

PCN No:«Notice_Number»
WEBCODE: «Notice_Web_Code»

Traffic Management Act 2004 s78

The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.
The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.

NOTICE TO OWNER:

«Corresp_Title» «Corresp_ForeName»
«Corresp_Surname»
«Corresp_Business_Name»
«Corresp_Address_Line_1»
«Corresp_Address_Line_2»
«Corresp_Address_Line_3»
«Corresp_Address_Line_4»
«Corresp_Town»
«Corresp_County»
«Corresp_Post_Code»

Issued by **Bath and North East Somerset Council**
Date of Issue/Posting: «Printed_Date»

This notice to owner has been sent to you, as the registered owner/keeper or hirer of the vehicle, because a Penalty Charge Notice (PCN) was issued to the vehicle (as shown below). To date full payment has not been received. Details of the Penalty Charge Notice are as below:

Penalty Charge Notice number : «Notice_Number»
Vehicle registration number : «Notice_VRM»
Parking contravention : «Notice_Contra_Long_Desc»
Date of contravention : «Notice_Contravention_Date»
Location of contravention : «Notice_Issue_Location»
Date & time PCN was served : «Notice_Service_Date» at «Notice_Service_Time»

THE PENALTY CHARGE HAS NOT BEEN PAID:

Penalty charge amount : «Notice_Original_Penalty»
To date you have paid : «Notice_Net_Paid»
Payment now due : «Notice_Outstanding_Account»

The person appearing to be in charge of the vehicle was served with a penalty charge notice which allowed 14 days for payment of a 50% discounted penalty charge otherwise the full penalty charge became due. Any sum already paid, as shown above, was either less than the discounted amount or received outside the discount period. As the registered owner / keeper or hirer of the vehicle you are legally liable for the penalty charge. **This applies even if you were not the driver at the time of the alleged contravention.**

It is now too late to pay the discounted rate, therefore you have two options:

1. **Pay** – Pay the penalty charge in full. See page 2 for details on how to make payment; or
2. **Make a Formal Representation to the Council** – see page 2 for details on how to make a representation;

If the penalty charge has not already been paid then you must either pay it in full or make a formal representation to Bath and North East Somerset Council within 28 days of the date of service of this notice. This notice will be taken to have been served on the second working after the day of posting as shown above unless you can show that it was not. For details on the rules regarding service of documents please contact Parking Services. Any representations which are made outside the 28 day time limit may be disregarded. and if you fail to pay this charge, or make a representation within this time limit a Charge Certificate may be issued.

Issue of a Charge Certificate will increase the penalty charge by 50% to £«Notice_Surcharge_Penalty». Failure to pay the increased amount may result in a County Court Order against you and a warrant being issued to bailiffs.

HOW TO PAY:

ONLINE – <http://parking.bathnes.gov.uk> Have your credit/debit card details and PCN number ready.

BY PHONE: Automated Payment Line 0845 372 3501 (24 hours/ 7 days a week). Have your credit/debit card details and PCN number ready

IN PERSON – One Stop Shop, 3-4 Manvers Street, Bath, BA1 1JQ. Mon, Tues, Thurs 08:30 – 17:00, Wed 09:30 – 17:00, Fri 08:30 – 16:30 excluding Bank/Public holidays.

POST – Return the payment slip (see page 5) with your payment to Parking Services, PO Box 5197, Bath, BA1 0UF. Cheque or postal order made payable to 'Bath and North East Somerset Council' with PCN number on reverse. Allow 2 working days for 1st Class and 5 days for 2nd Class. **DO NOT SEND CASH** or credit/debit card details through the post.

REPRESENTATION:

If you believe that the penalty charge should not be paid you may make representation to Bath and North East Somerset Council who are the enforcement authority. Please read the following notes:

1. **The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007** set out **grounds** under which you may make representation. **In addition the Council is required to consider mitigation in all cases (see page 3 for details of the grounds).**
2. Representation should be made not later than 28 days beginning with the date on which this notice was served. 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 (The Civil Enforcement of Parking Contraventions (England) General Regulations 2007: Regulation 3).
3. Representation made outside that period may be disregarded by the Council. If you are submitting your representation late you should explain why.

HOW TO MAKE REPRESENTATION AGAINST THE PENALTY CHARGE NOTICE:

ONLINE - Go to <http://parking.bathnes.gov.uk>

To view photographs/video taken at the time of issue and/or to submit a representation please use the webcode printed at the top of this Notice to Owner with the vehicle registration number and the PCN number:

N.B If you are submitting a representation electronically then in the absence of your signature you should note that the submission of a representation constitutes your personal certification that your representation is true to the best of your knowledge.

POST - Send your representation to Parking Services, PO Box 5197, Bath, BA1 0UF.

If by post tick the relevant box on page 3 of this document and give further details of your representation in the space provided on page 4. Attach any continuation sheets and supporting evidence and sign the declaration. Return the form to the address shown above.

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)

WHAT HAPPENS NEXT IF I SUBMIT A REPRESENTATION?

1. Bath and North East Somerset Council will consider your representation and is required to respond within 56 days of receipt. However, Bath and North East Somerset Council aims to respond within 21 days of receipt.
2. If it is considered that the grounds for representation have been met you will receive a written Notice of Acceptance and the Notice to Owner and, where appropriate, the Penalty Charge Notice will be cancelled and any sums paid in respect of this penalty charge will be refunded.
3. If your representation is received in time or is received late but taken into account and rejected a written Notice of Rejection will be sent to you and you must, within 28 days of service, either **pay the amount due, or appeal to the Parking Adjudicator at the Traffic Penalty Tribunal**, who acts independently. The decision of the Adjudicator is legally binding on both parties.
4. Details of the Adjudication Service provided by the Traffic Penalty Tribunal and an appeals form will be sent with any Notice of Rejection. More information on the appeals process can be found at www.patrol-uk.info
5. Failure to pay the amount due or lodge an appeal with the Adjudicator within the prescribed time may result in a Charge Certificate being issued and the penalty charge due will be increased by 50% to £«**Notice_Surcharge_Penalty**»

You can contact Parking Services on 01225 477133/4. Please note that all representations must be according to the instructions above, we are unable to consider a representations against this PCN via the telephone.

THE SPECIFIED GROUNDS TO MAKE FORMAL REPRESENTATION AGAINST A PENALTY CHARGE NOTICE

<p>A <input type="checkbox"/></p>	<p>The alleged contravention did not occur</p>	<p>Tick this box and give full details on the rear of this form if you believe the alleged contravention did not occur, for example the vehicle was not there; you were loading/unloading; you were displaying/hold a valid permit or ticket allowing you to park etc. Please enclose any relevant supporting evidence (permit or MiPermit Account number, ticket, delivery note etc) with your representation.</p>
<p>B <input type="checkbox"/></p>	<p>(i) I was never the owner of the vehicle. (ii) I ceased to be the owner before the date of the alleged contravention occurred, or (iii) I became its owner after that date.</p>	<p>Tick this box and give full details on the rear of this form if you believe that the recipient of this Notice was not the owner of the vehicle in question at the time of the contravention. In the case of circumstances (ii) and (iii) you are required to supply a statement confirming the name and address of the person to whom the vehicle was sold or, from whom the vehicle was acquired.</p>
<p>C <input type="checkbox"/></p>	<p>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 owners consent.</p>	<p>Tick this box and give full details on the rear of this form including, where appropriate, police crime reference.</p>
<p>D <input type="checkbox"/></p>	<p>The recipient of this notice is a vehicle hire firm and: (i) The vehicle in question was at the material time hired from that firm under a hiring agreement, and; (ii) The person hiring it had signed a statement acknowledging his/her liability in respect of any penalty charge notice served in respect any parking contravention involving the vehicle during the currency of the hiring-agreement.</p>	<p>Tick this box and give full details on the rear of this form. If this is the case you must supply a copy of the hire agreement with your representation, which must show the name and address of the hirer and the statement of liability duly accepted by the hirer.</p>
<p>E <input type="checkbox"/></p>	<p>The penalty charge exceeded the amount applicable in the circumstances of the case.</p>	<p>Tick this box and give full details on the rear of this form to why you believe this to be the case.</p>
<p>F <input type="checkbox"/></p>	<p>There has been a procedural impropriety on the part of the enforcement authority.</p>	<p>Tick this box and give full details on the rear of this form. The regulations define a procedural impropriety as "a failure by the enforcement authority to observe any requirement imposed on it by the Traffic Management Act 2004 or the associated regulations in relation to the imposition or recovery of a penalty charge or other sums and include, in particular, any step, whether or not involving the service of a document and the purported service of a Charge Certificate in advance of the time scale set out in the regulations (<i>The Civil Enforcement of Parking Contraventions (England) Representations & Appeals Regulations 2007 – Reg 4(5)</i>) This will also apply where a Fixed Penalty Notice has been issued by the Police for the same Contravention. In such circumstances, the Fixed Penalty takes precedence and the Penalty Charge Notice becomes invalid. This will only occur at Pedestrian Crossings and evidence of the Fixed Penalty should be supplied with your representation.</p>
<p>G <input type="checkbox"/></p>	<p>The order which is alleged to have been contravened in relation to the vehicle concerned, except where it is an order to which Part IV of schedule 9 to the 1984 Act, is invalid.</p>	<p>Tick this box and if you believe that the parking restriction was not covered by a traffic order, or the order was invalid or illegal. Please give full explanation of why you believe this to be the case on the rear of this form.</p>
<p>H <input type="checkbox"/></p>	<p>The Notice to Owner should not have been served because: (i) The penalty charge has already been paid in full; or (ii) The penalty charge had been paid, reduced by the amount of any discount set in accordance with schedule 9 to the 2004 Act, within the period specified in paragraph 1(h) of the schedule to the General Regulations.</p>	<p>Tick this box and provide evidence of payment to enable us to investigate on the rear of this form. This includes times, dates, method and any reference numbers given.</p>
<p>Z <input type="checkbox"/></p>	<p>Mitigating Circumstances</p>	<p>The Council is required to use discretion when enforcing Penalty Charge Notices and will do so if genuine mitigating circumstances exist. If you feel that this is the case please tick box 'Z' and give full reasons why the Council should consider cancelling the Penalty Charge Notice on the rear of this form.</p>

Please give full details below: (Continue on a separate sheet if required)

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

Name	Mr / Mrs / Miss / Ms / Other*
Address	
Postcode	
Date sold / purchased	

**Delete as appropriate*

I confirm that I am the registered owner/keeper/ authorised representative of the owner/keeper*

**Delete as appropriate – If you are the authorised representative Bath and North East Somerset Council will need to see the relevant authority.*

Signed:..... **Name:**.....

Date:.....

Data Protection Statement

Bath and North East Somerset Council will use information, including personal information, collected through the issuing of this Penalty Charge Notice for the enforcement of traffic contraventions and it may also be used for compatible purposes. The information may be disclosed to other enforcement agencies and third parties where it is necessary and lawful to do so e.g. for the prevention and detection of crime. All information will be processed in accordance with the Data Protection Act 1998.

PAYMENT SLIP

For payment options please see page 2 of this Notice to Owner

You must ensure you return this with your payment when paying by post and write your PCN number of the reverse.

PCN No: «Notice_Number»
Amount Due: «Notice_Outstanding_Account»
NtO Date: «Printed_Date»
Vehicle Reg No: «Notice_VRM»

Return this payment slip with your payment to: **Parking Services**
PO Box 5197
Bath
BA1 0UF.

Allow 2 working days for 1st Class and 5 days for 2nd Class. DO NOT SEND CASH or credit/debit card details through the post.