

Civil Parking & Bus Lane Enforcement Annual Report

2023-2024

Peter Byrne

Parking Enforcement



SWINDON
BOROUGH COUNCIL

Foreword

Welcome to Swindon Borough Council's Annual Report. It has been a busy year for our parking department. This report looks at changes and developments made to the service in the 2023/2024 financial year.

Following the roll out of the digital permit system in August 2022 and now that residents are familiar with the new process we have recommenced the spot check request process to ensure that genuine residents have obtained a permit in line with the terms and conditions of use. We go into more detail about this process on page 21. It is hoped that in the future all permits will become digital however this remains a work in progress.

We continue to be involved in the Safer and Smarter parking project put in place and more schools within the borough are now under the new restricted parking zones a list of all schools currently in the scheme can be found on page 22. There are further schools to be added to this within the coming year. We will continue to assist while this project is completed and not only enforce when restrictions are breached but also assist with educating road users to the importance of safety.

We are hopeful that the current pay and display machines that accept cash will be renewed to allow payment by card in line with the current digital climate. The PaybyPhone application will continue to be a means to pay for parking which has been available for many years.

Foreword by Peter Byrne
Operations Localities Manager

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1. Introduction

The Traffic Management Act 2004 places an obligation on local authorities that carry out Civil Parking Enforcement to produce an annual report. Providing a report of our activities is a major part of the accountability that we will provide to our residents and visitors. This is our report for the year ended 31 March 2024.

2. Background

Since September 2003 Swindon Borough Council has adopted Decriminalised Parking Enforcement (DPE) powers. The Council is responsible for on-street enforcement (yellow lines, resident parking areas etc.) on all adopted highways within the Borough with the exception of the A419 and motorways. The Council is also unable to issue Penalty Charge Notices for obstruction as this power continues to be reserved by the Police authority.

Since 21st July 2014 Swindon Borough Council has expanded its responsibilities to include the enforcement of Bus Lanes and Bus Gates within the Borough.

3. Why Civil Parking Enforcement?

For many years Local Authorities have been able to enforce their own car parks but until the 1990s on street enforcement was undertaken by police officers or traffic wardens employed by the police force. By the mid-1990s the government gave local authorities the right to apply for powers to enforce on-street parking restrictions. This is now known as Civil Parking Enforcement. Many Local Authorities across the country rapidly adopted this opportunity.

There are a number of reasons why Local Authorities accepted the decriminalisation:

- Police forces let central government know that they would not regard parking enforcement as a priority given the many other demands on their resources.
- The majority of parking offences would be better dealt with under civil law rather than as a criminal matter. This would be more cost effective and would not clog up busy criminal courts.
- Local Authorities, as representatives of their community, felt they were best placed to design and run an enforcement regime that would meet the needs of the community.

From the inception of the scheme the Department for Transport identified the prime purposes of Civil Parking Enforcement to be:

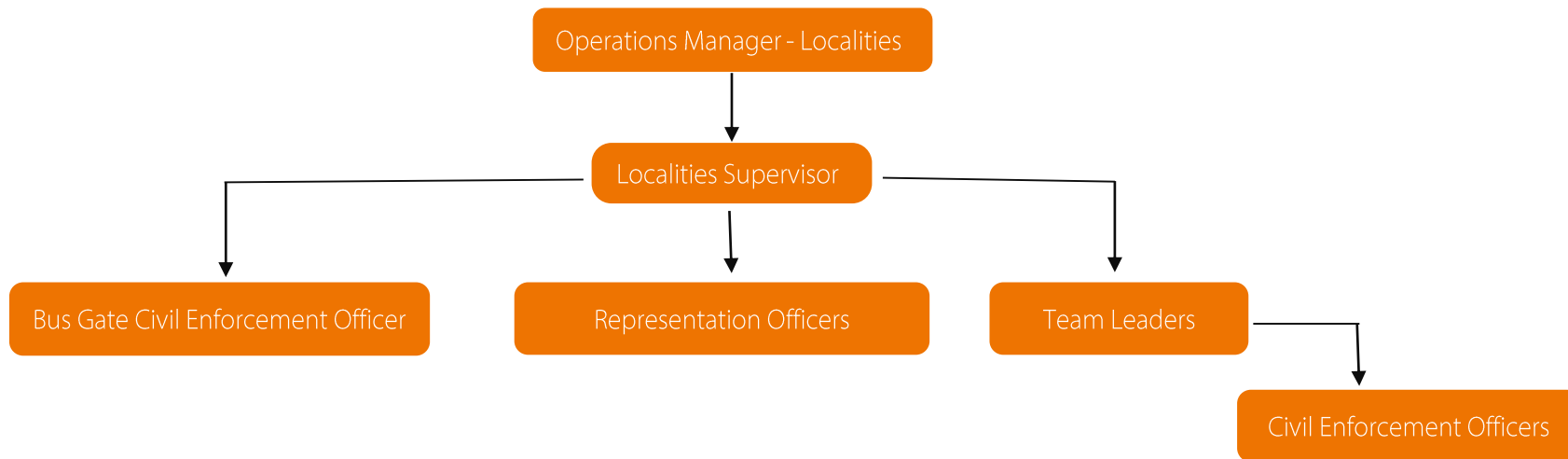
- Contribute to Authorities' transport objectives.
- Increase compliance with parking restrictions.
- To ensure the movement of traffic, including pedestrians and cyclists.
- To improve road safety.
- To improve the local environment.
- To improve the quality and accessibility of public transport.
- Meet the needs of disabled people, some of whom will be unable to use public transport systems and depend upon the use of a car.
- Managing and reconciling the competing demands for kerb space.

The guidance from Central Government is also clear that Civil Parking Enforcement should not be seen as a revenue raising exercise nor should Local Authorities set targets for revenue or the number of Penalty Charge Notices they issue.

4. Civil Parking Enforcement in Swindon

4(i) Staffing 2023/2024

The team responsible for the operation of Civil Parking Enforcement and the maintenance of our car parks and their fittings is:



4(ii) Enforcement and back office Processing

Swindon Borough Council directly employs all members of the Parking Team. Our Business Support Unit deal with the processing of permits and season tickets. They also deal with challenges against Penalty Charge Notices received before the Notice to Owner form is sent to the registered keeper of the vehicle. The Unit act in accordance with the operational and policy guidelines issued by the Parking Team.

After the issuing of the Notice to Owner Council Officers consider the formal representations and deal with appeals to the Traffic Penalty Tribunal. These staff are also responsible for the registration of any debts owed to the Council at the Traffic Enforcement Centre and any subsequent instructions to Bailiff Companies.

Although it has the powers Swindon Borough Council, does not currently clamp or remove vehicles. The sanction of removing vehicles is, however, under review, to be invoked for vehicles which persistently evade payment of penalty notices or are posing a hazard to other road users or pedestrians.

4 (iii) How to submit an informal challenge (Parking Fines Only)

Email

Send an email to **Parking@swindon.gov.uk**. This should include reasons as to why the Penalty Charge Notice should be cancelled including any evidence.

Online

Via the Swindon Borough Council Website using the link below and clicking on the informal challenge button. You will then be taken through the form to complete. Again you can upload any evidence. -<https://parking.swindon.gov.uk/pcns/pages/OnlineChallengeEntry.aspx>

4 (iv). How to submit a formal Representation –Parking (Notice to Owner) and Bus Lane/Gate (Penalty Charge Notice)

Email

Send an email to **Parking@swindon.gov.uk**. This should include reasons as to why the Penalty Charge Notice should be cancelled including any evidence.

Online

Via the Swindon Borough Council Website using the link below and clicking on the Representation button. You will then be taken through the form to complete. Again you can upload any evidence. -<https://parking.swindon.gov.uk/pcns/pages/OnlineChallengeEntry.aspx>

5. Penalty Charge Notices Issued

5(i) Parking

The numbers of Penalty Charge Notices issued by Swindon Borough Council for parking contraventions over the last three years are detailed below. The total Penalty Charge Notices are split between on street (contraventions that occur on the public highway) and off street (usually contraventions that happen in Council owned car parks). The corresponding figures for the previous years are provided for comparison.

Year	Total Penalty Charge Notices	On Street	Off Street	Abandoned (Parked in an electric place)
2021/2022	34554	23863	10365	326
2022/2023	31520	21315	9747	458
2023/2024	33272	23814	9058	400

Penalty Charge Notices are issued at two price bands, higher and lower rates. The rate depends on the seriousness of the contravention. For example parking on double yellow lines is deemed as a higher rate contravention while overstaying in a car park is charged at the lower rate. The relative numbers issued were:

Year	Higher Level £70	Lower Level £50
2021/2022	20821	13733
2022/2023	18400	13120
2023/2024	21524	11748

5. (ii) Top 15 locations where Parking Penalty Charge Notices were issued during 2023/2024

Location	Number Issued
Granville Street Car Park	2407
Princes Street Car Park	1535
Commercial Road	1302
Britannia Place Car Park	1093
Prospect Place Car Park	980
Wyvern Car Park	815
Wood Street	758
Alfred Street	698
Lydiard Country Park	592
Manchester Road	577
Salisbury Street	571
Davis Place	480
Coate Water Country Park	438
Quarry Road	413
Cricklade Road	382

5. Penalty Charge Notices Issued

5(iii) Bus Lane and Camera Car

Swindon Borough Council issued the first Penalty Charge Notices during July 2014. Notices are issued at a charge of £70. The Notices issued since commencement in each financial year since then are:

Year	Total Issued
2021/2022	27341
2022/2023	26447
2023/2024	23225

5(iv) Bus Lane/Gate Locations and Penalty Charge Notices issued

Location	Number Issued
Penzance Drive 1	13761
Penzance Drive 2	3340
Ferndale Road	1715
Princes Street	1348
Cricklade Road	858
Bristol Street	684
Mazurek Way	621
Ermin Street	562
Upham Road	265

5(v) Camera Car – Restricted (Schools/Bus Stops)

Location	Number Issued
Queens Drive	44
Welcombe Avenue	10
Durham Street	8
The Brow	4
Plymouth Street	3
Castle View Road	1
Windsor Road	1

6. Enforcement After Issue

6(i) Parking

Penalty Charge Notices are issued at £50 or £70. However a 50% discount applies to notices paid within 14 days of issue or where an informal representation is received by us within 14 days of issue. The numbers, of the total issued, paid at this discounted rate are:

Year	Penalty Charge Notices paid at discounted rate
2021/2022	21212
2022/2023	19283
2023/2024	21191

Following the initial 14 days the Penalty Charge Notice reverts to the full value and if not paid the outstanding amount increases by stages. This increase reflects the additional cost incurred by the Issuing Authority and to act as an incentive to promptly pay or challenge the charge.

Year	Penalty Charge Notices paid at full or surcharged rate
2021/2022	3170
2022/2023	2809
2023/2024	2912

It is clear from these figures that the majority of motorists receiving a Penalty Charge Notice accept their liability and make prompt payment to avoid the penalty rising.

6(ii) Bus Lane/Gate

Penalty Charge Notices are issued at £60 (prior to 31/05/2022) or £70 (post 31/05/2022). However, a 50% discount applies to notices paid within 14 days of issue or where we receive a formal representation within 14 days of the date of service. The numbers of the total issued and paid at the discounted rate are listed below:

Year	Penalty Charge Notices paid at discounted rate
2021/2022	20091
2022/2023	19405
2023/2024	17459

Following the initial 14 or 21 days the Penalty Charge Notice reverts to the full value and if not paid the outstanding amount increases by stages. This increase reflects the additional cost incurred by the Issuing Authority and to act as an incentive to promptly pay or submit a representation. See figures below:

Year	Penalty Charge Notices paid at full or surcharged rate
2021/2022	2597
2022/2023	2041
2023/2024	1423

As with Parking Notices, it is clear that the majority of motorists receiving a Penalty Charge Notice accept their liability and make prompt payment to avoid the penalty rising.

7. Challenges, Representations and Appeals

7(i). Challenges Received

All motorists who receive a Parking Penalty Charge Notice are entitled to make an informal representation, usually called a Challenge, against its issue. The Traffic Management Act 2004, s82; The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022. The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022 sets out a number of statutory grounds (shown at Appendix C), sets out a number of statutory grounds (shown at Appendix C), which if established means that the Council must cancel the Notice. However, in addition to these the Council must fully consider any mitigation put forward.

The system for Bus Lane Penalty Charge Notices is slightly different given that the Notice is served by post after the event. On these, the first Representation is at the 'formal' stage. Therefore, figures for Bus Gates start at the Representation stage. Due to this the number of Penalty Charge Notices issued in the table below are for Parking contraventions only while the subsequent tables include these and Bus Gate ones.

Over the last few years, the following challenges have been received. The end column shows the number of those challenges accepted and cancelled.

Where the challenge is accepted the Notice is cancelled. If it is not accepted, and if it was received within 14 days of the issue of the Penalty Charge Notice, a further period of 14 days at the discounted rate is offered and the Penalty Charge Notice can be settled at that amount. Alternatively, the motorist can await the issue of the Notice to Owner to the registered keeper who can then make a formal Representation.

Year	Total Notices Issued	Challenges Received	Accepted and Cancelled
2021/2022	34554	5719	2244 *
2022/2023	31520	5391	2165 *
2023/2024	33272	5613	2022*

*Records of the results of challenges are not separately maintained so figures shown are approximate.

7(ii) Representations Received

The issue of the Notice to Owner is the beginning of the more 'formal' part of the process.

During the last three years, the following Representations have been received. The end column shows the number of those Representations accepted.

Where the Council decides not to cancel the Penalty Charge Notice at the formal Representation stage then the keeper can make an appeal to the Traffic Penalty Tribunal. This is a free service to the driver and will allow an independent adjudicator (who will be a barrister or senior solicitor) to review the issue and enforcement of the Notice. The decision is binding on both parties. The Council as part of the letter of rejection sends full details to the registered keeper.

Year	Total Notices Issued	Representations Received	Representations Accepted and Cancelled
2021/2022	61895	3419	620 *
2022/2023	57967	3334	569 *
2023/2024	56952	2906	461*

*Records of the results of Representations are not separately maintained so figures shown are approximate.

7(iii). Appeals

The Traffic Penalty Tribunal provides an important safeguard to the interests of the motorist. It also provides findings, information and advice, which can enable the Local Authority to improve their enforcement and back office work, by providing instruction and guidance. The Tribunal also publishes an Annual Report that gives examples of illustrative individual adjudications. We continue to look to use this to improve our service and practices.

Each year the Traffic Penalty Tribunal provides a report detailing the numbers and outcomes of the appeals they have received. Full details can be found on their website www.trafficpenaltytribunal.gov.uk

Figures of appeals for Penalty Charge Notices issued by Swindon Borough Council are shown on the right. Corresponding national figures can be found on the Traffic Penalty Tribunal website.

Year	Appeals Made	Rate of Appeal per Penalty Charge Notice	Not Contested by Council	Allowed i.e. cancelled	Refused i.e. found in favour of the Council	Not Decided & Other
2021/2022	32	0.05	3	13	16	0
2022/2023	38	0.06	3	21	11	3
2023/2024	32	0.05	0	3	29	0

7(iv). Notices Written off/Cancelled

A number of Penalty Charge Notices have to be cancelled or written off each year because the Registered Keeper cannot be traced. This can be due to inadequate or out of date records at DVLA or because the address details given are incorrect.

Year	Notices Written Off/Cancelled
2021/2022	1955
2022/2023	1819
2023/2024	1868

8. Debt Registration and Bailiff Action

If a Penalty Charge Notice has not been paid or successfully challenged and remains outstanding the notice may be registered as a debt in the County Court. If it is still not paid, the Authority will apply for a warrant to issue to our bailiffs for enforcement.

During last three financial years the numbers of Notices, which were registered as debts, were:

Year	Debts Registered	Warrants Obtained	Amount Remitted by Bailiffs
2021/2022	5648	4399	£180,924
2022/2023	5966	5062	£178,123
2023/2024	5213	4369	£147,897

8(i) Enforcement Agent Recovery Statistics

Parking

Year	Parking Income	Issued	% of cases collected	% cases sent to Enforcement Agents
2021/2022	£1,046,000	34,554	39%	7%
2022/2023	£998,000	31,520	34%	8%
2023/2024	£1,106,000	33,272	33%	7%

Bus Gate

Year	Parking Income	Issued	% of cases collected	% cases sent to Enforcement Agents
2021/2022	£879,000	27,341	47%	8%
2022/2023	£932,000	26,447	39%	9%
2023/2024	£836,000	23,225	34%	8%

9. Financial Aspects of Civil Parking Enforcement in Swindon

Swindon Borough Council Car Park Account (Excludes Departmental Overheads & Central Support)				
	Bus Lanes			Bus Lanes
2022/2023 Actual	<u>2022/2023 Actual</u>		<u>2023/2024 Actual</u>	<u>2023/2024 Actual</u>
£'000	£'000		£'000	£'000
		Pay & Display Income		
-£2,761	0	Off Street Pay & Display Income	-£,3215	£0
-£101	£0	On Street Pay & Display Income	-£37	£0
-£600	£0	Season Tickets	-£775	£0
-£998	-£932	PCN Fee Paying	-£1006	-£836
-£8	£0	Miscellaneous Income	-£64	£0
-£4,468	-£932	Total Income	-£5,097	-£836
		Summary Of Payroll		
£652	£85	Staffing, Maintenance & Management Costs	£771	£85
		Direct Costs		
£150	0	Electricity	£275	£0
£1,252	£0	NNDR/Void Rate	£1,183	£0
£38	0	Structural Review/Maintenance	£116	£8
£58	£41	Car Park Equipment/Materials/Cleaning	£64	£29
£108.00	£41	Ticket Machine Maintenance/Airtime	£169	£0
£163	£0	Cash Collection & Security	£235	£0
£1,769	£82	Total	£2,042	£37
		Other variable costs		
£54	£0	DVLA Processing & Court Costs	£45	£0
£20	£39	NPAS Agency Fees	£50	£7
£14	0	Ticket Supplies All	£5	£0
£88	£39	Total	£100	£7

9. Financial Aspects of Civil Parking Enforcement in Swindon (cont)

	Bus Lanes	Other costs		Bus Lanes
2022/2023 Actual	<u>2022/2023 Actual</u>		<u>2023/2024 Actual</u>	<u>2023/2024 Actual</u>
£13	£0	Telephones/Mobiles	£14	£0
£5	£2	Printing & Stationary	£3	£2
£0	£0	Credit Card Service Charge	£0	£0
£8	£1	Postages	£1	£1
£0	£0	Computer Hardware/Software	£0	£0
£1	£0	Promotions Advertising	£2	£0
£6	£0	Misc	£0	£0
£0	£1	General Maintenance	£0	£0
£11	£0	Fleet Management Recharge	£13	£0
£0	£0	Subscriptions	£1	£0
£0	£0	Public Notices	£0	£0
£44	£4	Total	£34	£3
£2,553	£210	Total Costs (Including Pay)	£2,947	£132
-£1,915	-£722	Costs - Income	-£2,150	-£704
0	0	Transfer To Car Park Reserve	£0	£0
-£1,915	-£722	Surplus	-£2,150	-£704

The surplus of (£2,854,235) has been fully spent during the year on public passenger transport services, highway improvement, maintenance & other environmental improvements. The contribution derived from Parking continues to bring improvements throughout the town.

10. Digital Permits

On Monday 8th August 2022 we introduced digital parking permits for residents in Swindon which included visitor permits. Most residents have embraced the change with a majority of the resident and visitor permits now being purchased through the MiPermit portal.

By making these changes, we believe the process to be smoother and simpler, and saves plenty of paper too.

In line with the terms and conditions of use of the resident permits. We have reintroduced the spot check process now that the new system has been in place for a year and emails have been sent to 10% of purchased permits in a month. Residents are randomly selected with residents being asked to provide proof of residency, vehicle ownership, disabled badge (if applicable), age (if applicable) along with proof of size of vehicle.

Residents have an initial 21 days to provide the requested documents with a reminder then being sent out providing a further 7 days to supply proof. If no proof is provided permits will be cancelled.

We are aware that some residents have limited access to the internet, although parking permits have always been available to purchase online. For those who need additional help purchasing or managing a permit, they can call MiPermit on **0345 520 7007** for support.

Resident permit terms and conditions - https://www.swindon.gov.uk/downloads/file/4558/resident_parking_permit_terms_and_conditions

MiPermit - <https://secure.mipermit.com/swindon/Application/ModuleLander.aspx>

If residents still continue to have any questions they can email parking@swindon.gov.uk

Spot check – cancelled permits

Spot checks have been carried out since September 2023 in respect of the new digital permit system and a number of permits have been cancelled as a result. Please see the number of permits cancelled below in the past 7 months.

Permit Type	Sept	Oct	Nov	Dec	Jan	Feb	Mar
Resident	3	6	11	6	6	10	6
Over 60's	6	26	30	23	8	12	5
Visitor	1	0	3	3	1	0	2
Blue Badge	0	0	0	0	0	2	2
Oversized Vehicle	0	2	0	1	7	2	1

These figures are subject to change. If documents are provided at a later date after a permit has been cancelled the permit will be reinstated.

11. School Safety Environment Zone Scheme

In the past three years the School Safety Environment Zone Scheme has been underway. We have been working closely with schools across Swindon to improve road safety and congestion issues around each school.

Keep clear markings, single and double yellow lines, flashing amber school signs have been making an appearance and our Civil Enforcement Officers were on hand to assist when these were put in place. They continue to visit these locations and issue Penalty Charge Notices when they witness a vehicle being parked in contravention of the regulations in place.

In the coming year we will see Swindon Borough Council working with more schools to identify the most effective measures that can be introduced to make the road around each school safer.

You can find out more about the scheme by following the link below:

https://www.swindon.gov.uk/info/20135/traffic_management/1147/school_safe_environment_zones_ssez

List of schools below that have been included this year

- [Brimble Hill](#)
- [Churchwards](#)
- [Colebrook Infant Academy](#)
- [Colebrook Junior School](#)
- [Covingham Park Primary School](#)
- [Crowdys Hill](#)
- [Ferndale Community Primary School](#)
- [Great Western Academy](#)
- [Greenmeadow Primary School](#)
- [Lawn Primary School](#)
- [Liden Primary School](#)
- [Maranatha Christian School](#)
- [Nova Hreod Academy](#)
- [Rodbourne Cheney Primary School](#)
- [St Leonards CE Primary School](#)
- [Tadpole Farm CE Primary School](#)
- [The Chalet](#)
- [Uplands](#)
- [Westlea Primary School](#)
- [William Morris Primary](#)

12. Future Plans

Over the coming year we will

- Continue to look at ways in which we can bring Swindon Borough Council Parking Operations into a more digital and cashless society.
- Look at making all available permits virtual for local residents and businesses.
- Work alongside various projects, supporting where and when we can.
 - Bus Boulevard Project
 - School Safety Environment Zones Scheme
- Continue to review the parking department structure.
- Continue to support the Council's "Paperless" Policy, to find ways to use less paper.

13. Useful links on the Swindon Borough Council Website

Swindon Borough Council website - <https://www.swindon.gov.uk>

Parking - https://www.swindon.gov.uk/info/20031/roads_parking_and_transport

Pay a parking fine - https://www.swindon.gov.uk/info/20034/parking_tickets_and_bus_lane_fines/334/pay_a_parking_fine

List of car parks - https://www.swindon.gov.uk/directory/16/car_parks

Various permits can be applied for via the SBC website following the links below:

Resident, Visitors or business permit

https://www.swindon.gov.uk/info/20031/roads_parking_and_transport/322/parking_permits/2

Renew a resident permit

https://www.swindon.gov.uk/info/20031/roads_parking_and_transport/322/parking_permits/3

Season Tickets

All week - <https://parking.swindon.gov.uk/permits/pages/OnlinePermitDetailsForm.aspx?ID=33>

Coate Water - <https://parking.swindon.gov.uk/permits/pages/OnlinePermitDetailsForm.aspx?ID=55>

Lydiard & Coate - <https://parking.swindon.gov.uk/permits/pages/OnlinePermitDetailsForm.aspx?ID=56>

Lydiard Park - <https://parking.swindon.gov.uk/permits/pages/OnlinePermitDetailsForm.aspx?ID=54>

Mon-Fri - <https://parking.swindon.gov.uk/permits/pages/OnlinePermitDetailsForm.aspx?ID=3>

Mon-Sat - <https://parking.swindon.gov.uk/permits/pages/OnlinePermitDetailsForm.aspx?ID=4>

Traffic Regulation Orders -

https://www.swindon.gov.uk/info/20135/traffic_management/657/find_out_about_traffic_regulation_orders_tros

13. Appendix A – Parking Penalty Charge Notices issued against contravention

Summary to show the principle contravention groups where 100+ Parking Penalty Charge Notices were issued.

On Street

Code and contravention	Charge Band	Number issued
01 – Parked in a restricted street during prescribed hours	Higher	9160
12 – Parked in a residents' parking place without clearly displaying a permit for that place	Higher	5947
02 – Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	Higher	2811
30 – Parked for longer than permitted	Lower	1370
06 – Parked without clear display	Lower	1240
25 – Parked in a loading place during restricted hours without loading	Higher	662
99 – Pedestrian Crossing	Higher	506
40 – Parked in a designated disabled persons parking space without displaying the relevant badge	Higher	489
45 – Taxi Rank	Higher	485
14 – Parked in an electric place	Higher	458
05 – Parked after payment expired	Lower	454
47 – Restricted bus stop or stand	Higher	186
19 – Parked in a residents' place	Lower	147

Off Street

Code and contravention	Charge Band	Number issued
83 – Parked in a car park without clearly displaying a valid pay and display ticket	Lower	6445
82 – Parked after expiry of paid for time	Lower	2052
87 – Parked in a disabled persons parking space without displaying a valid badge	Higher	515
86 – Parked beyond bay markings	Lower	373
81 – Parked in a restricted area	Higher	203

13. Appendix B – Statutory Grounds for Cancellation of Penalty Charge Notices

1. The alleged contravention did not occur
2. I was never the owner of the vehicle OR I had ceased to be the owner before the date on which the contravention occurred OR I became the owner after the date on which the contravention occurred
3. The vehicle had been driven by a person without the consent of the owner
4. We are a vehicle-hire firm and the vehicle was on hire under a hiring agreement and the hirer has signed a statement acknowledging liability for any Penalty Charge Notice issued during the hire period
5. The Penalty Charge exceeded the amount applicable in the circumstances of the case
6. There has been a procedural impropriety by the enforcement authority
7. The order which is alleged to have been contravened is invalid
8. The Penalty Charge Notice has been paid either in full or at the discounted rate