



# PENALTY CHARGE NOTICE (PCN)

This notice also acts as a NOTICE TO OWNER/HIRER/KEEPER (NtO)

## BUS LANE ENFORCEMENT

Transport Act 2000

Bus Lane Contraventions (Penalty Charges, Adjudications and Enforcement) (England) Regulations 2005 ('The Regulations')  
The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007

Parking Services  
TOWN HALL  
Blackburn  
BB1 7DY

01254 588100

Date of this Notice (date of posting):

Penalty Charge Notice (PCN) Number:

Date of alleged Contravention:

Vehicle Registration Mark (VRM):

### DO NOT IGNORE THIS NOTICE

This Penalty Charge Notice (PCN) has been sent to you, as the registered owner/keeper/hirer of the above vehicle, by Blackburn with Darwen Borough Council, the Enforcement Authority. This Notice also acts as a NOTICE TO OWNER (NtO).

**YOU ARE LEGALLY RESPONSIBLE FOR COMPLYING WITH THIS NOTICE. DO NOT PASS THIS NOTICE TO ANY OTHER PERSON(S).**

The Enforcement Authority has been informed that the above vehicle was recorded, by an approved device, in contravention of a Bus Lane restriction. As the registered owner/keeper of the vehicle (or the person named as the hirer of the vehicle at the time of contravention) you are liable for the penalty charge **even if you were not the driver at the time of event** and the Council are within their rights to pursue you for payment of the outstanding charge.

### PENALTY CHARGE NOTICE

Blackburn with Darwen Borough Council has received notification that you were the registered owner, keeper or hirer of the above vehicle when the contravention occurred.

Please find below the details of the contravention -

**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_ **Camera ID:** \_\_\_\_\_

**Contravention Code:** \_\_\_\_\_ **Location:** \_\_\_\_\_

**Contravention description:**

**Vehicle Registration Mark (VRM)** \_\_\_\_\_ **Make:** \_\_\_\_\_

The alleged contravention has been detected and recorded by an approved device (in this case a camera and recording equipment) and this is why this notice has been served on you by post. Please see below 2 stills (images) taken from the video footage.

A Penalty Charge of £ **60.00** is now payable.

The Council will accept the discounted rate of £ **30.00** within 14 days, from the date this notice was served, after which time the full charge will apply (see 'Rules' relating to service for further information). You must pay the outstanding balance or submit formal representations within 28 days of the date of service.

If you do not make full **payment** or submit formal **representations** within **28 days** of the date of service of this notice, the matter will continue to progress without further notice, a Charge Certificate will be issued and the original penalty charge will increase by 50% to £ **90.00**

**PLEASE DO NOT MAKE PAYMENT IF YOU WANT TO CHALLENGE THIS NOTICE**

## **THE RULES RELATING TO SERVICE**

The Civil Enforcement of Parking Contraventions (England) General Directions 2007 (as amended): 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 –
- may be served by first class (but not second class) post; and
  - 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 Saturday or Sunday;
  - New Years Day;
  - Good Friday;
  - Christmas Day
  - 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 detailed in regulation 5(4)) by means of electronic data transmissions where –
- 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;
  - the document is transmitted to that address,
- (5) Nothing in this regulation applies to the services of any notice or order made by a County Court”

**COUNCIL POLICIES** The Councils local policies may be viewed online – [www.blackburn.gov.uk](http://www.blackburn.gov.uk)

## **DATA PROTECTION STATEMENT**

Data collected through the issuing of this notice may be used for enforcement of traffic offences, parking contravention and other associated purposes.

This data may also be disclosed to other Enforcement Agencies. All processing of this data will be in accordance with the Data Protection Act 1998.

## **ENFORCEMENT AGENTS AND FEES**

If you do not pay the full amount in the time specified, Blackburn with Darwen Borough Council may seek to recover the debt via Enforcement Agents. If this occurs, the debt will be registered at the Traffic Enforcement Centre and a Warrant for Recovery will be issued. Failure to pay the outstanding amount may result in additional charges up to **£420.00**.

**Stage 1: Notice of Enforcement** - Penalty Charge plus an additional charge of **£75.00**

**Stage 2: Enforcement** - Penalty Charge & Stage 1 costs plus an additional charge of **£235.00**

**Stage 3: Removal & Sale of goods/property** - Penalty Charge, Stage 1 & 2 costs plus and additional charge of **£110.00**

## **HOW TO PAY**

**Telephone:** 01254 588100 – you will need a Credit/Debit card

**Online:** [www.blackburn.gov.uk](http://www.blackburn.gov.uk) – you will need a Credit/Debit card

Please note that telephone and online payment options may experience technical issues and therefore we recommend that if you have any issues with payment that you try again within 2 working days or contact us by email to advise us of your issue.

**Post:** CHEQUES or POSTAL ORDERS ONLY made payable to **BLACKBURN WITH DARWEN BOROUGH COUNCIL**

Please also write the Penalty Charge Notice number on the reverse of the cheque. Send your payment to:

*Parking Services, Town Hall, King William Street, Blackburn, BB1 7DY*

## **HOW TO MAKE A FORMAL REPRESENTATION**

If you believe that the penalty charge should not be paid, you may make a formal representation to Blackburn with Darwen Borough Council. Formal Representation must be made in writing and you may use this form. Formal representations may be submitted using one of the following methods –

- By post – *Parking Services, Town Hall, King William Street, Blackburn, BB1 7DY*
- Email – [parkingservices@blackburn.gov.uk](mailto:parkingservices@blackburn.gov.uk)
- Online – [www.blackburn.gov.uk](http://www.blackburn.gov.uk)

If you are unable to use any of the above or have any other query, please telephone 01254 588100.

You must submit your formal representation in writing within 28 days of this notice. The Council may disregard any representations received outside the 28 day period commencing with the date of service.

Further information about Civil Parking Enforcement and Bus Lane Enforcement (including PCNs and NtOs) is available online at [www.patrol-uk.info](http://www.patrol-uk.info) or in a leaflet available, upon request, from Parking Services.

# MAKING REPRESENTATIONS

The Statutory Grounds for making representations are listed below;

Please provide the grounds for your formal representation (tick box)

**The alleged contravention did not occur.**

*Please explain why you believe no contravention took place in the section 'Details of Formal Representation'*

**The penalty charge exceeded the amount applicable in the circumstance of the case.**

*(tick this box if you believe you are being asked to pay more than is required by the regulations)*

*Please explain why you believe you are being asked to pay more than you should legally in the section 'Details of Formal Representation'*

**I am/we are a vehicle hire company.**

The vehicle in question was at the material time hired from the company under a hire agreement and the person hiring it had signed a statement of liability acknowledging their liability in respect of any penalty charges involving the vehicle during the length of the hire agreement.

*Please provide a copy of the signed hire agreement and statement of liability. You must also provide the full name and full postal address of the person who hired the vehicle at the time of contravention.*

**The vehicle had been permitted to remain at rest in the location in question by a person who was in control of the vehicle without the consent of the owner (stolen).**

*Please provide evidence to support your statement, such as a police crime reference number or insurance claim.*

**There has been a procedural impropriety on the part of the Enforcement Authority.**

*Please explain why you believe the Enforcement Authority has failed to comply with any requirement imposed by the Transport Act 2000 in the section 'Details of Formal Representation'*

**The alleged Bus Lane contravention did not occur.**

*For example:*

- Incorrect signs and/or lines
- The vehicle was permitted to use the Bus Lane
- The vehicle was not in the bus lane

**The order which is alleged to have been contravened in relation to the vehicle concerned invalid.**

*(Please note that this ground will not apply in respect of a provision in a Traffic Regulation Order to which part VI of schedule 9 to the Road traffic Regulation Act 1984 applies).*

*Please explain why you believe the Traffic Regulation Order is invalid in the section 'Details of Formal Representation'*

**The vehicle has received notification from another enforcement authority regarding the same offence in the same area on the same date.**

*Please explain why you believe you are being asked to pay more than you should legally in the section 'Details of Formal Representation'*

*For example:*

- The alleged contravention is subject to criminal proceedings
- A Fixed Penalty Notice (FPN), as defined by Section 52 of the Road Traffic Offenders Act 1988, has been issued for the same incident.

**I was not the owner/keeper of the vehicle at the time of contravention.**

*Please provide a receipt of sale/purchase and a copy of the full vehicle registration document (V5C) if available. You must also provide the full name and postal address of the person who bought/sold the vehicle in the section 'Notification of new vehicle owner/hirer' below.*

**Any other ground you wish to raise.**

*Please provide a full explanation in the section 'Details of Formal Representation'*

## NOTIFICATION OF NEW VEHICLE OWNER/HIRER

I was not the owner/keeper of the vehicle when the penalty charge was issued because:

**I sold the vehicle on** ...../...../..... **to**  
*Please provide evidence of sale.*

**I bought the vehicle on** ...../...../..... **to**  
*Please provide evidence of purchase.*

**I have never owned the vehicle.**  
*Please provide an explanation on page 4.*

Keeper Details	
Name	
Address	
Postcode	

## **DETAILS OF FORMAL REPRESENTATION**

The Statutory Grounds on which representations may be made are set out in the section 'making representations'. It is important that you provide all relevant information and supporting evidence. This notice may be cancelled if one, or more, of the Statutory Grounds are established.

This notice may be cancelled under 'mitigating circumstances' even if none of the Statutory Grounds apply, however this is dependent on the supporting evidence provided. If the notice is cancelled, any monies paid will be refunded.

Full name			
Full postal address (Inc Postcode)			
Penalty Charge Notice Number		PCN Date	
PCN Location		PCN Time	
Vehicle Registration Mark (VRM)		Make	

### **FORMAL REPRESENTATION**

I confirm that the information contained in this document and supporting evidence (if applicable) is correct to the best of my knowledge.

I understand that making a false statement may result in the prosecution and possible fine of up to £5,000.

Name \_\_\_\_\_ Position in company \_\_\_\_\_  
(in BLOCK capitals) (if applicable)

Signature \_\_\_\_\_ Date \_\_\_\_\_

### **WHAT HAPPENS NEXT?**

If your representations are received in time or are received late but are taken into account, Blackburn with Darwen Borough Council, as the Enforcement Authority, will inform you of the decision in writing within 56 days (from receipt of your representation by Parking Services). If your representations are rejected, you have the right to appeal against the decision using the independent appeals service. An appeal form will be sent with the Letter of Rejection of Formal Representation. The form will provide all the required information on how to submit an appeal. If you have not received any notification from the Authority within 21 days of submission, please contact Parking Services for an update. You can view this notice online at [www.blackburn.gov.uk](http://www.blackburn.gov.uk)