

Parking Operations

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



Guide to how we use our discretion to cancel Penalty Charge Notices (PCNs)

01

Introduction

We look at parking enforcement and challenging PCNs in Camden

3

02

The exercise of discretion

We explain how discretion can be applied to parking contraventions

5

03

Examples of when discretion may be applied

We look at various examples of when discretion may be applied

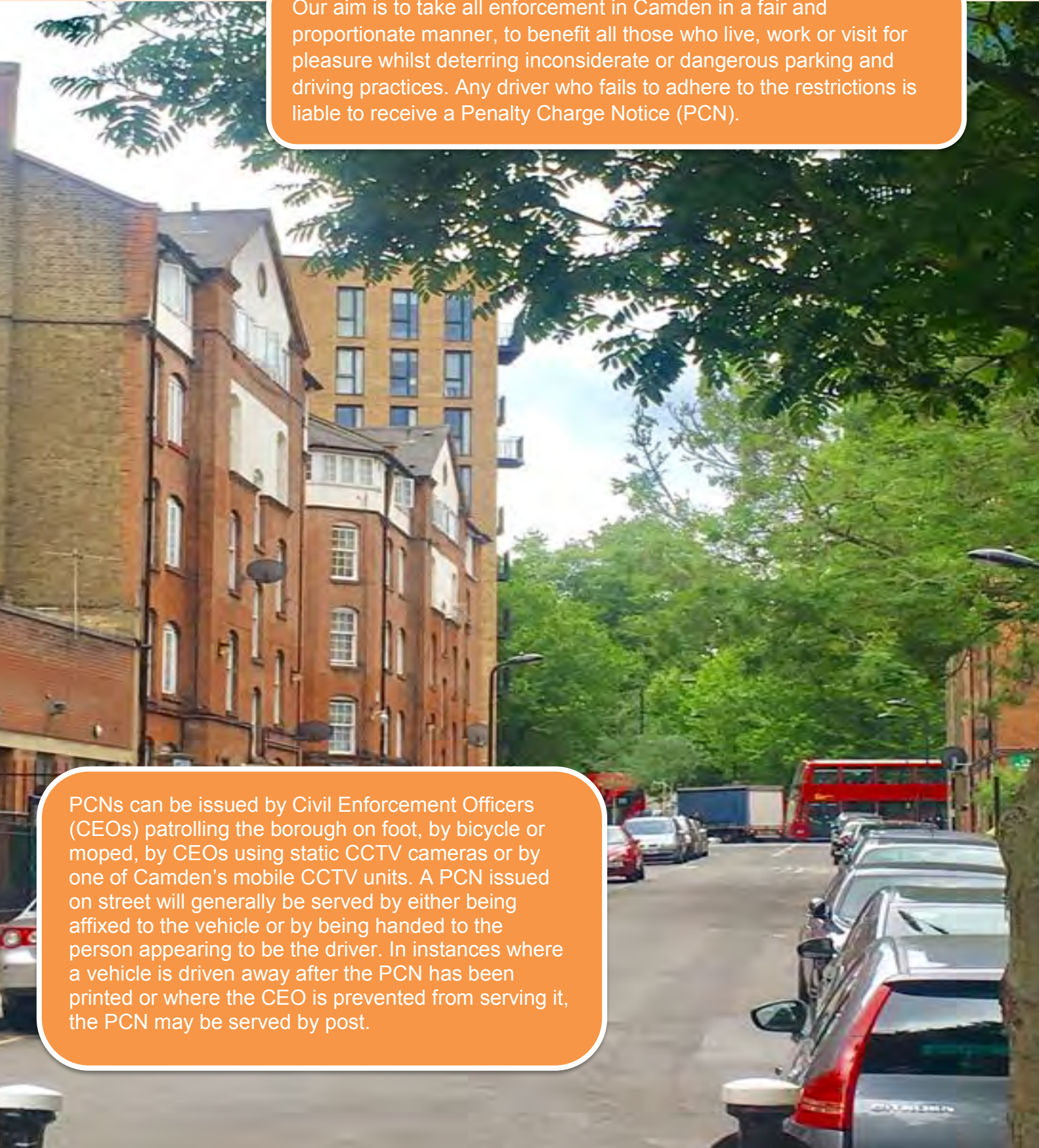
7

01

Introduction

Our aim is to take all enforcement in Camden in a fair and proportionate manner, to benefit all those who live, work or visit for pleasure whilst deterring inconsiderate or dangerous parking and driving practices. Any driver who fails to adhere to the restrictions is liable to receive a Penalty Charge Notice (PCN).

PCNs can be issued by Civil Enforcement Officers (CEOs) patrolling the borough on foot, by bicycle or moped, by CEOs using static CCTV cameras or by one of Camden's mobile CCTV units. A PCN issued on street will generally be served by either being affixed to the vehicle or by being handed to the person appearing to be the driver. In instances where a vehicle is driven away after the PCN has been printed or where the CEO is prevented from serving it, the PCN may be served by post.



01

Introduction

Motorists in receipt of a PCN are legally entitled to challenge the Notice, if they believe that a legal exemption applies or feel that there are mitigating circumstances that need to be considered. The process for this is detailed on the PCN itself. Any motorist challenging a PCN should ensure that they provide full details of the reason for their challenge, with supporting evidence where appropriate. You can click on the link below to challenge a PCN:

[Challenge a penalty charge notice \(PCN\) online](#)



Alongside the legal grounds for challenging a PCN, the Council will consider any mitigating factors presented by the motorist. The Council has the discretion to cancel any PCNs where they feel the mitigation presented is sufficient to warrant the cancellation of the PCN. This document outlines the 'exercise of discretion' and provides 'examples of discretion'.

02

The exercise of discretion

The exercise of our discretionary power is undertaken by our back office Process Officers (POs) as part of their role considering challenges against PCNs. Our POs are fully trained in the relevant traffic legislation and have received guidance and training on how to apply discretion.

In exercising our discretion to cancel a PCN we will judge each case on its own merits, 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.





As circumstances differ from case to case, we cannot outline all the factors that we take into account when we consider 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 a few examples of certain situations in which we may or may not exercise our discretion to cancel a PCN.

03

Examples of when discretion may be applied

The following examples are not intended to cover all situations. Each case will be judged on its own merits by a fully trained PO.

Type of situation:

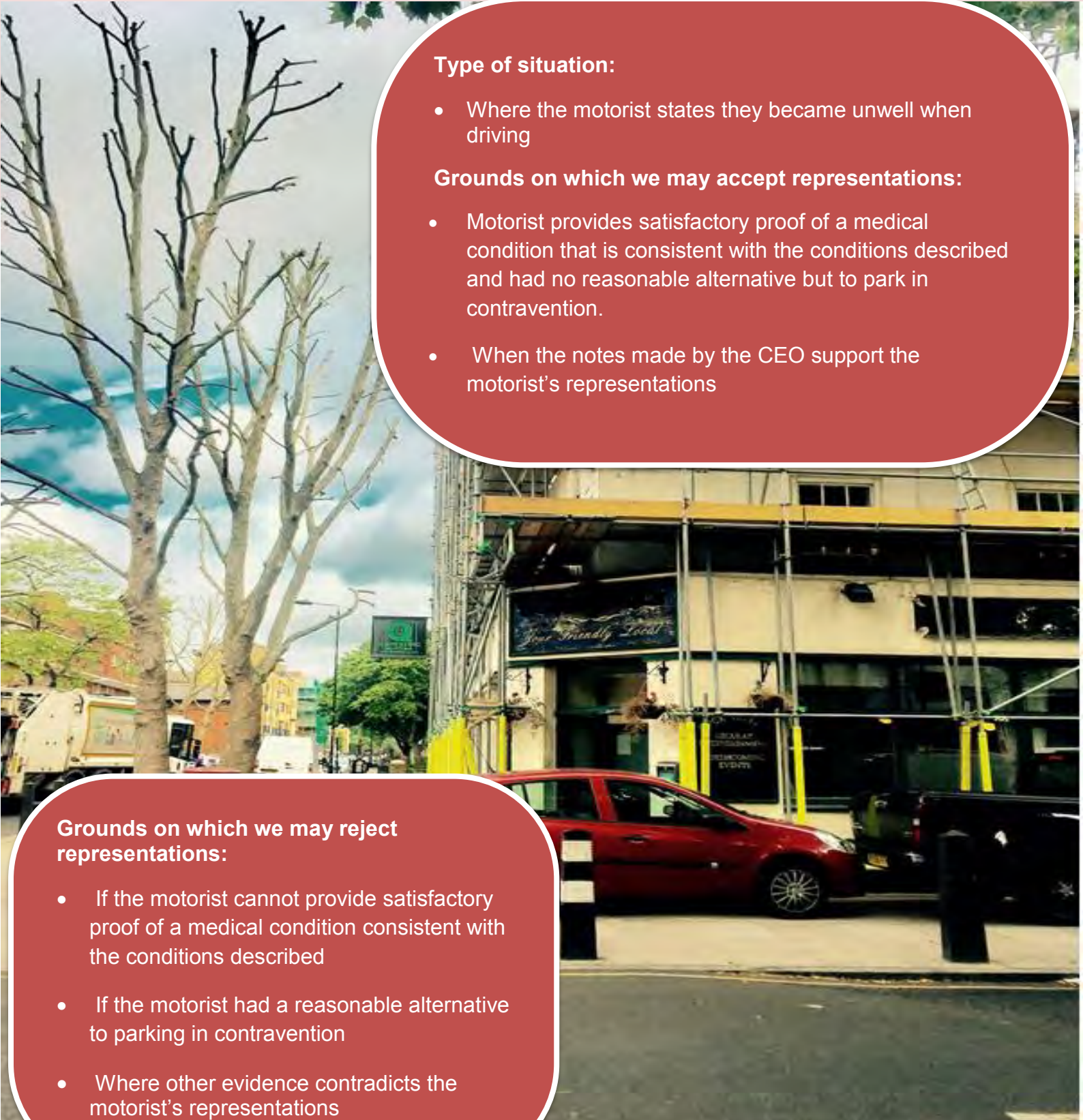
- Where the motorist states they became unwell when driving

Grounds on which we may accept representations:

- 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 CEO support the motorist's representations

Grounds on which we may reject representations:

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



03

Examples of when discretion may be applied

Type of situation:

- Where the motorist states they have stopped to collect (prescribed) medication from a chemist

Grounds on which we may accept representations:

- Only in the most urgent and exceptional circumstances and where evidence of the above is supplied

Grounds on which we may reject representations:

- In all other circumstances



03

Examples of when discretion may be applied

Type of situation:

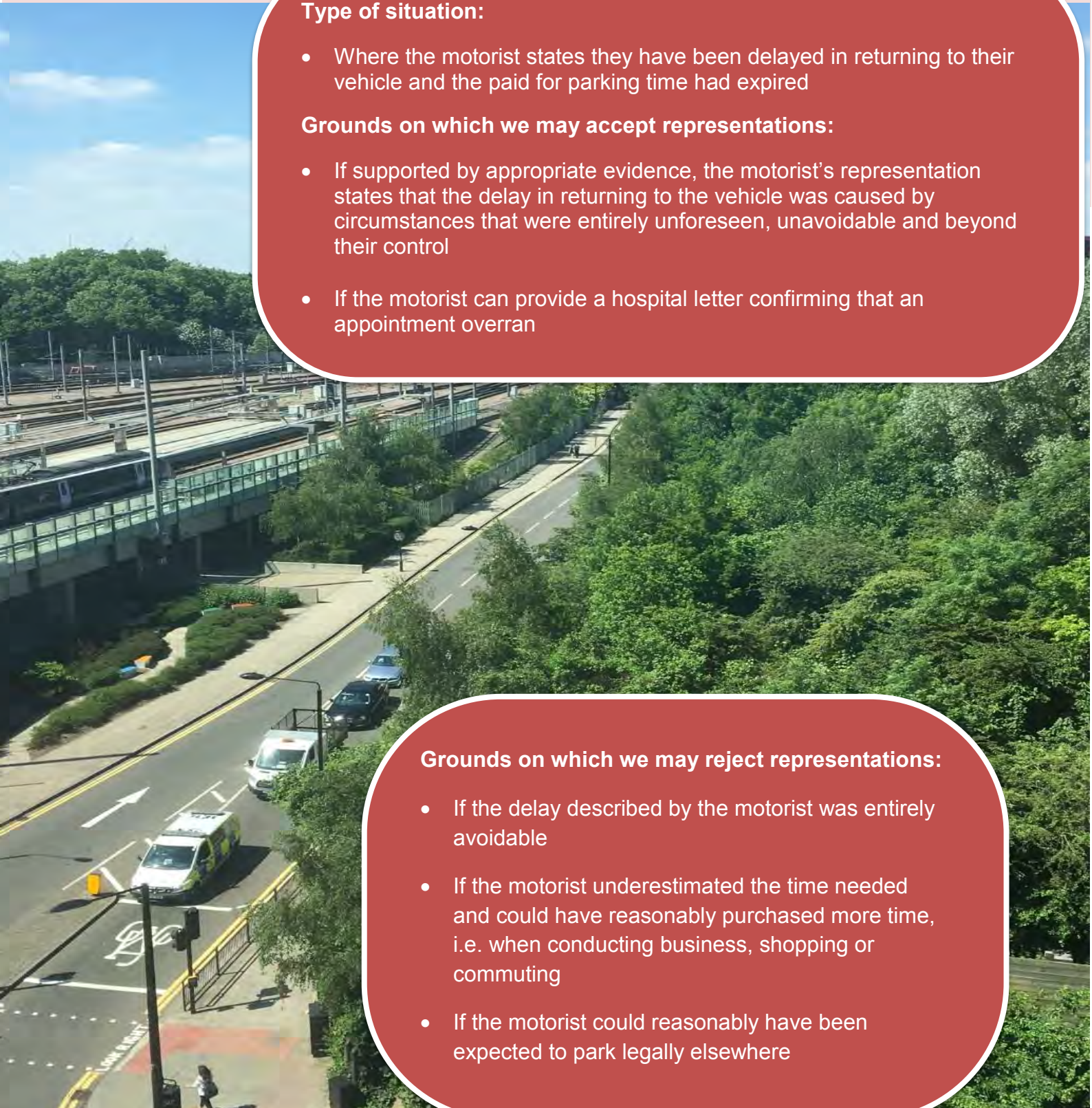
- Where the motorist states they have been delayed in returning to their vehicle and the paid for parking time had expired

Grounds on which we may 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
- If the motorist can provide a hospital letter confirming that an appointment overran

Grounds on which we may 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
- If the motorist could reasonably have been expected to park legally elsewhere



03

Examples of when discretion may be applied

Type of situation:

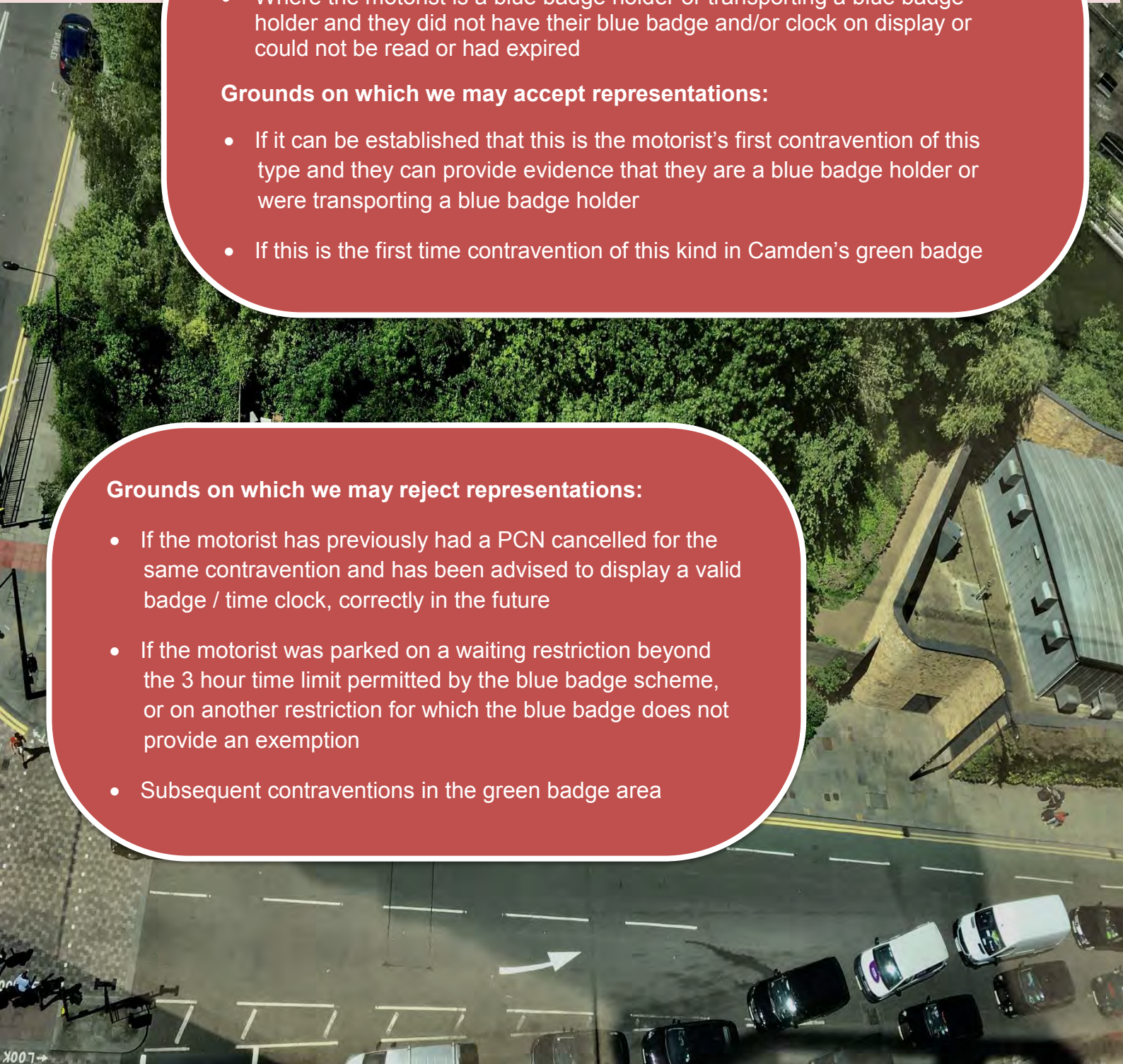
- Where the motorist is a blue badge holder or transporting a blue badge holder and they did not have their blue badge and/or clock on display or could not be read or had expired

Grounds on which we may accept representations:

- If it can be established that this is the motorist's first contravention of this type and they can provide evidence that they are a blue badge holder or were transporting a blue badge holder
- If this is the first time contravention of this kind in Camden's green badge

Grounds on which we may reject representations:

- If the motorist has previously had a PCN cancelled for the same contravention and has been advised to display a valid badge / time clock, correctly in the future
- If the motorist was parked on a waiting restriction beyond the 3 hour time limit permitted by the blue badge scheme, or on another restriction for which the blue badge does not provide an exemption
- Subsequent contraventions in the green badge area



03

Examples of when discretion may be applied

Type of situation:

- Where a visitor's parking permit has been incorrectly used/displayed

Grounds on which we may accept representations:

- Where a minor error has occurred on a scratch card/electronic type permit.

Grounds on which we may reject representations:

- If the motorist has a history of misusing scratch card/electronic type permits



04

Examples of when discretion may be applied

Type of situation:

- Where the motorist was displaying an expired resident or business permit

Grounds on which we may accept representations:

- If the renewal of the permit was delayed by the Council without good reason
- If it can be established that other reasonably unforeseen circumstances delayed the renewal of a permit to park, e.g. a postal dispute/delays (supported by appropriate evidence)

Grounds on which we may reject representations:

- If a driver/owner did not renew their permit on time
- If the permit was not applicable to the vehicle involved or displayed in accordance with the regulations

Please note that this document will be subject to ongoing review and will be revised from time to time