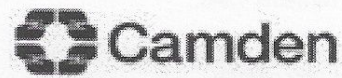


Penalty Charge Notice : CU58975041
Location : NUTLEY TERRACE NW3
Date : 03/09/2021 at 15:33
Vehicle : EA66HLZ



Camden Parking Operations
www.camden.gov.uk/pcn

20 October 2021

Dear [REDACTED]



NOTICE OF REJECTION OF REPRESENTATIONS AGAINST PENALTY CHARGE NOTICE - The London Local Authorities Acts 1990 - 2003

Verification code: 80J11A

Contravention code: 52M
Failing to comply with a prohibition on certain types of vehicle (no motor vehicles)

Thank you for your representations received on 27/09/2021 regarding the above Penalty Charge Notice (PCN). Please accept my apologies for the late reply to your correspondence. The council do attempt to respond to all enquiries within 10 working days of their receipt, but unfortunately this has not been possible in your case.

Following my investigation I have decided to formally reject your representations for the reasons detailed below.

The enforcement camera recorded your vehicle in Nutley Terrace in contravention of the prohibition on certain types of vehicles. This footage has been reviewed by a Civil Enforcement Officer who has confirmed your vehicle was in contravention of the restriction.

Given the direction your vehicle travelled to arrive at the restriction you will have passed advanced warning signs that inform drivers that they are approaching a motor vehicle restriction. These advance warning signs are placed along Fitzjohn's Avenue advising drivers of the restriction on Nutley Terrace. The signs are located outside No.37B and No.44 Fitzjohn's Avenue.

I have reviewed the CCTV footage which shows your vehicle proceeding past signage informing drivers of the prohibition on certain types of vehicles. These signs notify drivers that motor vehicles are not allowed to enter Nutley Terrace Monday to Friday 8am-9am and 3pm-4:15pm during term times. As your vehicle was seen travelling through this area during the prohibited times I am enforcing this PCN.

Certain streets within Camden are restricted to specific types of vehicles, some or all of the time. This is to reduce traffic flow near schools or nurseries and deter drivers from using short cuts through residential areas.

The council believes sufficiently clear signage is in place to indicate the restrictions in place. I am also satisfied sufficient advanced warning signage is present, even though there is no legal requirement for such signage to be in place.

You have referred to the Traffic Signs Manual. Please be aware that the information provided within the Traffic Signs Manual is only considered guidance and not legislation. In this case, the council is satisfied the signage is compliant with the Traffic Signs Regulations and General Directions 2016.

The fact that another vehicle or vehicles may have contravened is not grounds for cancelling the PCN on the basis on insufficient signage. We remains satisfied clear signage was in place and that your vehicle failed to comply with the restrictions in place.

We note that there are other motor vehicles parked on the street in question. However, these are not grounds for cancelling the PCN. We regret that this may appear confusing but exemptions do apply for residents of the street in question. As you are not a resident permit holder for the location, your vehicle is not exempt. Furthermore, it still remains your responsibility to comply with the restrictions in place despite the actions of other vehicles.

While you are a private hire driver, there is no exemption for the picking up and dropping off of passengers. While your vehicle is a hybrid vehicle, only fully electric vehicles are exempt. As a hybrid vehicle, your vehicle still has a petrol engine and therefore cannot be considered fully electric, whether the petrol engine was in use at the time or not.

Finally, the council is satisfied that the wording on the PCN is correct with regards to the payment period and therefore the

charge remains valid.

I have included CCTV images below for your reference. You may also view video footage of the incident online at camden.gov.uk/pcn.



I have considered the comments that you have made in accordance with the requirements of schedule 1 of the London Local Authorities Act 1990 - 2003 and for the reasons outlined above I am satisfied that a contravention occurred. We will accept the discount rate of £65.00 if received within 14 days from the date of this letter. After this period the charge will revert to £130.00 and this amount will apply to any further correspondence or an appeal to the Environment and Traffic Adjudicators.

You can pay this charge online at camden.gov.uk/pay or you can contact our 24 hour automated payment line on 020 7974 6104.

If you do not accept this decision you can submit an appeal to The Environment and Traffic Adjudicators. You can submit your appeal online at londontribunals.gov.uk. Please quote the unique verification code stated on this Notice of Rejection and follow the online instructions on how to complete your appeal.

Alternatively, you can complete the Appeal Form enclosed with this letter (please read the guidance notes before completing the form) and send your appeal to London Tribunals, PO Box 10598, Nottingham, NG6 6DR.

An appeal must be submitted before the end of the period of 28 days beginning with the date of which the Notice of Rejection is served. An appeal submitted after the end of the 28-day period may be considered at the adjudicator's discretion if it can be shown that there is good reason why it could not have been submitted earlier.

An independent adjudicator will consider your appeal based on the evidence provided by both sides before making a final decision. A full copy of our evidence pack will be sent to you before your appeal is heard. You should be aware that the adjudicator can award costs in favour of either party if it is deemed that a party has acted in a vexatious, frivolous or wholly unreasonable manner.

Please do not send your appeal to us. If you wish to make any enquiries about your appeal, please visit the London Tribunals website at londontribunals.gov.uk.

It is important that you either pay the penalty or submit an appeal before the end of the 28-day period beginning with the date of service of the Notice of Rejection. Failure to do so may result in a Charge Certificate being served and the penalty charge being increased by 50% to £195.00. If the increased charge is not paid within a further 14 days we may apply to the county court to recover the charge as if it were a debt payable under a county court order and this may result in enforcement agents being instructed.

Yours sincerely

N Turner
Process Officer
Parking Operations

Your right to appeal against a Moving Traffic Penalty Charge

This form has been issued by the Environment and Traffic Adjudicators

- The Enforcement Authority claims that you are liable for payment of a penalty charge for a driving (moving traffic) contravention
- You challenged this claim, 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 on-line 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

PRIVACY STATEMENT

London Tribunals collects information only for the purposes of assessing your right to appeal and managing the appeals process. This includes making details of your appeal available to the parties to the appeal and the adjudicators and keeping an online statutory register. Our full Privacy Statement is available on our website at www.londontribunals.gov.uk/privacy-statement or you can request a copy be sent to you by calling 0207 520 7200.



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 xxxx 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.

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 increase if I lose my appeal?

A. No. If you lose your appeal you will be given another 28 days to pay the penalty due before any further increase. The penalty due will normally be the full penalty as the opportunity to pay the reduced penalty 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.

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

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.

Driving [Moving Traffic] Penalty Charge

Please use black ink and BLOCK CAPITALS or type

Please read the accompanying guidance before completing the form

NOTES ON COMPLETING THE NOTICE OF APPEAL FORM

49832-000037/03/03-H0

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	Please select your preferred hearing type						
	Postal		<input type="checkbox"/>	Personal		<input type="checkbox"/>	
	If you ticked personal above, please tick ALL days/times when you would be able to attend.						
		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 <input type="checkbox"/>			I was not the owner of the vehicle at the material time <input type="checkbox"/>			
	At the time of the alleged contravention the vehicle was in the control of someone without my consent <input type="checkbox"/>			The penalty charge exceeded the amount applicable in the circumstances of the case <input type="checkbox"/>			
	We are a hire firm and have provided a valid hire agreement <input type="checkbox"/>						

1. Appellant's Name

This **MUST** be the person to whom the 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

If you would like to attend a personal hearing, please tick the personal box and then 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. If you do not wish to attend, please tick the postal box.

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 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**

[Large empty text area for providing details of the appeal and reasons for delay.]

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

Signed _____ Dated _____

Position in company (if company vehicle) _____

NOTES ON COMPLETING THE NOTICE OF APPEAL FORM

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
[Redacted]

Notice of Rejection date
20/10/2021

Verification Code

VRM
E A 6 6 H L Z

PCN No. (s)
C U 5 8 9 7 5 0 4 1

Total No. PCNs 1

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.

Do not send any payment with this form.