

Penalty Charge Notice (PCN)

The Traffic Management Act 2004, s78; Civil Enforcement of Parking Contraventions (England) General Regulations 2007; Civil Enforcement of Parking Contraventions (England) representations and Appeals Regulations 2007



Portsmouth
CITY COUNCIL

Parking Service, Civic Offices,
Guildhall Sq. Portsmouth, PO1 2NE



How to make representations

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

Web: parkingtickets.portsmouth.gov.uk

Post to: Parking Service, Guildhall Square, Portsmouth, PO1 2NE.

If you are unable to use any of these methods or have any other enquiry, please telephone **023 9268 8310**.

Representations which are made after the end of the 28 day period specified on the first page of this Penalty Charge 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 refer to page 3 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 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 into account, Portsmouth City 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. The letter rejecting your representations will explain how and when to appeal to the adjudicator.

Portsmouth City Council's policy about late representations, representations not covered by the statutory grounds and extension of the time for the payment of the discounted penalty can be found on www.portsmouth.gov.uk

Further information about Civil Parking Enforcement (including PCNs and NtOs) is available online at www.patrol-uk.info, or in a leaflet available from Portsmouth City Council.

Data Protection Information

Personal data has been collected in order to serve this Penalty Charge Notice and enforce the parking terms and conditions. Also you may write to us and provide personal data. As a contravention has been observed, your personal data may be collected, processed, shared and retained in order to carry out the performance of a public task and fulfil our legal obligations in the following ways:

- To request details of the registered keeper of the vehicle from the DVLA in order to pursue a Penalty Charge Notice.
- Shared with third parties for appeals and enforcement.
- Shared with the police or security organisations to prevent or detect crime.

Your Data Rights

In relation to the personal data which we may hold about you, you have the right to request to: Be informed, have access or rectify incorrect information. You also have the right to object to or restrict our processing of your data.

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.

Contact and Further Information

If you would like more information about how we use your data, please read our Privacy Policy: www.portsmouth.gov.uk or telephone **023 9268 8310**.

How to pay

- **Online** at www.portsmouth.gov.uk and clicking on 'pay'.
- **By telephone** – credit/debit card payments only. Automated payment line 0800 8766576 (24 hours/7days a week). Please have your card, vehicle details and PCN number ready.

- **By post** using the payment slip on page 1 to: Parking Service, Civic Offices, Guildhall Square, Portsmouth PO1 2NE. Please allow 2 working days for 1st class post and 5 working days for 2nd class post.
- **In person** at the Civic Offices, Guildhall Square, during opening hours. Payment may also be made at any Portsmouth City Council Area Housing Office.

The specified grounds (please tick relevant box)

The parking ticket (pcn) was incorrectly issued because:

- 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 eg 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 Portsmouth City 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)
- 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*)
- The Civil Enforcement Officer was not prevented by some person from fixing the PCN to the vehicle concerned or handing it to the person in charge of the vehicle** (Tick this box only if you received the penalty charge notice through the post because the civil enforcement officer could not issue it at the scene of contravention because he was prevented from doing so)

See page 4 for other grounds

The rule relating to service

The Civil Enforcement of Parking Contraventions (England) General Regulations 2007: 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"

