The answers to some of the most frequently asked questions relating to Parking and CCTV Enforcement covering the issue of Penalty Charge Notices and the appeals process.

What is an approved device?
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Contraventions

What is an approved device?
The Secretary of State must certify any type of device used solely to detect contraventions (i.e. with no supporting Civil Enforcement Officer (CEO) evidence). Once certified they may be called an 'approved device'. The Nottingham City Council has the powers to issue PCNs to stationary vehicles which have been observed and recorded by an Authorised Officer using an Approved Device on the CCTV network connected to a digital recording system. The same approved devices may also be used to detect bus lane contraventions. a mobile CCTV car has also been authorised for use to detect parking contraventions.

Where are cameras used to enforce parking restrictions?
The City Council has decided to use CCTV cameras to issue PCNs where alleged contraventions are detected in the following circumstances;

- Where vehicles are observed stationary in a parking "hotspot"; where it is known that vehicles wait, in contravention of the road signs and markings and only drive away when a CEO appears; or an area where CEOs encounter regular physical or verbal abuse whilst carrying out their duties
- Where vehicles are observed stationary in the controlled area of a Pedestrian Crossing
- Where vehicles are observed stationary in a zig-zag area outside a school entrance where vehicles must not stop
- Where vehicles are observed stationary in areas where there are no waiting/no loading restrictions in force i.e. double yellow lines when there is a loading restriction in force and are causing an obstruction to other traffic, particularly during rush hours
- Where vehicles are observed to be stationary in a Clearway, a bus stop/bus stand clearway or a taxi clearway.

Alleged contraventions are captured by an "approved device", this means that the Secretary of State has approved the equipment (in this case, a digital recording device using CCTV cameras) for the purposes of Civil Enforcement of traffic contraventions.

Can I park in a bus lane?
Parking is not allowed (even with a blue (disabled) badge) when the bus lanes are in operation.

Why have you issued a parking PCN from CCTV images?
Powers granted in the Traffic Management Act 2004, under Regulation 10 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 SI2007/3483, state that approved devices (in this case a camera with a digital recording system capturing digital video images) may be used to detect static traffic contraventions. The Authority will use CCTV equipment where enforcement is difficult or sensitive and CEO enforcement is not practical. A difficult area is defined

as an area where it is difficult for On-Street CEOs to issue a PCN, either because the vehicle is moved prior to issuing a ticket, or there is risk of verbal or physical abuse to the Officer.

What happens if I am caught parked illegally by the cameras?
You can expect to receive a Penalty Charge Notice addressed to the registered keeper of the vehicle concerned. It will contain details of the alleged contravention, details of the vehicle and three photographs that in the Authority's opinion establish the contravention.

How much do I have to pay?
Although the Penalty Charge is £70, payable by no later than 28 days beginning with the Date of Service of the notice, Nottingham City Council will accept a reduced sum of £35 if it receives payment within 21 days beginning with the Date of Service of the notice. Details of how to pay are shown on the front of the Notice.

How can I pay?
The penalty charge can be paid using a credit card either online at www.nottinghamcity.gov.uk/buslanes or over the telephone using 08456 580590; Cash, cheques or debit cards can be used to pay at any Post Office branch; Cash payments are accepted at PayPoint outlets; Cheques and postal orders can be sent by post to the address on the Penalty Charge Notice.

What is the Date of Service?
The Date of Service is defined as "Service of a notice or charge certificate contained in a letter sent by first class post which has been properly addressed, pre-paid and posted shall, unless the contrary is proved, be taken to have been effected on the second working day after the day of posting". Working days exclude Saturdays, Sundays, New Year's Day, Christmas Day, Good Friday and any other day which is a Bank Holiday in England & Wales. Nottingham City Council calculates the Date of Service for you and includes it on the Penalty Charge Notice.

Can I view my contravention?
You can view the record of the contravention online at www.nottinghamcity.gov.uk/parkingtickets. Using the web service you can also pay the penalty charge or make a representation against paying the penalty charge. The Penalty Charge Notice itself should contain three images taken from the digital video recording of the alleged contravention. You can make an appointment to view the full digital video recording of the alleged contravention by writing to Nottingham City Council, Community Protection, Processing & Enforcement Services, P.O. box 10169, Nottingham NG1 9HS.

What happens to all the money collected by the Council from parking fines?
The income from Penalty Charge Notices pays the cost of enforcement. These include the costs of employing the Civil Enforcement Officers, the administration staff involved in collecting the fines, maintenance of signs and lines and other associated costs. Any surplus remaining after deduction of costs has to go towards measures to improve public transport or other highway associated improvements.

Surely there must be a right of appeal against a Penalty Charge notice?
Yes there is a right of appeal. Appeals are referred to in these cases as 'Representations'. The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI No 3482) sets out six grounds on which you make representations to the Council. These are listed below;

(a) that the alleged contravention did not occur;

(b) that the recipient—

(i)never was the owner of the vehicle in question;

(ii) had ceased to be its owner before the date on which the alleged contravention occurred; or

(iii) became its owner after that date;

(c) that the vehicle had been permitted to remain at rest in the place in question by a person who was in control of the vehicle without the consent of the owner;

(d) that the recipient is a vehicle-hire firm and—

(i)the vehicle in question was at the material time hired from that firm under a hiring agreement; and

(ii)the person hiring it had signed a statement of liability acknowledging his liability in respect of any penalty charge notice served in respect of any parking contravention involving the vehicle during the currency of the hiring agreement;

(e) that the penalty charge exceeded the amount applicable in the circumstances of the case;

(f) that there has been a procedural impropriety on the part of the enforcement authority;

(g) that the order which is alleged to have been contravened in relation to the vehicle concerned, except where it is an order to which Part VI of Schedule 9 to the 1984 Act(4) applies, is invalid;

You can make representations online at www.nottinghamcity.gov.uk/parkingtickets. Using the web service you can also pay the penalty charge.

The Council may consider mitigating circumstances not covered by the grounds above.
Please include full details when submitting your representations. Documentary proof may be required.

Please note the following information relating to representations:-
All representations against a Penalty Charge Notice must either be made by using the web service at www.nottinghamcity.gov.uk/parkingtickets. or in writing

1. You can make representations about paying the Penalty Charge within 28 days, beginning with the date of service. If you make unsuccessful representations which have been replied to by the Council within the 21 day period, any remaining discount period will still apply although the **discount period will not be put on hold** during consideration of your representations

   Please note; there is no informal challenge against a Penalty Charge Notice issued from CCTV evidence, as ther Penalty Charge Notice acts like a ‘Notice to Owner’ because the Council has applied to the DVLA for keeper details.

2. The City Council will send you a response. It will be either a "Notice of Acceptance of Representations" or a "Notice of Rejection of Representations".

3. If the City Council rejects your representations, you have the right to appeal to an independent adjudication body called the Traffic Penalty Tribunal. The legal grounds for appeal are included under the earlier question “**Surely there must be a right of appeal against a Penalty Charge Notice**?” (a to g). The Council will enclose the appropriate form to enable you to appeal to the Traffic Penalty Tribunal with the "Notice of Rejection of Representations". Again, if the Traffic Penalty Tribunal rejects your appeal, the amount payable will normally be the full £70.

   For further information about the Traffic Penalty Tribunal, please visit their website:- www.trafficpenaltytribunal.gov.uk