

# Notice to Owner

Traffic Management Act 2004, S82 Civil Enforcement of Parking Contraventions (England) General Regulations 2007: Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.



The enforcement authority is East Devon District Council save in respect of on street parking contraventions where the enforcement authority is Devon County Council. Enforcement procedures in respect of on street parking contraventions are administered on behalf of Devon County Council, by East Devon District Council.

|   |   |   |
|---|---|---|
| «Offender_Address_Name»<br>«Offender_Business_Name»<br>«Offender_Address_1»<br>«Offender_Address_2»<br>«Offender_Address_3»<br>«Offender_Town»<br>«Offender_County»<br>«Offender_Post_Code» | Vehicle Registration Number:<br>Penalty Charge Notice Number:<br>Date of Service of PCN:<br>Date of Posting of this Notice: | «PCN_Registration_Number»<br>«PCN_Ticket_Number»<br>«PCN_Issue_Date»<br>«PCN_Correspondence_Date» |
|---|---|---|

This Notice to Owner has been issued to you by East Devon District Council because the Penalty Charge Notice has not been paid in full and you are registered as the Owner/Keeper/Hirer on the date on which the Penalty Charge Notice was served.

On «PCN\_Issue\_Date» you were the owner/hirer of vehicle registration number «PCN\_Registration\_Number» when Penalty Charge Notice Number «PCN\_Ticket\_Number» was served because the vehicle was allegedly involved in the following parking contravention:

|   |  |
|---|--|
| Contravention Code: «PCN_Offence_Code» - «PCN_Offence_Long_Description»<br>IN: «PCN_Street_or_Carpark_Name»<br>AT: «PCN_Issue_Time» |  |
| Penalty Charge: £«PCN_Amount_of_Full_Fine»  | Amount paid to date:<br>£«PCN_Amount_Paid_to_date» |
| Payment now due: £«PCN_Amount_Outstanding»  |  |

You must either **Pay the Penalty Charge in full** (see over) not later than the last day of the period of 28 days beginning with the date on which this Notice is served. This Notice will be taken to have been served on the second working day after the date of posting (as shown above) unless you can show that it was not. **Or make Representations to the Council (see over).**

## YOU THE OWNER/KEEPER/HIRER ARE LIABLE FOR THE PENALTY CHARGE NOTICE. DO NOT IGNORE THIS NOTICE OR PASS IT TO THE DRIVER

*If full payment has not been received or you have not made Representations to the Council within the time allowed, the Penalty Charge will increase by 50%, thereby increasing the amount outstanding to and a Charge Certificate will be served on you.*

£«PCN\_Full\_

If you do not pay in full the amount shown on the Charge Certificate, the Council may register it as a debt at the County Court and then put the case in the hands of enforcement agents (bailiffs) who will add their own costs to the Penalty Charge.

The driver was allowed 14 days to pay a 50% discounted sum. Any sum already paid, as shown above was insufficient to clear the charge in full. As the registered owner/keeper of the vehicle (or the person who was hiring the vehicle) at the time the Penalty Charge Notice was served, you are legally liable for the Penalty Charge even if you were not the driver at the time. **It is now too late to pay the 50% discounted rate, you therefore have two options:**

### Pay/Appeal

1. a) **PAY – Pay the Penalty Charge in full using a method listed overleaf**
2. b) **APPEAL – Make Representations to the Council.**

There are set grounds on which you may make Representations. If you think that one or more of the listed grounds applies to your case, complete the form overleaf and return it to the Council. The letter you are sent if your Representations are unsuccessful will explain how you can appeal to an independent Adjudicator.

## To make 'Representations' against the Notice to Owner please see below

If you consider that you should not pay this Penalty Charge **DO NOT IGNORE THIS NOTICE**. Details of how to make 'Representations' against the Notice to owner are as follows. Listed below are nine grounds on which you make representation as laid down in the Traffic Management Act 2004. Representations must be made by the payment date shown overleaf, any representations made after this date may be disregarded. If you wish to make Representation then you must tick the appropriate boxes below why you believe you are not liable and give further details in the space provided below. The form must then be signed and returned to: Parking Services, East Devon District Council, Knowle, Sidmouth, Devon. EX10 8HL or alternatively appeal by email at [parkingappeals@eastdevon.gov.uk](mailto:parkingappeals@eastdevon.gov.uk).

If your Representation is successful, a Notice of Acceptance will be issued and the Penalty Charge cancelled. If your Representation is unsuccessful, a Notice of Rejection will be issued and you must either pay the Penalty Charge Notice or appeal to an Adjudicator, who will independently consider your Appeal. An appeal form will be included with the Notice of Rejection, which should be completed and sent to the Traffic Penalty Tribunal. The form will explain the appeals procedure in full.

### Grounds for Representations

Please tick the grounds on which you are making representation.

**I am not liable to pay the Penalty Charge because:**

- ☐ **I was not the owner of the vehicle at the time of the alleged contravention.**  
When returning this form please enclose details-such as a receipt of sale/purchase or a copy of the DVLA registration form. You must give the name and address of the person who bought/sold the car and the date of sale/purchase in the box below.
- ☐ **The vehicle was parked by a person who was in control of it without my consent.**  
Supply proof such as police crime report number and police station address or insurance claim in the box below.
- ☐ **We are a hire firm and the person hiring the vehicle has signed a statement accepting liability.**  
Please supply a copy of the signed hire agreement including the name and address of the hirer in the box below.
- ☐ **The alleged contravention did not occur.**  
In the box below explain why you believe no contravention took place.
- ☐ **The Penalty Charge exceeded the amount applicable in the circumstances of the case.**  
That is, you have been asked to pay more than you are legally liable to pay. Please complete the box below.
- ☐ **The relevant designation order was invalid.**  
You believe the parking restriction in question was invalid or illegal. Please complete the box below.
- ☐ **There has been a procedural impropriety on behalf of this authority.**  
Please complete the box below stating why you believe the authority has acted improperly or in breach of the regulations.
- ☐ **The Penalty Charge Notice was paid, either in full or at the discounted rate within the discount period.**

If none of the grounds shown above apply but you believe there are mitigating circumstances in your case please complete the box below.

### Details to support your Representations

Please give details of your representations or mitigating circumstances and supply any supporting evidence.

Please continue on additional paper if necessary

#### TICK RELEVANT BOX

I was not the owner of the vehicle when the Penalty Charge Notice was issued because:

- ☐ \*I have never owned the vehicle.
- ☐ \*I ceased to be the owner of the vehicle before the date of the alleged contravention.
- ☐ \*I became the owner of the vehicle after the date of the alleged contravention. (Please supply proof of purchase or sale of the vehicle e.g. a copy of the receipt or DVLA notification or confirmation from your insurers that you have renewed or cancelled insurance).

**Name and Address of Buyer/Seller/Hirer:**

Name.....

Address:.....

.....Postcode.....

Date of Purchase/Sale.....

### DECLARATION

**This must be signed in order for your representations to be considered**

I confirm that all the information given is correct to the best of my knowledge. I realise that making a false statement may result in prosecution and a fine upon conviction of up to level five on the standard scale (**currently £5,000**)

Signature:..... Date:.....

Name(block capitals):.....Position in company (if relevant):.....

(PCN Reference: «PCN\_Ticket\_Number»)

### **PAYING THE CHARGE**

- **By Telephone:** Credit/ debit card payments only.  
Telephone 08447 36 96 31. Have your vehicle details and PCN Number ready.
- **Payments may be made online:** at [www.eastdevon.gov.uk](http://www.eastdevon.gov.uk) follow the links for online payments for Car Parking Fines.
- **By Post:** Using the payment slip below to:  
Parking Payments, East Devon District Council, Knowle, Sidmouth, Devon. EX10 8HL  
Cheques and Postal Orders must be made payable to: East Devon District Council and crossed "A/c Payee Only"  
Allow 2 working days for 1<sup>st</sup> Class post and 5 for 2<sup>nd</sup> Class.
- **In Person:** at East Devon District Council, Knowle, Sidmouth, Devon. EX10 8HL. Monday to Friday 9am – 17:00pm

**Please do not send payment if you wish to challenge this notice.**


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#### **Payment Slip**

|                          |
|--------------------------|
| From:                    |
| «Offender_Address_Name»  |
| «Offender_Business_Name» |
| «Offender_Address_1»     |
| «Offender_Address_2»     |
| «Offender_Address_3»     |
| «Offender_Town»          |
| «Offender_County»        |
| «Offender_Post_Code»     |

|                               |                   |
|-------------------------------|-------------------|
| Vehicle Registration Number:  | «PCN Registration |
| Penalty Charge Notice Number: | «PCN Ticket Num   |
| Date of service of PCN:       | «PCN Issue Date»  |
| Payment Amount Due:           | £«PCN Amount O    |

**Please enclose this slip with your payment.**

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