

## Freedom of Information Act 2000

Your request for information has now been considered and the Council's response to your questions is shown below.

### You asked:

**I'm trying to get information about use of discretionary Powers to cancel PCN by Parking office of Leicester city council. That under what circumstances these powers are used, how often these powers are used, over the last one year how many PCN were issued and how many were cancelled by using discretionary powers and is there any overseeing authority or person to observe the use of these discretionary powers.**

**Who decides the informal and formal appeal against PCN whether the issuing officer or someone else and what circumstances are taken into consideration before deciding on appeal.**

### ANSWER:

The number of Penalty Charge Notices (PCN) issued in the last 12 months (April 1st 2013 to March 31st 2014) – are 35,571. During this period 2,543 PCNs were cancelled. There is no report produced by the system in place that highlights discretionary powers used. This is done on an individual ticket by ticket basis where the officer looking into the case will make a decision using the information and evidence provided by a customer.

The PCN and Permit Manager oversee the use of discretionary powers applied. Discretionary power can be exercised with regards to the following as agreed by the Highways and Transportation Scrutiny Committee along with evidence provided by the customer to support their case:

- Vehicle was stolen and abandoned
- Vehicle broken down and unable to move
- Compassionate grounds where the driver was taken ill and was unable to move the vehicle
- Disabled Badge wrongly displayed ( first contravention only)
- Pay and display ticket not correctly displayed preventing attendant from checking the ticket.
- Pay and display machine was out of order or faulty and there was no alternative nearby to use instead
- It is my vehicle registration number but I own a different type of vehicle (cloned vehicle)
- Deliveries to and from a business where the vehicle the vehicle is parked in a pay and display bay or on a yellow line (where there is not a loading ban) are allowed providing the parking attendant witnesses the continuous activity. If a PCN is issued because no activity is witnessed the only time that the PCN would

be cancelled is if it can be proved that the goods were so heavy /bulky that the activity took longer.

In order to ascertain which PCNs were cancelled due to discretionary powers, all PCNs cancelled would need to be looked at individually. Depending on the complexity of the case, this could take anything between 1- 5 minutes and would take over 84 hours.

Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for local government is set at £450. This represents the estimated cost of one person spending more than 18 hours in determining whether the department holds the information, locating, retrieving and extracting the information.

We estimate it will take 84 hours to process your request. This is calculated  
 $2\text{mins} \times 2,543 \text{ cases} = 5086 \div 60 \text{ minutes} = 84 \text{ hours.}$

This is therefore a Refusal Notice under section 17.1 of the Freedom of Information Act, because under the provisions of section 12.1 of the Act, the Council estimates that to comply with your request in its current form will exceed the appropriate limit.

You may wish to refine your request by narrowing its scope by being more specific about what information you particularly wish to obtain, including any dates or period of time relevant to the information required. We do have a duty to advise and assist you in refining your request under s16 of the Act, so please don't hesitate to contact us if you need help in refining your request.

A Penalty Charge Notice process chart has also been attached. Officers looking into evidence provided will use discretionary powers whilst making a decision at the challenge received stage and representation received stage. If the decision is appealed, the case will be looked at by the Customer Care Officer and discretionary powers will be applied if appropriate.

The legislation allows you to use the information supplied for your own personal use, or for journalistic purposes. If the information is a dataset (which does not relate to the environment), you may also use the information for commercial re-use under an [Open Government Licence](#).

If you are dissatisfied with the handling of your request please write to:

**Information Governance Manager**  
**Information and Support**  
**Leicester City Council**  
**FREEPOST (LE985/33)**  
**New Walk Centre**  
**LEICESTER LE1 6ZG**  
e-mail: [info.requests@leicester.gov.uk](mailto:info.requests@leicester.gov.uk)

Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You may also seek independent advice from the Information Commissioner at:

**Information Commissioner's Office**

**Wycliffe House**

**Water Lane**

**Wilmslow SK9 5AF**

**Telephone: 01625 545 700**

[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Please be aware that the Information Commissioner does not normally consider requests until the internal appeals process of the Council has been exhausted. You are therefore advised to appeal to the Information Governance Manager before contacting the Commissioner.