Appealing against a penalty charge notice

Please note: this information applies only to penalty charge notices issued on behalf of Dacorum Borough Council.

I’ve received a penalty charge notice. What next?

Pay the penalty only if you don’t want to challenge it. **If you decide to pay the penalty, you won’t be able to challenge it further.**

Provided that you contact us by one of the means listed below within 14 days of the penalty charge being issued, you’ll still be able to pay it at the discounted rate if it’s upheld. You’ll usually be given a further 14 days to pay at the discounted rate from the date we send you a reply.

**Step 1 - After the penalty charge notice**

If you want to challenge a penalty charge notice, you can contact us in any of the following ways:

- **By letter.** Write to: The Parking Centre, PO Box 921, Hemel Hempstead, Herts HP1 1ZP.

- **In person.** The Parking Centre is open between 9am and 5:30pm Monday to Friday, 9am to 1pm Saturday, at the Civic Centre, Hemel Hempstead. The customer entrance is behind the Marlowes Health Centre, and is signposted. You’ll be asked to write and sign your challenge on a form provided. If any photocopies of documents are required, we can make these for you.

- **Via email.** Please send your email to dc@vincipark.co.uk

We’re sorry but, over the phone, we can only deal with enquiries. All challenges must be in writing.

Please contact us within 14 days of the penalty charge notice being issued. Tell us why you believe you shouldn’t have to pay the penalty. **Quote the penalty charge notice number and include your full postal address – we need this because we respond to all challenges in writing,** however you contact us.

If there are documents relevant to the challenge, for instance a pay and display ticket, disabled badge, permit or voucher, or an invoice, work order or similar (as proof of loading or delivery), please include a copy of these with your challenge. Let us have a copy of both sides of any disabled badge.

**Reasons for challenging penalties which we do NOT normally accept**
• the driver was delayed
• the driver wasn’t aware of the parking restrictions
• the driver had gone to get change for a pay and display machine
• the vehicle was only parked for a few minutes
• the vehicle wasn’t causing an obstruction
• there was nowhere else to park
• the driver had a resident’s permit for another vehicle
• the parking restrictions are unfair

**What happens next?**
We’ll respond to your challenge in writing, usually within 14 days of receiving it, and let you know if the penalty charge has been cancelled or upheld. If your challenge is successful, you won’t have to pay the charge.

**What if I don’t do anything?**
If you don’t write to us or pay the penalty within 14 days, or, if you want to pursue the formal appeals process (as set out over the page), you’ll lose the opportunity to pay at the discounted rate. After 14 days, the full charge (£50 or £70, depending on the contravention) will apply.

**Step 2 - After the Notice to Owner**

If the penalty charge isn’t cancelled following any challenge, and you haven’t paid it, 28 days after the penalty charge notice was issued, we make an automated request to DVLA for the name and address details of the registered keeper of the vehicle. **We then send a legal document called a Notice to Owner to the registered keeper at the address supplied by DVLA. We’re obliged to do this by law, and do so even if we have already had correspondence about the penalty from a different person or address.**

Please note that the registered keeper of the vehicle is legally responsible for charges incurred by anyone to whom they allow access to the vehicle. Liability cannot be passed on to another person.

The Notice to Owner is issued in accordance with the Traffic Management Act 2004. It gives you a further 28 days either to pay the full penalty charge or to make formal representations to the Council.

If you want to make formal representations to us about the penalty, complete and sign the Notice to Owner form and return it to us. **Please note - at this stage we can no longer accept representations by email.**

You can use any of the following grounds:

• **The alleged contravention did not occur.** Use this if you believe that the signs or road markings were incorrect.

• **The vehicle was owned by someone else at the time of the contravention.** You’ll have to provide proof of the date of sale or purchase and the name and address of the other party.
• **The vehicle was taken and parked without your consent.** If your car was stolen, we’ll need the crime reference number and the name of the police station to which the crime was reported, or a letter from an insurance company.

• **The vehicle was hired to someone else at the time under a formal hire agreement.** We’ll need to see a copy of the agreement.

• **The amount shown on the penalty charge notice is incorrect (for instance £50 instead of £70).**

• **There has been a procedural impropriety on the part of the enforcement authority, such as failing to follow the correct conditions of the Traffic Management Act.**

• **The traffic regulation order was invalid,** that is to say, we did not follow the proper legal steps in making the order.

• **The penalty has been paid.** You’ll need to supply the relevant proof.

We’ll then carefully consider your representation. We look at all the relevant facts and any mitigating circumstances. We refer to computer records, and to notes made by the Civil Enforcement Officer. If we find in your favour, we’ll let you know, and the penalty charge notice will be cancelled.

**Don’t ignore the Notice to Owner – it’s your last chance to make representations and appeal.** If the case progresses to the next stage, and you receive a Charge Certificate, you’ll have lost your right to appeal and the charge will be increased by 50% to £75 or £105, depending on the original contravention.

### Step 3 - Appeal to the Traffic Penalty Tribunal

If we don’t find in your favour, you’ll receive a formal Notice of Rejection, together with an appeal form, which you can use to appeal to the independent Traffic Penalty Tribunal. The details of where to send it will be on the form.

**You can only appeal to the Traffic Penalty Tribunal after you’ve received a formal Notice of Rejection from us.** Their Adjudicator is restricted by law to considering appeals on the grounds listed in Step 2.

We’ll put the case on hold while the Traffic Penalty Tribunal considers your appeal. **The decision of the Adjudicator is binding on both the Council and the motorist.** If your appeal is allowed, you won’t have to pay the penalty charge. If it is not allowed, the full amount (£50 or £70) will be due.

**For more information or help, please call the Parking Centre on 01908 223 505.**