the Enforcement Agent is required to list them before leaving the premises and this could legitimately take some time. If no loading/unloading (or other exempt) activity is observed by a CEO a PCN will be issued.

Cancellation will be considered on the production of proof that demonstrates the requirement for the vehicle to be parked nearby. This should be a dated and timed list of goods seized, or an arrest warrant together with a report from the court/police. This should be included with any challenge or representation.

### **Estate Agents**

Estate agents visiting a client's property are not exempt from parking restrictions and should park according to the restrictions in force when attending for valuation or viewing visits.

### **Exempt Vehicles**

The Traffic Regulation Orders for Dorset allow for vehicles carrying out certain activities to be exempt from the parking restrictions if the vehicle is on an emergency call and is involved in emergency work or is involved in non-emergency maintenance of apparatus. This includes:

- Emergency vehicles
- Carrying out of statutory duties
- Delivery and collection of postal packages
- Disabled drivers
- Glaziers (emergency repair purposes only)
- Loading/unloading.
- Picking up/dropping off passengers

- Removal Vans/Lorries
- Royal Mail
- Scaffolders (erection and dismantling)
- Utilities – Electric, Gas, Telecommunications and Water

The above list is not exhaustive and the Traffic Regulation Orders that list all exemptions is available on [on-line](#). Alternately can be found on the Traffic Penalty Tribunal (TPT) website. (See [Appendix B](#) for useful links)

Royal Mail vehicles being used for the collection or delivery of postal packets are exempt from the restrictions as long as they are actively involved in such an activity. Cancellation of a PCN will normally only be considered if written confirmation is received from the area manager that the vehicle was actively involved in the collection/delivery of mail.

Should a driver/ registered keeper of a vehicle believe that at the time a PCN was issued the vehicle was entitled to an exemption they should include any supporting evidence they have with their challenge or representation to support their claim. In the absence of any documentary proof, they should set out all details of the circumstances they wish to be considered by the Council.

### **Funerals and Weddings**

Vehicles actively involved in a funeral, or a wedding (the hearse or bridal car) will be given due consideration and respect and PCNs will not normally be issued.

Vehicles belonging to mourners or wedding guests should not park in contravention of any road restrictions in place.

### **Garages – Vehicles left Unattended**

Where a vehicle has been left in the charge of a garage or vehicle workshop for maintenance work to be carried out, the registered keeper should be aware that they are responsible for any PCN issued during that time. For example, if a garage employee parks a vehicle on a highway, in contravention of a parking restriction, whilst work is being carried out on the vehicle to facilitate vehicle movement within the workshop.

The ultimate responsibility for the PCN rests with the registered keeper of the vehicle and any dispute regarding responsibility for the PCN and its payment is a civil matter between the registered keeper and the garage/workshop.

The Council will not normally cancel a PCN issued in these circumstances.

### **Grace Periods**

Parking policy has been designed to enable people to access the community and carry on their business as easily as possible.

Whilst it is important to undertake enforcement, to prevent abuse of parking facilities to the detriment of the majority, enforcement should be sensitive, fair and proportionate. This would not be the case if a driver receiving a PCN for returning to their vehicle only moments after the expiry of a period of permitted parking.

Therefore, the law requires that a penalty charge must not be issued to a vehicle that has stayed parked in a parking place on the road or in a local authority's car park beyond the permitted parking period for a period not exceeding 10 minutes.

The grace period applies to on-street and off-street parking places provided under traffic orders whether the period of parking is paid for or free.

Any penalty charge during the 10-minute grace period would be illegal unless the vehicle was parking unlawfully (e.g. where the motorist has not paid any required parking fee or displaying a parking ticket where required)

It is important that all CEOs understand that grace periods only apply to designated parking places where a person is permitted to park. A road with a restriction (e.g. single yellow line) or prohibition (such as a double yellow line) is not a "designated" parking place either during – or outside of – the period of the restriction or prohibition.

Grace periods are slightly different from observation periods, in that they serve a different purpose, primarily one of offering fairness in enforcement activity. They relate to pay and display bays and limited wait bays both on-street and to car parks.

The grace period allows a driver a few minutes to return to their vehicle and can avoid allegations of unfairness and claims that PCNs are issued as soon as a pay and display ticket has expired or limited wait time has expired. A PCN will therefore not be issued until ten minutes after time paid for / allowed time.

Grace periods also allow for any slight discrepancy in the time shown on the CEO's hand-held computer and the time shown on the pay and display machine.

### **Hire/Lease Agreement**

The legislation allows that, in the case of a hired vehicle, responsibility for a PCN is that of the hirer of the vehicle at the time. In this case, the responsibility does not rest with the registered keeper, the hire company, providing they make formal representations to the Council once the NtO is received.

The representation must be accompanied by a copy of the relevant hire agreement. In all cases this agreement must clearly state:

- The name and address of the hirer.
- the start and finish dates for the hire period.
- a statement regarding the hirer's liability for any PCNs incurred during the hire period.
- the hirer's signature.

Where a vehicle is leased for a period more than 6-months, the information required from the Leasing Company must state:

- Name and address of the person/business leasing the vehicle.
- Duration of the Lease

### **Hospital Car Service**

The display of a "Hospital Car Service" badge does not automatically exempt the holder from parking restrictions. However, in cases where a vehicle is being used for such

activities any representations or challenges against the issue of a PCN will be given due consideration. See [Passengers \(dropping off or picking up\)](#)

### **Incorrect Make/Colour of vehicle**

The make/colour of vehicle is not a prerequisite on a penalty charge notice and is for information purposes only - it has no bearing on the decision.

### **Lines / Signs / Markings**

Challenges and formal representations may be received stating that the yellow lines, or white lines (in the case of designated parking places or pedestrian crossings) are missing or obscured, or the corresponding signs are either similarly missing or obscured.

In these cases, the photographs taken by the CEO at the time of issue of the PCN, together with their notes made at the time, will be checked. If there are no obvious discrepancies and the signs and lines are clear, the PCN will not normally be cancelled.

Where claims are made that the lines were obscured due to conditions such as leaves, snow or sand at the time of parking, again the photographs taken by the CEO will be viewed.

### **Loading / Unloading**

Vehicles are permitted to park in contravention of waiting restrictions (single or double yellow lines) or in permitted parking bays whilst carrying out the activity of loading and unloading heavy or awkward items or the delivery and collection of goods as part of a business activity.

Normally such activity will be observed by the CEO as in most cases a minimum observation period of 5 minutes will be given before a PCN is issued. However, there will be those occasions when, due to the nature of the loading/unloading or delivery/collection activity, nothing will be seen and a PCN will be issued.

In cases where a driver/ registered keeper challenges the issue of a PCN as they were loading and unloading or involved in a delivery or collection, either at the informal challenge or representations stage, they should, wherever possible include documentary evidence to support their claim. This can include paperwork such as:

- Signed delivery/collection notes
- Delivery round records
- Till receipts (in the case of personal purchases of heavy/bulky goods)

It should be noted that, except in exceptional circumstances, loading and unloading does not include the picking up or dropping off shopping.

Loading and unloading is not permitted –

- At bus stops that are subject to Bus stop clearway restrictions, taxi ranks, in disabled bays, on clearways where stopping is prohibited, in doctor, hospital, ambulance and Police bays.
- Where kerb markings indicate that a loading ban is in place – double yellow kerb markings permanent loading ban (no signage required) single yellow kerb markings – sign plate required indicating days/times of loading ban.
- On mandatory school keep clear markings “zig-zags”, Pedestrian crossings and “zig-zags”

In these cases, an instant PCN can be issued

### **Lost Keys**

Where it is claimed that car keys have been lost, stolen or locked in a car, thus preventing removal of the car from a parking area, which in turn resulted in the issue of a PCN, the Council will consider the cancellation of the PCN if the driver/ registered keeper of the vehicle supplies details supporting evidence such as confirmation of attendance of

- the Police
- motoring organisations, or,
- a garage to give assistance.

Parking will still need to be paid for in a pay and display area and exemptions can be made for maximum stays. In all cases, it is expected that the driver contacts the Council and remove the vehicle within a reasonable period, usually 24 hours. If removal has taken longer than this the reasons for the delay should be explained and each case will be considered on its own merits.

### **Misspelling of Registered Keeper / Owners' name / Incorrect Address**

The misspelling of the registered keeper / owners' name and/or address on the NtO does not invalidate it or discharge the liability of the person receiving it. As the name and address is, in most cases, obtained from the DVLA as supplied by the registered keeper / owner themselves and it is incumbent upon the registered keeper / owner to ensure that these are correct. Therefore, the onus is still on the registered keeper / owner to deal with the matter.

It is also the registered keeper / owner's responsibility to update the DVLA when they move and register their vehicle to the new address. (this is separate to changing an address on their driving licence)

### **Mitigating Circumstances**

Each case will be treated on its individual merits and particular circumstances are referred to elsewhere within this document. The following guidelines also apply:

#### **Children/elderly people –**

Claims are sometimes made that driver accompanied by young children or elderly people, were delayed because of them. Again, this will not normally be considered as a reason to cancel a PCN because drivers should allow for this when parking.

For example, parking in limited wait bays (free) or purchasing parking time or when choosing to park in a short stay/ maximum stay pay and display bay/car park.

Wherever possible any such claims should be supported by independent evidence.

### **Emergencies**

An emergency is an unforeseen situation that prevented the driver from moving their vehicle. They are frequently of a medical nature, however, can include a variety of situations where the driver could not have reasonably foreseen or prevented the situation and each will be dealt with according to the individual circumstances. Toilet visits - Claims that the driver or passenger had to visit a toilet will not normally result in the cancellation of a PCN unless there is evidence that a medical condition necessitated such a visit.

Wherever possible any such claims should be supported by independent evidence.

### **Schools**

Claims that PCNs issued whilst children were being dropped-off or collected from schools etc., will not normally be cancelled unless a reasonable amount of time was not allowed by the CEO.

Wherever possible any such claims should be supported by independent evidence.

### **Motorhome” (includes “Campervan”, “Caravanette”, “Motorcaravan”)**

Under the council's The Dorset Council (Off-Street Parking Places) (Consolidation) Order 2022 the definition of Motorhome means “a vehicle constructed or adapted to include living accommodation which contains at least the following equipment:

- Seats and table
- Sleeping accommodation which may be converted from seats.
- Cooking facilities
- Storage facilities

This equipment shall be rigidly fixed to the living compartment; however, the table may be designed to be easily removable.”

The Council will not normally cancel a PCN where the vehicle is of the wrong class to have parked in the car park.

### **Motorcycles (solo)**

Motorcycles and scooters are legally defined as powered two wheeled vehicles and there are several options for parking. Motorcycles are NOT exempt from payment either on or off-street and time limits in pay and display and in resident bays. Off-Street car parks provided designated areas/motorcycles bay are provided these are normally free of charge, however, check the tariff boards for the most up to date information.



The Council encourages permit holders with motorcycles to park at right angles to the kerb in order to maximise space in the permit bay, but this is not compulsory and cannot be enforced.

Motorcycles may not park on yellow lines, on the footway, at dropped kerbs marked with a yellow or white line, in bus lanes, or on the pavement. The pavement is defined as an area over which pedestrians have the right of access.

Motorcycles may only park on the pavement if the area concerned is private property, and in these cases the area should be separated from the remainder of the pavement by bollards indicating that this part of the pavement is private land.

Motorcyclists parked in a pay and display car space are advised to use the cashless parking facility, in the event a pay and display ticket is purchased they are advised to take a photograph using their mobile phone of the vehicle displaying the ticket in case it is removed or displaced and a PCN is issued.

If a motorcycle is parked with a cover over it and this is obscuring the number plate, a CEO is permitted to lift the cover to assist enforcement. The CEO must not cause any damage to the vehicle.

### **Out of Marked Bay**

Being out of a marked bay is defined as one or more wheels clearly outside the markings of a bay or in areas of the car park that are not suitable for parking. The Council will not normally cancel a PCN issued in these circumstances.

### **Passengers (Dropping Off or Picking Up)**

Except on designated clearways, school restrictions, pedestrian crossings, bus stops, bus lanes, Taxi Ranks and other designated vehicle bays. A vehicle is allowed a reasonable amount of time to drop-off or pick up passengers irrespective of any waiting or loading restriction in force. There is no time restriction on how long this may take, but it must be completed as soon as reasonably possible. The time taken can differ according to the circumstances.

Generally, such consideration will extend to:

- Allowing sufficient time to enable the driver to make their presence known to the passenger(s).
- Allow sufficient time to assist the passenger(s) between the vehicle and their home(s), bearing in mind that they may be elderly, infirm, disabled or unwell. This may well involve sufficient time to ensure that the passenger is comfortably settled within their home before the driver leaves.

Therefore, should a driver/ registered keeper dispute the issue of a PCN claiming that they were dropping off or picking up passengers they should endeavour to supply as much relevant information as possible to support their claim.

### **Pay and Display Machines**

Pay and Display machines are checked daily to ensure they are working correctly and on each occasion a CEO enters a street or car park where pay and display machines are located, they will check to ensure the machines are working correctly before issuing PCNs.

Where a claim is made that a machine is not working, the CEO's notes will be checked. If it is confirmed that the machine was not working at the time, then consideration will be given to cancelling the PCN.

It should be noted however, that if a driver / registered keeper parks in an area and a machine appears to not work, if there is an alternative machine in working order in the close vicinity, then it is reasonable to expect that the driver use this machine. Where there is a cashless parking option available, drivers can reasonably be expected to use their mobile phone to purchase parking time or to seek alternative parking.

### **Pay and Display Tickets**

Most car parks operate as pay and display and there are pay and display parking bays on street. Pay and display requires the purchase of a ticket at the time of parking for the amount of parking time required. All tickets display the ticket machine number, expiry date and time along with the fee paid and a unique serial number. In car parks, the car park fee tariff is clearly displayed adjacent to each machine. On street, the tariff is displayed on the machine itself.

Pay and display tickets must be:

- Clearly displayed face-up in the front windscreen whilst the vehicle is parked.
- For the appropriate day (as displayed on the ticket).
- Un-expired.
- For the car park, or street, indicated.
- 

PCNs may be issued for:

- Failing to display a valid ticket.
- Displaying a ticket that has expired.

It is the driver's responsibility to ensure the pay and display ticket is correctly displayed in the windscreen of their vehicle prior to leaving the area, however, the council will consider cancellation of a PCN issued for failing to display a pay and display ticket if a ticket produced with an appeal was valid at the time of the contravention.

However, some drivers may make a mistake in using the machine, and if a vehicle is displaying two pay and display tickets (both for the same day), a PCN should not be issued. In these cases, the total amount of time shown on the pay and display tickets (and /or phone payment) will be allowed if not exceeding a maximum stay, i.e. if both pay & display tickets/phone payments show that 30 minutes parking time has been purchased on each ticket/payment, the driver will be allowed one hour's parking.

It should be noted that the law does not allow drivers to leave their vehicle parked to get change for the meter/machine and the driver should have adequate change to pay for their parking time at the time of parking. Therefore, challenges or representations made on the grounds that the driver had gone for change will not normally be accepted.

### **Payment by Phone**

The Council operate pay and display in car parks and on street. This parking requires the purchase of a ticket at the time of parking for the amount of parking time required. Where payment by phone is available the instructions for how to pay are advertised along with location codes for the correct location.

It is the motorist's responsibility to ensure the following:

- The correct vehicle registration (VRM) is used.
- The correct car park / on-street location code is used.
- to make sure that the transaction is complete before leaving the vehicle unattended.

Where a valid parking session has not been purchased or completed, the PCN will not normally be cancelled.

### **Pedestrian Crossings**

The Council has zero tolerance to parking on Pedestrian Crossings or the keep clear zig-zags. CEOs will attempt to move any vehicle seen parking on a crossing or the zig-zags, if the driver present. Otherwise, they will issue a PCN immediately. The Police may also enforce this contravention through the issue of a Fixed Penalty Notice and an endorsement on the driver's licence. The Council will not normally cancel a PCN issued in these circumstances.

If a Fixed Penalty Notice is issued for this contravention, it will take precedence over the PCN as it is a criminal matter.

### **Penalty Charge Rate**

The PCN rate has been set at £70.00 or £50.00 for both on and off-street contraventions. This differential penalty charge has been introduced so that lesser contraventions (usually where parking is normally permitted) carry a lower charge, but more serious contraventions (usually where parking is prohibited) carry a higher charge. Please see [Appendix A](#) for a full list of contraventions with their rates.

If paid within 14 days of issue the PCN rate is discounted by 50% to £35 or £25 respectively and payment of this amount will be accepted in full settlement.

Should the CEO be prevented from affixing the PCN to the vehicle or handing it to the driver, provision has now been made in law for the Council to obtain the name and address of the registered keeper from DVLA and serve the PCN by post. In this case the discount period is extended to 21 days after the PCN has been issued.

### **Permits**

Both physical and virtual permits are available to purchase from the council. These permits are valid in either car parks or on-street (resident zones). Virtual permits will be available for the CEOs to check on their handheld devices. Permit holders must ensure that the correct registration number is showing on their permit where applicable.

Physical Permits must be:

- Clearly displayed in the front windscreen whilst the vehicle is parked.
- For the correct vehicle (as displayed on the permit).
- Un-expired.
- For the car park or street (as indicated on accompanying signage)

Virtual Permits must be:

- For the correct vehicle (as registered to the permit account).
- Un-expired.
- For the car park or street (as indicated on accompanying signage)

PCNs may be issued for:

- Failing to display a valid permit.
- Displaying a permit that has expired.
- Failing to have a valid virtual permit to check
- Failing to activate a valid session

Residents On-street Parking Zones:

Residents need to register with the “virtual permit” supplier. Once their eligibility has been verified, Residents can purchase virtual and visitors permits online.

A blue badge holder, who is also a resident in a permit scheme area, should also apply for a resident permit which will be issued free of charge.

Motorcycles are not exempt from the virtual scheme and will need to purchase a resident permit or activate a valid visitors permit.

It is the driver’s responsibility to ensure the permit is correctly displayed in the windscreen of their vehicle, having a valid virtual permit or activating a valid session prior to leaving the area, however, the council will consider cancellation of a PCN issued, providing details of a valid permit (physical or virtual) is produced with the appeal, confirming the permit was valid at the time of the contravention.

### **Photographs**

Photographs are **not** a legal requirement. However, in an effort to ensure that the PCN has been correctly issued, and to assist the Council and the vehicle driver / registered keeper when a challenge or formal representation is received, CEOs are required to take several photographs of the vehicle at the location when the PCN is issued.

Photographs are taken to show the position of the vehicle and further photos will be taken by the CEO that they deem appropriate as evidence. They will also show the PCN affixed to the vehicle.

When any challenge or formal representations are received these photographs will be examined in order to assist the Council reach its decision and, should the matter proceed to an appeal to the Adjudicator, be produced as evidence at any appeal.

## **Plumbers, Electricians, Gas Fitters and other Tradespeople**

The normal exemptions for loading and unloading apply to tradespersons carrying out work or repairs on private premises. However, in some cases a tradesperson will be attending what is classed as an emergency.

It should be noted that an emergency is considered to last as long as it takes to make the premises safe, i.e. turn off the main supply.

In cases of loading and unloading, and in an emergency, the tradesperson is expected to move the vehicle to a permitted parking place after the exempt activity has ceased and before any subsequent repairs are undertaken.

There is no exemption for tradespersons to have their vehicle parked in contravention purely to have their vehicle readily available to move goods or tools from it throughout the day.

There is a [waiver scheme](#) available please see [Tradesperson's Waiver](#) for more details. Wherever possible any claim by a driver / registered keeper of a vehicle that they were loading or unloading, or attending an emergency, should be supported with some form of documentary evidence.

## **Private Property**

Parking restrictions placed on private property are not the concern of Dorset Council and are outside the scope of its enforcement operation. Private landlords, residents etc. can impose any reasonable restriction on their own property i.e. the need for permits etc.

Enforcement of such restrictions is also their responsibility although it may be subcontracted to other companies. Dorset Council are unable to deal with any queries in respect of parking tickets issued on private property.

## **Restricted Hours**

The hours during which restrictions are in force may vary. But will always be signed appropriately if not enforced 24/7. Example of restrictions that may not be 24/7:

**Bus stop** - Marked by a yellow bay together with a thick yellow bar through the back of the bay and indicated on adjacent sign. "Bus Stop" is written in the bay.

**Designated loading bays** - Marked by white lines and indicated on adjacent sign(s). "Loading only" is written alongside the bay.

Where a PCN is issued to a vehicle parked in contravention of a restriction' cancellation will not normally be considered unless the driver / registered keeper of the vehicle is able to demonstrate that an exemption to the restrictions applied at the time of parking or that there were extenuating mitigating circumstances.

### **School Keep Clear Markings**

Zig-zag markings outside of schools are installed for the protection of the children and are marked with yellow zig-zag line and the words 'SCHOOL KEEP CLEAR' on the road with a time plate displaying the times of restriction nearby.

Any vehicle parked in this restricted area, during the times shown on the plate, may be issued with a PCN and this will not normally be cancelled.

### **Taxi Ranks**

Taxi Ranks are parking bays designated for the use of taxis licensed by Dorset Council and are marked on the road with the wording 'Taxis' and a sign nearby showing the hours the rank is in force. Other vehicles are not permitted to park in these bays.

Any vehicle parked within the markings of a Taxi Rank during the hours shown on the sign, other than a licensed taxi, may be issued with an instant PCN which will not normally be cancelled. If a taxi is left unattended for any length of time, it may also receive a PCN as parking on a Rank means that it is available for trade.

### **Tradesperson's Waiver**

Residents or businesses may apply for a waiver which allow a vehicle to park on a yellow line or in a restricted parking bay for a limited period only. The vehicle will be issued with a reference number that should be displayed in the windscreen of the vehicle parked. CEOs will issue a PCN to any vehicle not complying with the terms of the waiver scheme.

The scheme allows tradespersons to park their vehicles close to the site where they are working if they need their vehicles to carry out their work subject to the restrictions at the location. However, CEOs have the power to rescind a waiver or move a vehicle, if the vehicle's location is or starts to cause an obstruction, based on the evidence available at the time.

A waiver can should be applied for on-line [Tradesperson parking waiver - Dorset Council](#). You will need to explain the nature of the work, giving the exact location and registration number of the vehicle. Payment will be required by debit/credit card on that day. Waivers will not be issued without payment.

When considering any challenge or representation made in these circumstances' notes made by the CEO will be checked and the challenge/representation should be accompanied by some form of supporting evidence wherever possible.

### **Unauthorised Movement of a Vehicle**

Where a challenge or formal representation is received claiming that a vehicle was moved without the authority of the registered keeper the PCN will not normally be cancelled unless there is clear evidence that an unauthorised person has moved a vehicle.

Unknown use of a vehicle by another family member or a friend is difficult to substantiate and under these circumstances the PCN will not normally be cancelled unless it can be demonstrated that the matter was reported to the Police before or just after the issue of

the PCN or that the registered keeper had expressly refused permission for the other party to use the vehicle.

In cases where it is alleged that the vehicle was stolen confirmation from the Police that the vehicle was reported stolen including the date (and time) and the relative crime reference number will be required before cancellation will be considered.

### **Utilities**

See [Exempt vehicles](#)

### **Vehicle not at Scene (cloned vehicles)**

In cases where the keeper of a vehicle receives a NtO and claims that their vehicle was not parked in the area at the time the PCN was issued, cancellation will not normally be considered unless they supply a photograph, a crime reference number and documentation to confirm the make and colour of the vehicle. If the details supplied by the keeper do not match those recorded by the CEO, then the PCN will be cancelled (It may have been a “cloned” vehicle).

### **Yellow lines**

Double yellow lines do not require signs and can be enforced 24 hours a day, 7 days a week. Single yellow lines require signs to indicate when the “no waiting” restriction applies.

See also [Disabled Drivers/Passengers](#); [Lines / Signs / Markings](#) or [Loading / Unloading](#)

### **Wedding Cars**

See [Funerals & Weddings](#)

## APPENDIX A

### CONTRAVENTION CODES AND DESCRIPTIONS

The following contravention codes and descriptions are the standard contraventions that are currently in use, although not all contraventions will apply in Dorset. A PCN will show the code number and the code description as shown below.

There are two levels of charges applicable, as shown in the column 'Differential level'. The higher level is used for contraventions that are considered more serious, such as parking on yellow lines or school zig-zags, whilst the lower level is used for less serious contraventions, such as overstaying the time purchased at a pay and display bay on street or in a car park. The two levels of charges in use in Dorset are currently £70 (higher) and £50 (lower).

#### Standard PCN Codes v7

##### On-Street

	Description	Differential level	Notes
01	Parked in a restricted street during prescribed hours	Higher	
02	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	Higher	
04	Parked in a meter bay when penalty time is indicated	Lower	N/A to Dorset Council
05	Parked after the expiry of paid for time	Lower	(p) 10 minutes observation time
06	Parked without clearly displaying a valid pay & display ticket or voucher	Lower	(p)
07	Parked with payment made to extend the stay beyond initial time	Lower	'meter feeding'
08	Parked at an out-of-order meter during controlled hours	Lower	N/A to Dorset Council
09	Parked displaying multiple pay & display tickets where prohibited	Lower	
10	Parked without clearly displaying "two" valid pay and display tickets when required	Lower	"two" may be varied to another number or "multiple"
11	Parked without payment of the parking charge	Lower	
12	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	Parked in an electric vehicles' charging place during restricted hours without charging	Higher	
16	Parked in a permit space or zone without a valid virtual permit or clearly displaying a valid physical permit where required	Higher	



18	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher	
19	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	Parked in a part of a parking place marked by a yellow line where waiting is prohibited	Higher	N/A to Dorset Council
21	Parked wholly or partly in a suspended bay or space	Higher	
22	Re-parked in the same parking place or zone within "one hour" of leaving	Lower	"one hour" may be varied to another time period or "the
23	Parked in a parking place or area not designated for that class of vehicle	Higher	
24	Not parked correctly within the markings of the bay or space	Lower	
25	Parked in a loading place or bay during restricted hours without loading	Higher	
26	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	Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway	Higher	
28	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	Failing to comply with a one-way restriction	n/a	N/A to Dorset Council
30	Parked for longer than permitted	Lower	
31	Entering and stopping in a box junction when prohibited	n/a	N/A to Dorset Council
32	Failing to drive in the direction shown by the arrow on a blue sign	n/a	N/A to Dorset Council
33	Using a route restricted to certain vehicles	n/a	N/A to Dorset Council
34	Being in a bus lane	n/a	N/A to Dorset Council
35	Parked in a disc parking place without clearly displaying a valid disc	Lower	N/A to Dorset Council
36	Being in a mandatory cycle lane	Lower	N/A to Dorset Council
37	Failing to give way to oncoming vehicles	n/a	N/A to Dorset Council
38	Failing to comply with a sign indicating that vehicular traffic must pass to the specified side of the sign	n/a	N/A to Dorset Council
40	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher	
41	Stopped in a parking place designated for diplomatic vehicles	Higher	N/A to Dorset Council
42	Parked in a parking place designated for police vehicles	Higher	
43	Stopped on a cycle docking station parking place	Higher	
45	Stopped on a taxi rank	Higher	

46	Stopped where prohibited (on a red route or clearway)	Higher	
47	Stopped on a restricted bus stop or stand	Higher	
48	Stopped in a restricted area outside a school, a hospital or a fire, police or ambulance station when prohibited	Higher	
49	Parked wholly or partly on a cycle track or lane	Higher	
50	Performing a prohibited turn	n/a	N/A to Dorset Council
51	Failing to comply with a no entry restriction	n/a	N/A to Dorset Council
52	Failing to comply with a prohibition on certain types of vehicle	n/a	N/A to Dorset Council
53	Failing to comply with a restriction on vehicles entering a pedestrian zone	n/a	N/A to Dorset Council
54	Failing to comply with a restriction on vehicles entering and waiting in a pedestrian zone	n/a	N/A to Dorset Council
55	A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban	Higher	N/A to Dorset Council
56	Parked in contravention of a commercial vehicle waiting restriction	Higher	N/A to Dorset Council
57	Parked in contravention of a bus ban	Higher	N/A to Dorset Council
58	Using a vehicle on a restricted street during prescribed hours without a valid permit	n/a	N/A to Dorset Council
59	Using a vehicle on a restricted street during prescribed hours in breach of permit conditions	n/a	N/A to Dorset Council
61	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	Higher	
62	Parked with one or more wheels on or over a footpath or any part of a road other than a carriageway	Higher	N/A to Dorset Council
63	Parked with engine running where prohibited	Lower	N/A to Dorset Council
99	Stopped on a pedestrian crossing or crossing area marked by zigzags	Higher	

### **Off-Street**

70	Parked in a loading place or bay during restricted hours without loading	Higher	
71	Parked in an electric vehicles' charging place during restricted hours without charging	Higher	
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	
78	Parked wholly or partly in a suspended bay or space		
80	Parked for longer than permitted	Lower	
81	Parked in a restricted area in an off-street car park or housing estate	Higher	
82	Parked after the expiry of paid for time	Lower	10 minutes observation time
83	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	Lower	

84	Parked with payment made to extend the stay beyond initial time	Lower	
85	Parked without a valid virtual permit or clearly displaying a valid physical permit where required	Higher	
86	Not parked correctly within the markings of a bay or space	Lower	
87	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher	
89	Vehicle parked exceeds maximum weight or height or length permitted	Higher	N/A to Dorset Council
90	Re-parked in the same car park within "one hour" after leaving	Lower	"one hour" may be varied to another time period or "the prescribed time period"
91	Parked in a car park or area not designated for that class of vehicle	Higher	(c) (g)
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	"two" may be varied to another number or "multiple"
95	Parked in a parking place for a purpose other than that designated	Lower	None
96	Parked with engine running where prohibited	Lower	None

**General suffixes: –**

a) permit holder only electric vehicle charging bay b) business bay c) buses only d) doctor's bay e) car club bay f) free parking bay g) motorcycle bay h) hospital bay i) wrong type of voucher j) camera enforcement k) ambulance bay l) loading place	m) parking meter n) red route o) blue badge holder p) pay & display q) market traders' bay r) residents' bay s) shared use bay t) voucher/P&D ticket used in permit bay u) electronic payment v) voucher w) e-scooter bay x) disabled bay y) electric solo motorcycle bay
<b>Notes</b> 1. An "instant" PCN will always be issued in circumstances where the CEO concerned has evidence, other than a period of observation, which supports the action of issuing the PCN without observing the vehicle for a minimum period. 2. A PCN will be issued before the 10 minutes observation time, if the "paid for" time has already lapsed by 10 minutes or longer. A grace period will be given after the end of "paid for" time. 3. Motorists are not permitted to obtain change away from the immediate area of the P&D machine or car park. CEOs should observe queues at ticket machines and/or pedestrians who may be seeking change or returning to the vehicle in question, before issuing a PCN.	

## APPENDIX B

### Useful Links

[Appyway Streets](#) shows the on-street restrictions under the relevant Traffic Regulation Orders (TRO)

Blue Badge Scheme - [The Blue Badge scheme: rights and responsibilities in England - GOV.UK \(www.gov.uk\)](#)

Civil Enforcement Policy – Parking policy Part I

Citizens Advice: <https://www.citizensadvice.org.uk/>

[Dorset Explorer](#) – <https://explorer.geowessex.com>

PATROL (Parking and Traffic Regulations Outside of London) - <https://www.patrol-uk.info/>

[Parking privacy notice - Dorset Council](#)

Parking Standards - [Car and cycle parking standards - Dorset Council](#)

Parking Webpages - [Parking - Dorset Council](#)

The Dorset Council (Off-Street Parking Places) (Consolidation) Order 2022

Traffic Enforcement Centre - [Traffic Enforcement Centre \(TEC\) - Find a Court or Tribunal - GOV.UK \(find-court-tribunal.service.gov.uk\)](#)

Traffic Penalty Tribunal - <https://www.trafficpenaltytribunal.gov.uk/>