

Ref. No.	PL/PA/5
Category:	
People	
Place	Yes
Corporate	
In Constitution	

## Penalty Charge Notice (PCN) Cancellation Policy (East Dorset District Council)

### Policy Details

What is this policy for?	To set out the reasons why a Penalty Charge Notice (PCN) would be cancelled.
Who does this policy affect?	Local residents, businesses, Ambulance Service, Doctors/Nurses, Fire and Rescue Service, Police Officers, Post Office vehicles, Utility Companies
Keywords	
Author	Christchurch and East Dorset Councils
Does this policy relate to any laws?	
Is this policy linked to any other Dorset Council policies?	
Equality Impact Assessment (EqIA)	A new EqIA will be completed when the policy is reviewed before April 2021
Other Impact Assessments	

### Status and Approvals

Status	Live	Version	
Last review date	19 May 2016	Next review date	To be confirmed
Approved by (Senior Officer/Director)		Date approved	
Member/ Partnership Board Approval	Christchurch and East Dorset Councils	Date approved	

## PCN Cancellation Criteria

<b>Circumstances</b>	<b>Evidence Required</b>	<b>Factors to Consider</b>	<b>Decision</b>	<b>Notes</b>	<b>Code</b>
<b>1.Ambulance</b>	Letter from the ambulance service, on headed paper, confirming vehicle was on official duties.		Cancel, unless the CEO's notes confirm that the vehicle was not on official duties.	Ambulances have an exemption whilst on official duties.	<b>529</b>
<b>2.Arrest</b>	Confirmation that driver was arrested or imprisoned after a court hearing.		Cancel unless arrest is due to drink or drug driving.	If the vehicle has been there for some time, check for other PCNs and cancel them too (as long as within dates specified in evidence).	<b>530</b>
<b>3.Enforcement Agents</b>	Confirmation that the Enforcement Agent has removed goods, e.g. timed list of goods or a warrant together with a report from the court or police.	<i>Check that Enforcement Agent was actually removing goods at the time and not just making a call on a debtor.</i>	Cancel	Enforcement Agents are covered under the loading provisions if they are removing goods	<b>531</b>
<b>4.Broken down</b>	In all cases, dated confirmation from garage on headed paper or receipt for parts, and/or	<i>Cancellation will depend on whether the breakdown was unforeseen or the result of poor maintenance</i>	Cancel	Where a driver submits multiple or regular claims, this needs to be taken into consideration.	<b>532</b>

<b><i>Circumstances</i></b>	<b><i>Evidence Required</i></b>	<b><i>Factors to Consider</i></b>	<b><i>Decision</i></b>	<b><i>Notes</i></b>	<b><i>Code</i></b>
<b>5.Broken down</b>	Breakdown service attendance sheet as appropriate.		Cancel		<b>532</b>
<b>5.1 Mechanical failure.</b>	Receipt of purchase for replacement parts relevant to breakdown		Cancel		<b>532</b>
<b>5.2 Breakdown service callout</b>	Evidence/Invoice from Breakdown Service.		Cancel only if breakdown service attended		<b>532</b>
<b>5.3 Flat battery or flat tyre</b>			Cancel only if breakdown service attended		<b>532</b>
<b>5.4 Overheating</b>			Do not cancel if caused by heavy traffic or hot weather.		<b>532</b>
<b>5.5 Ran out of fuel</b>			Do not cancel unless fuel gauge was faulty and driver did not know fuel was low.		<b>532</b>

<b>Circumstances</b>	<b>Evidence Required</b>	<b>Factors to Consider</b>	<b>Decision</b>	<b>Notes</b>	<b>Code</b>
<b>6.Builders / Tradesmen</b>	Proof of work being carried out on a property.		Cancel only if tools and materials were being unloaded / loaded at the time.	Tradesmen may park to load / unload but must move vehicle to park legally afterwards.	<b>544</b>
<b>7.Challenges / Representations accompanied by payment of PCN</b>	Not applicable.	<i>Consider case as usual.</i>	Depends on circumstances.	Payment will be banked and case put on hold until decision is made. If PCN is cancelled, a refund must be made.	
<b>8.Council Officers and Elected Members on duty</b>  <i>Using official marked or own vehicles</i>	Request from senior officer (not the driver concerned).		Cancel only if request is received, or an emergency arose. Do not cancel for normal duties or delays in meetings, etc.	Council officers and Members are expected to observe the parking regulations.	
<b>9.Delays</b> <i>Shops or banks or public transport</i>	Proof is required if the delay arose as a result of an emergency.		Do not cancel unless an emergency situation arose.	Delays are not usually unexpected.	
<b>10.Dental / Doctor appointments</b> <i>Delay in being seen or appointment taking longer than anticipated</i>	In all cases, a letter from doctor / dentist	<i>Whether the initial parking time purchased was sufficient to allow for any reasonable delays.</i>	Do not cancel		

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<b>11. Emergency arose during appointment</b>	In all cases, a letter from doctor / dentist		Cancel		<b>519</b>
<b>12. Discretion/Mitigation</b>	Depends upon the circumstances.	<i>Any mitigating circumstances must be considered in all cases.</i>		The Council has a legal duty to consider mitigation.	<b>533</b>
<b>13. Disabled drivers / passengers using disabled bays</b>  <b>13.1 Forgot to display badge</b> <b>Badge out of date</b> <b>Badge obscured</b>  <b>13.2 Foreign – non-EU disabled cards / badges</b>	Confirm that a valid badge was held (copy of badge, details).	<i>Drivers may not be aware that their disability badge is not valid in the UK / EU.</i>	<p><b><i>It is usual to cancel the first PCN and advise on the correct usage of the badge in future.</i></b></p> <p>This will not apply in beach car parks where badge holders may purposely omit to display their badges.</p> <p>Further PCNs are not usually cancelled, but each case will need to be treated on its own merits.</p>	<p>The blue badge scheme includes badge holders from other countries in Europe.</p> <p>Blue Badge holders can park in any bay.</p>	<b>503</b>

<b>Circumstances</b>	<b>Evidence Required</b>	<b>Factors to Consider</b>	<b>Decision</b>	<b>Notes</b>	<b>Code</b>
<b>13.3 Disabled driver or passenger requiring medical attention</b>	Proof of illness or disability.		Non-EU disabled badges (i.e. disabled badges / cards from US, Australia or other non-EU countries where we do not have reciprocal agreements). Blue Badge exemptions do not apply. When a PCN has been issued, cancellation will be considered if proof of illness or disability is provided.		<b>503</b>
<b>14. Doctors, District Nurses, Health Visitors</b> <i>Visiting patients – non-emergency</i>  <i>Emergency visits</i>  <i>District Nurses</i>  <i>Other health visitors</i>	Proof in form of a letter from doctor.		Do not cancel  Cancel  Do not cancel  Do not cancel	Advise driver / keeper of the Health Badge Scheme.	<b>534</b>

<b>Circumstances</b>	<b>Evidence Required</b>	<b>Factors to Consider</b>	<b>Decision</b>	<b>Notes</b>	<b>Code</b>
<b>15.Drink &amp; Drug Driving (arrested for)</b>	Not applicable.		Do not cancel		-
<b>16.Estate Agents</b>	None.		Do not cancel unless there is proof of an emergency which required attendance at the property.		-
<b>17.Exempt Vehicles</b> <i>Emergency vehicles</i> <i>Loading / unloading</i> <i>Statutory duties</i> <i>Delivery and collection of postal packets</i> <i>Disabled drivers</i>	Proof will depend on the exemption, but should be supplied in all instances. See specific category for further information.		Cancel if proof received		<b>529</b>
<b>18.Emergencies</b> <i>Child needing toilet</i> <i>Child being sick</i> <i>Driver sick</i> <i>Other emergency</i>	Proof may be sent but there is unlikely to be any proof	<i>Diabetics may need to leave the vehicle to order to inject insulin.</i>	Do not cancel. May cancel depending on circumstances and whether there was a genuine, unforeseen emergency.	To qualify for cancellation an emergency has to be unforeseen and therefore unpreventable. Toilet stops do not usually fall into this category.	<b>519</b>



<b>Circumstances</b>	<b>Evidence Required</b>	<b>Factors to Consider</b>	<b>Decision</b>	<b>Notes</b>	<b>Code</b>
<b>21.1 Other vehicles</b>			Cancel unless the vehicles were causing an obstruction	guests or mourners.	<b>520</b>
<b>22. Furniture removal vehicles</b>	Some form of documentary proof.		Cancel	Furniture removal vehicles have an exemption.	<b>521</b>
<b>23. Getting in / out of a vehicle</b> <i>Able-bodied</i>	The level of detail provided in the letter. Additional evidence is unlikely. There may be occasions when a driver has to help the person indoors and will therefore not be with the vehicle. Judgement is required if this is the case – you will need to decide whether it was reasonable for the driver to help the person indoors – some hospital drivers will be required to do this.	<i>If the vehicle was parked for 10 minutes or less.</i>	Cancel		<b>522</b>
<b>23.1 Disabled, elderly, infirm or with children, luggage or shopping</b>		<i>This may take longer than 10 minutes.</i>	Cancel		<b>523</b>

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<b>24.Glaziers</b>	Evidence that the vehicle was working at a property or loading / unloading glass.		Cancel for emergency works only. For planned works waivers must be paid for.	Vehicles need to be parked close to the premises as there are H & S issues involved with moving glass.	<b>524</b>
<b>25.Hire Agreements</b>	Copy of the agreement (not a computer print-out)		Do not accept representation unless the agreement contains all the required details.		
<b>26.Hospital Car Service</b>	Proof of date, time, pick-up, drop-off locations and ideally a description of the passenger (reason for transport).	<i>Driver will need to be away from vehicle to announce arrival and assist passenger.</i>	Cancel	This is a sensitive area as it involves elderly, infirm, disabled or unwell patients.	<b>537</b>
	Letter from hospital		Cancel for		

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<b>27.Hospital visits</b> <i>Emergency visits</i>  <i>Visiting people in hospital</i>  <i>Delays in appointments or treatment</i>	  Letter from hospital  Letter from hospital	  <i>Bear in mind these may be sensitive areas</i>	  emergency works only. Cancel only if emergency visit.  Do not cancel unless further treatment required.		<b>538</b>
<b>28.Loading / Unloading</b>  <i>Commercial delivery</i>  <i>One-off heavy goods</i>  <i>Money</i>  <i>Shopping</i>  <i>Moving house / flat</i>	  Delivery note, invoice, delivery round sheet. Ask for proof if you think it can be provided, e.g. receipt.	  All commercial deliveries require proof.	  In all cases only cancel if proof is provided.	  Adjudicators have held that domestic shopping is only covered if it is bulky or heavy – you will need proof of this. Commercial deliveries and collections can relate to any goods, there is no requirement for them to be heavy or bulky (multi-drops deliveries from DHL etc. would be exempt). Loading and unloading is not permitted in disabled bays	<b>545</b>
<b>29.Lost cars</b> <i>Driver forgotten where car is parked</i>	None required.		Do not cancel		

<b>Circumstances</b>	<b>Evidence Required</b>	<b>Factors to Consider</b>	<b>Decision</b>	<b>Notes</b>	<b>Code</b>
<b>30.Lost car keys</b>	Evidence that another set of keys was purchased or the breakdown service was called.	<i>If they have used a spare set of keys you will need to make a judgement.</i>	Cancel if evidence produced.		<b>539</b>
<b>31.Mis-spelling of keeper's name</b>	Evidence that the name was misspelled on NtO.	<i>The misspelling does not negate the responsibility of the vehicle owner.</i>	Do not cancel, although it may be advisable to send a new NtO in some circumstances.		-
<b>32.Mitigating Circumstances</b> <i>Stopped to use toilet</i>  <i>Delays due to children or elderly people</i>	Letter from doctor if there is a medical reason		Only cancel if there is a medical problem		<b>533</b>
<b>33.Pay and Display</b>					
<b>33.1Machine not working</b>	Machine maintenance records		Cancel if there was a fault		<b>541</b>
<b>33.2 Didn't return in time</b>	Ticket may be sent in		Only cancel if ticket expiry time is less than 10 minutes before PCN issue time		<b>506</b>
<b>33.3Forgot to display ticket</b>	Ticket may be sent in				



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<b>33.4 Ticket fell down Face down P&amp;D ticket</b>	Ticket may be sent in		Do not cancel Do not cancel Cancel on 1 <sup>st</sup> occasion if serial no. is correct and ticket is valid for time of PCN	Cancel on 1 <sup>st</sup> occasion if driver returns and show valid P&D ticket to CEO.	<b>506</b>
<b>33.5 Claims ticket displayed</b>	Ticket may be sent in	<i>Serial no. on back of P&amp;D ticket must match recorded by CEO in pocket book.</i>		In all cases, PCN may be cancelled due to mitigating circumstances.	<b>506</b>
<b>33.6 Went to get change bought more than one ticket</b>	Ticket may be sent in		Do not cancel unless proven Do not cancel Do not cancel unless both tickets were purchased at the same time (add 2 together work out expiry time) and the 2 times don't add up to more than the max time permitted at location. Do not cancel	If all coins do not register, 1 <sup>st</sup> ticket may not give enough time and driver may purchase a 2 <sup>nd</sup> ticket to make up the difference.	
<b>33.7 Feeding</b>					
<b>33.8 Returned within the no-return period</b>			Do not cancel		



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<b>37.Signs and Lines</b>  <i>No signs</i> <i>Didn't understand sign</i> <i>Line faint</i> <i>Line covered by leaves or snow</i>	May need a site check		Cancel if confirmed Do not cancel Cancel if line too faint to be seen properly. Cancel.		<b>542</b>
<b>38.Stolen Vehicles</b>	Claim reference number or insurance claim.	<i>Bear in mind that there may be other PCNs issued during the period and they will also need to be cancelled.</i>	Cancel	Crime details should be supplied as it is possible police will not confirm without them (data protection).	<b>526</b>
<b>39.Unauthorised movement of vehicle</b>	Letter from police confirming vehicle was stolen.		Cancel only if vehicle is stolen. Do not cancel if claim is that someone moved the vehicle and there is no evidence to confirm this.	If vehicle is stolen check for other PCNs and cancel these if within the period when vehicle missing.	<b>526</b>
<b>40.Utilities</b> <i>Gas</i> <i>Water</i> <i>Electricity</i> <i>Telecoms</i>	Letter of confirmation from senior manager confirming that there was an emergency.		Cancel		<b>527</b>

<b>Circumstances</b>	<b>Evidence Required</b>	<b>Factors to Consider</b>	<b>Decision</b>	<b>Notes</b>	<b>Code</b>
<b>41.Vehicle not at scene</b>	Proof that the vehicle was elsewhere at the time or that the details do not match those recorded by the CEO.	<i>If details do not match, vehicle may have been cloned.</i>	Cancel		<b>543</b>
<b>42.Wedding cars</b> <i>Wedding cars</i>  <i>Guests and other vehicles</i>		<i>Information for funeral also applies (see appropriate section).</i>	Cancel  Do not cancel		<b>528</b>

Updated 19/05/2016