

Date: 15.4.19
Our Ref: PR0990/LG/PCN
Ask for: Parking Enforcement
Direct dial: 01227 862 429
E-mail: parking.enforcement@canterbury.gov.uk



Also emailed

PCN Number: KB72002467
VRM: [REDACTED]

NOTICE OF REJECTION OF REPRESENTATIONS

Dear [REDACTED]

We have considered your representations received 26/03/2019 about the penalty charge issued on the 17/04/2018 and have taken into account everything you say. However, there are not sufficient reasons to cancel the penalty charge, which is now payable.

This letter explains the details of the penalty issued, our reasons for rejecting your representations and your options.

Take a moment to carefully read through ALL the sections in this letter (listed below) before you decide what to do next:

1. Our reasons for rejecting your representations.
2. The details of the PCN / Notice to Owner.
3. How to pay.
4. How to appeal your decision.
5. What happens if you do nothing.

Yours sincerely,

Business Support – Parking Appeals



Appealing this decision

If you disagree with the council's decision you can appeal to the independent adjudicator at the Traffic Penalty Tribunal.

See Section 4 of this letter for further details.

Please consider ALL information in this letter before appealing.

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1. Our reasons for rejecting your representations:

The Penalty Charge Notice was issued as the vehicle was parked in a special enforcement area adjacent to a dropped footway or raised carriageway.

Dropped kerbs are there to assist those who need to cross the road safely or for vehicle access. Blocking this access causes obstruction and is a nuisance for other road users. Both the Traffic Management Act 2004 and the Highway Code state that a driver must not park or wait where a kerb has been lowered.

To view images taken by the CEO please visit our website:
www.canterbury.gov.uk/parking and following the on-line instructions.

Making a delivery does not exempt a vehicle from the parking restriction here.

In two Adjudication cases (last year and last month), the cases were dismissed by the Adjudicators, the penalties were payable and stated "There is no prescribed signing for the restriction in terms of either a road marking or actual sign. It is the case that the Highway Code, with which motorists should be up to date, informs motorists not to park at such a location." The Council is not statutory required (Section 86 of the TMA 2004) for a dropped kerb restriction to be signed and is not rendered invalid/unenforceable by other yellow lines in place in the vicinity

As can be seen from the enclosed photograph a PCN was attached to the vehicle at the time of the contravention.

We cannot accept responsibility for a PCN after it has been issued. You say you did not receive the original PCN and on this occasion we will accept the lower amount of £35.00.

Please be aware that if this payment is not received before 29.4.19, the outstanding amount will increase back to £70.00.

Regarding your other points made, the Council did not receive any informal representation prior to the Notice to Owner being posted by the Council. According to our records, your first email received was dated 29.6.18, once the Charge Certificate had been posted on 22.6.18. The Council sent a response on 18.7.19 requesting payment of £105.00 within 14 days.

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The Council has sent all PCN notifications to you, the registered keeper, as required. We are statutory required to post the Notice to Owner document within 6 months from the date of PCN issue. There are no further deadlines for the other required notifications to be posted to the registered keeper.

2. The details of your PCN / Notice to Owner:

Contravention: 27 Parked in a special enforcement area adjacent to a dropped footway or raised carriageway	Date of Issue: 27/02/2019 Contravention Date: 17/04/2018
Location: Reeves Way	Make: FIAT
Colour: WHITE	

3. How to pay:

The outstanding penalty charge is £70.00, if the reduced sum of £35.00 is paid by 29.4.19

This sum of £70.00 must be paid BEFORE the end of 28 days beginning with the date of service of this notice (*this is usually two working days after the "Notice of Rejection" date above*)

We accept Mastercard and Visa debit/credit cards.

- **By Telephone:** Phone 01227 862427 - available 24 hours a day giving card details and Penalty Charge Notice number.

- 4. Online:** Card payments may be made via the Internet by visiting www.canterbury.gov.uk/parking and following the on-line instructions.

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5. How to appeal your decision:



**Traffic Penalty
Tribunal**
England and Wales


If you disagree with the council's decision, you can appeal to the independent adjudicator at the Traffic Penalty Tribunal.

The adjudicators are independent lawyers and their decision is final.
You can appeal online by visiting the tribunal's website: www.trafficpenaltytribunal.gov.uk.
The website explains further what the adjudicator can consider and how to appeal.

If you are unable to appeal online, you may request a paper form (and find further information) from the Traffic Penalty Tribunal by calling 0800 160 1999, leaving your name, address, telephone number, vehicle registration mark and penalty charge notice (PCN) number.

There is no charge for appealing and costs are not normally awarded. Details about when an order for costs can be made can be found on the website, or by calling the number above.

You will need the information below to hand when you begin your appeal:

Notice of Rejection Date:	15/04/2019
PCN Number:	KB72002467
Vehicle Registration Mark:	L 
PIN Code:	85D913

You should appeal before the end of 28-days beginning with the delivery of this Notice of Rejection (this is usually two working days after the "Notice of Rejection" date above). Our website will explain this further.

6. What happens next if you do nothing:

If, after 28 days, you take no action, we may send you a **charge certificate** increasing the charge by 50%, from £70.00 to **£105.00**. You will then have 14 days to pay this increased charge. If after 14 days this charge has not been paid, we may apply to the County Court to recover the money, plus court costs, from you.

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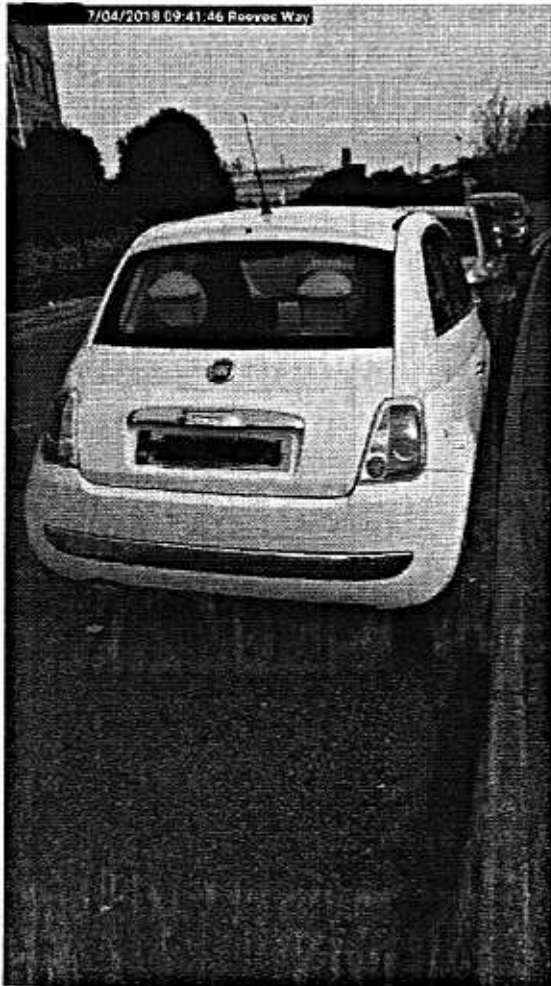
CASE EVIDENCE REPORT
Photographs

Notice Number : KB72002467

VRM : [REDACTED]

Issued : Tuesday, 17 Apr 2018 at 09:42

By CEO : 37



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