

HOW TO PAY

- **By telephone** Credit / debit card payments only. Automated payment line **03455202468** (24 hours/ 7 days a week). Have card and vehicle details and PCN number ready.
- **Online** at www.parksmarter.org.uk Follow links from **online payments**
- **By post** quoting the PCN No on the reverse side of the cheque and posting to: PO Box 10282, Sutton-in-Ashfield, NG17 0DX. Allow 2 working days for 1st class post and 5 for 2nd class.
DO NOT SEND CASH THROUGH THE POST

For payment slip please see page 5

HOW TO MAKE REPRESENTATIONS

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

Post at PO Box 10282, Sutton-in-Ashfield, NG17 0DX;

FAX to 01623 434 254;

www.parksmarter.org.uk

If you require further information on how to challenge please telephone **03455202468** option 2.

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 representations 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, Derbyshire County 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.

The Derbyshire County Council's policy about late representations and/or representations not covered by the statutory grounds can be found on www.parksmarter.org.uk or in a leaflet available from the Council offices. *Further information about Civil Parking Enforcement (including PCNs and NtOs) is available online at www.patrol-uk.info or in a leaflet available from the enforcement authority.*

THE SPECIFIED GROUNDS

- The alleged contravention did not occur.**
(Please explain 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)

- 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 any supporting information that you may have e.g. any crime reference or insurance claim reference).

- 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 qualifies by containing prescribed particulars. You **must** supply the name and 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.)

- There has been a procedural impropriety by the enforcement authority.**
(Tick this box if you believe that the *Derbyshire County Council* has failed to comply with any requirement imposed by the Traffic Management Act 2004, by the The Civil Enforcement Of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022. The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022... Please set out the statutory requirement, time limit or other procedural step with which you believe that the Council has failed to comply.)

- 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. *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.*)

- 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 Act **and within the time specified in paragraph 1(h) of the Schedule to The Civil Enforcement Of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022. The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022...**
(Please indicate the amount of the payment made and when and how the payment was made and include a copy of any supporting documentary information such as a receipt or bank statement.
N.B. 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 the box on the following page.**

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

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

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)

THE RULE RELATING TO SERVICE

The Civil Enforcement Of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022. The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022.: 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 —

- (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 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) 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.”

✂ detach here -----

Notice to Owner Challenge Payment Slip - Cheques / Postal Orders Payable to: “Park Smarter”

Return Address: Central Processing Unit PO Box 10282 Sutton-in-Ashfield NG17 0DX

PCN Number:
Vehicle registration: «Notice_VRM»

*please complete Attached Cheque / Postal Order total:	*£
*Sign	*Date:

DATA PROTECTION STATEMENT

Personal data has been collected in order to serve this Penalty Charge Notice and enforce the parking restrictions. As the Local Authority shown overleaf believes that a contravention has occurred, data may be collected, processed, shared and retained in order to carry out the performance of a public task and fulfil our legal obligations. Data is shared with the joint controller, Nottinghamshire County Council, using the Central Processing Unit, P.O Box 10282, Nottingham, NG17 0DX.

In relation to the personal data which we may hold about you, you have the right to have access, rectify or object to incorrect information. Under Data Protection law we must verify your identity and explain to you our reasons if we do not agree to carry out your request.

For further information on how we process data, in the first instance please write to;

Post: Central Processing Unit, P.O Box 10282, Nottingham, NG17 0DX.

Email: parking.enforcement@nottscc.gov.uk

Tel: 0345 520 1357 (Option 2).

You also have the right to complain to the Information Commissioner's Office at www.ico.org.uk