



05/01/18

Notice of Rejection of Representation

Dear Mr Kotian

London Local Authorities & Transport London Act 2003

Penalty Charge Notice (PCN):

Vehicle Registration Number:

Contravention Date and Time: 25/10/2017 17:47:52

Contravention Location: Orford Road E17 Restricted Area (cctv)

PCN Code and Description: 52M Failing to comply with a prohibition on certain types of vehicle (motor vehicles)

Verification Code: 96A811

Thank you for your correspondence regarding the above Penalty Charge Notice (PCN) and after considering all the evidence the Authority is satisfied that the contravention occurred and that the PCN was correctly issued.

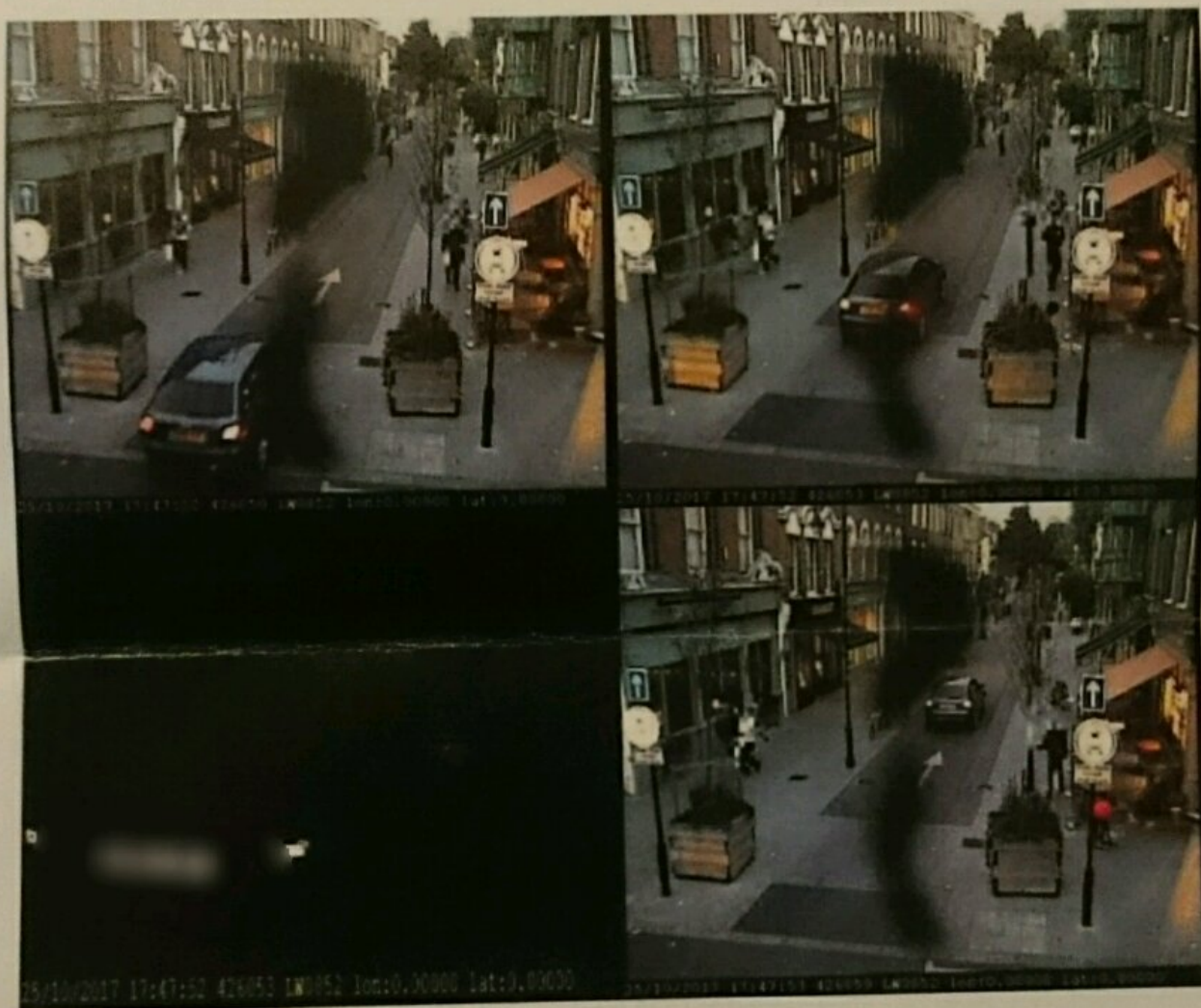
The PCN was issued because the CCTV evidence confirms that the vehicle failed to comply with a sign instructing a prohibition on certain vehicles is in force during controlled hours.

I have carefully considered your case; however, the circumstances outlined in your correspondence are not sufficient grounds for cancellation of the PCN in question. It is the motorist's responsibility to be aware of the restrictions in force at any given location and time.

In this case, there are clear signs located at the entrance of the location stating, 'No Vehicles 10.00am to 10.00pm except for local buses'. There are also advanced warning signs on all access routes to the location. Under the circumstances, I am satisfied that this PCN was issued correctly.



I can also advise you that when Local Authorities adopted the powers to enforce certain moving traffic contraventions the police lost their powers of enforcement; however, if a Police Officer observed a vehicle committing one of the moving traffic manoeuvres, they retain the powers to stop the vehicle, and to potentially charge the driver for a specific motoring offence such as dangerous driving or driving without due care and attention.





To view the footage at the time the penalty was issued you can visit:

<https://viewmypcn.co.uk/WalthamForest/>

- You will firstly need to request to view the footage by entering your PCN number and vehicle registration mark. The system will then prepare the still images and moving footage of your alleged contravention, this process may take up to 24 hours.
- You simply revisit the above link to see if your evidence pack is ready for viewing.

If you would like to be notified by email or text once the footage is ready for viewing you will need to fill out your contact details, please note that your contact details will not be used for any other purpose other than notifying you that your evidence pack is ready for viewing.

Having considered your Representations in accordance with the requirements of Schedule 1 of the London Local Authorities and Transport for London Act 2003 you should either pay the charge or submit an appeal to an independent Adjudicator.

If you choose to pay as you made representations within the 14-day discount period you have 14 days of when this letter was served in which you can pay the reduced amount of £65.00. Failure to make payment before the end of the 14-day period of when this letter was served you will have to pay the full penalty charge of £130.00.

Please note that a charge certificate may be served and the penalty charge increased by 50% unless before the end of the period of 28 days beginning with the date of service of this notice of rejection you either:

- a) Pay the penalty charge not later than 14 days from the date of when this letter was served and the charge will be reduced to £65.00 and the case will be closed.
- b) Make a full payment of the penalty charge of £130 and the case will be closed.
- c) Make an Appeal to the Independent Adjudicator using the enclosed form. **If the Adjudicator does not accept your appeal the penalty charge will be payable at £130.00 and the registered keeper will remain liable.**

You may make your appeal with The Environment and Traffic Adjudicators (ETA) online using the verification code (at the top of this letter) at www.londontribunals.gov.uk alternatively you can complete the attached form and return it to: London Tribunals, PO Box 10598, Nottingham, NG6 6DR as soon as possible, ***please do not return your form back to us as this will delay the process.***

The Adjudicator is not able to consider any other mitigating circumstances and can only consider appeals on the grounds stated on the form these grounds are as follows:

- **The contravention alleged by the Authority on the Penalty Charge Notice did not occur:**
- **At the time of the alleged contravention the vehicle was in the control of someone without your consent:**
- **We are a hire firm and have supplied the name of the hirer:**
- **I was not the owner at the material time:**
- **The penalty exceeded the amount applicable in the circumstances of the case:**

You should be aware that the Adjudicator can award costs against either party if it is found that they have acted in a frivolous, vexatious or wholly unreasonable manner. A copy of any DVD evidence which we wish the Adjudicator to consider will be sent to you before the appeal is heard.

I must advise you that unless the penalty charge is paid, or an appeal made as detailed above a Charge Certificate may be served upon you and the penalty charge will increase to £195.00.

Details of how to pay:

You should note that payment of the PCN may be deemed an admission of liability and you may lose your rights of appeal.

Telephone: Automated payment line 0203 092 0112 (24 hours / 7 days a week) Credit / Debit Card payments only. Please ensure you have your card and PCN number ready.

Online: <https://www.walthamforest.gov.uk/paypcn> please follow the instructions, please keep a note of the receipt number as your proof of payment.

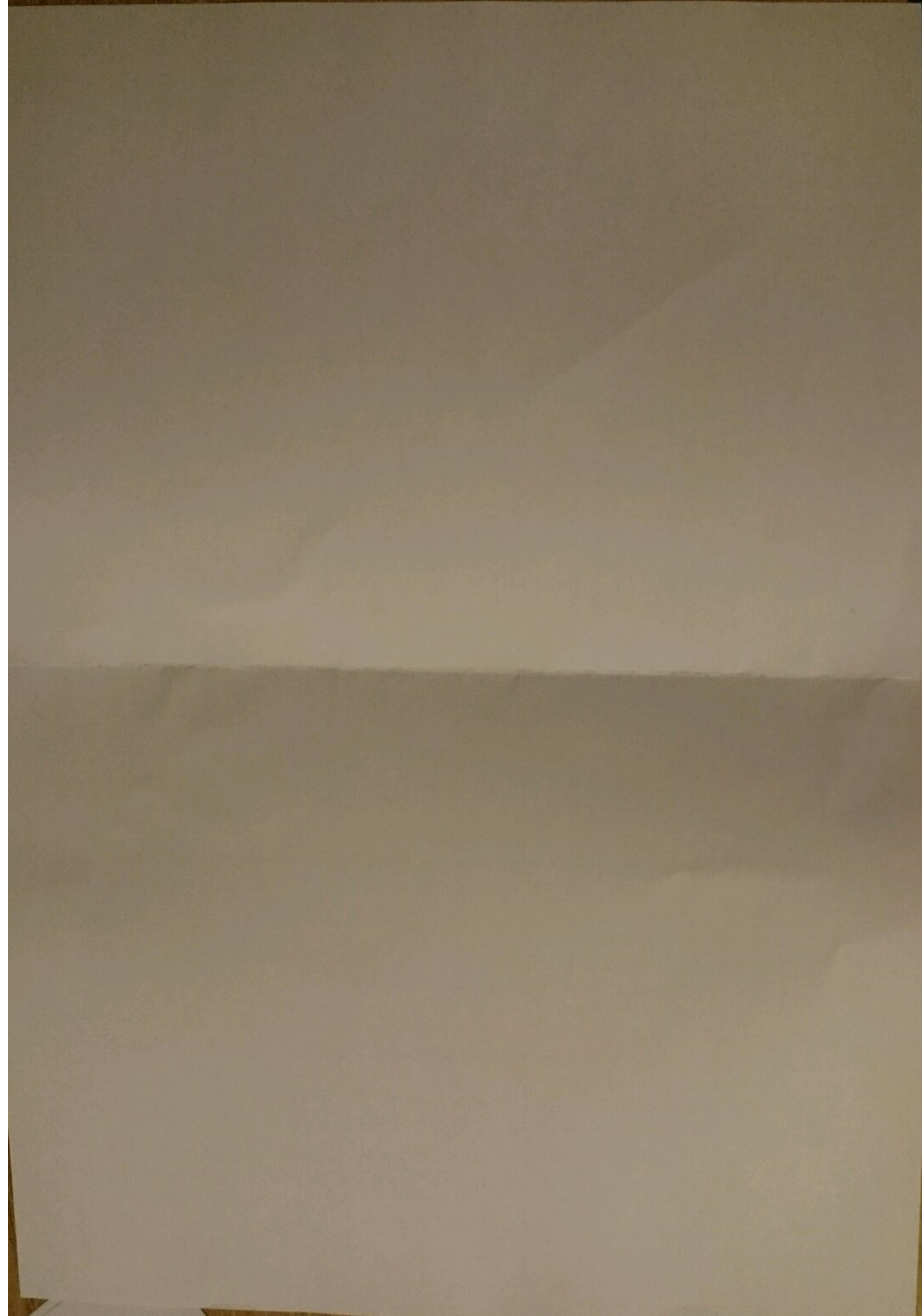
Post: The Parking Centre, PO Box 9319, London E17 7RX. Please make your cheque/postal order payable to "London Borough of Waltham Forest" and write the PCN number on the back.

Cash: North London Pound, Unit 2- Orbital Business Park, Argon Road, Edmonton, N18 3BY. Opening hours: Monday to Friday 7am - 7 pm and on Saturdays between 9am and 1pm.

Yours sincerely

L Maynard

On Behalf of Parking Services
London Borough of Waltham Forest



Your right to appeal against a Moving Traffic Penalty Charge

This form has been issued by the Environment and Traffic Adjudicators

- The Enforcement Authority claim that you are liable for payment of a penalty charge for a driving (moving traffic) contravention
- You challenged this but your representations were rejected for the reasons given in the Notice of Rejection
- You have 28 days to appeal against the Enforcement Authority's decision
- If you appeal an adjudicator who is independent of the Enforcement Authority will consider your case
- If you do not appeal now you will have no further opportunity to challenge the penalty charge

Appeal Procedure

- Environment and Traffic adjudicators consider appeals against liability for penalty charges and can direct the Enforcement Authority to cancel the Penalty Charge Notice and/or the Notice to Owner. adjudicators are experienced lawyers, independent of the Enforcement Authority and the motorist, and constitute a tribunal under the Road Traffic Act 1991 and the London Local Authorities and Transport for London Act 2003.
- A single adjudicator considers the appeal and will allow it if one of the grounds is made out. The adjudicator's decision is binding in law.
- The adjudicator is unable to allow the appeal or reduce the penalty charge to be paid simply because you consider that the particular circumstances excused the contravention.

What Happens Next

- You may make your appeal online at www.londontribunals.gov.uk or complete the attached form and return it to the Environment and Traffic adjudicators as soon as possible. You have 28 days from receiving the Enforcement Authority's Notice of Rejection to do so. You should explain your case in section 6, headed 'Details of Appeal'. If you do not send the form within 28 days, you must explain why. We will send a copy of the form and your evidence to the Enforcement Authority. Please submit all relevant evidence with this form if possible.
- The Enforcement Authority is required to submit to the adjudicator details of their case and the representations you made. They will send you a copy of all the evidence they send to the adjudicator.
- Your case can be considered by the adjudicator at a personal hearing or on the written evidence alone. Hearings usually last about 20 minutes and are held at our hearing centre at Chancery Exchange, 10 Fumival Street, London EC4A 1AB.
- You will receive 28 days' notice of the hearing date. Personal hearings take place between 8.00am and 7.30pm Monday to Thursday, 8.00am and 5.00pm Friday and 9.00am to 1.00pm Saturday. If you appeal online you will be able to choose your hearing slot (subject to availability).
- If you request a postal decision, your case will come into the adjudicators' list after 28 days, and will be considered as soon as possible after that date.
- There is no charge for submitting an appeal. The Environment and Traffic Adjudicators cannot pay expenses if you choose to attend in person.
- The procedure for dealing with appeals is set down in Schedule 1 of the London Local Authorities and Transport for London Act 2003 and the Road Traffic (Parking Adjudicators) (London) Regulations 1993 (as amended). These regulations appear in full on our website www.londontribunals.gov.uk.

Questions and Answers

Q. What evidence should I provide?

A. You should send in any evidence which supports your case. The adjudicator will not collect evidence or contact witnesses on your behalf. You must not, for example, say in your appeal: "If you want more information please contact xxx on tel. yyyy." Some examples of evidence are:

- Receipt of sale (if you no longer own the vehicle);
 - Delivery note (if you are claiming exemption by way of loading);
 - Photographs (if the street signs or lines were inadequate);
 - Witness statements.
- Please send in clear copies rather than originals. If you have asked for a personal hearing please bring the originals with you. If you wish to submit digital photographs or moving pictures, you may upload these to our website or send via CD/DVD. In view of the significant security issues associated with their use, we cannot accept evidence on a USB flash drive. If you present evidence at a hearing that we cannot retain, such as on a mobile telephone, laptop or camcorder, the adjudicator may need to adjourn the hearing for you to provide the evidence in a suitable form.

Q. What if I do not have all the evidence I need at the moment?

A. Submit your appeal as soon as you can and explain that your evidence will follow. In the acknowledgement we send you we will tell you when you should send in your evidence. If you are attending a personal hearing you should still get evidence to us as soon as you can, but if this is not possible you can bring it with you to the hearing.

Q. What if I am submitting my appeal late?

A. The adjudicator is able to extend the 28 day time limit. If you are sending your appeal in late you must state clearly the reasons for the delay so that the adjudicator can decide whether to consider the appeal 'out of time'.

Q. What is meant by a postal decision?

A. The adjudicator will make a decision by considering the documentary evidence provided. The parties do not appear in person before the adjudicator to put their case. If the Adjudicator needs either side to provide further details before making a decision the adjudicator can adjourn the case to ask for this.

If you require any further information about the appeals procedure, to make an appeal or to view our data protection policy, please go to our website at www.londontribunals.gov.uk. Please understand that London Tribunals is unable to offer you legal advice.

Q. What happens at a personal hearing?

A. All appellants have individual appointments and we aim to ensure that your hearing starts within 15 minutes of the appointment time. Hearings are informal. There are no complicated rules of evidence and usually only the appellant and the adjudicator are present. Most people explain their case to the adjudicator themselves, but you can have a representative (who need not be a lawyer) to do that for you if you want. The adjudicator will explain to you how the hearing will progress and will usually tell you the decision at the end of the hearing. You will also receive the full decision in writing.

Q. What if I have special requirements?

A. The hearing centre is wheelchair accessible. You may bring a relative or friend to sign or interpret for you. If you have concerns about your particular requirements please contact us.

Q. How does the adjudicator make their decision?

A. Having considered the evidence presented by both parties the adjudicator has to come to a conclusion about what actually happened (make findings of fact). The adjudicator then has to apply the relevant law to these findings of fact. In cases where the adjudicator finds that a contravention did occur and the appellant is liable, they are unable to waive the penalty because of the particular circumstances of the case. If you are not sure whether your case makes out a ground of appeal, or are unclear about the reasons for the Enforcement Authority rejecting your representations, you can still appeal and set out the details of your case.

Q. Will the penalty charge increase if I lose my appeal?

A. No. If you lose your appeal you will be given another 28 days to pay the penalty charge due before any further increase. The amount due will normally be the full penalty as the opportunity to pay the reduced penalty charge will have passed. **Please do not send payment to the Environment and Traffic Adjudicators.**

Q. Can I claim expenses against the Enforcement Authority if I win my case? Can costs be awarded against me if I lose?

A. Only if the adjudicator finds either you or the Enforcement Authority acted 'frivolously, vexatiously or wholly unreasonably' might an award of costs be made. Compensation or damages cannot be awarded.

Grounds of Appeal

These are the ONLY grounds on which an adjudicator can allow an appeal

The contravention alleged by the Authority on the Penalty Charge Notice did not occur. e.g. There was no failure to comply with a traffic sign.

At the time of the alleged contravention the vehicle was in the control of someone without my consent e.g. The vehicle had been stolen.

We are a hire firm and have provided a valid hire agreement. This only applies to hire firms where the hirer has signed a formal agreement accepting liability for penalty charges.

I was not the owner at the material time. e.g. the vehicle was sold before or bought after the contravention occurred. Note: under the London Local Authorities and Transport for London Act 2003 the owner, not the driver, is liable for the penalty charge.

The penalty exceeded the amount applicable in the circumstances of the case. e.g. You are being asked to pay the wrong amount for the penalty charge. The Penalty Charge Notice has not been served or was served out of time. The Authority should normally send you the PCN within 28 days of the alleged contravention, but they sometimes have longer.

Notice of Appeal

London Tribunals | Environment & Traffic Adjudicators

Driving [Moving Traffic] Penalty Charge

Please use black ink and BLOCK CAPITALS or type

Please read the accompanying guidance before completing the form

1	Title (Mr/Ms/etc)		Forename(s)				
	A						
	Surname						
1	Company Name (if company vehicle only)						
	B						
	Company contact name (optional)						
2	Address						
	Daytime telephone number		Mobile telephone number				
	E-mail Address						
	I would rather you contact me by						
	post <input type="checkbox"/>		email <input type="checkbox"/>				
3	Name of Authorised Representative						
4	Would You like a postal or personal decision?						
	Postal <input type="checkbox"/>		Personal <input type="checkbox"/>				
	Please tick ALL days/times when you would be able to attend a personal hearing						
		Mon	Tue	Wed	Thu	Fri	Sat
	0800 - 1000	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	1000 - 1200	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	1200 - 1400	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	1400 - 1700	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	1700 - 1930	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5	Grounds of Appeal						
	The contravention alleged by the Authority on the PCN did not occur			I was not the owner of the vehicle at the material time			
	<input type="checkbox"/>			<input type="checkbox"/>			
	At the time of the alleged contravention the vehicle was in the control of someone without my consent			The penalty charge exceeded the amount applicable in the circumstances of the case			
	<input type="checkbox"/>			<input type="checkbox"/>			
	We are a hire firm and have provided a valid hire agreement						
	<input type="checkbox"/>						

NOTES ON COMPLETING NOTICE OF APPEAL

1. Appellant's Name

This **MUST** be the person to whom the Enforcement Authority sent the Notice of Rejection, as only that person has the right to appeal. The appellant may be an individual or a company or other corporate body.

Individual: Enter your name in section 1A and leave section 1B blank.

Company or other corporate body: enter its name in the first box in section 1B. Leave section 1A blank.

2. Contact Details

Please enter your home address (for an individual) or the company address (for a company or other corporate body), your daytime telephone number, mobile telephone number (where this is different) and e-mail address.

Please indicate, by ticking the appropriate box, whether you would like to have all notices in relation to this matter served on you by post or email.

3. Authorised Representative

If you wish to authorise somebody to conduct the appeal on your behalf, please enter their name here. Please note that all correspondence will be sent to the address provided in section 2 above. It is your responsibility to provide your representative with copies of our correspondence or any other document you wish to be considered with your appeal.

4. Postal Decision/ Personal hearing

Indicate if you wish to have a postal decision or personal hearing. If you request a personal hearing, please tick **ALL** of the times that you would be able to attend. Those times crossed through are unavailable. We will try to list the hearing for the time and day you request but this cannot be guaranteed.

5. Grounds of Appeal

Please indicate your ground of appeal. The grounds of appeal are explained on the notes accompanying this appeal form

6 Details of Appeal

The adjudicator will consider the representations you made to the Enforcement Authority, but if you wish you can restate your case or add more information here. **If your appeal is late you must give reasons for the delay first.**

If you wish you may continue on another sheet.

7 Declaration

I confirm that the details of my appeal are correct to the best of my knowledge. I realise that making a false statement to the adjudicator is a criminal offence and may result in prosecution.

Where I have provided an email address in section 2, I confirm that I wish to have all notices in relation to this matter served on me electronically. By ticking this box I confirm that I regard any notice as having been duly sent to me, if it was transmitted to the e-mail address I have provided. ☐

Where a representative has been named in section 3, I hereby authorise that individual to conduct this appeal on my behalf.

Signed

Date

Position in company (if company vehicle)

NOTES ON COMPLETING
NOTICE OF APPEAL

6. Details of Appeal

Explain your case in this section. Please write as clearly as you can and only within the box. If you need more space, please continue on a separate sheet. **If your appeal is being submitted outside the 28-day time limit, you must state your reasons for the delay first.**

7. Declaration

The Appellant (the person to whom the Notice of Rejection was sent) must read the declaration and sign and date the form. **Unsigned appeals or appeals signed by any other person cannot be registered.**

For Official Use Only

Name

Notice of Rejection Date

05/01/2018

Verification Code

RM

PCN No. (s)

Total No. PCNs One

To appeal: Either send this form to London Tribunals, PO Box 10598, Nottingham NG6 6DR OR appeal online at

www.LondonTribunals.gov.uk

Please appeal only once. If you file more than one appeal consideration of your case may be delayed.