



Birmingham
City Council

Guidelines for the consideration of representations and
cancellation of Penalty Charge Notices (PCNs) issued for
being in a Clean Air Zone (CAZ)

Version 1

Policies set out in this document
provide guidance only.

Each case must be considered on its own merits, taking into
account the exceptionality of the circumstances and the available
evidence.

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1. INTRODUCTION

1.1 Why is a Clean Air Zone (CAZ) being introduced?

The Clean Air Zone (CAZ) is being introduced by Birmingham City Council to help reduce the levels of nitrogen dioxide (NO₂) in the city to within the legal limit (40 micrograms per cubic metre) in the shortest possible time.

1.2 Vehicles required to pay the daily CAZ charge

Birmingham's CAZ is type 'D', which means that the owners of any vehicle driving within the CAZ (an area inside the A4540 Middleway) will be subject to a daily charge if the vehicle does not meet the emission standard.

The emission standards for the CAZ are: Euro 4 (petrol) and Euro 6 (VI) (diesel).

1.3 Exempt vehicles that do not need to pay the daily CAZ charge

If a vehicle is classified as exempt under the '*Vehicle Excise and Registration Act 1994*', or by having submitted and been granted a 'local exemption' from the CAZ for a period of time which has been entered on the National or local Register they will not need to pay the daily charge.

The length of the exemption will be determined by the type of exemption applied. For example, a Section 19 vehicle will be exempt for the life of CAZ, whereas non-compliant vehicles owned by workers based within the CAZ who earn less than £30,000 p.a will only be exempt for a maximum period of 12 months from the date of commencement.

1.4 Penalty Charge Notice (PCN)

A Penalty Charge Notice (PCN) will be issued for using a non-compliant vehicle within the CAZ without paying the daily CAZ charge. As such, a network of Automatic Number Plate Recognition (ANPR) cameras are in place to monitor vehicles inside of the CAZ.

To ensure a driver is informed that they are entering the CAZ, a system of advanced signage is in place on all major routes into the city centre. At the boundary of the CAZ, there is further signage advising that after that point a vehicle will be within the boundary and therefore subject to the CAZ charge.

1.5 Daily CAZ charge

The CAZ will operate twenty-four hours a day, every day. There are no exemptions to the CAZ charge for weekends, bank or other public holidays. A day for the purposes of the CAZ runs from midnight to midnight. Therefore, any journeys within the CAZ either side of this would be liable for two CAZ charges even if this was part of a single journey.

A driver can pay the CAZ charge 6 days in advance of the day of travel into the CAZ, on the day the vehicle is driven in the CAZ or in the 6 days after the day of travel into the CAZ. Payment can be made up to 11.59pm on the 6th day after the day of travel into the CAZ.

The payment of the CAZ charge is required in order to purchase a licence in respect of a particular vehicle and for a single charging day.

1.6 Guidelines

The policy guidelines in this document have been produced to help and inform members of the public who have received a PCN for driving a non-compliant vehicle within the CAZ without paying the daily CAZ charge.

This approach is consistent with current best practice and meets with the aspirations of the Traffic Penalty Tribunal and the Local Government Ombudsman. This document aims to provide clarity, consistency and transparency within the enforcement process.

What is important about these guidelines is that they represent a foundation upon which fairness and discretion can be applied. The importance of flexibility in these matters has been recognised by the courts and as a consequence, decisions made by councils must not be fettered by being unduly formulaic.

This policy addresses the following:

- The statutory grounds upon which representations may be made
- Mitigating circumstances
- The acceptance or rejection of representations

It is important to recognise that each case is assessed on its individual merits and circumstances. If a motorist is able to demonstrate that they fall within one of the permitted exemptions or that there were genuine mitigating circumstances the PCN will normally be cancelled.

These policies will be subject to ongoing review.

2. CAZ PENALTY CHARGE NOTICE (PCN) – CHARGE LEVEL

The level of penalty charge is £120 (discounted to £60 if paid within 14 days beginning with the Date of Service). Please note the Date of Service is deemed to be 2 working days after the date of posting, unless it can be proved otherwise.

PCNs are issued for using a non-compliant vehicle within a CAZ without paying the charge.

3. MITIGATING CIRCUMSTANCES TO DISPUTE A PCN BY SUBMITTING REPRESENTATIONS WHERE DISCRETION MAY BE APPLIED:-

3.1 PAYMENT MADE VIA THE GOVERNMENT ON-LINE PORTAL (.GOV.UK)

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If a payment is shown which is within 6 days in advance of the day of travel into the CAZ, on the day the vehicle is driven in the CAZ or in the 6 days after the day of travel into the CAZ.</p> <p>If the motorist experienced problems when using the on-line portal due to a problem with the service provider.</p> <p>Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>Where there is no evidence to show that the on-line payment portal had been used.</p> <p>Where the payment for license was made outside of the charging period</p> <p>If the card used to make the payment is declined and the charge was not paid within 6 days in advance of the day of travel into the CAZ, on the day the vehicle is driven in the CAZ or in the 6 days after the day of travel into the CAZ the licence will be void.</p> <p>Where the full amount for the charging day was not paid.</p>

3.2 UNABLE TO PAY WITHIN DEFINED PAYMENT WINDOW

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If the motorist can provide evidence to prove that they were unable to make the required payment within the defined payment window for reasons beyond their control, for example:</p> <ul style="list-style-type: none"> • Was hospitalised immediately on or after the journey in the zone. • Left the country immediately after the journey in the zone. • Was physically prevented from making the required payment in the days after the journey in the zone. <p>Where the Council considers there are mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the motorist is unable to provide any evidenced reason why they were not able to make the required payment on the date of travel or within 6 days thereafter</p>

3.3 TRIED TO PAY BUT THE PAYMENT PORTAL WAS DOWN

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If proof can be provided that payment attempt was made when the payment portal was down and that there was no further time within the payment window to pay the charge.</p> <p>Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>Where proof cannot be provided or there is no evidence to show that the Payment Portal was down.</p>

3.4 REGISTERED KEEPER LIABLE FOR PAYMENT IS NOW LIVING ABROAD FOR A PROLONGED PERIOD

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>Where there are specific mitigating circumstances requiring the case to be assessed on its individual merits. (NB. The mere fact that the registered keeper is now living abroad for a prolonged period is unlikely to be treated as circumstances where a representation would be accepted, in the absence of specific mitigating circumstances)</p>	<p>Where there are no specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

3.5 REGISTERED KEEPER LIABLE FOR PAYMENT IS IN PRISON

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If evidence is provided to confirm that the registered keeper is in prison. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If proof cannot be provided to confirm that the registered keeper is in prison.</p>

3.6 VISITOR TO BIRMINGHAM CHILDREN'S HOSPITAL, BADGER MEDICAL CENTRE OR ATTWOOD GREEN MEDICAL CENTRE

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>Where evidence can be provided from the hospital or health facility that the motorist attended on the day in question. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>Where the hospital or health facility cannot provide documentation to confirm the motorist's attendance on the day in question.</p>

3.7 ATTENDING CHURCH, TEMPLE, MOSQUE OR OTHER RELIGIOUS ESTABLISHMENT FOR A SERVICE OR PRAYERS

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>Where there are specific mitigating circumstances requiring the case to be assessed on its individual merits. (NB. Merely attending a church, temple, mosque or other religious establishment for a service or prayers is unlikely to be treated as circumstances where a representation would be accepted, in the absence of specific mitigating circumstances)</p>	<p>Where there no specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

3.8 VEHICLE TRANSPORTING ONE OR MORE PERSONS TO A COVID VACCINATION CENTRE WITHIN THE ZONE TO RECEIVE A COVID VACCINATION

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>Where evidence can be provided from the vaccination centre that the motorist attended on the day in question for a Covid vaccination.</p> <p>Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>Where the motorist cannot provide documentation to confirm attendance at the vaccination centre on the day in question for a Covid vaccination.</p>

3.9 VALID EXEMPTION PERMIT

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>Where the motorist can provide evidence that they have a valid exemption permit, and this has been entered on to the local register.</p> <p>Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>Where the motorist cannot provide evidence of a valid exemption permit or it has not been entered on the local register.</p>

3.10 MORE THAN ONE PCN ON THE SAME DAY

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>A PCN will be payable for each charging day (The period of 24 hours from Midnight to Midnight). If two PCN's have been issued for the same vehicle in the same charging day one of the notices will be cancelled.</p>	<p>The PCN will be enforced if the vehicle was used in the CAZ on a different charging day (The period of 24 hours from Midnight to Midnight)</p>

3.11 VEHICLE CLASSIFIED FOR USE BY A DISABLED PERSON

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>Where the motorist can demonstrate that their vehicle is classified by the DVLA as modified for disabled use as per article 19 or 20 Sc2 of the 1994 Act and it has been entered at the time on the national register.</p> <p>Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>Where the motorist cannot demonstrate that their vehicle is classified as modified for disabled use as per article 19 or 20 Sc2 of the 1994 Act or the vehicle has not been entered on the national register.</p>

3.12 UNMARKED EMERGENCY VEHICLE

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If the vehicle qualifies as an emergency service vehicle and the particulars of the vehicle have for the time being entered in the local register.	If the vehicle does not qualify as an emergency vehicle or the vehicle has not been entered on the local register.

3.13 HACKNEY CARRIAGE VEHICLE EXEMPT FROM CAZ CHARGE

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
Where there has been an application for a Hackney carriage vehicle to be retrofitted and a deposit has been paid and the vehicle has been entered on the local register. Where the Hackney carriage vehicle has been retrofitted and the DVLA registration has been amended and has been entered on the National register. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	Where there has not been an application for a Hackney carriage vehicle to be retrofitted. Where there has been an application for a Hackney carriage vehicle to be retrofitted but a deposit has not been paid. Where there has been an application for a Hackney carriage vehicle to be retrofitted and a deposit has been paid but the vehicle has not been entered on the local register.

3.14 COMMUNITY TRANSPORT VEHICLE

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
Where a vehicle is a qualifying community transport vehicle by virtue of it being a vehicle of class M ₂ or M ₃ being used pursuant to a community transport permit and particulars of the vehicle are for the time being entered in the local register. (NB. Community transport permit means a permit granted under section 19(3), 19(4), 19(5), or 22(2) of the Transport Act 1985).	If the operator cannot demonstrate the vehicle is a qualifying Community transport vehicle.

3.15 INCORRECT DETAILS ON THE PCN

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If there is reason to doubt that the details on the PCN are incorrect.	If all the details on the PCN are correct.

3.16 BANK/PUBLIC HOLIDAYS

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	In the absence of specific mitigating circumstances.

3.17 HIRER OF THE VEHICLE AND WISHES TO MAKE A REPRESENTATION

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>Where the Hire/Lease Company has discharged liability as the registered keeper of the vehicle and provided the name and address of the hirer. In these circumstances a PCN will be served on the hirer of the vehicle enabling a representation to be made.</p> <p>Where there are specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the Hire/Lease Company has made payment for the PCN on behalf of the hirer (in accordance with the terms and conditions of the signed hire agreement).</p> <p>If the hire agreement provided by the hire company is not signed or does not have the statement of liability.</p> <p>In the absence of specific mitigating circumstances.</p>

3.18 VEHICLE WAS NOT AT THE ALLEGED LOCATION AT THE TIME AND ON THE DATE THE VEHICLE WAS USED IN THE CAZ

MAY ACCEPT REPRESENTATION		MAY REJECT REPRESENTATION
<p>If the motorist provides sufficient evidence to confirm that the vehicle cannot have been or was not at the location at the time when the vehicle was used in the CAZ.</p> <p>Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>		<p>If the motorist does not provide sufficient evidence to confirm that the vehicle cannot have been or was not at the location at the time when the vehicle was used in the CAZ.</p> <p>If there is no evidence or if the evidence presented does not support the claim or is inconclusive.</p>

3.19 VEHICLE NUMBER PLATE HAS BEEN “CLONED”

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If evidence is provided to support the motorist’s belief that the vehicle number plate has been ‘cloned’. Evidence would need to include the crime reference number as reported to the Police, together with any other relevant evidence.</p> <p>Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If a crime reference number and other relevant evidence cannot be provided.</p>

3.20 VEHICLE IS A MEMBER OF THE “SHOWMAN’S GUILD” OR OTHER EXEMPT ORGANISATION

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If the motorist can demonstrate that they are a member of the “Showman’s Guild” or other exempt organisation and their vehicle has been adapted to enable them to undertake their work and the vehicle has been entered on the local register. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the motorist cannot demonstrate that they are a member of the “Showman’s Guild” or other exempt organisation or cannot demonstrate that their vehicle has been adapted to enable them to undertake their work. If the vehicle has not been entered on the local register.</p>

3.21 ZERO EMISSIONS VEHICLE

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If the motorist can demonstrate that they have a zero-emission vehicle as classified by the DVLA i.e. provide a copy of their V5. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the motorist cannot demonstrate that they have a zero-emission vehicle as classified by the DVLA.</p>

3.22 UNAWARE OF THE EXISTENCE OF THE CAZ OR THE CAZ BOUNDARY WAS NOT CLEARLY SIGNED

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If signs were missing or unclear. If signs were inconsistent with each other and/or the CAZ Order or legislation. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If site visit records or photographs establish that signs and/or markings were correct and consistent with each other and the CAZ Order, at the time the vehicle was used in the CAZ.</p>

3.23 VEHICLE HAS HAD AN LPG CONVERSION

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If the motorist can demonstrate that their vehicle has been converted to LPG, via an approved conversion provider. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the motorist cannot demonstrate that their vehicle has been converted to LPG.</p>

3.24 VEHICLE IS EXEMPT UNDER THE “VEHICLE EXCISE AND REGISTRATION ACT 1994”

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If the motorist can demonstrate that their vehicle was being used as outlined under the “Vehicle Excise and Registration Act 1994”. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the motorist cannot demonstrate their vehicle was being used as outlined under the “Vehicle Excise and Registration Act 1994”</p>

3.25 VEHICLE IS REGISTERED AS AN “HISTORIC VEHICLE”

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If the motorist can demonstrate their vehicle is classified as an “Historic vehicle” by the DVLA and the vehicle particulars have for the time being entered in national register. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the motorist cannot demonstrate that their vehicle is classified as an “historic vehicle”. If the particulars of the vehicle have not been entered in the national register.</p>

3.26 PROCEDURAL IMPROPRIETY ON THE PART OF THE ENFORCEMENT AUTHORITY

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>Where it is established that the enforcement authority has failed to observe a legal requirement in relation to the imposition or recovery of a penalty charge or other sums. Where it is established that the enforcement authority has taken any step, whether or not involving the service of a document and the purported service of a Charge Certificate, in advance of the time scale set out in the regulations. Where the authority has not sent a response to a representation within 56 days from the date it received the representation from the person who was served with the Notice.</p>	<p>If it is established that: - The Transport Act 2000 and The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) Regulations 2013 have been fully and correctly observed by the enforcement authority. That service of all documents has taken place in compliance with relevant time scales.</p>

3.27 RECOVERY VEHICLE ATTENDING ANOTHER VEHICLE THAT HAD BROKEN DOWN

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If the vehicle is a qualifying recovery vehicle by virtue of it being a Licensed Recovery Vehicle whose particulars are for the time being entered in the local register. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the operator cannot demonstrate the vehicle is a qualifying Licensed Recovery Vehicle.</p>

3.28 REGISTERED KEEPER IS DECEASED

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
Where it is demonstrated that the registered keep is deceased and the circumstances can be confirmed i.e. copy of a death certificate. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	If there is reason to doubt the representation or evidence submitted in support.

3.29 COMPASSIONATE REASONS

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If the motorist provides satisfactory evidence that may give reason for discretion to be applied on compassionate grounds. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	If there is reason to doubt the representation.

3.30 SNOW, FOLIAGE, COVERED OR OBSCURED THE SIGNS

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
If it can be established that such conditions prevailed, and it is likely that signs were obscured as claimed and there was no alternative indication of the restriction. Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.	If it can be established that such conditions did not cause signs to be obscured as claimed. If photographic evidence directly contradicts the motorist's version of events. If any reasonable alternative indication of the restriction was available to the motorist.

4. STATUTORY GROUNDS TO MAKE REPRESENTATIONS

The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (SI No. 1783) (“the Regulations”).

If you believe that the PCN should not be paid, there are six statutory grounds on which representations may be made, which are set out below: -

4.A. I WAS NOT THE OWNER OF THE VEHICLE AT THE TIME IT WAS USED IN THE CAZ

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If the DVLA confirms the motorist was not the registered keeper at the time the vehicle was used in the CAZ.</p> <p>If the previous registered keeper provides satisfactory evidence that the motorist purchased or acquired the vehicle after the vehicle was used in the CAZ, or the subsequent registered keeper provides satisfactory evidence that the motorist sold or disposed of the vehicle before the vehicle was used in the CAZ.</p>	<p>If the DVLA confirms the motorist was the registered keeper at the time the vehicle was used in the CAZ.</p> <p>If the previous registered keeper provides satisfactory evidence that the motorist purchased or acquired the vehicle before the vehicle was used in the CAZ, or the subsequent registered keeper provides satisfactory evidence that the motorist sold or disposed of the vehicle after the vehicle was used in the CAZ.</p>

4.B. THE CHARGE DID NOT APPLY TO THE VEHICLE (FOR EXAMPLE THE VEHICLE MET THE APPLICABLE EMISSIONS STANDARD OR AN EXEMPTION APPLIED).

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If the motor vehicle is either (i) a compliant vehicle, or (ii) an exempt vehicle under the charging scheme and therefore not liable to pay a CAZ charge.</p> <p>Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

4.C. THE CHARGE FOR USING THE VEHICLE IN THE CAZ WAS PAID BY GETTING A LICENCE IN TIME FROM THE GOVERNMENT PAY SITE

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If it can be demonstrated that the motorist had paid the CAZ charge due for the motor vehicle on the date, at the time and in the manner required by the charging scheme.</p> <p>Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If there is no evidence that the CAZ charge has been paid.</p>

4.D THE VEHICLE WAS USED IN THE CAZ BY SOMEONE ELSE WITHOUT MY KNOWLEDGE OR CONSENT (I.E. THE VEHICLE HAD BEEN STOLEN AND THE CRIME REPORTED TO THE POLICE)

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If the vehicle was used in the CAZ by a person who was in control of the motor vehicle at the time without the consent of the registered keeper, and the registered keeper provides the name and address of the person who used the motor vehicle in the CAZ without his/her consent (if known), or, if the vehicle was stolen, the registered keeper provides the crime reference number, police unique reference number, insurance claim reference or other evidence of the motor vehicle having been stolen.</p>	<p>If the current registered keeper is unable to provide any proof of theft or taking without consent. If the police crime report reference number provided does not exist, it does not match the date of the theft or taking without consent, or the details in the report do not match the date when the vehicle was used in the CAZ. Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

4.E. WE ARE A VEHICLE HIRE (OR LEASE) FIRM AND THE VEHICLE WAS USED BY A HIRER/LESSEE

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If the recipient of the PCN is a vehicle hire firm and the motor vehicle was hired out under a hire agreement on the date the vehicle was used in the CAZ and the hirer signed a statement of liability for any resulting road user charges or penalty charges, and the vehicle hire firm provides the name and address of the person to whom the motor vehicle was hired.</p> <p>If the hire company are able to provide satisfactory evidence that the vehicle was hired at the time the vehicle was used in the CAZ, i.e. a signed agreement.</p> <p>If the hire company are able to provide the full name and address of the person to whom they hired the vehicle.</p> <p>If the hire company are able to supply the name and address of the trader and documentary evidence.</p> <p>Where there are other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If the person named by the hire company as the person to whom they hired the vehicle, either does not exist, cannot be traced or denies responsibility for using the vehicle in the CAZ.</p> <p>If the vehicle was being used as a courtesy car without an agreement that had been signed to accept responsibility for road user charges or penalty charges.</p> <p>If the hire company are unable to prove that they hired out the vehicle on the date the vehicle was used in the CAZ or cannot provide the name and address of the person to whom the vehicle was hired.</p>

4.F. THE COUNCIL HAS MADE A PROCEDURAL ERROR WHEN DEALING WITH MY CASE OR THE PCN

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>Where it is established that the enforcement authority has failed to observe a legal requirement imposed on it by the Transport Act 2000 and/or regulations in relation to the imposition or recovery of a penalty charge or other sums.</p> <p>Where it is established that the enforcement authority has taken any step, whether or not involving the service of a document and the purported service of a Charge Certificate, in advance of the time scale set out in the regulations.</p> <p>Where there are compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>	<p>If it is established that:-</p> <ul style="list-style-type: none"> a) Legal requirements have been fully and correctly observed by the enforcement authority, or b) The service of all documents has taken place in compliance with relevant time scale, or c) A PCN has not been served. <p>Where there are no compelling reasons or other specific mitigating circumstances requiring the case to be assessed on its individual merits.</p>

4.G. THE PENALTY CHARGE EXCEEDED THE AMOUNT APPLICABLE IN THE CIRCUMSTANCES OF THE CASE

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
<p>If it is demonstrated that the amount shown on the PCN is incorrect and does not reflect the penalty charge due for the motor vehicle being used in the CAZ.</p>	<p>If no evidence has been provided that incorrect amount has been indicated on the PCN.</p>

4.H OTHER COMPELLING REASONS

MAY ACCEPT REPRESENTATION	MAY REJECT REPRESENTATION
<p>If there are any other reasons other than the grounds listed above which require the case to be assessed on its individual merits. The decision whether, or not, a PCN should be cancelled, will only be taken following very careful consideration taking into account all of the evidence available.</p>	<p>If there are no compelling reasons which require the case to be assessed on its individual merits. The decision whether, or not, a PCN should be cancelled will only be taken following very careful consideration, taking into account all of the evidence available.</p>