

REPRESENTATIONS AGAINST REMOVAL OF A VEHICLE

Under the Traffic Management Act 2004 you are required to pay the removal fee, penalty charge notice (PCN) and any storage fees before your vehicle is released.

You have a right to make representations to Portsmouth City Council if you believe:-

- that one or more of the grounds specified below apply, or
- that, whether or not any of those grounds apply, there are compelling reasons why, in particular circumstances of the case, the enforcement authority should -
 - refund some or all of the amount paid to secure the release of the vehicle or deducted from the proceeds of sale; or
 - waive its right to recover all or any of the sums due to it on account of the removal or disposal of the vehicle.

Your representations against the issue of the PCN and removal must be received by Portsmouth City Council before the end of the period of 28 days beginning with the date that you were informed of your right to make representations (normally the date that the vehicle was released). Any representations received outside this 28 day period may be disregarded.

Upon receipt Portsmouth City Council will investigate your representations and inform you, within 56 days of the service of representations, whether they have been accepted or rejected. If your representations are accepted, a refund of the removal fee and/or PCN and/or storage charge may be issued. If your representations are rejected you will receive a reply detailing the reasons why, along with details on how to appeal against this Council's decision, to an independent parking adjudicator. More information about this process is available at www.patrol-uk.info

GROUND'S FOR REPRESENTATION

- ☐ The circumstances in which the vehicle had been permitted to remain at rest in the civil enforcement area were not circumstances in which a penalty charge was payable under Regulation 5 of The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022;
- ☐ The Civil Enforcement Officer (CEO) had not, in accordance with regulation 9 of The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022; fixed a penalty charge notice (PCN) to the vehicle or handed such a notice to the person appearing to be in charge of the vehicle, before the vehicle was removed;
- ☐ At the time the vehicle was removed, the power to remove the vehicle conferred by paragraph (2) of regulation 5C of the Removal and Disposal of Vehicles Regulations 1986 was, by virtue of paragraph (3) of that regulation, not exercisable;
- ☐ The vehicle had been permitted to remain at rest in the place where it was by a person who was in control of the vehicle without the consent of the owner;



- ☐ The place where the vehicle was at rest was not in a civil enforcement area;
- ☐ The penalty charge or other charge paid to secure the release of the vehicle exceeded the amount applicable in the circumstances of the case;
- ☐ There has been a procedural impropriety on the part of the enforcement authority; or
- ☐ If there are compelling or mitigating reasons why the PCN and subsequent removal of your vehicle should not have taken place.

To make a representation against the removal of a vehicle and or PCN, either:-

Write your representations here (use continuation sheets if necessary)

PCN NUMBER: PO.....

VEHICLE REGISTRATION:

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

Please return to:- Portsmouth City Council



Portsmouth
CITY COUNCIL

Transport & Environment
Civic Offices
Guildhall Square
Portsmouth
PO1 2NE

Or email: parking@portsmouthcc.gov.uk

Further information is available by telephone 023 9268 8310 or on Portsmouth City Council's website www.portsmouth.gov.uk

Please quote the Penalty Charge Notice Number and Vehicle Registration in all correspondence.

I confirm that my representations are true to the best of my knowledge. I realise that 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)