



# NOTICE TO OWNER (NtO)

The 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

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:  
Tax Disc:

Make:

Colour:

Expiry:

in respect of which vehicle Penalty Charge Notice (PCN) Number was served on by Civil Enforcement Officer (CEO)

Who had reason to believe that the following contravention had occurred and that a penalty charge is payable:-

Location:

Date of contravention:

Time:

The Penalty Charge is  
To date amount received  
**Amount Outstanding**

NOTE: The person appearing to be in charge of the vehicle was served with a Penalty Charge Notice (PCN) which allowed 14 days for payment of a 50% discounted penalty charge, otherwise the full penalty charge became due. Either no payment has been received or any payment received has been insufficient to clear the penalty charge.

A Penalty Charge of £ is now payable by you as the owner/hirer 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.

You may make representations to Torbay Council as to why this penalty charge should not be paid. These representations should be made not later than the last day of the period of 28 days beginning with the date on which this Notice is served and any representations which are made outside that period may be disregarded.

**NOTE: If you do not pay the penalty charge or make representations before the end of the 28 day period specified above the council may increase the original penalty charge by 50% to and take steps to enforce payment.**

See reverse for: How to Pay. How to make representations.

**PAYMENT SLIP:** (for payment options see reverse)  
If a receipt is required please enclose a stamped addressed envelope

FROM

Penalty Charge Notice No.

Vehicle Registration No.

Date of this Notice

Payment Amount Due

## HOW TO PAY

- **By automated 24 hour telephone line:** 0300 333 6530 – for debit/credit card payments
- **By Internet:** the Torbay Council website [www.torbay.gov.uk/cpe](http://www.torbay.gov.uk/cpe) and pay by debit/credit card.  
Credit/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.**

## NOTICE OF COMPLETION

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

## PAY/DISPUTE

PAY – pay the penalty charge in full using one of the above methods,

DISPUTE – make Representations to the Council.

## HOW TO MAKE REPRESENTATIONS

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 Notice may be disregarded. This 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. 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 on page 3 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 in 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 and/or representations not covered by the statutory grounds can be found on [www.torbay.gov.uk/cpe](http://www.torbay.gov.uk/cpe).

Further information about Civil Parking Enforcement (including PCNs and NtOs) is available online at [www.patrol-uk.info](http://www.patrol-uk.info) on Torbay Council's website at [www.torbay.gov.uk/cpe](http://www.torbay.gov.uk/cpe) and the Council's leaflet available online or at the three Connection 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.

<b>Name</b>
<b>Address</b>

Penalty Charge Notice	
Vehicle Registration	
Date of 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 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 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.* These Orders are available at [www.torbay.gov.uk/transportandstreets/parking/trafficregulationorders](http://www.torbay.gov.uk/transportandstreets/parking/trafficregulationorders) or in person at any of the Connection Offices.

☐ **This Notice should not have been served because the penalty charge had already been paid:**

(i) in full; or

(ii) **at the discounted rate** set in accordance with Schedule 9 to the Traffic Management Act 2004 and **within the time specified in paragraph 1(h) of the Schedule to the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.**

Please indicate the amount of the payment made and when and how the payment was made in Section 2 and include a copy of any supporting documentary information such as a receipt or bank statement.

NB. The discounted rate was 50% of the penalty charge and should have been paid not later than the last day of the period of 14 days beginning with the date on which the PCN was served.

## 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 below.

### 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.”