

This leaflet applies only to Penalty Charge Notices

The leaflet gives details of how and under what circumstances you can appeal against a **Penalty Charge Notice** issued on and off street in the Dartford Borough.

The leaflet does **not** apply to Fixed Penalty Notices issued by a traffic warden or a police officer. If you receive one of these notices, please refer to the instructions on the back of the notice.

Step 1

Informal objections can only be accepted in writing. Please write to the Parking Service Manager, Dartford Borough Council, Civic Centre, Home Gardens, Dartford, Kent DA1 1DR saying why you believe you are not liable to pay the Penalty Charge. You must give a valid reason. These are some of the reasons that are **not** valid:

- ▲ that the parking restrictions were unfair
- ▲ that you had gone to get change for a meter
- ▲ that you had only parked for a few minutes
- ▲ that you were not causing an obstruction
- ▲ that there was nowhere else to park
- ▲ that you were delayed on the phone
- ▲ that you have a resident's permit for your car, but you were not driving the car for which it is valid

Please do not telephone as the officers cannot answer your queries without full knowledge of the case. The Parking Service Manager will respond to your appeal and inform you whether it has been accepted or rejected .

- ▲ **If your reason is accepted**, you will not be liable to pay the Penalty Charge.
- ▲ **If your reason is rejected**, and you have acted quickly following the issue of the notice, you will normally be given a further 14 days in which to make payment at the discounted rate. If payment is not made within 14 days or if you wish to pursue the formal appeals process, you should be advised that you would lose the opportunity to pay at the discounted rate.

Step 2

If the Council does not accept your explanation and you do not pay the Penalty Charge, you (or the registered keeper of the vehicle if different) will receive a Notice to Owner saying that there is a further 28 days to pay the full penalty charge or to make formal representation to the Council. The Notice To Owner is issued under the Road Traffic Act 1991.

If the Council does not receive a response to the Notice To Owner, a Charge Certificate will be issued, increasing the penalty, after a further 28 days.

You can only make formal representations against the Penalty Charge Notice on the Notice To Owner on the following grounds:

1. The offence did not occur.
2. The vehicle was owned by someone else at the time. You will need to give proof of the date of sale or purchase. If the vehicle has been sold, you will need to give the name and address of the buyer so that the Council can contact the new owner. It is not acceptable to simply say the vehicle was sold to somebody else without proof. Proof that you have cancelled or changed your insurance, or other similar evidence, may help the Council to decide.
3. The vehicle was hired to somebody else at the time under a formal hiring agreement. The Council will need to see proof of the agreement.
4. The vehicle was taken without your consent. This does not cover cases such as lending the vehicle to a friend who then parks illegally; or a vehicle which is parked illegally whilst in the hands of a vehicle repair or service business.
5. The penalty charge exceeded the relevant amount.
6. The traffic order was invalid, ie the Council had not followed the proper legal steps in making the order. If your argument is that the signs or road markings were incorrect, you should use ground 1 above.

The Council will then carefully consider your representation and all relevant facts. The Council will refer to the computer record and may consider any notes in the parking attendant's pocket book.

If the Council finds in your favour, you will be informed and the Penalty Charge Notice waived.

Step 3

If the Council does not find in your favour, you will receive a formal letter of rejection together with an appeals form. At this stage you can appeal to the adjudicator at the independent Parking Appeals Service, the address of this service will be given on the appeals form sent to you by the Council. You may only appeal to the adjudicator after you have received the formal letter of rejection and appeals form from the Council. The decision of the adjudicator is binding on the Council and the motorist.

The adjudicator is restricted by law to considering appeals on the grounds 1 to 6 listed over. Mitigating circumstances cannot be taken into account.

Penalty Charge Notice (PCN)

Appeals procedure

DARTFORD
BOROUGH COUNCIL

Parking Services

Parking Services

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