

Parking Ticket Appeals Procedure

Traffic Management Act 2004

This information applies only to Penalty Charge Notices issued on behalf of Three Rivers District Council. It gives details of how and under what circumstances you can appeal against a Parking Ticket issued in the Three Rivers District.

STEP 1 INFORMAL CHALLENGE

If you disagree with your parking ticket you are advised to first write, within 14 days of it being issued, to The Parking Shop, PO Box 152, Watford, Herts. WD18 0YD quoting the Penalty Charge Notice Number and giving your full postal address. You should say why you believe you are not liable to pay the penalty and you must give a valid reason.

Typical reasons that are not normally accepted are:

- that the parking restrictions were unfair
- that you had gone to get change for a pay and display machine
- that you had only parked for a few minutes
- that you were not causing an obstruction
- that there was no where else to park
- that you were delayed
- that you had a residents permit for another vehicle
- that you were not aware of the parking restrictions

We will respond to your letter, in writing, usually within 14 days of receipt, and inform you whether it has been accepted or not. We **cannot** deal with appeals over the telephone.

If your reason is accepted, you will not have to pay the charge.

If your reason is rejected and you have acted quickly following the issue of the ticket, you will usually be given a further 14 days to pay at the discounted rate of £25 or £35, depending on the severity of the contravention. If payment is not made within 14 days, or, if you wish to pursue the formal appeals process, you should be aware that you will lose the opportunity to pay at the discount rate. **Do not pay the penalty if you wish to proceed to stage 2. NB. If you decide to pay the penalty at the discount rate of £25 or £35, you will not be able to challenge or appeal the penalty further.**

STEP 2 MAKE REPRESENTATIONS TO THE COUNCIL

If we do not accept your explanation and you do not pay the penalty charge, you (or the registered keeper of the vehicle, if different) will receive a Notice to Owner saying that there is a further 28 days to pay the full penalty charge (£50 or £70, depending on the severity of the contravention) or giving you the opportunity to make **formal** representations to the Council. The notice is issued in accordance with the Traffic Management Act 2004.

You can then write in to the Council to make formal representations against the Penalty Charge Notice on the Notice to Owner on the following grounds:

1. The alleged contravention did not occur.
2. The vehicle was owned by someone else at the time of the contravention. You will have to provide proof of the date of sale or purchase. If the vehicle

has been sold, you will need to give the name and address of the buyer so that the Council can contact the new owner. It is not acceptable to simply say the vehicle was sold to somebody else without proof. Proof that you have cancelled or changed insurance may help the Council to decide.

3. The vehicle was taken and parked without your consent. This does not cover cases such as lending the car to a friend, who then parks illegally or a vehicle, which is parked illegally whilst in the hands of a vehicle repair or service business. If your car was stolen, the Council will require details of the crime reference number and the name of the police station to which the crime was reported or a letter from an insurance company.
4. The vehicle was hired to someone else at the time under a formal hire agreement. The Council will need to see a copy of the agreement.
5. If the amount shown on the Penalty Charge Notice is incorrect (for instance £50 instead of £70).
6. There has been a procedural impropriety on the part of the enforcement authority, such as failing to follow the correct conditions of the Traffic Management Act.
7. The traffic regulation order was invalid, ie the Council had not followed the proper legal steps in making the order. If your argument is that the signs or road markings were incorrect you should use ground 1 overleaf (the contravention did not occur).
8. The penalty has been paid. You will need to supply the relevant proof.

The Council will then carefully consider your representation, including any mitigating circumstances and all relevant facts. They will refer to computer records and notes made by the civil enforcement officer. If the Council finds in your favour, you will be informed and the penalty Charge Notice will be cancelled.

Do not ignore your Notice to Owner – this is your last chance to make representations and appeal. If you receive a Charge Certificate you have lost your right to appeal and the charge will be increased to £75 or £105, depending on the severity of the contravention.

STEP 3 APPEAL TO THE TRAFFIC PENALTY TRIBUNAL

If the Council does not find in your favour you will receive a formal Notice of Rejection together with an appeal form. At this stage you can appeal to the Adjudicator at the independent Traffic Penalty Tribunal. The address will be given on the appeal form.

You can only appeal to the Adjudicator after you have received a formal Notice of Rejection and the Appeal Form from the Council.

The decision of the Adjudicator is binding on the Council and on the motorist.

The Adjudicator is restricted by law to considering appeals on the grounds 1- 8 listed in Step 2.

**The Parking Shop
PO Box 152
Watford
Herts
WD18 0YD**