

PENALTY CHARGE NOTICE (PCN)

The Traffic Management Act 2004, s78; The Civil Enforcement of Parking Contraventions (England) General Regulations 2007; Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007

Mr NAME
ADDRESS 1
ADDRESS 2
ADDRESS 3
POST CODE SD1

Penalty Charge Notice Number: SD

Web Code, for online appeals: 00000000

This PCN is being served on the basis of a record produced by an approved device

PLEASE DO NOT IGNORE THIS NOTICE, AS THE OWNER / KEEPER / HIRER OF THIS VEHICLE THIS NOTICE IS YOUR RESPONSIBILITY. DO NOT PASS THIS TO ANOTHER PARTY

PCN Number: SD Date of this Notice and date of posting: 10 December 2014

To: Mr Ash

This Notice has been served on you because it appears to Sandwell MBC that you are the owner/keeper/hirer of the **Vehicle Registration Number:**
TEST

Make: Austin **Colour:** Black
and that the following contravention has occurred: 02, Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force

Date of Contravention: 29/11/2014 **Time:** 14:25
Location: Birmingham Road, West Bromwich

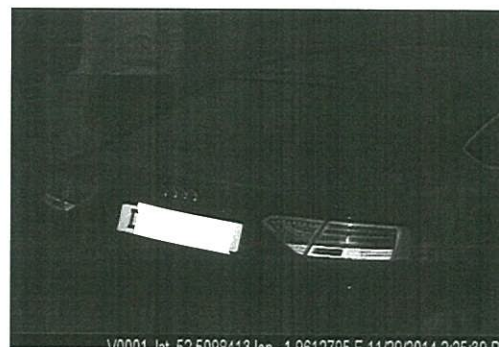
This parking contravention has been recorded by an approved device (in this case a camera and recording system) and this is why the Notice has been served on you by post.

A penalty charge of £70.00 is now payable and must be paid no later than the last day of the period of 28 days beginning with the date on which this Notice is served. The Notice will be taken to have been served on the second working day after the day of posting as shown above unless you can show that it was not.

The penalty charge will be reduced by a discount of 50% to £35.00 if it is paid not later than the last day of the period of 21 days beginning with the date on which this Notice is served.

The attached images have been extracted from CCTV footage and show the vehicle at the time of the alleged contravention.

NOTE: If you do not pay the penalty charge or make representations within the period specified above the Council may increase the original penalty by 50% and take steps to enforce payment.



Payment Slip

For payment options see overleaf

You must complete this slip in block capitals and return it with your payment to the address below.

APCOA Parking, C/O Sandwell MBC, Council House Oldbury, PO Box 2374, B69 3DE

Penalty Charge Notice:	SD	Name:
Vehicle Registration No:	TEST	Address:
Date of the Notice:	10 December 2014	
Payment Amount Due:	£35.00	Postcode:

As the registered owner/keeper of the vehicle in question, or the person who was hiring the vehicle at the time the alleged contravention was observed, you are legally liable for this penalty charge even if you were not the driver at the time. You are therefore required to either pay the Penalty Charge Notice, details are provided below, or to make representation.

How to make representations in respect of this notice

If you wish to make representations against this notice you should read the following notes carefully.

If you believe the penalty charge should not be paid you may make representations to Sandwell MBC

Representations must be in writing, you may use the attached form.

Representations may be made by the following methods:

Post to:
APCOA Parking
C/O Sandwell MBC
Council House Oldbury
PO Box 2374
B69 3DE

Online: www.sandwell.appeals-online.co.uk
(The required web code can be found at the top of the front page).

If you are unable to use any of these methods or have any other enquiry, please telephone 0121 569 4330.

You must make your representations not later than the last day of the period of 28 days beginning with the date on which this Penalty Charge Notice was served. The Notice will be taken to have been served on the second working day after the day of posting unless you can show that it was not. Representations which are made after the expiry of the 28 day period as specified above may be disregarded. If you submit your representations late, you should explain why.

The statutory grounds on which representations may be made are set out on the attached sheet together with an indication of the information which you should supply in support of your representations. It is important to provide all relevant information. This notice will be cancelled if one or more of the specified grounds are established. This Notice may also be cancelled for other compelling reasons even if none of the specified grounds apply. If the Notice is cancelled any sum already paid will be refunded.

If your representations are received in time or are received late but are taken into account, Sandwell MBC will let you know its decision in writing not later than the last day of the period of 56 days beginning with the date on which your representation was served on it. If it fails to do so, this Notice will be cancelled and any sums already paid will be refunded.

If your representations are rejected a written Notice of Rejection (NoR) will be sent to you. You must **either pay the amount due or appeal to the Independent Adjudicator** before the end of the period of the 28 days starting from when you receive the Notice of Rejection. You are deemed to have received the Notice of Rejection 2 working days after the date of the Notice of Rejection. If your representations are rejected you do have the right to appeal against the decision, the Adjudicator acts independently and the decision of the adjudicator is legally binding on both parties. Full details of how to appeal to the adjudicator will be included with the formal Notice of Rejection.

Failure to either pay the amount due or make an appeal with the Adjudicator, within the prescribed time, will result in a Charge Certificate being served and the amount due increased by 50%.

Sandwell MBC's policy regarding representations not covered by the statutory grounds can be found at www.sandwell.gov.uk.

Further information about Civil Parking Enforcement (including PCN's and NtOs) is available online at www.patrol-uk.info

The specified grounds

☐ **The alleged contravention did not occur.**

(Please explain why you believe no contravention took place.)

☐ **I was never the owner of the vehicle in question / or**

☐ **I had ceased to be its owner before the date on which the alleged contravention occurred / or**

☐ **I became its owner after the date on which the alleged contravention occurred.** (If you bought or sold the vehicle, you must give the new or former owner's name and address if you have it. Please also provide the date of the transaction and any other details, and include any documents such as an invoice or bill of sale)

☐ **The vehicle had been permitted to remain at rest in the place in question by a person who was in control of the vehicle without the consent of the owner.** (Tick this box if your vehicle was stolen or taken without your consent. Please provide any supporting information that you may have e.g. any crime reference or insurance claim reference).

☐ **We are a vehicle-hire firm and the vehicle was on hire under a hiring agreement and the hirer had signed a statement acknowledging liability for any PCN issued during the hiring period.** (The hiring agreement must be one which contained certain prescribed particulars. You must supply the name and address of the hirer. Please also supply a copy of the signed agreement)

☐ **The penalty charge exceeded the amount applicable in the circumstances of the case.** (Tick this box if you think you are being asked to pay more than is required by law and explain why.)

☐ **There has been a procedural impropriety by the enforcement authority.** (Tick this box if you believe that Sandwell Metropolitan Borough Council has failed to comply with any requirement imposed by the Traffic Management Act 2004, by the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 or by the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 Regulations. Please set out the statutory requirement, time limit or other procedural step with which you believe that the Council has failed to comply.)

☐ **The Order which is alleged to have been contravened in relation to the vehicle concerned is invalid.** (Please explain why you believe that the Order in question is invalid. Please note that this ground will not apply in respect of a provision in an Order to which Part VI of Schedule 9 to the Road Traffic Regulation Act 1984 applies.)

☐ **Mitigating Circumstances:** If there are any other reasons why you consider the council should cancel the penalty charge notice and refund any sum already paid please set out the reasons in full.

☐ **Other grounds:** If there are any other reasons not listed above why you consider the Council should cancel this Notice please tick this box and set out those reasons in full in the box on the following page.

Write your representations here (attach any extra sheets if necessary)

SD&_____

Please advise us if your name or address is incorrect

Name: _____

Address: _____

Postcode: _____

Name and address of buyer / seller / hirer of vehicle (where relevant)

I confirm that my representations are true to the best of my knowledge. I realise that knowingly or recklessly making a false statement may result in prosecution and a fine upon conviction of up to level 5 on the standard scale (currently £5,000).

Signature: _____ Date: _____

NAME: (in capitals) _____ Position in company (if relevant) _____

How to Pay

Payment should only be made if the Notice is not disputed Cash, Cheque, Postal Order (cheques and postal orders should be made payable to Sandwell MBC)



- Online at www.sandwell.gov.uk. Follow the link pay a bill.
- By telephone credit or debit card payments only. Automated payment line 0845 355 3500 (24 hours / 7 days a week). Have your card and vehicle details and PCN number ready.
- By post using the payment slip to: APCOA Parking, C/O Sandwell MBC, Council House Oldbury, PO Box 2374, B69 3DE.
- In person at Cashier Services Sandwell MBC Council House Oldbury Freeth Street, B69 3DE
9:00 - 16:30 Monday - Friday (except Bank Holidays).

Complete the payment slip and return it with your payment to:

APCOA Parking
C/O Sandwell MBC
Council House Oldbury
PO Box 2374
B69 3DE

Do NOT send cash or make credit card payment by post. Post dated cheques will not be accepted.

In Person

By cash, cheque, postal order, credit and debit cards at the location set out below:

Cashier Services
Sandwell MBC
Council House Oldbury
Freeth Street, B69 3DE

The rule relating to service

The Civil Enforcement of Parking Contraventions (England) General Regulations 2007: Regulation 3 "Service by post

- 3 (1) Subject to paragraph (5), any notice (except a penalty charge notice served under regulation 9) or charge certificate under these Regulations —
 - (a) may be served by first class (but not second class) post; and
 - (b) where the person on whom it is to be served is a body corporate, is duly served if it is sent by first class post to the secretary or clerk of that body.
- (2) Service of a notice or charge certificate contained in a letter sent by first class post which has been properly addressed, pre-paid and posted shall, unless the contrary is proved, be taken to have been effected on the second working day after the day of posting.
- (3) In paragraph (2), "working day" means any day except—
 - (a) a Saturday or a Sunday;
 - (b) New Year's Day;
 - (c) Good Friday;
 - (d) Christmas Day;
 - (e) any other day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.
- (4) A document may be transmitted to a vehicle hire firm (as defined in regulation 5(4)) by a means of electronic data transmission where
 - (a) the vehicle hire firm has indicated in writing to the person sending the notice or document that it is willing to regard a document as having been duly sent to it if it is transmitted to a specified electronic address; and
 - (b) the document is transmitted to that address.
- (5) Nothing in this regulation applies to the service of any notice or order made by a county court."