



PENALTY CHARGE NOTICE (PCN)

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

Penalty Charge Notice Number (PCN)

TO:

Date of this Notice to Owner and date of posting

This Notice has been served on you because it appears to Torbay Council that you are the owner/hirer of:

Vehicle Registration Number:

Make:

Colour:

Tax Disc:

Expiry:

and that the following parking contravention has occurred:

Date of Contravention:

Location:

Time:

(Observed from to)

Pay & Display details (if relevant)

Ticket No.

Expiry time:

This notice has been served by post because Civil Enforcement Officer (CEO) that the above parking contravention had occurred and

who had reason to believe

a) attempted to serve a penalty charge notice by affixing it to the vehicle or giving it to the person in charge of the vehicle but was prevented from doing so by some person or
b) had begun to prepare a penalty charge notice for service but the vehicle was driven away from the place in which it was stationary before the Civil Enforcement Officer had finished preparing the penalty charge notice, or was unable to serve it by affixing it to the vehicle or giving it to the person in charge of the vehicle.

A Penalty Charge of £ is now payable and must be paid 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 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 if it is paid not later than the last day of the period of 14 days beginning on the date on which this Notice is served.

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

See reverse for: How to Pay. How to make representations about this Notice.

PAYMENT SLIP (for payment options see reverse)

If a receipt is required please enclose a stamped addressed envelope

FROM:

Cut here and include with payment

Penalty Charge Notice No.:

Vehicle Registration No.:

Date of this Notice

Payment Amount Due:

HOW TO PAY

- **By automated 24 hour telephone line:** 01803 207495 - for debit/credit card payments.
- **By internet:** the Torbay Council website www.torbay.gov.uk/cpe and pay by debit/credit card.
Debit cards accepted: VISA, MASTERCARD, SWITCH, SOLO, MAESTRO.
- **By post:** make your cheque or postal order payable to Torbay Council and to avoid error write the **PCN** number shown overleaf on the reverse of the cheque. Complete the payment slip and attach it to your cheque or postal order and send to:- **Exchequer Services, Torbay Council, Town Hall, Torquay, TQ1 3DR.** Please send a SAE if you require a receipt. **Allow 2 working days for 1st class post and 5 for 2nd class.**
- **In person:** by debit/credit card at any of the Connections Offices listed below.
Torquay - Town Hall, Castle Circus, Torquay, TQ1 3DS
Opening hours: Mon, Tue, Thur & Fri 08.30 - 17.30, Wed 09.30 - 17.30
Paignton - Paignton Library & Information Centre, Great Western Road, Paignton, TQ3 5AG
Opening hours: Mon, Tue, Thur & Fri 09.00 - 16.15, Wed 09.30 - 16.15
Brixham Connections Office - Town Hall, Brixham, TQ5 9DE
Opening hours: Mon, Tue, Thur & Fri 09.00 - 16.15, Wed 09.30 - 16.15

HOW TO MAKE REPRESENTATIONS IN RESPECT OF THIS NOTICE

If you believe that the penalty charge should not be paid you may make representations to **Torbay Council**. Representations must be in writing and you may use the form attached. The representations may be made by:

Post to: Parking Services, PO Box 422, Torquay, TQ2 5WU

FAX to: 01803 207970

If you are unable to use any of these methods or have any other enquiry, please telephone 01803 207695.

Representations which are made after the end of the 28 day period specified on the first page of this Penalty Charge Notice may be disregarded. This Notice will be taken to have been served on the second day after the day of posting unless you can show that it was not. *For more information on this, please turn to the last page of this Notice.* If you submit your representation late you should explain why.

The statutory grounds on which representations may be made are set out below together with an indication of the information which you should supply in support of your representations. It is important to provide all relevant information. Tick the relevant boxes and write your reasons in the box on the following page. This Notice **will** be cancelled if one or more of the specified grounds is established. This Notice **may** be cancelled for other compelling reasons even if none of the specified grounds apply. If the Notice is cancelled any sums already paid will be refunded.

If your representations are received in time or are received late but are taken into account, Torbay Council 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, you have the right to appeal against that decision to an independent Adjudicator. An appeal form will be sent with the letter rejecting your representations. The form will explain how and when to appeal to the adjudicator.

Torbay Council's policy about late representations, representations not covered by the statutory grounds and extension of the time for payment of the discounted penalty can be found on www.torbay.gov.uk/cpe.

Further information about Civil Parking Enforcement (including PCNs and NtOs) is available online at www.patrol-uk.info on Torbay Council's website at www.torbay.gov.uk/cpe and the Council's leaflet online or at the three Connections Offices as above. **Please turn to Page 3 if you wish to make formal representations.**

Payment Reminder

Have you included your Penalty Charge Notice number on the reverse of your cheque or postal order.

If you require a receipt - please send a stamped addressed envelope.

Name
Address

Penalty Charge Notice No.:

Vehicle Registration No.:

Date of this Notice to Owner

Section 1

Please tick the grounds on which you are making representations. Section 2 allows the opportunity to fully explain your representation.

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

Please explain in Section 2 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 it's 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 copies of any documents such as an invoice or bill of sale. Turn to Section 3 to complete these details.

- ☐ **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 supporting information that you may have, e.g. any crime reference or insurance claim reference. Turn to Section 3 to complete these details.

- ☐ **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, 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 in Section 2.

- ☐ **There has been a procedural impropriety by the enforcement authority.**

Tick this box if you believe that Torbay 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. Turn to Section 2 to complete these details.

- ☐ **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. Turn to Section 2 to explain fully. *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.*

- ☐ **The Civil Enforcement Officer was not prevented by some person from fixing the PCN to the vehicle concerned or handing it to the person in charge of the vehicle:**

Tick this box only if you received the penalty charge notice through the post because the civil enforcement officer could not issue it at the scene of the contravention because they were prevented from doing so.

OTHER GROUNDS

- ☐ If there are any other reasons why you consider the Council should cancel the Penalty Charge Notice and refund any sum already paid, please tick this box and set out those reasons in full in Section 2 on the following page.

Section 2

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

Section 3

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

Date if ownership ceased

Date ownership commenced

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)

Torbay Council will use any data collected through the issuing of the Notice to Owner for the enforcement of parking contraventions and other associated purposes. This data may also be disclosed to other enforcement agencies for the purposes of this enforcement. It may also be disclosed to other departments within the Council or external parties for related purposes or as required by law. All processing of this data will be in accordance with the UK Data Protection Act 1998. If you wish to access your personal information please contact the Information Governance Team on 01803 201201.

"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 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."