

What is a Witness Statement?

This is a statement by the person who the debt has been registered against. The appropriate form is issued by the Council when sending out the Order for Recovery as notification that the unpaid charge certificate has been registered at the Court.

You may make a witness statement only if:

- You paid the penalty charge in full within 28 days. You must provide details of the date of payment, the method of payment, etc. **Proof will be required by the Council.**
- You did not receive the notice to owner.
- You made representations to the local authority and you did not receive a reply within 28 days.
- You appealed to the Traffic Penalty Tribunal against the local authority's decision to reject your representation within 28 days but you had no response to your appeal.

Please note proceedings for contempt of court may be brought against you if you make or cause to be made a false statement in an application verified by a statement of truth without an honest belief in its truth.

Contact Details

All challenges/representations need to be made in writing.

- **Write** to Parking Services at PO Box 422, Torquay, TQ2 5WU
- **email** parking@torbay.gov.uk
- **Internet** www.torbay.gov.uk/cpe and complete an on-line challenge form
- **In person** at any of the Connection Offices as listed below and complete a Challenge Form.

Connection Offices

Torquay - Town Hall, Castle Circus, Torquay TQ1 3DS
Mon, Tue, Thur, Fri 8.30am - 5.30pm Wed 9.30am - 5.30pm

Paignton - Paignton Library & Information Centre, Great Western Road, Paignton TQ4 5AG
Mon, Tue, Thur, Fri 9am - 4.15pm Wed 9.30am - 4.15pm

Brixham - Town Hall, Brixham TQ5 9DE
Mon, Tue, Thur, Fri 9am - 4.15pm Wed 9.30am - 4.15pm

How to make payment

With a debit/credit card

Automated 24 telephone line 01803 207495

By internet at www.torbay.gov.uk/cpe

At any of the Connection Offices

By post cheque made payable to Torbay Council and sent to Exchequer Services, Town Hall, Torquay TQ1 3DR. Please allow sufficient time for delivery.

Other useful contacts

Traffic Penalty Tribunal

6th Floor, Barlow House, Minshull Street,
Manchester M1 3DZ

www.trafficpenaltytribunal.gov.uk

Telephone 0161 2425252

For information on the civil enforcement process please visit the website for **Patrol** at www.patrol-uk.info

Traffic Enforcement Centre

5th Floor, St Katherine's House,
21-27 St Katherine's Street, Northampton NN1 2LH
email customerservice.tec@hmcourtsservices.gsi.gov.uk
Telephone 08457 045007



www.torbay.gov.uk/cpe

This leaflet can be made available in other formats. Contact 01803 207690.

772/0510



**The
parking
appeal
process
in
Torbay**



This leaflet explains the process for those wishing to challenge or appeal against the issue of a parking Penalty Charge Notice (PCN). It describes the challenge, representation and appeals process, with reference to 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.

The Appeal Process

Torbay Council is responsible for making and enforcing parking regulations on street and in council car parks. In addition, the council is also required to provide an appeals process when a penalty charge notice has been issued to a vehicle which is believed to be parking in contravention to the parking restrictions.

Civil enforcement officers employed by Torbay Council enforce the parking regulations in Torbay. They are authorised to issue penalty charge notices when they believe a vehicle has been parked in contravention of the regulations.

If you feel the penalty charge notice should not have been issued, you have the right to appeal.

Who is legally responsible for a penalty charge notice?

The registered keeper/owner is legally responsible even if they were not the driver at the time of the offence.

What are the stages involved in the appeals process?

First stage/informal challenge – this is responded to by the council prior to the formal identification of the registered keeper of the vehicle.

Second stage/formal representation to a Notice to Owner – this is also responded to by the Council.

Third stage/Appeal to the Traffic Penalty Tribunal – if your representation is rejected a form is also sent which will give details on how to Appeal to the Traffic Penalty Tribunal.

How do I make a first stage challenge?

The first stage/informal challenge/representation must be made in writing to the council – please see the contact details on the reverse. It is important that you provide as much information and evidence as you can. This will enable us to consider very carefully whether or not it is appropriate to cancel the penalty charge notice. If we reject your challenge at this stage, you will be given the choice to pay the penalty charge notice or to await a notice to owner and make a formal representation to the issuing of the penalty charge notice. Please note that if you have challenged this penalty charge notice within the first 14 days the Council usually re-offer the discount for a further 14 days from the date of the letter.

What happens if my Penalty Charge Notice is not cancelled at the first stage?

If your challenge is rejected and you wish to contest it further, you should not make payment but await the issue of Notice to Owner (NTO) to the registered keeper. This will be sent at least 28 days after the service of the service of the PCN.

(Please Note if you choose not to make payment and await the issue of a NTO to make a formal representation the opportunity to pay the penalty charge at the reduced rate will not be available and the full amount will be required).

What is a Notice to Owner?

A Notice to Owner is a document produced after the Council has contacted the Drivers Vehicle Licensing Agency (DVLA) to confirm the identity of the registered keeper of the vehicle. This notice will confirm to the registered keeper that the money is still owed, and will also provide details of options open to you. The registered keeper can pay the amount owed, or they have the right to make formal representations contesting the penalty charge notice. Details explaining how to make representations on statutory grounds at this stage are given with the Notice to Owner.

What is a formal representation?

When the Notice to Owner is sent to the registered keeper this document will also include the page to

enable the keeper or their delegated representative to make a representation against the issuing of the penalty charge notice. Tick one of the boxes which gives various statutory grounds on which to make a representation, sign the document and return to the address shown.

What happens if my formal representations are refused?

If your formal representation is rejected (Notice of Rejection), at this stage you will receive details of the Traffic Penalty Tribunal which provides the opportunity for you to appeal to an independent adjudicator whose decision is final and binding on both parties.

What happens if my Appeal is refused?

If your appeal is unsuccessful you will be required to pay the outstanding penalty charge within 28 days of receiving written confirmation of the adjudicator's decision.

What happens if I do not pay after my Appeal has been refused?

If payment is not received within 28 days from receipt of the adjudicator's decision, you will be issued with a Charge Certificate which increases the amount due by 50% and you will be requested to make payment within 14 days. You have no further right to appeal at this stage.

What happens if I do not pay following the receipt of the Charge Certificate?

If payment is not received following the issue of the Charge Certificate, the unpaid Charge Certificate is registered as a debt at the Traffic Enforcement Centre (TEC) and a sum to cover court costs is added at this stage. An Order for Recovery will be posted as notification. If you do not pay the debt or make a Witness Statement within 21 days, the Council may apply to the Court for a Warrant of Execution which authorises the Council to recover the unpaid amount using bailiffs, you will also then become responsible for the bailiff fees.