

CANCELLATION AND INFORMAL CHALLENGE POLICY
DECriminalISATION OF PARKING ENFORCEMENT
WYRE FOREST DISTRICT COUNCIL

Wyre Forest District Council will only consider cancellation under informal challenge to a Penalty Charge Notice, issued in relation to parking enforcement under the Special Parking Areas Order or the Off-Street Consolidation Order, in relation to the following circumstances:-

Failure to display a valid parking ticket – if a motorist has purchased a Pay & Display ticket and it has fallen from sight within the vehicle, it will be cancelled on the first occasion of challenge relating to that particular motorist or vehicle, as long as a copy of a valid ticket is provided as part of the informal challenge process. Further requests for cancellation of Penalty Charge Notices (PCN's) will not be considered.

Disabled Badges – If a motorist fails to display a disabled badge correctly and they receive a PCN, then as long as a copy of the disabled badge is provided as part of the challenge process and it proves to be a valid badge, the PCN will be cancelled on the first occasion the offence takes place. PCN challenges will not be considered from the badge holder for a second or subsequent offence.

If a disabled badge is not displayed at all, and the holder claims that it was left in another vehicle or at home, the PCN will be upheld.

Season Tickets – If a PCN is issued to a season ticket holder and the season ticket is not clearly on display in the vehicle at the time the PCN is issued, the PCN will be upheld.

Staff and Members Season Tickets – If a PCN is issued and a staff or Members season ticket is not displayed at the time the PCN is issued, the PCN will be upheld.

If a vehicle is parked in a car park or restricted parking area for which the staff or Members season ticket is not valid, the PCN will be upheld.

Visits to Banks – Fully marked and liveried bullion vehicles will be permitted to deliver or collect cash from banks in restricted loading or unloading areas, as long as they do not cause an obstruction. However, unmarked private vehicles will be subject to the restrictions in force and if a PCN is issued on the occasion of a visit to a bank, the PCN will be upheld.

Broken Down Vehicles – If a vehicle has broken down and the cause of the breakdown is obvious, i.e. following an accident, impact damage or severe mechanical failure, a PCN should not be issued. However, if a PCN is issued because the reason for the breakdown is not immediately obvious, the PCN will be cancelled, as long as written evidence is provided as part of the challenge procedure relating to the need for the vehicle to be recovered or repaired. If evidence cannot be provided the PCN will be upheld.

Medical Emergencies – Should a medical emergency arise relating to a motorist or a passenger in a vehicle which causes the driver to be taken to hospital by ambulance or other means, either as a patient or somebody accompanying a patient who is a passenger in the vehicle, subject to appropriate evidence being provided, the PCN will be cancelled.

Overstays in Restricted Areas – Where a PCN is issued for an overstay in relation to an expired Pay & Display ticket or a restricted on-street parking bay, the PCN will be upheld, unless it falls into any of the categories referred to elsewhere in this Policy. Requests for write-offs due to overstay of appointments at doctors, dentists and other professional services will not be considered as a valid reason for write-off.

Emergency Duties – Clearly marked doctors, nurses and other emergency fire service or ambulance support vehicles who are dealing with an emergency call should not be issued with a PCN. However, if it is not immediately obvious from the vehicle that the occupant is a doctor, nurse or other emergency service personnel dealing with an emergency call and a PCN is issued, it will be cancelled subject to documentary evidence being provided by the emergency service concerned.

Funerals – It is often necessary for mourners' cars to be parked on restricted areas adjacent to churches, chapels, etc. to allow arrival or departure of a funeral cortège. However, whilst mourners are in attendance at a funeral, their vehicles should be moved to a regulated parking area and normal parking restrictions should apply. Any challenges should be judged against this Policy and dealt with care and compassion.

Delivery and Collection of Vehicles from Garages and Places of Repair or Vehicle Testing Stations – It is the responsibility of the owner or service provider to ensure that all vehicles being delivered or collected from a garage, place of repair or vehicle testing centre are parked within the designated parking regulations. Any challenge or appeal from a garage or garage owner or owner of the vehicle in relation to PCN's issued under these circumstances will not be considered and the PCN will be upheld.

Builders, Glaziers and other Emergency Call-out Services – it may be necessary for some vehicles to park in close proximity to their location when dealing with emergency call-outs to such items as break-ins, board-ups etc. Under these circumstances it will not be possible for the service provider to apply for a dispensation and therefore cancellation will be considered as long as written evidence is provided to uphold the emergency nature of the work being undertaken.

Goods Vehicles and Delivery Services – All goods vehicles and delivery services must comply with the Traffic Regulation Orders and drop-off and delivery restrictions in place throughout the District. Any goods or delivery vehicles which contravene the orders in place and receive a PCN will be upheld where there is a clear violation of the Road Traffic Orders in force.

Hazardous Chemicals and Substances – Where a vehicle is delivering hazardous chemicals or substances that cannot be easily transported outside the vehicle, limited contravention up to 10 minutes will be permissible. If a PCN is issued to a vehicle whose registered owner can prove that it was being used for delivering hazardous chemicals or substance in accordance with this Policy, then cancellation will be considered.

Incorrect PCN Information – If any of the information entered by the Parking Attendant or Supervisor on the PCN proves to be incorrect i.e. the colour of the vehicle or the Contravention Code, then the PCN notice is not valid and will be cancelled.

Claims for Lack of Signage or Lineage – All claims for lack of signage or lineage will be checked as part of the informal challenge procedure. Should the signage or lineage prove to be inconsistent with the Road Traffic Order, then the PCN will be cancelled and the deficiencies reported to the Highways Authority.

Loading and Unloading from Private Vehicles – Where private vehicles are used to deliver heavy or bulky loads then it should be permissible for the vehicle to be unloaded whilst it remains attended for a maximum period of 10 minutes. Once the item has been unloaded, the vehicle should be moved to an area where it conforms with the parking restrictions, prior to any item being moved or installed in a property. If a PCN is issued under these circumstances and there is clear evidence to support the challenge, the PCN will be cancelled.

Lost Keys – Where a contravention occurs to parking regulations due to the loss of keys, the PCN will be cancelled on the first occasion for such a claim. Any second or subsequent claims for a similar circumstance from an individual will be thoroughly investigated prior to consideration being given to any write-off.

Failure to Display - Forgetting to display a valid ticket, permit or pass of any type is not a reason for cancellation of a PCN and in all circumstances a PCN will be upheld.

Pregnancy – Pregnancy is not considered a disability and will not be considered as a reason for a write-off of a PCN.

Running out of Petrol – It is the driver's responsibility to ensure that the vehicle is roadworthy and this includes ensuring that the vehicle has sufficient petrol for the journey. However, running out of petrol may be due to a mechanical fault on gauges etc. and therefore on the first occasion that such a claim is made by a motorist, the PCN will be cancelled. However, on any second or subsequent claims that the vehicle has run out of petrol, the PCN will be upheld.