

St Albans City & District Council

Parking Service

Civil Parking Enforcement

Penalty Charge Notice

Guidance Document and Cancellation Policy

Introduction

The provisions of the Traffic Management Act 2004 came into force on 1st April 2008 since when there has been two rates of penalty, £70.00 and £50.00 dependant on the severity of the contravention.

This document provides a general background into the considerations made in respect of cancellations to Penalty Charge Notices (PCNs). It should be noted that this policy has been devised as a tool for guidance purposes only, providing a general overview of the Council's policy, and that each case must be considered on its own merits, taking into account all of the evidence and circumstances relating to the contravention. Any omission of a particular claim made by an individual will be considered in accordance with the principles of this document and its intention of reasonableness and fairness.

It should be borne in mind that the objective of the Parking Service is to manage its road space effectively and keep the District free from congestion, obstruction and dangerously parked vehicles, ultimately, seeking 100% compliance by motorists and removing the need for PCNs to be served.

Therefore, it is hoped that motorists may use the information contained within this document as a tool to avoid incurring penalties when parking within St Albans City and District.

Policies continue to be subject to review and are updated accordingly.

Mitigation and Discretion

The Council may apply discretion to any mitigating circumstances presented at any stage of the PCN process and motorists are not restricted to raising mitigation only at the stage of formal representations. However, the general guidelines that apply to the decision making process of cancelling or upholding PCNs are contained within this document and discretion will only be applied where there are compelling grounds to do so.

Discretion will be exercised with proper consideration taking into account all of the individual circumstances put forward.

It is not intended that this document acts as a definitive example of what action is taken in all circumstances. The duty of a Council Officer to use discretion may take precedence over any guidance given in this document if the circumstances warrant exercise of that discretion.

Parking Attendants/Civil Enforcement Officers

Civil Enforcement Officers (CEOs), formerly known as Parking Attendants (PAs), do not have any discretion in circumstances where they observe a vehicle parked in contravention of this policy and must serve a PCN on all occasions. Not to do so is likely to bring both their impartiality and the integrity of the service into question. Any notes displayed within a vehicle will be recorded but are unlikely to prevent the service of a penalty.

It is also important to note that a CEO cannot cancel a penalty once it has been served. This avoids any claims of inconsistency, favouritism or suspicion of bribery. All challenges must be made in writing to the Council either at the address printed on the reverse of the penalty or online at;

. <https://live.esd.ce.civicahosting.co.uk/stalbans/>

For reasons of health and safety CEO's must not enter premises or divulge any personal information but can be identified from their unique epaulette number, worn prominently on their uniform and upon request their identity badge. Their unique number is also recorded on any penalty that they serve.

Payment of any PCN **MUST** never be made directly to a CEO.

All CEO's are salaried staff and it is an express condition of the parking enforcement contract that staff do not receive any bonus or commission in relation to the PCNs that they serve, nor do they work to any form of ticket target regime.

Local Authority Councillors

Local Authority Councillors must not in any circumstances, play a part in deciding the outcome of individual challenges or representations in respect of penalties.

Councillors will review the parking representations policy, particularly in the area of discretion to ensure consistency with published policies.

Councillors can act in the role of an "advocate", any correspondence must also be sent to the Council as required.

Observation Periods

The Council has adopted a policy of allowing set observation periods in relation to some contraventions in an attempt to ensure that motorists are not

unfairly penalised when they may be conducting some form of genuine and permitted operation, such as loading and unloading. These observation times are pre-set into the Enforcement Officers hand-held computers and PCNs should not be generated until the observation period has elapsed.

However, some contraventions may have potentially serious consequences or there may be a need to protect the bays for designated users, such as, blue badge holders, in these instances a PCN may be served instantly.

Observation times are not a legal requirement and are entirely at the discretion of the Council.

Challenging Penalty Charge Notices and Evidence

Challenges

Parking Legislation provides a period of 14 days, beginning with the date of service of a PCN, whereby a PCN can be paid at a 50% reduction of the full sum due. During this period the driver or registered keeper is permitted to make a challenge against the PCN giving reasons why they believe that the penalty should be cancelled.

Upon receipt of the challenge the case will be placed on hold and the Council will aim to respond within 14 days stating whether the case has been cancelled or upheld. If the case is upheld, you will then be given a further 14 days to make payment. The Council will also provide you with details on how you can contest the matter further if you do not agree with our decision.

NOTE: DO NOT PAY A PENALTY IF YOU WISH TO CONTEST IT.

Statutory Representations

In accordance with the Parking Legislation a Notice to Owner (NTO) will be forwarded to the registered keeper of a vehicle in the event that the PCN is unpaid after 28 days. If the owner claims that they did not receive the original PCN, the discount may still be offered at the Councils' discretion, if paid within 14 days.

The NTO provides the registered keeper an opportunity to contest the penalty by making formal representations against its service.

There are a number of grounds upon which statutory representations can be made:

I was not the owner at the time of the alleged contravention

Possible claims:

- never owned the vehicle
- sold the vehicle prior to the contravention date
- became the owner of the vehicle after the contravention date

Council Policy:

- it must be established that the DVLA registered keeper was the owner of the vehicle at the time of the contravention or that any other legal or hire agreement transferring liability to the driver meets the legislative requirements
- further evidence may be required, which will be dependant upon the claim made. This may include a bill of sale, proof of purchase, DVLA registration documents or letter of confirmation, invoices, insurance documents or other similar supporting documentation.
- details of the person to whom the vehicle was sold or purchased from will be required
- representations will be accepted where it is established that the named keeper was not liable for the contravention – a new Notice to Owner will be generated addressed to the keeper that has been shown to be liable

The vehicle was parked by a person who was in control of it without my consent

Possible claims:

- the vehicle was stolen prior to the time and date of the contravention
- the vehicle was driven by a third party with or without the consent of the owner

Council Policy:

- it must be established that the vehicle had been reported as stolen prior to the contravention.
- further evidence will be required in the form of a verifiable Police crime reference number.
Representations are accepted where this claim is confirmed.
Representations are rejected in any other circumstance as liability remains with the DVLA registered keeper.

We are a hire firm and the person hiring the vehicle signed a statement accepting liability

Possible claims:

- the vehicle had been hired to an individual who had accepted liability for any Penalty Charge Notices incurred whilst the vehicle was in their possession.
- an employee is responsible for Penalty Charge Notices incurred in a company vehicle

Council Policy:

- liability in relation to the contravention must be established and a NTO forwarded to the responsible party
- the company must supply details of the hire agreement in accordance with the requirement of the Road Traffic (Owner Liability) Regulations 2000
- the company must supply a suitably completed statement of liability signed by the driver
- Representations will not be accepted in circumstances where these requirements have not been met.

The alleged contravention did not occur

Possible claims:

- the vehicle was not present at the time of the contravention
- that an exemption applied and no contravention was committed i.e. blue badge holder, loading/unloading, vehicle breakdown .
- defective lines/signs or equipment meant that the location was not enforceable
- no penalty was served to the vehicle

Council Policy:

- it must be established that the contravention did occur or the representation will be accepted.
- further evidence may be required which will be dependant upon the nature of the circumstances. This evidence may include copies of a valid road fund licence, blue badges, invoices, delivery notes or receipts, breakdown reports or any other similar supporting document.
- the Council will verify the validity of any documents presented and check all internal records in relation to any claim made including maintenance reports and site checks, if applicable.

The Penalty Charge exceeded the amount applicable in the circumstances of the case

Possible claims:

- the Penalty Charge Notice shows an incorrect sum due or payment in relation to an incorrect charging band

Council Policy:

- the correct sum due must be established and confirmation of the amount printed on the Penalty Charge Notice served.
- Representations will be accepted where it is confirmed that the incorrect sum due, has been stated.

The Civil Enforcement Officer was not prevented from serving the Penalty Charge Notice (the penalty was received in the post)

Council Policy - St Albans City and District Council do not currently serve penalties by post.

The Relevant Designation Order was invalid

Possible claims:

- the Traffic Regulation Order (TRO) does not support the location or contravention that the PCN refers to.
- the construction of the TRO is incorrect or the statutory process was not correctly applied

Council Policy:

- The TRO will be reviewed
- Representations will be accepted where it is established that the TRO does not support the service of a PCN at the specified location or against the type of vehicle to which the contravention relates.

There has been a procedural impropriety on behalf of the authority

Possible claims:

- the Council has failed to act in accordance with the conditions required upon them by the TMA 2004. This would include the service of documents within specified time periods, failure to adhere to specified time periods or the action of an unauthorised enforcement procedure

Council Policy:

- the matter must be reviewed to determine if a requirement of the TMA 2004 has been breached or an action taken that it is not permitted by the TMA 2004, whether within or outside specified time periods or involving the service of documents
- Representations will be accepted where it is established that the Council has failed to meet an obligation of the TMA 2004 or where action has been taken that it is beyond the Council's or its agents legal authority

The Penalty Charge Notice was paid, either in full or at the discounted rate within the discounted period

Possible claims:

- the PCN was paid; either in full or by payment at an applicable discounted rate in full and final settlement, in accordance with the terms of payment outlined by the PCN.

Council Policy:

- evidence may be required to support any claim that the penalty has been paid. This may include receipts, bank statements or any other such relevant documents.
- The Council will investigate all transactions, banking records and systems, both electronic and manual.
- Representations will be accepted where it is established that full payment was made in satisfaction of the total sum outstanding on the date that payment was received.

Any other information that you would like the Council to consider

It is the right of any motorist/vehicle owner who receives a Penalty Charge Notice to contest it by putting forward any mitigating circumstances that may not be applicable to one of the above statutory grounds.

It should be noted that there is no requirement to ensure that decisions made in respect of discretion are equal to all, only that the final decision of the Council is taken after applying full and due consideration to the individual merits of each case presented.

However, there are some reasons that are unlikely to be accepted and where discretion is difficult to apply, unless some other exceptional circumstance is relevant:

- a legal parking space could not be found or there was nowhere else to park
- only parked for a short time
- the restrictions are unfair

- I didn't understand the sign plate/restriction
- other vehicles did not receive a penalty
- not causing an obstruction and/or there were plenty of other spaces available for use
- ran out of petrol
- any other situation where the circumstances were within the motorists/owners control and could have lead to the avoidance of the penalty being served

It should also be noted that representation may not be made accepted where PCNs have previously been served in similar circumstances, which resulted in cancellation, unless some other exceptional circumstance is presented.

Charge Certificates

If no contact is made within 28 days of the service of the NTO a Charge Certificate is served which increases the amount due by 50% to £105.00 or £75.00 dependant upon the contravention.

Any challenges or representations recieved at this stage may be disregarded.

Appeals to Traffic Penalty Tribunal

In the event that the Council rejects your formal representation and you do not agree with our decision then you will have the opportunity to refer your case to the Traffic Penalty Tribunal.

Parking Legislation dictates that appeals can only be made to the Traffic Penalty Tribunal following rejection of NTO representations.

The Traffic Penalty Tribunal is an independent body and their decision is final although in some circumstances either the appellant or the Council may apply for a review of the decision made. This must be done within 14 days of the decision. For more information visit the Traffic Penalty Tribunal website www.trafficpenaltytribunal.gov.uk

The Council will again thoroughly review all stages of the notice processing procedure prior to forwarding documentation to the Traffic Penalty Tribunal.

Bailiff and Recovery

PCNs remaining unpaid 14 days after the service of a Charge Certificate will be sent to the Traffic Enforcement Centre (TEC) for registration of the debt.

An additional £7.00 registration fee will be paid to TEC, this is added to the amount payable by the keeper.

Where payment remains outstanding the Council will make a request to TEC for authorisation of a warrant of execution to allow bailiffs to pursue the debt on our behalf.

The maximum amount payable by the owner/driver if a PCN remains unpaid through to the issue of a warrant for execution therefore increases from the initial £70.00 or £50.00 to £112.00 or £82.00 dependant on the contravention.

Passing the debt to bailiffs will further increase this overall amount as they will seek to recover any costs they incur to pursue recovery.

The keeper must seek independant legal advice or make payment arrangements with the bailiff once the case has reached this stage because it is no longer possible to pay the Council directly.

Bailiff contact details: Hatwel Services 0845 .094 2876

Cancellations of PCNs will not be made at this stage.

Retrospective Evidence

There are some instances where the provision of evidence, that was not present at the time of the contravention, will not be accepted after the event. This will usually involve contraventions that require the display of visitor vouchers or blue badges.

CEOs are required to check all windows of a vehicle for the presence of any relevant Vouchers, Badges, Permits or Tickets. The CEO will record any relevant details in their pocket book and this will often be supported by photographic evidence.

Visitor Parking Permits & Parking Vouchers can be validated at any time and for this reason they will not be accepted where they are not shown to be present at the time of the contravention.

Blue badges are not vehicle specific and is unlikely to be accepted where they were not displayed at the time that the penalty was served..

All penalties contested in these instances are likely to be upheld.

Photographic Evidence

In the vast majority of cases the CEO will take photographs of a contravening vehicle following the service of a PCN. This procedure provides supporting evidence that enables Council Officers to fully evaluate if the PCN was served correctly and if a contravention occurred,, However, it should be noted that photographic evidence is not a legal requirement and the absence of photographs has no bearing on the validity of a PCN.

Cancellations will not be made solely on the basis that photographic evidence is not available.

Pocket-Book Evidence

The CEO is required to record all relevant details of the contravention and the vehicle subject to the PCN, including observation times and the presence of any permits or badges noted to be on display. Pocket-book notes are the primary evidence in support of the PCN and cancellations may be made where required information is omitted or incorrect.

Self-Written Evidence

There are some instances where self-written evidence will not be accepted and the circumstances must be verified by a third party. This may include properly documented invoices, delivery notes or confirmation letters on headed paper from employers or line managers in support of an individual contesting a PCN.

Cancellations are unlikely to be made unless sufficient requested evidence is provided.

Processing and Civil Enforcement Officer Errors

There are statutory requirements that a CEO must fulfil in order to serve a PCN correctly. Council staff will check the PCN process and make cancellations wherever it is evident that an error has occurred.

Concessions and Exemptions

Blue Badge Holders

The presence of a Blue Badge is not a license to park anywhere. Full details of the concessions are contained within the information book provided with each blue badge.

Blue badges should only be used in accordance with the terms & conditions of issue.

Where a disabled bay, (without a sign plate), is located within a controlled parking zone, blue badge holders cannot park within these bays unless they also display a valid resident permit. Consequently, blue badges provide no exemption within residents only parking bays but they may be used in shared use and pay and display bays without time limit.

Blue badge holders are entitled to park for up to 3 hours without charge in car parks owned by St Albans City and District Council and managed by NCP. The blue badge must be visibly displayed at all times alongside the clock and the clock set to the time of arrival, whilst in a pay and display car park.

Resident/Business Permit Holders

PCNs are not served where an expired residents/business permit of less than 14 days is on display. Reminder letters are sent out to resident /business permit holders as a matter of courtesy but it remains the responsibility of the resident or business proprietor to ensure that their permit is renewed upon its expiry.

Permit holders must ensure that their permit is correctly and clearly displayed allowing the CEO to verify its validity. New permit holders to help with the correct display of the permit are available from the Parking Shop free of charge upon request.

A parking permit does not guarantee a parking space and it is not permissible to park in contravention because a space could not be found or in any instance where a private off street facility could not be accessed.

Funerals and Weddings

Official vehicles of funerals and weddings are permitted to park in restricted areas close to the ceremonial location. Official vehicles are those directly involved in the ceremony such as hearses and official wedding limousines, however careful consideration should be given to other road users and pedestrians.

It is not possible to accommodate every vehicle that attends every ceremony and guests of these events must park in accordance with the restrictions.

Cancellations are unlikely to be made in relation to vehicles attending funerals or weddings if they are not subject to this exemption.

Schools

There are concessions in place around a number of schools within the Controlled Parking Zone (CPZ) allowing parents to drop off or collect children. All concessions have been agreed with the schools involved and information passed to parents accordingly.

PCNs are unlikely to be cancelled where vehicles are parked outside of concession times or in a location not agreed within the concession.

Vehicles should never park on school zig-zag markings during the hours of restriction and PCNs will be served instantly where vehicles are observed doing so. It should be noted that parking on zig-zigs can significantly jeopardise the safety of children and other road users and any challenge to such penalties will be considered with this factor in mind.

In controlled parking zones school zig-zag markings will often be accompanied by the presence of an underlying single yellow line. This line

will operate during the same times as the controlled parking zone hours, which are displayed on the zone entry signage. In some cases, supporting time plates may be present for additional clarity.

Traffic Order Exemptions

Some exemptions are made in relation to certain vehicles to allow necessary activities to take place whilst still controlling parking. Examples may be emergency service vehicles, refuse collections vehicles or statutory undertakings vehicles such as those used by utility services. This exemption includes vehicles under the control of a CEO performing enforcement activity on behalf of the council.

These vehicles must be engaged on official business to qualify for exemption and evidence will be requested in all cases where a penalty was served because no such activity was observed.

Cancellations are unlikely where it is shown that the vehicle was not involved in official business or a statutory duty.

Breakdown

Cancellations may be made where it is established that a PCN was incurred at a time when the vehicle had broken down.

The breakdown must be a legitimate reason that caused the owner to leave the vehicle parked in contravention, this does not include running out of petrol or some other avoidable reason.

CEO's will record any notes present within the vehicle but have no discretion not to serve a PCN, where the reason for breakdown is not clearly obvious.

Evidence will be required to substantiate any claim of breakdown, which can be in the form of recovery documentation, garage invoices, receipts for replacement parts or some other form of similar satisfactory evidence properly documented.

Parking Legislation has established that a breakdown is not a licence to leave the vehicle parked in contravention indefinitely and it must be removed within a reasonable period of time which is generally considered to be 24 hours.

Cancellations are likely to be made where evidence is supplied that satisfied the criteria of this exemption.

Emergencies

These are unforeseen circumstances, which prevented the owner or driver from moving the vehicle. This may be as a result of some serious medical condition or by some other circumstance beyond their control.

Evidence will be required to substantiate the circumstances put forward and cancellations will only be made where the claim is established.

Useful Information When Parking In St Albans City and District

- **Bank or Public Holidays**

Bank Holiday enforcement of double yellow lines and disabled bays takes place in St Albans City and District. In respect of other parking areas, if the restriction or requirement applies on a Sunday then enforcement will take place on a Bank or Public Holiday

- **Sundays**

St Albans City and District is subject to enforcement of yellow lines and disabled bays on Sundays. There are a number of residential areas where restrictions apply on a Sunday. The details are shown on adjacent sign plates.

Taxis should only wait in designated taxi ranks. Drivers must wait with their vehicle at all times. Waiting on yellow lines within the city centre is not permitted and taxis may only remain stationary to allow passengers to board and alight.

- **Visitor Parking Permits**

All Visitor Parking Permits outline clear instructions for correct validation. It is an essential requirement of the scheme that any tickets, permits, badges or vouchers relied upon are correctly completed and displayed prior to the motorist leaving their vehicle.

- **Motorcycles**

All motorcycles may make use of on-street and car park facilities without payment. Motorcycle bays are present in some car parks and residential streets. As available space is at a premium motor cyclists should use the relevant bay. All other restriction apply

- **Car Parks**

When making use of car parks it is important to check the signage to determine the terms and conditions of use because these will vary.

Always ensure that you only park within marked bays and only purchase one ticket to cover the entire duration of your stay. Pay attention to any signs indicating that a bay may be reserved for specific designated users such as blue badge holders or for specific events, i.e. Christmas Pantomime.

Blue badge holders should note that blue badge rules do not provide any exemptions from the terms and conditions of use of off street car parks.

- Health Care Permits

These permits are issued to some Doctors, Health Care Workers solely to enable attendance to patients that live within Controlled Parking Zones. They are not to be used for any other reason or at any other time and are only valid for up to 2 hours at any one time. Evidence will be required from a line manager to confirm that the driver was undertaking a professional visit at the time of the contravention.

Other Information that may be useful

Loading/Unloading

Parking Legislation and Practice has established rules on what is generally considered to constitute loading and unloading.

Loading/unloading does not provide an automatic exemption to the parking regulations and its application will be dependant upon the specific circumstances that apply. In all cases, the operation must be necessary, not simply convenient, and the loading/unloading must be continuous. As a result, any break in the operation will break the exemption and a Penalty Charge Notice may be served.. Once the goods have been loaded/unloaded the vehicle must be moved to a parking place.

There is no limit on the time that may be taken to load or unload goods but the time taken must be reasonable in light of the nature or quantity of items in question. Therefore, taking an hour to unload one chair from a vehicle is unlikely to fall within the intended purpose of the loading exemption. Equally, any item that may easily be carried by hand may also not qualify.

In order to ensure that motorists are not unfairly penalised in situations when genuine loading may be taking place, the Council provides a 6-minute observation period after the PCN has been served, whereby the CEO will observe the vehicle in order to determine if any signs of loading are apparent. The CEO who served the PCN will make full notes of any activity seen in relation to the vehicle in question. A photograph will be taken after the 6 minute observation period should the driver not return to the vehicle.

Residents within controlled parking zones are equally covered by this exemption, where they are seen to be loading within the above rules, however, a Visitor Parking Permit or a Parking Voucher, where applicable should be used if the vehicle is not covered by a relevant Permit and there is any doubt that the operation will not be continuous.

Removal vans that are engaged in the continuous operation of loading/unloading will not require a Visitor Parking Permit or other dispensations..

Motorists will be required to supply documented evidence on all occasions to support any assertion that loading/unloading was taking place at the time that a penalty was served. This may include invoices, delivery notes or receipts properly documented.

Cancellations will be considered where documentation is verified and the loading/unloading rules have been satisfied. Cancellations are unlikely to be made where the PCN has been served in a place where loading is prohibited.

Footway Parking

This is not currently enforceable outside of London unless a specific TRO is present and it will only be possible to serve PCNs to vehicles where vehicles are parked alongside a valid parking restriction. Parking restrictions run from the centre of the carriageway to any adjoining boundary. However, in all cases, motorists are advised to consider the safety of pedestrians using push chairs, wheelchairs and those who may be partially sighted or blind.

Obstruction

Legislation does not allow Local Authorities to serve PCNs to vehicles that are parked in an obstructive manner. This responsibility remains with the Police, who may issue Fixed Penalty Charge Notices or remove vehicles, if it is considered necessary.

White Access Markings

These markings have no legal basis and PCNs cannot be served to vehicles that park on them. However, they are often found within controlled parking zone resident bays, which require a resident's permit.

Parking Against a Dropped Footway

Where a vehicle parks on the carriageway next to a place where the footway, cycle track or verge has been lowered or raised to the level of the carriageway, a CEO may serve a PCN. A sign plate is not required for the purpose of serving a PCN against parking adjacent to a dropped footway as above

Double Parking

Double parking applies when a vehicle parks on any part of the carriageway and no part of the vehicle is within 50cm of the edge of the carriageway. If a vehicle parks more than 50cm from the edge of the carriageway and is not wholly within a marked parking place, a CEO may serve a PCN.

Evening Enforcement

Evening enforcement on yellow lines and in disabled bays takes place in St Albans City and District.

Signs and Lines

Signs and lines should conform to the statutory guidelines as laid out in the Traffic Signs and General Directions Regulations 2002, (as amended). Specific approval from the Department for Transport (DfT) must be obtained where the council wish to vary prescribed signage. There is no discretion in the use of signs and the DfT must approve all lines and signs before enforcement action can commence.

However, it should be noted that parking practice has established that council's are not obligated to maintain lines to a perfect condition at all times but it must be ensured that any line that restricts the motorist is clear enough to reasonably have made them aware that it was present and applicable.

Cancellations will only be considered where it is confirmed that a line or sign is so defective and/or does not conform to legislative standards, to the extent that the motorist could not reasonably have been expected to be aware that it applied and was enforceable.

Pay and Display Tickets

The motorist is responsible for ensuring that all pay and display tickets relied upon are correctly displayed, prior to leaving their vehicles unattended. PCNs will be served in circumstances where the validity of a pay and display ticket cannot be verified because it has been incorrectly displayed. However, cancellations may be made where a valid ticket is presented in evidence that corresponds to a face down pay and display ticket seen by the CEO within the vehicle at the time of the contravention. Cancellations are unlikely to be considered where a pay and display ticket is not seen or partially hidden.

PCNs can be avoided by ensuring the pay and display ticket is present on the dashboard after closing all doors and that it clearly shows the relevant expiry details.

Faulty Equipment

Where a pay and display machine appears to be out of order an alternative machine should be sought within the immediate area to allow payment to be made.

All machines bear a telephone number for reporting any fault encountered, **(Append No.)**. The details of the fault and your vehicle will be recorded and an engineer directed to the machine for repair.

A PCN will be considered for conciliation on the grounds that no alternative machine was available for use within the immediate area and/or where the details of the fault have been reported and verified by an engineer.

Glossary of terms

Some terms referred to may not be contained within this document but may be helpful in providing a greater understanding of the Penalty Charge Notice process and procedures.

<i>Adjudication</i>	statutory stage of the PCN process, which allows the motorist/owner to make an appeal to the independent Parking Adjudicator, Traffic Penalty Tribunal.
<i>Bailiff Fee's</i>	charges levied by a bailiff to recover the costs they incur in pursuing recovery of debts.
<i>Cancellation</i>	action taken by the Council to cancel a PCN
<i>Certificated bailiff</i>	a bailiff authorised to recover parking debt.
<i>Charge Certificate</i>	notice served by the Council to the registered keeper who has received a Notice to Owner (NTO) to which they have failed to respond within 28 days.
<i>Civil Enforcement Officer (CEO)</i>	officer engaged by the Council to issue PCNs.
<i>Civil Enforcement Area</i>	area approved by the Secretary of State for Transport within which the enforcement of most parking controls has been decriminalised and where enforcement is undertaken by the Local Authority. Formerly known as a Special Parking Area
<i>Civil Parking Enforcement</i>	Legislation under the Traffic Management Act 2004 permits Local Authorities to enforce contraventions of parking controls within their designated area
<i>Contravention</i>	a failure by a motorist to comply with parking controls that have been decriminalised
<i>Controlled Parking Zone (CPZ)</i>	an area where parking is restricted to provide preferential parking to residents, their visitors and other permit holders
<i>Debt Registration</i>	the process of registering a parking debt with the Traffic Enforcement Centre at Northampton County Court
<i>Decriminalisation</i>	Legislation under the Road Traffic Act 1991 and Traffic Management Act 2004 permitting Local Authorities to enforce contraventions of parking

controls within their designated area on a non criminal basis

<i>Designated Parking Bays</i>	bays designated for a specified type of parking, e.g. free parking, meter parking, resident permit or blue badge holders
<i>Discount Rate</i>	reduction of 50% of the full amount due in respect of a PCN, if payment is made within 14 days beginning with the date of issue
<i>Dispensation</i>	a temporary document that allows a vehicle to park in a restricted area for an agreed duration, following payment of an administration charge
<i>DVLA</i>	Driver and Vehicle Licensing Agency, where records of vehicles and their registered keepers are held
<i>Exemptions</i>	certain classes of vehicles or operations that create an exemption from parking controls
<i>False Declaration</i>	it is an offence to knowingly and wilfully make an untrue statement in connection with an appeal to a parking adjudicator and other stages of the enforcement process. This offence is punishable by conviction or fine
<i>Fixed Penalty Notice</i>	notices issued by Police Officers and Police Traffic Warden to motorists for committing parking offences governed by criminal law
<i>Grounds</i>	legislation outlines the legal grounds on which the recipient of a PCN may make representations
<i>Hand-Held Computer (HCC)</i>	a small hand-held computer that is used to register parking contraventions and to print the PCN
<i>Hire Vehicles</i>	vehicles hired under an agreement that conforms with the Road Traffic (Owner Liability) Regulations 2000
<i>Increased Amount Due</i>	increase of 50% on the full amount due in respect of a PCN if payment is not made and a Charge Certificate is issued.
<i>Parking Charge</i>	the basic charge set for parking in a designated parking bay for specified users at specified times
<i>Loading Bay</i>	a specific bay signed to permit loading and unloading by goods vehicles

<i>Loading Gap</i>	an area of yellow line within a permitted parking place, on which waiting and parking is restricted but loading and unloading is allowed
<i>Maximum Charge</i>	the total amount due in respect of a PCN if payment is not made and a Warrant for Execution is issued. This does not include bailiff fees if the debt is passed on to them for recovery.
<i>Notice of Acceptance (NOA)</i>	letter issued by the Council to a motorist following their formal representation against a NTO indicating that the representation has been accepted
<i>Notice of Rejection (NOR)</i>	letter issued by the Council to a motorist following their formal representation against a NTO indicating that the representation has been rejected
<i>Notice to Owner (NTO)</i>	statutory notice served by the Council on the person believed to be the owner of a vehicle served with a PCN that remains unpaid after 28 days
<i>Order for Recovery</i>	statutory notice served to the motorist advising that an unpaid PCN has been registered as a debt at the Traffic Enforcement Centre (County Court)
<i>Owner Liability</i>	the registered keeper of a vehicle as held on DVLA records or an individual that has signed a statement of liability or hire agreement in respect of PCNs
<i>Parking Adjudicator</i>	independent solicitor or barrister of at least five years professional experience appointed to consider appeals against PCNs
<i>Parking Attendant</i>	officer engaged by Council to served Penalty Charge Notices to vehicles parked in contravention now known as a Civil Enforcement Officer
<i>Parking Bay</i>	individual bay within a parking place that is provided for the leaving of a vehicle upon payment, or display of a permit, ticket or voucher as required
<i>Parking Place</i>	any area of highway designated within a Traffic Regulation Order as a place where vehicles may legally be parked
<i>Parking Space</i>	a space for one vehicle, usually within a car park

<i>Penalty Charge Notice (PCN)</i>	notice served by a CEO to a vehicle or to the person appearing to be in charge of a vehicle, which is believed to be parked in contravention of the Council's Traffic Regulation Order
<i>Persistent Evader</i>	motorist who persistently incurs PCNs and fails to make payment
<i>Persistent Offender</i>	motorist who persistently incurs PCNs but makes payment
<i>Pocket Book</i>	notebook used by the CEO to record information whilst on duty, in particular additional evidence to support PCNs served during the course of their enforcement activities
<i>Registered Keeper</i>	person or organisation recorded at the DVLA as being the keeper of a vehicle and will be held liable for PCNs incurred
<i>Registration Charge</i>	the charge levied by the Traffic Enforcement Centre to cover the cost of registering unpaid PCNs as debts
<i>Road Traffic Act 1991</i>	the Act of Parliament that decriminalised certain parking offences, making them civil contraventions, enforceable by Local Authorities. Now superseded by the Traffic Management Act 2004
<i>Road Traffic Regulation Act 1984</i>	the Act of Parliament that provided many of the powers for Council's to control parking in their area, later incorporated in the decriminalised regime brought in by the Road Traffic Act 1991 and now governed by the Traffic Management Act 2004
<i>Special Parking Area 1991 to</i>	a term used under the Road Traffic Act describe an area within which the Council undertakes decriminalised parking enforcement. Now known as a Civil Enforcement Area
<i>Statement of Liability</i>	agreement signed by the hirer of a vehicle stating that the hirer accepts liability, as if he were the owner, in respect of PCNs served to the vehicle during the hire period
<i>Statutory Declaration</i>	a provision established under the Road Traffic Act 1991 consisting of a legal statement by the motorist in response to an Order for Recovery claiming that an earlier stage of the process had not been complied with

<i>Traffic Enforcement Centre (TEC)</i>	centre based within Northampton County Court where unpaid PCNs are registered as debts
<i>Traffic Penalty Tribunal</i>	formerly known as the National Parking Adjudication Service (NPAS). An independent body created to provide a simple, accessible system of justice, allowing an appeal by individuals against administrative decisions made by the state
<i>Traffic Regulation Order (TRO)</i>	official order made by a Local Authority under the Road Traffic Regulation Act 1984, which details the nature and extent of parking controls within the Council's area. It is a contravention of these controls that may give rise to the service of a PCN
<i>Vehicle Registration Mark (VRM)</i>	the "number plate" of a vehicle
<i>Vehicle Excise Disk (VED)</i>	the "tax disc" of a vehicle
<i>Warrant of Execution</i>	authority issued by the County Court to enforce an unpaid debt via a certificated bailiff on behalf of the Council