

FAREHAM BOROUGH COUNCIL

ACTING AS AGENT FOR HAMPSHIRE COUNTY COUNCIL
FOR ON STRAET CONTRAVENTIONS

Fareham Borough Council
Parking Services
Civic Way
Fareham
Hants
PO16 7AZ

VEHICLE REGISTRATION	
PENALTY CHARGE NOTICE NUMBER	
PCN SERVICE DATE	
DATE OF SERVICE OF THIS NOTICE	

NOTICE TO OWNER (NTO) (SERVED BY FAREHAM BOROUGH COUNCIL)

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; Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007

This "Notice to Owner" (NTO) has been served to you as the registered keeper/hirer of the vehicle, because the person appearing to be in charge of the vehicle was served 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. This notice has been served on you because it appears to the Issuing Authority, which is Fareham Borough Council that you were the keeper/hirer of:-

Vehicle Registration Number:	Make:	Colour:
In Respect of Penalty Charge Notice (PCN) Number:	Which 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;		
Contravention:		
Location:	Date of Contravention:	Time:

PHOTO'S TAKEN BY THE CIVIL ENFORCEMENT OFFICER PRIOR TO AND/OR IMMEDIATELY AFTER THE ISSUE OF THE PENALTY CHARGE NOTICE

THE PENALTY CHARGE HAS NOT BEEN PAID	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. Which is: 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.
PENALTY CHARGE IS £	
TO DATE YOU HAVE PAID £	You may make representations to Fareham Borough 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. (SEE BELOW)
PAYMENT OUTSTANDING £	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 penalty charge by 50% to £ And take steps to enforce the payment.

ANY REPRESENTATIONS MADE WITHIN 28 DAYS OR MADE OUTSIDE THAT PERIOD WHICH HAVE NOT BEEN DISREGARDED ARE NOT ACCEPTED, THE RECIPIENT OF THE NTO MAY STILL APPEAL TO AN ADJUDICATOR (CONTACT THE COUNCIL FOR DETAILS)

HOW TO PAY

- BY TELEPHONE:** Credit/debit card payments may be made on the automatic payment line **0845 6066876**
Select option 3 and have your card and Penalty Charge Notice number ready.
- ONLINE:** Via our website www.fareham.gov.uk select “**On-Line Services** then “**pay it**”. (You will need the PCN No)
- BY POST:** Cheques or postal orders payable to “**Fareham Borough Council**” sent to **Parking Services** at the address below.
Please write your name and address and Penalty Charge Notice Number on the rear of the cheque.
(Allow 2 working days for 1st class post and 5 for 2nd class).
- IN PERSON:** At the Cashier’s Office, **Civic Offices, Civic Way, Fareham, Hants PO16 7AZ**
Opening hours are; Monday to Friday 8:45am-4:00pm

HOW TO MAKE REPRESENTATIONS

If you believe that the penalty charge should not be paid, you may make representations to Fareham Borough Council. Representations must be in writing or via e-mail and you may use this form. **In all instances please include your name, address and the Penalty Charge Notice number** and if relevant a copy or attachment of any documentary evidence you wish to be considered. The representations may be made by;

Post; To; Parking Services, Fareham Borough Council, Civic Way, Fareham, Hants PO16 7AZ
E-Mail To; parkingservices@fareham.gov.uk
Online To; www.fareham.gov.uk (Parking and Traffic, Pay or challenge a penalty charge notice)
Fax; 01329 821588; Please include your name and address and the Penalty Charge Number

If you are unable to use any of these methods or have any other enquiry please telephone 01329 236100

Representations which are made after the end of the 28 day period specified on page one of this notice may be disregarded. This notice will be taken to have been served on the second working day after posting, unless you can show that it was not. (See below) If you submit your representations late then please explain why. If this is not accepted by the Council the recipient of the Notice to Owner may still appeal to the Independent Adjudicator at the Traffic Penalty Tribunal. Please contact this Council for details.

The statutory grounds on which representations may be made are set out overleaf 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 space provided. This notice **WILL** be cancelled if one or more of the specified grounds is established. This notice may still be cancelled for other compelling reasons even if none of the specified grounds apply. If the notice is cancelled any sums already paid to the case will be refunded.

If your representations are received in time or are received late but are still taken into account, Fareham Borough Council will let you know its decision, in writing, no 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 that decision to an Independent Adjudicator at the Traffic Penalty Tribunal. An appeal form will be sent with the letter rejecting your representations. This form will explain how and when to appeal to the Adjudicator.

The Fareham Borough Council policy relating to late representations and/or representations not covered by the statutory grounds can be found on www.fareham.gov.uk. Further information about Civil Parking Enforcement (including PCN’s and NTO’s) is available online at www.patrol-uk.info or a leaflet is available from Fareham Borough Council.

ADVICE AND GUIDANCE RELATING TO SERVICE BY POST

Regulation 3 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 contains the rules as to service by post. These are set out below:

“Service by post”

- (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 provided, 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 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 specific 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.

PENALTY CHARGE NUMBER:

CONTRAVENTION DATE:

THE SPECIFIED GROUNDS (Please tick relevant box)

- The alleged contravention did not occur** (Please explain why you believe no contravention took place)
- I was never the owner/hirer 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 in which the alleged contravention occurred.** (If you brought or sold the vehicle, you must give the new or former owners 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 you may have such as a sales invoice or receipt).
- 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/documentation that you may have such as the Police crime reference number or insurance claim reference/confirmation).
- We are a vehicle hire firm and the vehicle was on hire under a hiring agreement and the hirer had signed a statement acknowledging any liability for any Penalty Charge Notice 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 Fareham Borough 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**) Please set out the statutory requirement, time limit or other procedural step with which you believe that the Council has failed to comply).
- The Traffic Regulation Order which is alleged to have been contravened in relation to the vehicle is invalid.** (Please explain why you think 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 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 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 and include a copy of any supporting documentary information such as a receipt or bank statement).
NB. The discounted rate was 50% of the original penalty charge and should have been paid not later than the last day of the period of 14 days beginning with the date the Penalty Charge Notice (PCN) was issued.

OTHER GROUNDS

- If there are any other grounds or 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 on the next page.**

NOTE: If you are a Blue Badge holder or a Disability Card Holder from another country and your case is relating to the display of your badge/card, then please provide a copy of the front of your badge showing the serial number and expiry date.

REPRESENTATION REASONS

NOTE: The Enforcement Authority for all ON STREET Contraventions is Hampshire County Council. Fareham Borough Council act as agents for them and are therefore the Issuing Authority for the Penalty Charge Notice and any subsequent letters/documentation. (For all OFF STREET (Car Park) Contraventions Fareham Borough Council is the Enforcement Authority)

Please write your representations here and attach any extra copies (you may also send pages 3 and 4 of your formal representations, as an attachment to; parkingservices@fareham.gov.uk) and include a copy of any relevant documents you wish to be considered, such as a valid pay and display ticket, sales receipt/invoice, or blue badge, or you can send to the address above on page 2, by post.

PLEASE WRITE YOUR PENALTY CHARGE NOTICE NUMBER HERE _____

REPRESENTATIONS:

PLEASE TICK THE RELEVANT BOX

- I HAD SOLD THE VEHICLE BEFORE THE DATE OF THE PENALTY CHARGE NOTICE
- I PURCHASED THE VEHICLE AFTER THE DATE OF THE PENALTY CHARGE NOTICE
- WE ARE A VEHICLE HIRE FIRM AND HAVE SUPPLIED THE NAME OF THE HIRER AND A COPY OF A VALID HIRE AGREEMENT SHOWING THE HIRERS LIABILITY

I have made my representations which 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 up to level 5 of the standard scale, (currently £5000)

NAME AND ADDRESS OF BUYER/SELLER/HIRER

NAME	_____
ADDRESS	_____ _____ _____
POST CODE	_____
DATE OF PURCHASE/SALE	_____

NAME (IN CAPS) _____

POSITION (IF RELEVANT) _____