



WORTHING BOROUGH COUNCIL

PENALTY CHARGE NOTICE (PCN)

The Traffic Management Act 2004 - s78 & s82; Civil Enforcement of Parking Contraventions (England) General Regulations 2007; Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007

Worthing Borough Council is the Enforcement Authority for off-street contraventions and acts as agents for West Sussex County Council in respect of its role as Enforcement Authority for on-street contraventions

Date of this Notice and date of posting	PCN Number		
To:			
This Notice has been served on you because it appears to Worthing Borough Council that you are the owner/hirer of			
Vehicle Registration Number:	Make:	Colour:	
and that the following contravention has occurred			
Date of Contravention:			
Time: Observed From:		to:	
Location:			
Pay and display details (if relevant):	Ticket No:	Expiry Time:	

This Notice has been served by post because Civil Enforcement Officer (CEO) **XXX** who had reason to believe that the above parking contravention had occurred and attempted to serve a Penalty Charge Notice by affixing it to the vehicle or giving it to the person in charge of the vehicle but was prevented from doing so by some person or had begun to prepare a Penalty Charge Notice for service but the vehicle was driven away from the place in which it was stationary before the Civil Enforcement Officer had finished preparing the Penalty Charge Notice and was unable to serve it by affixing it to the vehicle or giving it to the person in charge of the vehicle in accordance with regulation 9.

A penalty charge of £ is now payable 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.

The penalty charge will be reduced by a discount of 50% to £ if it is paid not later than the last day of the period of 14 days beginning on the date on which this Notice is served.

NOTE: If you do not pay the penalty charge or make representations within the period specified above the Council may increase the original penalty charge by 50% to £ and take steps to enforce payment.

**SEE REVERSE FOR: How to Pay.
How to make representations about this Notice.**

How to Pay

Payment should only be made if the Notice is not disputed

Payment can be made **online** by visiting website www.adur-worthing.gov.uk (Follow the link Pay a Penalty Charge Notice).

Alternatively, if you do not have access to a computer, payment can be made by:

- **Telephone** – Please dial the automated 24 hour service on 0345 680 0189 and make a Credit/Debit card payment.
- **Post** – Send your Cheque or Postal order made payable to Worthing Borough Council together with the completed payment slip overleaf to Worthing Borough Council, Notice Processing Department, PO Box 198 Lowton Way, Hellaby, Sheffield, S98 1LU
- **In Person** – The Parking Shop, 52 Chapel Road, Worthing, BN11 1BE

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



Payment Slip (only applicable if you do not have access to the internet and you are paying by post)

You must complete this slip in block capitals and return it with your payment to the address below.

Worthing Borough Council, Notice Processing Department, PO Box 198, Lowton Way, Hellaby, Sheffield, S98 1LU

Penalty Charge Notice:	Name:
Vehicle Registration No:	Address:
Date of the Notice:	
Payment Amount Due:	Postcode:

How to make representations in respect of this notice

If you believe that the penalty charge should not be paid you may make representations to Worthing Borough Council asking that the charge be cancelled.

Representations should be made online by visiting **website www.adur-worthing.gov.uk** (follow the link *Appeal against a Penalty Charge Notice*).

Alternatively, if you do not have access to the internet complete the representation section of this form below and post it to Worthing Borough Council, Notice Processing Department, PO Box 198 Lowton Way, Hellaby, Sheffield, S98 1LU

Please quote the Penalty Charge Number in all correspondence.

Representations which are made after the expiry 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. The rules relating to service are to be found in regulation 3 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007. 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, Worthing 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 about Civil Parking Enforcement (including PCNs and NtOs) is available online at www.patrol-uk.info or at the Council's website at www.adur-worthing.gov.uk

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 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 Worthing 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 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 the contravention because he was prevented from doing so.)

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.

(Please turn to page 4)

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 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 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”.

Privacy Notice

Worthing Borough Council uses the data you provide to process Penalty Charge Notices which are issued to vehicles in respect of on and off-street parking contraventions. All processes are carried out in line with traffic management / parking related legislation and using secure systems. The data is required to carry out the efficient provision of parking services within the administrative District/Borough. The information you provide will only be used for the parking related purposes for which it was obtained. This may include sharing it with partner agencies and other local authorities within West Sussex involved directly in parking management, specifically the Police, the Traffic Penalty Tribunal, the Traffic Enforcement Centre and agents providing services to Worthing Borough Council in carrying out this role. Details of West Sussex County Council’s and Worthing Borough Council’s compliance with the General Data Protection Regulations can be located on the following websites - <https://www.westsussex.gov.uk/about-the-council/policies-and-reports/corporate-policy-and-reports/data-protection-policy> and www.adur-worthing.gov.uk