

**Moving Traffic Enforcement
Traffic Management Act 2004 Part 6
Civil enforcement of traffic contraventions**

Implementation and Enforcement Policy

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1. Introduction

1.1 Kent County Council (KCC) are responsible for highways and transportation services that are used by most, if not all, residents in Kent and those who travel through the county¹. Responsibilities include:

- a) The management, maintenance, emergency response and improvement of the County's 5,400 miles of highway network and associated assets in a way that meets the needs of residents, communities, and businesses, enabling all journeys to be made as safely and efficiently as possible both now and in the future, whilst supporting viable alternatives to the car and supporting growth by delivering major projects and managing development.
- b) Enabling access to education, health, and community services for diverse users across Kent, through the planning, procurement, and management of public transport services.

1.2 As the Local Transport & Highway Authority, KCC has a statutory duty to ensure the effective discharge of the Traffic Management Act (2004)² - its duty of care to help ensure safe passage for all road users and secure the provision of public passenger transport services within the county which would not be met without financial input from KCC.

1.3 The introduction of the Traffic Management Act (2004) Part 6 (TMA P6) by the national Government allows Highway Authorities to enforce a variety of moving traffic offences (MTOs) to improve road safety, pollution levels and journey time reliability in locations with low compliance. These were powers not previously available to Highway Authorities outside of London after the TMA came into force in 2008.

1.4 The TMA allows more effective management of the highway network at a local level whilst maintaining national standards and enables the police to direct their limited resources elsewhere.

1.5 The Secretary of State granted Kent County Council powers to enforce moving traffic restrictions on 15 July 2022³. These powers will assist the County Council to meet its network management duty by enabling improved enforcement with consequential benefits to road safety, congestion, quality of place and air quality.

¹ www.kent.gov.uk/roads-and-travel

² Section 16. Traffic Management Act 2004

³ The Civil Enforcement of Moving Traffic Contraventions Designations and Miscellaneous Amendments Order 2022

1.6 It is the will of national Government that parking controls be, “clear, well-designed, legal and enforced”⁴. Prior to the extension of the powers in relation to MTOs, enforcement of some restrictions relied on police powers alone.

2. Key objectives

2.1 Through the enforcement of moving traffic contraventions KCC will:

- a) Improve road safety.
- b) Reduce network congestion.
- c) Increase public transport reliability.
- d) Improve Air Quality
- e) Increase the lifespan of highway assets.

2.2 Moving traffic enforcement will only be applied where action is needed to meet one of these objectives.

3. Purpose

3.1 This policy provides guidance on how KCC intend to apply the Traffic Management Act Part 6 legislation to the Kent highway network.

3.2 Management of the highway network is an integral part of the County Council’s Network Management Duty. Kent County Council, as highway authority, should secure the expeditious movement of traffic on the authority’s road network, using enforcement where necessary to reduce disruption to the movement of traffic on the road network.

3.3 In line with the general principles of good regulation, enforcement under these powers shall be carried out in a way which is transparent, accountable, proportionate, and consistent; and will only target locations where action is needed.

3.4 Kent County Council will plan enforcement in accordance with Department for Transport guidance. Automatic Number Plate Recognition (ANPR) cameras are to be used for enforcement of moving traffic offences only at sites where other methods of deterrence have been tried but have failed to produce compliance, when all reasonable engineering steps have been taken to design out driver non-compliance.

3.5 One of KCC’s functions is to act as a regulator and an enforcement agent for the TMA P6. This document sets out standards that will be applied across

⁴ From ‘Policy Objectives’. Statutory guidance for local authorities in England on civil enforcement of parking contraventions. DfT 2022

KCC, and explains what residents, businesses and all road users can expect from KCC taking on this role.

3.6 This policy also sets out the approach to be followed by authorised officers when making decisions in respect of KCC's compliance and enforcement activities. A request for enforcement beyond the remits of this policy will require special dispensation from the Cabinet Member for Environment & Transportation.

4. Policy Aims

4.1 This policy aims to:

- a) Provide clarity and transparency on how KCC operate the Moving Traffic Enforcement (MTE) powers.
- b) Ensure enforcement is consistent and proportionate to the contraventions involved.
- c) Encourage an element of flexibility through technology and human input to ensure Penalty Charge Notices (PCNs) are not unfairly issued or pursued.
- d) Set out clearly what is expected from the public in terms of compliance.

5. Legislation

5.1 The Traffic Management Act 2004 is the Act of Parliament which makes provision for and in connection with the designation of traffic officers and their duties; to make provision in relation to the management of road networks; to make provision for regulating the carrying out of works and other activities in the street.

5.2 Part 6 of the Act ("Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022") is intended to tackle congestion and disruption on the road network by placing a duty on local highway authorities to make sure traffic moves freely and quickly on their roads and the roads of nearby authorities. It gives Local Highway Authorities additional tools to manage parking policies, coordinate street works and enforce some moving traffic offences.

5.3 Parliament has implemented the Part 6 powers for a specific list of traffic signs (**Appendix 1**) for civil enforcement by Local Highways Authorities.

5.4 In making these powers available, the legislative opportunity has also been taken to consolidate, under the 2004 Act, existing civil enforcement regimes for bus lane contraventions (outside London, currently under 2005 regulations

made under the Transport Act 2000) alongside parking contraventions (England-wide currently under 2007 regulations made under the 2004 Act).

5.5 Creating a cohesive civil enforcement regime removes inconsistencies which inherently arose due to the disparate enabling legislation, enabling more efficient administration.

5.6 When forming this document, careful regard has been paid to the Statutory Guidance “The Secretary of State’s Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions” (as stipulated by section 87 of the Traffic Management Act 2004)⁵”

6. Kent Police

6.1 Moving traffic contraventions remain a criminal offence and are still enforceable by Kent Police, as well as civil enforcement by Local Highways Authorities.

6.2 Kent Police acknowledges it has limited resources with regards to the challenges of tackling issues on the highway network. This has resulted in a joint approach between KCC and Kent Police in tackling Moving Traffic Offences.

6.3 The Assistant Chief Constable of Kent Police has given full support to the Application “as part of a combined effort to achieve fewer casualties on the road network.” It will enable the reallocation of Kent Police resources, allowing focus on other policing priorities.

6.4 KCC and Kent Police remain in close contact regarding road traffic matters and will ensure criminal enforcement will not take place where civil enforcement is occurring. If this does happen, the Fixed Penalty Notice (FPN) issued by the police would overrule the Penalty Charge Notice (PCN) issued by KCC. KCC’s PCN would therefore need to be withdrawn.

6.5 Kent Police will continue to enforce other signs not associated with Part 6 of the TMA.

⁵ Statutory guidance for local authorities in England on civil enforcement of parking contraventions - GOV.UK.

7. Strategic approach

7.1 KCC is taking on the powers delivered through the enactment of the TMA 2004 P6 across the county, covering all county roads and the Strategic Network with the agreement of National Highways.

7.2 KCC will undertake moving traffic enforcement in a way which is transparent, accountable, proportionate, and consistent. New sites will be introduced and enforced only when justified, after following the site due diligence process (see **Appendix 2**).

7.3 A countywide approach allows KCC to deliver consistent, controlled enforcement of the entire highway network, tackling local issues more effectively whilst maintaining national standards that align with Kent's neighbouring Highway Authorities.

7.4 A countywide approach instils greater economies of scale with the on street and back office technical equipment and systems, KCC staff resourcing and the DfT requirements of financial equilibrium of running the service.

8. Benefits to Kent

8.1 KCC are the sole enforcement agent of the TMA 2004 P6 on the highway network within its geographical boundaries, including the National Highways strategic network.

8.2 The countywide approach to the undertaking of moving traffic enforcement strengthens KCC's statutory duty in meeting the requirements placed upon it under the TMA 2004; to reduce traffic congestion in towns and cities and manage the road network to ensure traffic can move freely on Kent's roads.

8.3 KCC gathers a vast quantity of highway data (crash statistics, journey times, bus punctuality etc) that can be used to help justify, support, and prioritise all applications for enforcement cameras, and then demonstrate what benefits enforcement has had at each site to highway users or residents of the county.

8.4 Analysis of the data collected from enforcement sites will create robust evidence that would support the selection of future sites.

8.5 Success in achieving the key objectives can therefore only be measured where baseline data is compared to a new data set collated after KCC enforcement has commenced.

9. Measuring success

9.1 The powers of enforcement under the TMA 2004 are an additional tool to help improve the Highway network. They will be deployed to target a specific problem after all other reasonable improvement measures have been made but the problem on non-compliance is still evident. Appropriate monitoring will be carried out to evidence this.

9.2 KCC will measure the success of enforcing moving traffic against the main objective/s for each site. The following table shows how the success of enforcement will be measured.

9.3 Table- measuring success.

Key Objective	General Success Measure
Improve Road Safety	The determination of success will be a demonstrable reduction of personal injury crashes on the Highway Network.
Reduce network congestion	The determination of success will be through data showing journey times are more consistent or reduced from the baseline figure.
Improve public transport journey time reliability	The determination of success will be through data showing journey times are more consistent or reduced from the baseline figure.
Improve air quality	The determination of success will be the reduction of vehicle emitted pollutants at the specified site.
Increase the lifespan of highway assets	The determination of success will be a demonstrable increase in the life expectancy of an asset due to the implementation of Moving Traffic Enforcement.

10. Site selection

10.1 New sites will address the divisional priorities for Highways & Transportation, following the key objectives outlined in Section 2.1

10.2 Local authorities are not required to enforce every sign or marking; enforcement should only be used to target problem locations.

10.3 At any location where it is felt that compliance could be achieved through reasonable improvements to the highway or to traffic signing alone, such improvements should be made.

10.4 If compliance remains a problem, the DfT is clear that the introduction of moving traffic enforcement powers is carried out with a controlled and

measured approach, with Automatic Number Plate Recognition (ANPR) cameras only to be used to enforce moving traffic offences at sites where other methods of deterrent have been tried and have failed.

- 10.5** At this point, a site will be nominated by a KCC officer and submitted to the Moving Traffic Enforcement Team to consider whether the site is appropriate. Not all sites can be improved using moving traffic enforcement; those that do qualify will meet the site selection criteria and overall Scheme Objectives (see **Appendix 2**).
- 10.6** The location of a possible site should be prompted from existing concerns or the clear requirements of new development.
- 10.7** Suggestions for new sites can be made to movingtraffickenforcement@kent.gov.uk but they will be forwarded to relevant department(s) to ensure that, before camera enforcement is approved, the criteria for site selection is met, in light of the criteria set out in section 10.13.
- 10.8** Before enforcement can commence, all required Traffic Regulation Orders (TROs) must be in place, with relevant signs and road markings where necessary. Thereafter, enforcement will be implemented only when funding is secured.
- 10.9** Before enforcement can commence the proposed sites will undergo public consultation and feedback, as well as coordination with Kent Police.
- 10.10** Signage must convey, "...adequate information as to the effect of the order ... to persons using the road"⁶.
- 10.11** Meanwhile, unnecessary signage clutter is also to be avoided, and is given as one of the 'Golden Rules'⁷ in the Traffic Signs Manual.
- 10.12** Therefore, additional signage may not be always appropriate. Increasing the number of signs may reduce the visibility of a restriction rather than enhance it. Signs (and markings) will be provided where sound engineering principles justify them and such as to make the restriction clear to reasonable inspection by a motorist.
- 10.13** Prohibition of Driving restrictions may have potential for enforcement, but site assessments including surveys to establish the level of contraventions would be required before schemes are brought forward. Access restrictions that allow access for some vehicles, such as those driven by certain residents, their visitors or for deliveries, are more difficult to enforce due to the challenges of identifying those who have a legitimate access need from those who do not.

⁶ Regulation 18. The Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996

⁷ Section 2.3. Traffic Signs Manual - Chapter 1 Introduction DfT 2018

10.14 Broad criteria for new sites

- a) Each site must already be subject to controls within Part 6 of TMA2004 with, if required, a Traffic Regulation Order.
- b) The location must be subject to regular contraventions of the Traffic Regulation Order as determined by observation or as advised by Kent Police.
 - i) Those vehicles which are defined in the articles of a TRO as likely to be exempted must be overtly identifiable using an approved device, to provide the basis for the issue of a PCN to unauthorised vehicles.
 - ii) Where the exemptions within a TRO are based on the attributes of the passengers of a vehicle, a contravention cannot reasonably be determined or supported through use of an approved device. Where enforcement by an approved device is not practical, it should be undertaken by a civil parking officer, as advised by the Secretary of State⁸
- c) MTE may be used for those restrictions permitted by the Secretary of State⁹, Only national Government can extend this category. The full list of restrictions, signs and markings which may be subject to MTE may change over time. Not all restrictions will necessarily be applied within Kent.
- d) For camera enforcement to be used, it must not otherwise be practical, and at reasonable cost, to make physical changes to make the TRO self-enforcing (avoiding the need for camera enforcement).
and
- e) Support the overall ambitions within the Local Transport Plan¹⁰ and scheme objectives; improve road safety, reduce network congestion, improve public transport reliability, improve Air Quality and increase lifespan of highway assets.
and/or
- f) Be adjacent or close to a bus route.
and/or
- g) Have recorded evidence of accidents, or ancillary information relating to accidents of near misses.
and
- h) Has funding.

10.14 Other factors

- a) Local mobile signal capacity sufficient to transmit data required for moving traffic enforcement.

⁸ Statutory guidance for local authorities in England on civil enforcement of parking contraventions 2022

⁹ Annex A: traffic signs subject to moving traffic enforcement (publishing.service.gov.uk)

¹⁰ Local-transport-plan-4.'Delivering Growth without Gridlock' (kent.gov.uk)

- b) Support the success of wider initiatives being implemented such as, but not limited to Kent's Vision Zero Road Strategy, Active Travel, Mobility Action Plan, Bus Service Improvement Plan.

10.15 A flow chart illustrating the site selection procedure can be found in **Appendix 2**.

11. Prioritisation of sites

- 11.1** Once a site has passed successfully through the site selection procedure it can be delivered once funding has been secured.
- 11.2** The number of locations that may become subject to enforcement under MTE powers is not closed, not least because the number of possible restrictions may be extended by national government. However, MTE will remain a last resort, with each new site justified under the broad site criteria and selection process, before moving traffic enforcement can be considered.
- 11.3** Each site will be funded on the basis that its camera(s), associated markings, signage and infrastructure will be in situ for a period of a minimum of five years and enforced throughout that period. This duration will give consistent data across all sites.

12. Implementation & operation

- 12.1** Enforcement will be based on Automatic Number Plate Recognition (ANPR) cameras, which have been approved for these purposes by the DfT's Vehicle Certification Agency.
- 12.2** Enforcement operations (back-office processes including reviewing of captured footage) will be undertaken by the County Council's own trained officers (or its representative). There is provision, if required, for the review of footage to be undertaken by a service contractor appointed by KCC whilst overseen by the County Council's own officers.
- 12.3** Responses to representations and appeals can only be undertaken by the County Council's own trained officers.
- 12.4** Details of any vehicle identified as unauthorised will be reviewed by the County Council's service partner who operate the enforcement system on behalf of the County Council and if appropriate, a Warning Notice or PCN will be issued.

- 12.5 KCC officers retain overall responsibility for the operations. Representations, appeals, and complaints related to PCNs will be dealt with by qualified KCC officers only.
- 12.6 Staff involved in PCN processing will receive training in notice processing before being permitted to make decisions on the issuing of PCNs. Staff employed in PCN processing should have completed and attained required training within 12 months of being employed.
- 12.7 Any officers responsible for dealing with viewing footage and responding to representations and appeals will be aware of all relevant exemptions.

13. Costs & Feasibility

- 13.1 All costs incurred with the implementation and installation of new MTE sites will be borne by the scheme promoter. This will include but not limited to: Scheme designs costs, Consultation fees, Traffic Regulation Order processes and physical infrastructure costs (civil engineering and technical equipment).
- 13.2 Sites with low contravention levels run the risk of operating at a deficit and therefore traffic surveys to establish the levels of contravention should be undertaken in advance. DfT also expect local authorities to have taken steps to improve compliance of restrictions before camera enforcement is considered.
- 13.3 Site assessments should also consider the potential for other contraventions to occur as a direct result of camera enforcement (e.g., a driver may be more likely to perform a 'U' turn manoeuvre at another point on the route because of a banned turn adding extra time to their journey).

14. Surpluses

- 14.1 Money surpluses can only be used for the purposes set out in Section 55 of the Road Traffic Regulation Act 1984. These provisions only allow any income raised to be used for the provision of highway or road improvement, environmental improvement, highway projects or the provision of public transport services.
- 14.2 In line with Regulations¹¹, any surplus arising from bus lane or moving traffic enforcement must be applied for all or any of the following purposes:

¹¹ Section 31 The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022

- a) the making good to the local authority's general fund of any amount charged to that fund in respect of any deficit arising from its bus lane or moving traffic enforcement, in the 4 years preceding the financial year in question
- b) for environmental improvement in the enforcement authority's area in accordance with Section 1(2) and 1(3) Pollution Prevention and Control Act 1999
- c) meeting costs incurred, whether by the local authority or by some other person, in the provision or operation of, or of facilities for, public passenger transport services
- d) for highway improvement projects in the local authority's area in accordance with Section 55, Paragraph (4A) Road Traffic Regulation Act 1984

14.3 For clarity "a highway improvement project" means a project connected with KCC's statutory duty to ensure the effective discharge of the Traffic Management Act. KCC relate this directly back to its TMA Key Objectives to:

- a) Improve road safety.
- b) Reduce network congestion.
- c) Increase public transport reliability.
- d) Improve Air Quality.
- e) Increase the lifespan of highway assets within Kent.

14.4 For clarity "environmental improvement" includes:

- a) the reduction of environmental pollution as defined in the Pollution Prevention and Control Act 1999.
- b) improving or maintaining the appearance or amenity of:
 - i. a road or land in the vicinity of a road, or
 - ii. open land or water to which the public has access.
- c) the provision of outdoor recreational facilities available to the public without charge.

14.5 Any surplus arising in that account kept by KCC as the enforcement authority can therefore not be spent on the revenue of maintenance of any highway assets.

14.6 As the enforcement authority, KCC are required to keep an account of any income and expenditure in connection with their functions under Part 6 of the TMA.

14.7 The DfT have laid strict standards as to the use of surplus in connection with Moving Traffic Enforcement.

14.8 Any surplus arising in that account kept by KCC as the enforcement authority can only be applied to:

- a) Meeting costs incurred, whether by KCC or by some other person, in line with the principles of good regulation, enforcement under these powers shall be carried out in a way which is transparent and accountable.
- b) It is a requirement that at the end of each financial year, any deficit in the account must be made good out of the authority's general fund.

14.9 It is a requirement that as soon as reasonably practicable after the end of each financial year, the authority must forward to the Secretary of State a copy of the account for that year.

15. How action is taken

15.1 KCC will enforce moving traffic offences through the installation of ANPR cameras on-street at suitable locations, following the site selection process set out in **Appendix 2**.

15.2 ANPR cameras contain Artificial Intelligence (AI) technology and are programmed to catch the designated contraventions at the sites at which they have been placed.

15.3 Once the ANPR camera has registered a contravention, the back-office system processes the information and identifies whether the vehicle is on an allowed list. This is a list of the registration plates of authorised vehicles, in which case no further action is taken. If the plate is not on the allowed list, the system sends the captured evidence for review. At this stage, a member of the team assesses the evidence to establish if a contravention has occurred. If it has, the case progresses to issue a Warning Notice or PCN. If the evidence shows otherwise, for example, a car pulls into a bus lane to enable a police car to pass, the case is cancelled and no further action is taken.

16. Guidance on camera enforcement

16.1 PCNs may be issued for bus lane and moving traffic contraventions based only on evidence from a camera and associated recording equipment (an "approved device").

16.2 Any device used for civil enforcement purposes will have been granted approval by the Vehicle Certification Advice (VCA) approval.

16.3 The image of the vehicle and contravention must be reviewed by a trained

officer who should be satisfied that the image clearly established the contravention before the decision is taken to issue the PCN.

16.4 Unviewed images cannot be admitted as evidence of a contravention.

16.5 A record will be kept identifying who authorised the issue of the PCN after viewing the image as part of the PCN processing system.

17. Contraventions

17.1 There is a single, nationwide list of contraventions and associated codes¹². Not every contravention code available under Part 6 of the TMA powers may be in use within Kent. The TMA does not provide for the list of traffic signs selectively, so all the contraventions are available to an authority taking on moving traffic enforcement.

17.2 Under Schedule 7 to the TMA, restrictions indicated by the traffic signs in Annex A are civilly enforceable as moving traffic contraventions.

17.3 An observation period of zero indicates that there is no specified 'grace' period for bus lane and moving traffic enforcement.

17.4 Evidence of the contravention would be adduced from the evidence in each case and a decision made by qualified officers. Exemptions may be seen to apply, whilst discretion may also be applied in any case, based on the details of the representations received. PCNs may also be cancelled with such evidence.

17.5 Traffic Regulation Orders (TROs)

17.6 TROs will be in place before moving traffic enforcement can take place. These Orders outline the rules and define the locations where restrictions apply and give details of any exemptions. Some exemptions are widely applicable (such as to emergency vehicles) but others may be limited to certain types of restriction or even site-specific (such as for loading and unloading).

17.7 Kent County Council will publish separate guidance for the consideration of representations against Penalty Charge Notice. This will help to both inform the public and provide guidance to council employees working in the enforcement of moving traffic regulations.

¹² Annex B: contravention codes for civil bus lane and moving traffic enforcement England-wide - GOV.UK (www.gov.uk)

- 17.8** Such guidance is consistent with current best practice and aims to provide clarity, consistency and transparency within the enforcement process, compliance the Department of Transport’s Parking Policy and Enforcement Operational Guidance to Local Authorities and with the aspirations of the Traffic Penalty Tribunal (TPT) and the Local Government Ombudsman (LGA). 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.
- 17.9** Most TROs can be viewed online and are in map-based format. Those applying to Kent which have been digitised can be found via the **Traffweb**¹³ website.
- 17.10** Written TROs should generally be found within the library held by the TPT¹⁴. This has details of TROs from most authorities and are generally stored under the specific district.
- 17.11** If you still have questions about TROs that are not related directly to a PCN, please contact us via email at TRO@kent.gov.uk .

18. The Penalty Charge Notice process

- 18.1** Kent County Council is required to adhere to Regulations which have been laid down by the Government. Details on how Penalty Charge Notices are issued and progress are governed by statute.
- 18.2** The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022 (the “Appeals Regulations”) and the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provision) (England) Regulations 2022 (“the General Provisions Regulations”) have been laid by the Secretary of State for Transport on behalf of the Lord Chancellor. Together with the General Provisions Regulations (which are subject to the negative procedure) and the Traffic Management Act 2004 (Commencement No. 10 and Savings and Transitional Provisions) (England) Order (“the Commencement Order”), these Regulations are designed to extend the civil enforcement of parking controls by civil enforcement officers acting on behalf of local authorities, rather than police officers or police traffic wardens.
- 18.3** In addition to these Regulations (or as amended), Kent County Council will have regard for Statutory guidance¹⁵ issued by the Department for Transport.

¹³ <https://kent.traffweb.app/>

¹⁴ www.trafficpenaltytribunal.gov.uk/TRO-library/

18.4 To avoid repetition or conflict this policy need only detail only those aspects which require specific context for Kent, or where the rules and processes does not already derive from the Regulations and any stipulations given in the Statutory guidance.

18.5 Penalty amounts - Differential Charging

18.6 The amount of the penalties is set in legislation and there are two bands.¹⁶ All bus lane and moving traffic penalties are set at the higher rate.

18.7 The Penalty Charge bands, rates and fees charged by the Traffic Enforcement Centre are set by Government.

18.10 Payment methods will be stated in the PCN and in the Notice of Rejection of Representations. Details will also be provided on the KCC website and the portal through which payments and representations may be made.

18.11 If a vehicle is sold before the contravention (or bought only afterwards) proof should be provided to suspend any enforcement action. Acceptable proof could be:

- a) Receipt of sale
- b) A signed V5C showing the transfer of the vehicle.
- c) Receipt of part exchange
- d) Confirmation from the DVLA

18.12 Cancellation of insurance will not normally be accepted as this does not confirm that the vehicle was sold.

18.13 If known, the former keeper should always provide the name and address of the person or company to whom the vehicle was sold.

18.14 Requirements of the PCN

18.15 Moving traffic and bus lane PCNs are issued under Regulation 10 of the Traffic Management Act 2004. Each PCN needs to contain certain items, as set out in The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022

18.16 Representations

18.17 Representations must be made within 28 days of service of the PCN. Despite this, discretion may be applied to accept late representations- this will

¹⁵ [Traffic Management Act 2004: statutory guidance for local authorities outside London on civil enforcement of bus lane and moving traffic contraventions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/traffic-management-act-2004-statutory-guidance-for-local-authorities-outside-london-on-civil-enforcement-of-bus-lane-and-moving-traffic-contraventions)

¹⁶ Schedule 3, Part 1. The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022

depend on the reason for any delay (for example, incapacity due to illness or hospital stay) but discretion will be applicable on the merits of the case.

18.18 When a representation has been posted by first class mail, service will be deemed on the second working day thereafter.

18.19 If a representation is received during this 28-day period, the case will go 'on hold' pending consideration and decision.

18.20 We will consider exceptional circumstances that justify departing from usual policy to prevent injustice to applicants whose circumstances place them at a disadvantage, either under a duty to make reasonable adjustments set out in the Equality Act 2010¹⁷ or for any other appropriate reason.

18.21 Representations and decisions cannot be made over the telephone or otherwise verbally- they must be received in written form, such as through the online portal whose details will be stated on the PCN.

18.22 Details of how to submit representations by email will be given on the Penalty Charge Notice and in the Notice of Rejection of Representations.

18.23 The grounds on which representations may be made are set out in the Regulations¹⁸ and must be stated on the PCN and will be considered.

18.24 Notification of the outcome of representations

18.25 A decision must be given within a maximum of 56 days of the service of the representations¹⁹. In operational terms, this maximum should only apply in extreme circumstances.

18.26 The Secretary of State for Transport advises that it is best practice to ensure that decisions are made within 21 days of the service of the representations, and we will endeavour to meet this expectation.

18.27 If a decision is likely to be delayed for any reason, acknowledgement of the representation and an explanation will be provided, including a date by which notice of a decision will be dispatched.

18.28 If a response is delayed beyond 56 days, we will cancel the PCN.

18.29 Discretion and consideration

18.30 The use of discretion when considering representations and appeals is a necessary part of civil enforcement. Although each PCN may only be issued for one of a small number of contraventions, the circumstances of each event will be different.

¹⁷ See. Reasonable adjustments: a legal duty - GOV.UK (www.gov.uk)

¹⁸ The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022

¹⁹ Ibid. Chapter 2, section 6

18.31 To ensure impartiality the same staff will not be responsible both for the decision to issue a PCN and the consideration of appeals.

18.32 Decisions are not fettered, so the conditions under which discretion might be considered is not closed.

18.33 Handling representations is a quasi-judicial function. Officers dealing with representations and appeals will be trained in the relevant legislation and Kent County Council's own guidance, considering each case on its merits. Only trained staff will be permitted to make decisions on the issue of PCNs and their cancellation, allowing for an audit trail to show why a decision has been made and by whom.

18.34 Consideration of mitigation and mistakes

18.35 Any PCN can be cancelled if mitigation is deemed strong enough to warrant it. Cases will be considered objectively, and discretion can be given where it is evident that a contravention occurred due to circumstances beyond the motorist's reasonable control or due to a medical emergency, which must be evidenced.

18.36 Alleged non-receipt of documents.

18.37 The Council will ensure that all documents are issued correctly. The Council will keep records of the date and time when it was sent. All PCNS and replies to representations (apart from cancellations) will be sent by first class mail and sent as dated. Replies to representations may also be delivered by email with the prior consent of the registered keeper.

18.38 Service is deemed to be served on the second working day after the date of issue unless proven otherwise. Without proof that a letter was not received, we will not normally reoffer the discount unless legally obliged to. Exceptional circumstances may amend our position in this regard, but this would depend on the nature of those circumstances and, if requested, the receipt of satisfactory evidence.

18.39 Who can consider representations?

18.40 Only authorised staff may consider representations and appeals.

18.41 Other Council staff cannot take part in the enforcement process or in the decision-making of representations and appeals.

18.42 Elected members and unauthorised staff will not, under any circumstances, play a part in deciding the outcome of individual representations. This will help to maintain fairness and is explicit in Statutory Guidance.

18.43 The involvement of elected members should extend no further than to be able to ask for and receive information about the progress of representations and about the eventual outcome of that representation.

18.44 We will consider the representation on several criteria. The following list is not closed.

a) **Merits of the case.**

The circumstances surrounding each PCN are unique and therefore each PCN will be considered on its own merits.

b) **Council enforcement guidance and officer judgement.**

While the circumstances surrounding all PCNs are unique, due regard will be given to this policy to ensure a fair and consistent approach to deciding representations.

c) **Statutory obligations**

We will always ensure that our processes for the consideration of representations always comply with legislation as well as any statutory guidance or operational guidance released by the Department for Transport. **Should any element of this policy conflict with statutory provisions, the statutory provision will prevail.**

d) **Driver/vehicle history**

Both driver and vehicle histories will be checked to see if either has a history of incurring similar PCNs and whether discretionary cancellations have been granted previously.

18.45 Warning notices

18.46 Warning notices will be issued in line with statutory guidance for local authorities outside London on civil enforcement of bus lane and moving traffic contraventions.

18.47 Viewing the footage

18.48 Those issued a PCN will be able to view the images relating to their PCN online, by following the details given on the PCN or via the KCC website.

18.49 Upon request by the registered keeper, we can send, by post, such still images as in our opinion establish that the contravention occurred (for contact details, see **Appendix 3**)

18.50 Alternatively, an arrangement can be made for the registered keeper, or their representative, to be able to view the relevant images or records produced by the approved device which resulted in the PCN, free of charge.

18.51 To arrange a viewing, email movingtraffickenforcement@kent.gov.uk or write to Moving Traffic Enforcement, Kent County Council, Kroner House, Eurogate Park, Ashford Kent TN24 8XU.

18.52 The registered keeper, on their representative, will need to specify which of the following offices they wish to visit to undertake the viewing:

- a) Kent County Council, Kroner House, Eurogate Business Park, Ashford, TN24 8XU
- b) Kent County Council, Doubleday House, St. Michaels Close, Aylesford, ME20 7BU

18.53 The registered keeper, or their representative will need to give a reasonable date and time, during office hours (9am-4pm) when they wish to visit so arrangements for an appointment can be made. Staff and resources will need to be made available at the site, which affects our ability to respond, but we will do our best to reasonably accommodate any request.

18.54 We will require at least a PCN reference within all correspondence to help identify the contravention and will require photo identification of the attendees to ensure only you, or your confirmed representative, views the footage.

18.55 The list below gives some common accepted forms of photo ID. If the registered keeper or their representative do not have one of these, please mention this when you ask to view your footage, and we will try to accommodate your request.

- c) Passport issued by the UK, any of the Channel Islands, the Isle of Man, a British Overseas Territory, an EEA state, or a Commonwealth country (including an Irish Passport Card)
- d) Driving licence issued by the UK, any of the Channel Islands, the Isle of Man, or an EEA state (this includes a provisional driving licence)
- e) A Blue Badge
- f) Older Person's Bus Pass funded by the UK Government
- g) Disabled Person's Bus Pass funded by the UK Government
- h) Oyster 60+ Card funded by the funded by the UK Government
- i) Biometric immigration document
- j) Ministry of Defence Form 90 (Defence Identity Card)

18.56 Upon receipt of a request, we will suspend progress of the relevant case and will respond to a request in a reasonable time. Once the images have been sent to the registered keeper's address, or the recording has been viewed at our offices, as appropriate, the progression of the case will continue.

18.57 Use of Enforcement Agents

18.58 When executing warrants of control relating to MTE, enforcement agents are acting on behalf of KCC. KCC is ultimately responsible for the behaviour of the enforcement agents when they are undertaking this role, so efforts will be taken to ensure that agents act accordingly.

18.59 When operating, enforcement agents must follow the code set out in national standards²⁰

18.60 Payments

18.61 A PCN is deemed 'paid' as soon as payment is made online or when it arrives at the payment office as specified on the PCN. We will record the day on which it receives payments so no more action is taken.

18.62 We will remain alert to any unusual delays with the postal system, or within the TEC, and make allowance when considering whether a payment was received within the statutory period. We may keep evidence of a franked envelope in which the payment came, as evidence of the date of posting.

18.63 It is responsibility of the vehicle registered keeper (or person liable for the PCN in the case of hire or lease) to ensure that the representations is received within the required timeframe. If challenging by post, please allow two working days for delivery of first-class mail.

18.64 Appeal before paying - A representation should be made against a PCN before making payment. Once the representation is received, the case will be put on hold pending a decision from a PCN Appeals Officer. The penalty charge will not increase in the meantime.

18.65 You should not pay and appeal. If payment is received for a Penalty Charge, then the case will be promptly closed.

18.66 PCNs should be paid in full, at the applicable rate.

18.67 The registered keeper may contact us to discuss any difficulties they are experiencing, but there is no facility for setting up formal payment plans for outstanding PCNs, in part, due to the cost of administering the system.

18.68 Payment delays would affect the requirement to keep within the statutory PCN timescales, whilst the deterrent effect of the PCN may be compromised if long-term payment arrangements are accepted.

18.69 Current legislation states that for a case to be closed, full payment must be made within certain timescales. This does not provide the motorist with the opportunity to settle a case other than that stated within the legislation and those seeking instalment plans often wish to do so over a longer period than could be allowed.

18.70 Discount payment (also see 'Notification of the outcome of representations')

²⁰ Part 3 of, and Schedule 12 to, the Tribunals, Courts and Enforcement Act 2007 and the Taking Control of Goods Regulations 2013

- 18.71** If a representation against a PCN is received within 21 days of service, a 50% reduced penalty period applies (this is known as the 'applicable discount')
- 18.72** Under the Regulations²¹ or Statutory guidance there is no specified requirement to reoffer a period where payment may be made at discount rate along with the Notice of Rejection, but, where the notice of rejection relates to a PCN served under regulation 10(2)(a) of the General Provisions Regulations²² the discount will be reoffered for a further period of 21 days from the date of the NoR.
- 18.73** If the representation is received by us after the 21-day period, we will not normally reoffer the discount amount. As each case is separate, any submission made by the vehicle registered keeper will be considered on its own merits.
- 18.74** Kent County Council will generally only offer the discounted amount on one occasion once the representation has been rejected (as stated within the Notice of Rejection). Further correspondence may not lead to an extension of the discount amount.
- 18.75 Part Payment**
- 18.76** For us to close a case, the full outstanding balance needs to be paid in full (the amount due will depend on the stage of the PCN). The progression of a PCN is set by Regulation, so any payment which covers part of the full amount due will not delay that progression.
- 18.77** If part payment is made, we may try to contact the person deemed to be liable to advise that the balance is still due, but it is also reasonable to allow the PCN progression to proceed, as subsequent correspondence will make allowance for any payment received.
- 18.78** It is the responsibility of the registered keeper to pay the balance due by the relevant date, both of which will be indicated on the PCN or other correspondence.
- 18.79** Payments made to us after a warrant has been issued may not be accepted. Payments at this stage must be made to the civil enforcement agents as directed.

²¹ The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022

²² The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022

19. Requirements for ANPR cameras

19.1 All ANPR cameras must be certified by central government via the Vehicle Certification Agency²³ before they may be used for enforcement purposes. Details of the cameras which have been certified are held on the VCA website²⁴

19.2 Image requirements for PCN

19.3 Guidance on the requirements of camera enforcement is set out in the Civil Enforcement of Road Traffic Contraventions: Certification of Approved Devices (2022)²⁵.

19.4 All relevant equipment has been certified by the Vehicle Certification Agency (VCA) specifically for moving traffic contraventions

19.5 Installation and use of an approved device will abide with the Technical Construction File which forms the basis of applications for certification submitted to the Secretary of State.

20. UK General Data Protection (UK GDPR)

20.1 ANPR CCTV will be used in accordance with the existing 'KCC Code of practice and policy for the operation of KCC CCTV and overt surveillance systems'

20.2 A DPIA will be conducted prior to the procurement and installation of cameras or other surveillance systems.

20.3 The County Council and its service contractor will process personal data in accordance with data protection legislation, including the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.

20.4 For further information about your rights, including the circumstances in which they apply, see the guidance from the UK Information Commissioner's Office (ICO) on individuals' rights under UK GDPR.

20.5 If you would like to exercise a right, please contact the Information Resilience and Transparency Team at data.protection@kent.gov.uk.

²³ www.vehicle-certification-agency.gov.uk/

²⁴ www.gov.uk/government/publications/list-of-certifications-granted-for-approved-devices

²⁵ [Civil enforcement of road traffic contraventions: certification of approved devices \(publishing.service.gov.uk\)](http://civil.enforcement.of.road.traffic.contraventions.certification.of.approved.devices.publishing.service.gov.uk)

21. Communication with Kent residents

- 21.1** The DfT requires KCC to consult the public on every new location where ANPR cameras are to be installed for enforcement purposes. This will be done through KCC's consultation website, "Let's Talk Kent"²⁶, and through adverts in the local press and social media.
- 21.2** Residents will also be able to enquire about enforcement in general or at a specific location, via KCC's website such as the Highways Fault Reporting Tool.
- 21.3** Queries relating to a PCN may more accurately be considered a representation to the PCN and follow the normal process laid out in statute (see above). Instructions on how to make a representation will be given on the PCN and the KCC website.
- 21.4** All ANPR camera locations will be shown on a map on our webpage: www.kent.gov.uk/trafficmanagementact
- 21.5** Data and other information will be collected during enforcement and will be relayed to the public through an annual report.
- 21.6 Annual report**
- 21.7** Authorities which undertake civil enforcement are expected to produce an annual report, providing statistical and financial information about parking operations and enforcement, in compliance with the Local Government Transparency Code.
- 21.8** A report will be created at end of the first year of enforcement and each year thereafter and will be available via the KCC website. A copy will also be available for inspection on request (See **Appendix 3**)
- 21.9** Amongst other items, a report will give-
- a. A breakdown of income and expenditure on the authority's revenue collected from Penalty Charge Notices.
 - b. a breakdown of how the authority has spent a surplus on its parking account.

²⁶ <https://letstalk.kent.gov.uk/>

22. Review of this policy

- 22.1** This document will be reviewed after a minimum of five years, to reflect best practice, or sooner, if legislation is amended.

23. Comments and complaints

- 23.1** Comments and complaints specific to the selection of ANPR enforcement camera locations will be dealt with through the KCC Highways complaints webpage²⁷.
- 23.2** National Legislation provides a mechanism for motorists to challenge PCNs. Those receiving a PCN have the right to follow the procedure provided in law²⁸ and make a representation against a PCN and appeal against the PCN to the independent parking adjudicators at the Traffic Penalty Tribunal (TPT). Complaints relating to the validity of a PCN should follow this legal route. The TPT is also able to consider a costs application²⁹.
- 23.3** Complaints relating to civil enforcement undertaken by Kent County Council in general, that does not relate specifically to an individual PCN or PCNs, may follow the normal KCC Highways Complaints process (see above).
- 23.4** Comments about the conduct of enforcement agents should be made in the first instance to the agents, as instructed in correspondence, but complaints about service can also be made to KCC in the normal way as the agents are acting on our behalf.

²⁷ www.kent.gov.uk/about-the-council/complaints-and-compliments

²⁸ The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022 (legislation.gov.uk)

²⁹ <https://www.trafficpenaltytribunal.gov.uk/>










24. Glossary

Item	Description
AI	Artificial Intelligence
Allowed list	List of authorised vehicles' registration plates
ANPR	Automatic Number Plate Recognition
Applicable date	The last day of the period of 21 days beginning with the date on which the PCN is served
Applicable discount	The amount, set in accordance with Schedule 9 to the TMA 2004
Approved device	The combination of camera(s) and recording system which meets the specified requirements for civil traffic enforcement in applicable legislation and guidance. This will be approved by the VCA for use in the detection of parking, bus lane and/or moving traffic contraventions
Bus lane contravention	TMA Part 2 of Schedule 7
CC	Charge Certificate
DfT	Department for Transport
Discount rate	£35 (50% of the full penalty charge)
FPN	Fixed Penalty Notice – issued by police
Full penalty	£70 (all contraventions enforceable under Part 6 of the TMA are at the higher penalty)
Highway Improvement Project	A project connected with KCC's statutory duty to ensure the effective discharge of the Traffic Management Act
Increased penalty	£105 (upon issue of Charge Certificate) increased to £114 after being registered with TEC (all contraventions enforceable under Part 6 of the TMA are at the higher penalty)
KCC	Kent County Council
Mandatory cycle lane	Means a cycle lane which is marked in accordance with diagram 1049B at item 7 in Part 6 of Schedule 9 to the TSRGD.
MTO	Moving Traffic Offence
Moving traffic contravention	TMA Part 4 of Schedule 7
NoR	Notice of Rejection of Representations
NTO	Notice to Owner
Part 6 of the TMA	Traffic Management Act (2004) Part 6: Moving Traffic Enforcement
PCN	Penalty Charge Notice (issued for Traffic contraventions under a Civil Enforcement regime)

Postal PCN	A Penalty Charge Notice issued by Regulation 10 of the TMA 2004 (type 10(2)(a) for moving traffic enforcement)
Item	Description
Regulation 10 PCN	See Postal PCN
Representation	The formal challenge against a Notice to Owner/postal Penalty Charge Notice
RTRA	Road Traffic Regulation Act 1984
Statutory Guidance	Traffic Management Act 2004: statutory guidance for local authorities outside London on civil enforcement of bus lane and moving traffic contraventions (DfT Oct 2022)
TE3 Order for Recovery	Document sent by the TEC to inform the recipient that the increased penalty amount has been registered as a debt with Northampton County Court (sent with TE9)
TE7 Application to file a statement out of time/extension of time	Document available through the TEC providing the recipient the chance to appeal to the court beyond the point allowed for in the TE3
TE9 Witness Statement	Document providing the recipient the chance to appeal to the court against the issuing of the TE3
TEC	The Traffic Enforcement Centre located at Northampton County Court that authorises Order for Recoveries and Warrants. See Appendix 3 for address
TMA 2004	Traffic Management Act (2004)
TPT	Traffic Penalties Tribunal The independent tribunal for adjudicating parking and moving traffic contraventions outside of London.
Traffic Sign	Meaning as given by section 64 of the RTRA
TRO	Traffic Regulation Order
TSRGD	Traffic Signs Regulations and General Directions
VCA	Vehicle Certification Agency
VRM	Vehicle Registration Mark – as displayed on the front and rear ‘number plates’ of most road vehicles (but only on the rear of motorcycles) in accordance with applicable legislation.









Appendices








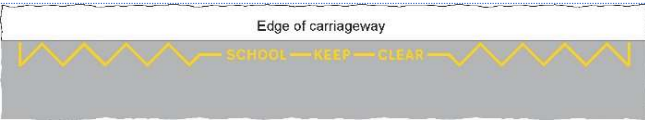

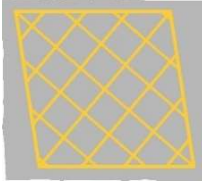
Appendix 1- Signs KCC can enforce under Part 6 of the TMA powers³⁰

Description	TSRGD diagram number & location	
Vehicular traffic must proceed in the direction indicated by the arrow	606 (Schedule 3, Part 2, item 1 and Schedule 14, Part 2, item 42)	
Vehicular traffic must turn ahead in the direction indicated by the arrow	609 (Schedule 3, Part 2, item 2)	
Vehicular traffic must keep to the left/right of the sign indicated by the arrow	610 (Schedule 3, Part 2, item 3)	
No right turn for vehicular traffic	612 (Schedule 3, Part 2, item 7 and Schedule 14, Part 2, item 43)	
No left turn for vehicular traffic	613 (Schedule 3, Part 2, item 8 and Schedule 14, Part 2, item 43)	
No U-turns for vehicular traffic	614 (Schedule 3, Part 2, item 6 and Schedule 14, Part 2, item 43)	
Priority must be given to vehicles from the opposite direction	615 (Schedule 3, Part 2, item 9)	
No entry for vehicular traffic (when the restriction or prohibition is one that may be indicated by another traffic sign subject to civil enforcement)	616 (Schedule 3, Part 2, item 10 and Schedule 14, Part 2, item 44)	
All vehicles prohibited except non-mechanically propelled vehicles being pushed by	617 (Schedule 3, Part 2, item 11)	


³⁰

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1079760/annex-a-traffic-signs-subject-to-moving-traffic_enforcement.pdf

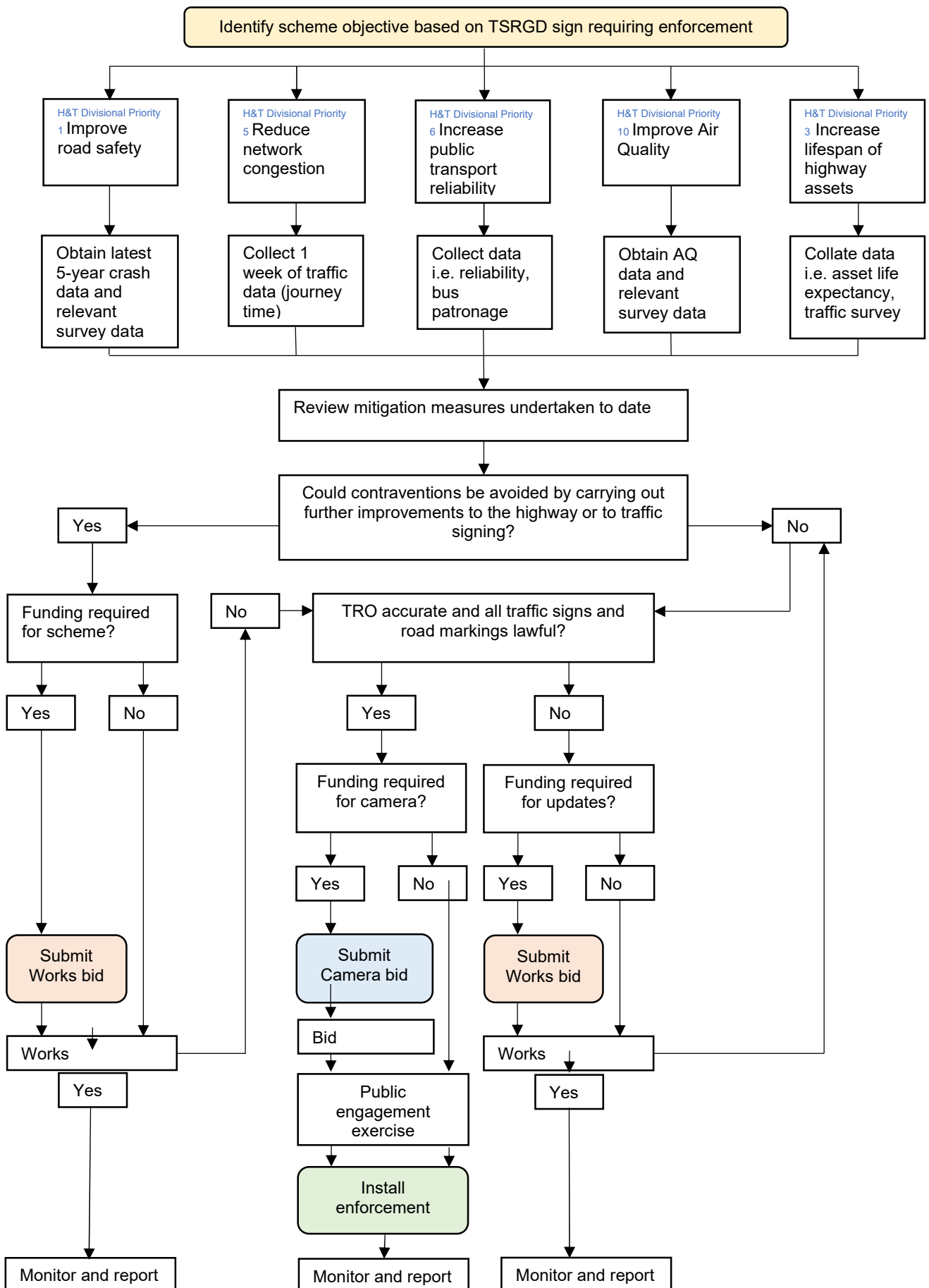
Description	TSRGD diagram number & location	
Entry to and waiting in a pedestrian zone restricted	618.3B (Schedule 8, Part 2, item 1)	
Entry to and waiting in a pedestrian and cycle zone restricted	618.3C (Schedule 8, Part 2, item 2)	
Motor vehicles prohibited	619 (Schedule 3, Part 2, item 12)	
Motor vehicles except solo motorcycles prohibited	619.1 (Schedule 3, Part 2, item 18)	
Solo motorcycles prohibited	619.2 (Schedule 3, Part 2, item 20)	
Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle	622.1A (Schedule 3, Part 2, item 13)	
One-way traffic	652 (Schedule 9, Part 4, item 5)	
Buses prohibited	952 (Schedule 3, Part 2, item 17)	

Description	TSRGD diagram number & location	
Route for use by buses, pedal cycles, and taxis only	953 (Schedule 3, Part 2, item 33)	
Route for use by tramcars only	953.1 (Schedule 3, Part 2, item 36)	
Route for use by pedal cycles only	955 (Schedule 3, Part 2, item 28)	
Route for use by pedal cycles and by pedestrians only	956 (Schedule 3, Part 2, item 29)	
Route comprising two ways, for use by pedal cycles only and by pedestrians only	957 (Schedule 3, Part 2, item 32)	
With-flow cycle lane	959.1 (Schedule 9, Part 4, item 9)	
Contra-flow cycle lane	960.1 (Schedule 9, Part 4, item 6)	
Part of the carriageway outside an entrance where vehicles must not stop when the marking is placed in conjunction with the prescribed upright sign which includes the symbol at Schedule 4, Part 3, item 10	1027.1 (Schedule 7, Part 4, item 10)	 
Box junction markings	1043 (Schedule 9, Part 6, item 25)	

Bus Lanes will be enforced under powers granted by Part 2 of Schedule 7 of the Traffic Management Act 2004

Description	TSRGD diagram number & location	
Bus Lane	959B (Schedule 9, Part 4, item 10)	

Appendix 2- Site Due diligence Process.



Appendix 3- Key Addresses

Traffic Enforcement Centre (for debts registered relating to Penalty Charge Notices)

Traffic Enforcement Centre, Civil National Business Centre/CNBC, St. Katharine's House, 21-27 St. Katharine's Street, Northampton, NN1 2LH
DX: 702885 Northampton 7

Contact telephone 0300 123 1056.
Email address is: tec@justice.gov.uk

General correspondence address for Moving Traffic Enforcement matters

Moving Traffic Enforcement, Kent County Council, Kroner House, Eurogate Business Park, Ashford, Kent TN24 8XU

Email: movingtraffickenforcement@kent.gov.uk

Address for Highway Authority

Kent County Council, Invicta House, County Hall, Maidstone, Kent ME14 1XQ

Address at which the CCTV Code of Practice can be inspected.

Kent County Council, Invicta House, County Hall, Maidstone, Kent ME14 1XQ

Or via the KCC website, www.kent.gov.uk .

Addresses at which Annual Reports may be inspected.

Kent County Council, Invicta House, County Hall, Maidstone, Kent ME14 1XQ

Officers who can authorise copying and release of data.

Kent Parking Manager, Moving Traffic Enforcement Team Leader, Appeals Officer.

Officers responsible for operation of the back-office system and observance of the Code of Practice:

Overall responsibility: Kent Parking Manager, Moving Traffic Enforcement Team Leader & service manager.

Responsibility for day-to-day operations: Moving Traffic Enforcement Team Leader, Appeals Officer

Responsibility for Training: Moving Traffic Enforcement Team Leader, Appeals Officer

Appendix 4- PCN Journey Flowchart

Stages of Contravention
There should be a clear audit trail of decisions taken with reasons given

Case dismissed after initial review by KCC

If keeper details not known wait 14 days and re-submit VQ4

Case dismissed after DVL A information returned due to mismatched data/ anomalies

During first 6 months following implementation of a moving traffic scheme a warning notice is issued to registered owner on first contravention at any enforced area

PCN to be served by first class post within the period of 28 days, beginning with the date of contravention

PCN accepted in first instance by owner. If paid within 21 days it is 50% charge, between 22-28 days it is full charge

After initial representation by Registered Owner, case is cancelled by KCC

After representation is rejected by KCC owner accepts PCN, payment is made and case is closed. If the representation was received within 21 days of being served, full payment will be at 50% charge for a period of 21 days from the service of the Notice of Rejection. TBC and agreed with LD. If the representation is received between 22-28 days, payment is at full charge

Case is taken to TPT, where it is not contested by KCC, Case is cancelled

Case is upheld at TPT, Case is cancelled

Case is dismissed at TPT, owner accepts charges, payment is made and case is closed. If paid within 21 days it is 50% charge, between 22-28 days it is full charge

After any appeal process or neglect to pay initial PCN after 28 days, owner accepts charges, payment is made and case is closed

KCC to inform the supplier that the debt has been registered with TEC

After debt is registered with TEC, owner accepts charges, payment is made within 21 days and case is closed

No payment is made within 21 days, debt is registered and a warrant to chase payment is made

Witness Statement must be filed within 21 days from the date of service of receiving the Witness Statement form and Order for Recovery.

After witness statement is filed, notice issued to KCC within 36 days of registration saying Order for Recovery is cancelled. This does not cancel the original PCN. The matter is referred back to the local authority to decide what action they wish to take next, and the process returns to NTO stage.

PCN JOURNEY FLOWCHART

