

East Riding of Yorkshire Council's Guidance on Discretion for Cancelling Penalty Charge Notices upon Appeal

We do not provide full details of the guidelines that we use for discretion. To do so will provide clear ways for people to submit appeals based not on the facts of their case but on the basis of information that would enable them to obtain the cancellation of a Penalty Charge Notice (PCN). We provide general guidelines on the matter of discretion within our code of practice for Civil Parking Enforcement as follows.

Circumstances when discretion may be exercised

Where the motorist claims to be a doctor, nurse or health visitor attending a patient, the council may accept a challenge and/or representations if the motorist concerned possesses a Medical Dispensation Badge (BMA, HEBS) that the council recognises and approves and / or is exempt under the relevant Order, and, if the motorist produces evidence that they were responding to an emergency medical call and there was no nearby legal parking place.

Where the vehicle in question was on Police, fire brigade or ambulance duties, the council may accept a challenge and/or representations if a senior officer of the service concerned supports the challenge and/or representations and there is no reason to doubt that the vehicle was engaged on operational activities.

Where the registered keeper liable for payment of the PCN is said to have died, the council will accept a challenge and/or representations when the circumstances are confirmed by submission of copies of the appropriate registration documents.

Where the motorist claims to have been recently bereaved, the council may accept a challenge and/or representations if no evidence exists to the contrary, taking into account the sensitivity of this issue on the first occasion.

Where the motorist was displaying an expired authorisation to park, i.e. waiver, parking place suspension, season ticket, residents permit, business permit or visitors permit, the council may accept a challenge and/or representations if the motorist provides proof of the renewal of the permit / authorisation being delayed was caused by the council's own administrative processes.

Where the motorist claims that their vehicle had broken down, the council may accept a challenge and/or representations if the motorist is able to provide evidence of a breakdown, i.e. document proof of vehicle recovery or an official (letter headed) bill of sale for repair or parts.

Where the motorist claims to have been unaware of a temporary parking restriction or special event restriction, the council may accept a challenge and/or representations if the motorist claims that there was no indication of the restriction, and the Civil Enforcement Officer's notes/photographs do not confirm that appropriate signing was in place.

Where the motorist received a Fixed Penalty Notice (FPN) from a Police Officer or a PCN from a Civil Enforcement Officer when parked in the same location, on the same date, the

council may accept representations to prevent ‘double jeopardy’, if the motorist provides confirmation provided by the police that proceedings for a criminal offence in connection with the same parking / waiting incident have been instituted.

Discretion under the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 will be applied to Blue Badge holders. Depending on the individual circumstances, the council may accept a challenge and/or representations if the motorist provides proof of any mitigating circumstances that may be taken into consideration.