

# Guidance on how we exercise our discretion to cancel Penalty Charge Notices

## Introduction

If you are reading this you may have received a Penalty Charge Notice (PCN) commonly referred to as a 'ticket', 'parking ticket' or 'fine'. The PCN will have been issued by a Civil Enforcement Officer (formerly known as a parking attendant),

Parking and traffic regulations are in place for good reasons, for example, to keep traffic moving, to improve road safety, and the environment and to address and balance the needs of different road users. We would prefer motorists to take account of the signs and regulations, and to drive and park properly. But those motorists who do not do this are liable to receive a PCN. Information on how to avoid getting a PCN, and what to do if you do get one are available on our website: [scarborough.gov.uk/parking](http://scarborough.gov.uk/parking)

You have certain rights to dispute the issuing of a PCN which are referred to on our website and elsewhere. We also have a discretionary power to cancel a PCN at any point of the Civil Parking Enforcement Process.

This document provides guidance on how this discretionary power is exercised.

## The exercise of discretion

For a number of reasons, including creating greater consistency in the enforcement of traffic regulations, the exercise of our discretionary power is generally undertaken by officers as part of considering challenges against PCNs. These officers are trained in the relevant legislation and how to apply it.

In exercising our discretion to cancel a PCN we will act fairly and proportionately and with due regard to the public interest.

If you think you have been issued with a PCN wrongly or unfairly, you can dispute it by making representations to us. When making your representations it would assist in the consideration of your representations if you set out all the issues that you think are relevant and, where applicable, provide any evidence to support your representations.

Officers will give your representations a fresh and impartial consideration. The officers will approach the exercise of the discretion objectively and without regard to any financial interest in the penalty or to any decisions that may have been taken at an earlier stage in the proceedings. After consideration, if appropriate, we can exercise our discretion to cancel a PCN.

As circumstances differ from case to case and as each case is considered on its own merits, we cannot limit or prescribe the factors that we take into account when considering exercising our discretion. Therefore this document cannot cover every situation that may arise or every situation in which we may exercise our discretion to cancel a PCN. However, set out below for illustrative purposes only are examples of certain situations in which we may or may not exercise our discretion to cancel a PCN.

Please note that this document will be subject to on-going review and will be revised from time to time.

Please check our website for updates [scarborough.gov.uk/parking](http://scarborough.gov.uk/parking) or call 01723 232489.

## Illustrative examples

### Where the motorist states they became unwell while driving

#### Grounds on which the Council may either:

##### Accept representations

If the motorist provides satisfactory proof of a medical condition that is consistent with the conditions described and had no reasonable alternative but to park in contravention. When the notes made by the Civil Enforcement Officer support the motorist's representations.

##### Reject representations

If the motorist cannot provide satisfactory proof of a medical condition consistent with the conditions described and/or had a reasonable alternative to parking in contravention. Where other evidence contradicts the motorist's representations

### Where the motorist states they have been delayed in returning to their vehicle and the parking time purchased has expired

#### Grounds on which the Council may either:

##### Accept representations

If supported by appropriate evidence, the motorist's representation states that the delay in returning to the vehicle was caused by circumstances that were entirely unforeseen, unavoidable and beyond their control.

##### Reject representations

If the delay described by the motorist was entirely avoidable. If the motorist underestimated the time needed and could have reasonably purchased more time, i.e. When conducting business, shopping or commuting

### Where the motorists state they have stopped to use the toilet

#### Grounds on which the Council may either:

##### Accept representations

If the motorist provides satisfactory proof of a medical condition that requires emergency use of toilet facilities and had no reasonable alternative but to park in contravention. When the notes made by the Civil Enforcement Officer support the motorist's representations.

##### Reject representations

If the motorist cannot provide satisfactory proof of a medical condition consistent with the conditions described and/or had a reasonable alternative to parking in contravention. Where other evidence contradicts the motorist's representations

### Where a Blue Badge Holder forgets to display a badge

#### Grounds on which the Council may either:

##### Accept representations

If the motorist provides proof of a valid disabled person badge

##### Reject representations

If the motorist cannot supply a valid disabled persons badge. Where other evidence contradicts the motorist's representations