



Tonbridge & Malling Borough Council

NOTICE TO OWNER (NtO)

Traffic Management Act 2004 s82; Civil Enforcement of Parking Contraventions (England) General Regulations 2007; Civil Enforcement of Parking Contraventions (England) Representations and Appeal Regulations 2007

Replica
TMBC
Gibson Building
Gibson Drive
Kent
ME19 4LZ

Date of this Notice to owner and date of posting: 24 October 2016

To: Replica

This Notice has been served on you because it appears to Tonbridge & Malling Borough Council that you are the owner of:

Vehicle Registration Number: TPTREPLI Make: Abarth Colour: Black

Tax Disc: Expiry:

in respect of which Penalty Charge Notice Number: TN00000016 was served: 23 October 2016

by Civil Enforcement Officer (CEO): Test01

who had reason to believe that the following contravention had occurred and that a penalty charge was payable:

Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock (Contravention code 83)

Location: Angel CP, Tonbridge

Date of Contravention: 23 October 2016 Time: 10:00:00

The penalty charge is **£50.00**. To date **£0.00** has been received. **£50.00** is outstanding.

NOTE: The person appearing to be in charge of the vehicle was served with a penalty charge notice (PCN) which allowed 14 days for payment of a 50 percent 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.

A penalty charge of **£50.00** is now payable by you as the owner 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. 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.

You may make representations to Tonbridge & Malling 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.

NOTE: If you do not pay the penalty charge or make representations before the end of the period specified above the Council may increase the original penalty charge by 50 percent to **£75.00** and take steps to enforce payment.

Payment slip

For payment options see below

For postal payments complete this slip in block capitals and return it with your payment to:-

Tonbridge & Malling Borough Council, Financial Services, Council Offices, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent. ME19 4LZ

Penalty Charge Notice: TN00000016

Vehicle Registration No: TPTREPLI

Date of the Notice: 24 October 2016

Payment Amount Due: £50.00

Name:

Please retain proof of postage as this will be required in cases of late or non-delivery of payment

How to pay

Payment should only be made if the Notice is not disputed

Cash, Cheque, Postal Order



- **Online** at www.tmbc.gov.uk/parking. Have your card, vehicle details and PCN number ready.
- **By telephone** credit / debit card payments only. Automated payment line (24 hours / 7 days a week). Have card and vehicle details and PCN number ready.
 - Automated 01732 876099
 - Parking Office 01732 876034 (office hours only)
- **By post** using the payment slip to: Tonbridge & Malling Borough Council, Financial Services, Council Offices, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent. ME19 4LZ. Allow two working days for first class post and five for second class. **Please retain proof of postage as this will be required in cases of late or non-delivery of payment.**

Cheques and postal orders payable to TMBC. Please write the PCN number in the top left corner of the cheque and attach it to the completed payment slip.

Do NOT send cash or make credit card payment by post. Post dated cheques will not be accepted.

- **In person** take the completed payment slip to our offices at Kings Hill or at Tonbridge Castle. Opening hours are as follows:-

Kings Hill Monday to Friday 8:30 am to 5 pm

The Castle, Tonbridge Monday to Friday 8:30 am to 5 pm

Saturday 9 am to 5 pm

Sunday 10:30 am to 4 pm

Notice of completion

1. The driver was allowed 14 days to pay a 50 percent discounted sum. Any sum already paid, as shown overleaf, was insufficient to clear the charge in full.
2. As the registered owner/keeper of the vehicle (or the person who was hiring the vehicle) at the time the parking ticket (Penalty Charge Notice) was issued, you are legally liable for the Penalty Charge even if you were not the driver at the time.

Pay/Dispute

1. **PAY - Pay the Penalty Charge in full using an above method.**
2. **DISPUTE - Make representations to the Council.**

There are set grounds on which you may make representations. If you think that one or more of the listed grounds applies to your case, complete the form and return it to the Council. The letter you are sent if your representations are unsuccessful will explain how you can appeal to an independent adjudicator.

How to make representations

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

Post at The Parking Office, TMBC, Gibson Building, Gibson Drive, Kingshill, West Malling, Kent, ME19 4LZ - Please retain proof of postage as this will be required in cases of non-delivery

Online at www.tmbc.gov.uk/parking. Have your vehicle details and PCN number ready. You will also need to use the following P.I.N. to access the representation screen.

790119

Note: If your PCN begins with KO please ensure you enter KO 2 letters followed by 0 (zero) and the rest of your PCN number or you will not find your case.

E mail to parking.office@tmbc.gov.uk

If you are unable to use any of these methods or have any other enquiry, please telephone 01732 876034.

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 page 5 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, Tonbridge & Malling Borough 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.

Further information on Civil Parking Enforcement (including PCNs and NtOs) is available www.patrol-uk.info

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 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 contained certain 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 Tonbridge & Malling 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 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.)
- 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 Parking Contraventions (England) General Regulations 2007.**
(Please indicate the amount of the payment made and when and how the payment was made and include 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 is served.)

Other grounds

- If there are any other reasons not listed above why you consider the Council should cancel this Notice 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)
PCN TN00000016

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 Parking Contraventions (England) 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 a 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.

4-(1). Service of a notice or charge certificate containing 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 after the day of posting.

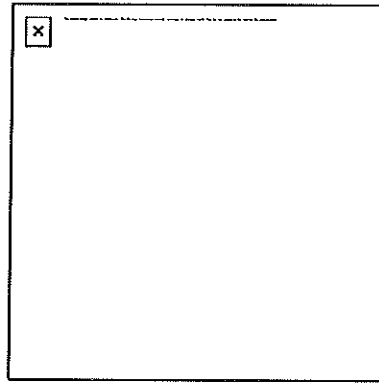
5-(1). In paragraph (2), “working day” means any day except –

- (a) A Saturday or 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.

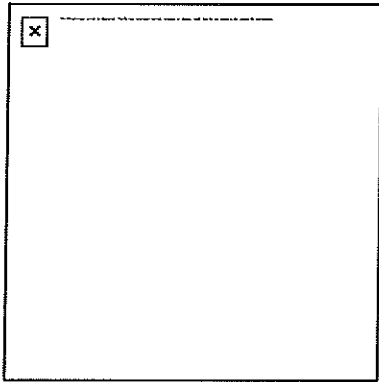
6-(1). A document may be transmitted to a vehicle hire firm (as defined in regulation 5(4)) by means of electronic data transmission where –

- (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.

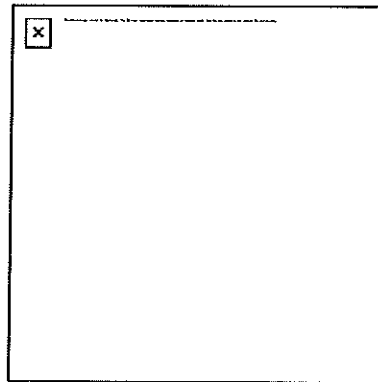
7-(1). Nothing in this regulation applies to the service of any notice or order made by a county court.”



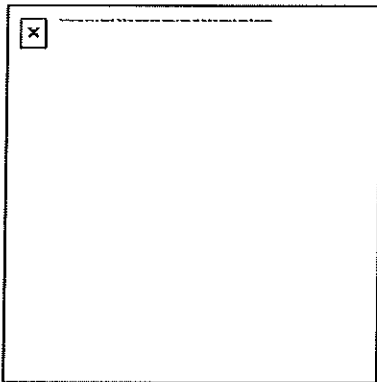
Photograph 2



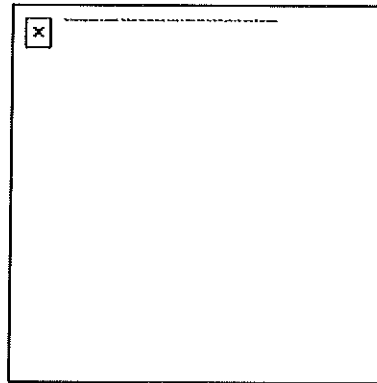
Photograph 1



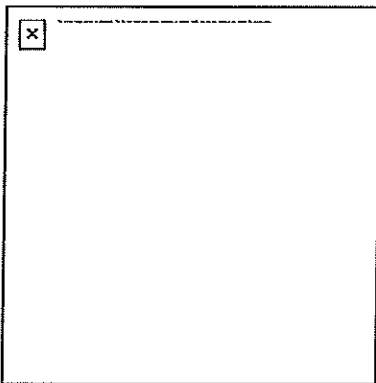
Photograph 4



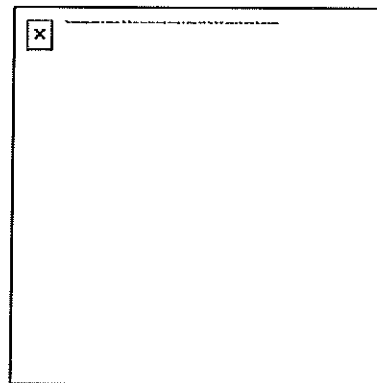
Photograph 3



Photograph 6



Photograph 5



Photograph 8

Photograph 7

The Photographs above were taken by the Civil Enforcement Officer as part of the process of issuing the Penalty Charge Notice. If a space for a photograph is blank no photograph was taken.