



RECLAIMING PARKING FINES GUIDE

This guide explains how to appeal against parking fines

Over 5.8 millions tickets were issued in London during 04/05. However, many motorists believe they have been wrongly issued and as a result of ticketing bungle, many tickets are invalid. This guide tells you what to look for on your ticket how to appeal against your fines.

BACKGROUND INFO

- Boroughs have been handing out tickets which do not bear the date of issue.
- The High Court ruled, earlier this year, that a ticket from Barnet need not be paid be cause it lacked this key information.
- Therefore, without the issue date, tickets are not legally binding and the council can no longer enforce it
- This has prompted a string of councils to hurriedly redesign tickets.

HOW DO I ARGUE AGAINST A PARKING FINE?

CAUTION: If you wish to argue against a parking fine, you must not pay the charge. If you pay the charge the council will close the case.

Step 1 – Write a letter to state your case

To start your claim, you will need to write a letter to state your case. This is also knows as making your initial representations.

In the letter, you should:

- 1.Explain your reasons for appealing the fine clearly in detail
- 2.Keep the original copies of relevant documents including the original parking fine, witness statements and receipts and only send copies
- 3.Ensure the local authority RECEIVES your representations within 28 days. They may disregard representations received after this time. They may consider late representations, but are not obliged to.

Step 2 - The local authority considers your representations

Your local authority will:

- 1.Consider representations received in time;



2. Decide whether to accept or reject them;
 3. If they accept they will:
 - a. send you a Notice of Acceptance (a letter issued by a Council to a motorist following their formal representation against a Notice to Owner indicating that this representation has been accepted)
 - b. cancel the Notice to Owner (a statutory notice to be served by the council on the person believed by them to be the owner of a vehicle issued with a Penalty Charge Notice that remains unpaid after 28 days)
 4. If they do not accept they will:
 - a. send you a Notice of Rejection (a letter issued by a Council to a motorist following their formal representation against a Notice to Owner, indicating that this representation has been rejected)
 - b. send you a Notice of Appeal form (the form which must be issued to a motorist along with a Notice of Rejection and which opens up the motorist's right to appeal to an independent Parking Adjudicator)
- The local authority should respond to representations within 3 months.

Step 3 - What to do if you receive a Notice of Rejection

You can appeal to the Adjudicator if:

- You have received a Penalty Charge Notice (PCN is The parking ticket attached to your car) from a London local authority; and
- You have made formal representations (which is the initial appeal letter and supporting evidence) to the authority challenging the Penalty Charge Notice; and
- You have received a Notice of Rejection.

If you have not made formal representation

THE PROCESS FOLLOWING REJECTION

Once a Notice of Rejection has been served, you have 28 days to either:

- Pay the charge; or
- Appeal to the Adjudicator. A Notice of Appeal form should be sent by the local authority with their Notice of Rejection. If it is not, contact the authorities to get one.

If you wish to appeal to the Adjudicator later than the 28 days, you should still send your appeal but you **MUST** explain on the Notice of Appeal form the reason it is late. The Adjudicator will then decide whether to allow you to appeal late.

What grounds do I have to appeal?

Upon receipt of the Notice to Owner (NTO), you are able to make a formal challenge against the initial fine (PCN) within 28 days on one of the following grounds:



These are the only grounds on which you may appeal against a Penalty Charge Notice:

- 1.The contravention did not occur
- 2.The vehicle was parked by someone in control of it without my consent
- 3.I was not the owner at the material time. We are a hire firm and have supplied the name of the hirer.
- 4.The penalty exceeded the amount applicable in the circumstances of the case.
- 5.The relevant traffic order was invalid.
- 6.The parking attendant was not prevented from serving the Penalty Charge Notice

THE APPEAL PROCESS

Stage 1 – Send your evidence to the Adjudicator

You should send any evidence that you have available to support your case to the Adjudicator.

Examples of evidence:

- Receipt for sale, if you no longer own the vehicle;
- Delivery details, if you are claiming exemption by way of loading;
- Photographs;
- Tax details, if you claim that no Penalty Charge Notice was fixed to your vehicle;
- Witness statements

Remember to send clear copies and retain original documents.

Stage 2 – The Parking and Traffic Appeals Service (PATAS) receive your form

When PATAS receive your form, they will:

- 1.check your form to ensure all details are included
- 2.register your appeal
- 3.If you have requested a personal hearing:
 - a.they will send you a letter with the date and time when your hearing will be heard
- 4.If you have requested a postal decision:
 - a.they will send you a letter advising you of the date your appeal is likely to be. This does not mean that your postal appeal will be decided on that day. How soon it is decided will depend on the number of other postal appeals
- 5.The authority will be notified of the appropriate date and will be asked to send their evidence.
- 6.A copy of their evidence will also be sent to you

Note: If the Local Authority does not reply within 56 days of receiving your first appeal, they must cancel the Penalty Charge Notice and refund any charges you have already paid i.e.



clamping or tow-away.

Stage 3 - Your appeal is decided

The Adjudicator will normally make a decision at the hearing.

If you attend the appeal, you will be given the written decision to take away.

In a postal appeal the Adjudicator will make a decision on the papers only and will send the written decision to both parties.

The decision will state:

- whether the appeal is ALLOWED or REFUSED;
- the reasons for the decision;
- any directions the Adjudicator has made;
- if you are liable to pay any sum to the authority and what the payment details are

Remember that the Adjudicator's decision is final and binding on both parties.

Stage 4 - After the decision has been made

There is not an automatic right of appeal against the Adjudicator's decision. However, in some cases, a decision can be reviewed.

The grounds for review are:

- The decision was wrongly made because of an error by administrative staff;
- You failed to appear or be represented at a hearing for a good reason;
- There is new evidence, the existence of which could not have been reasonably known of or foreseen before the decision; or
- The interests of justice require a review.

Remember:

- While you may feel that you disagree with these findings is not a ground for review.
- A review will only be granted if an Adjudicator is satisfied that one or more of these applies.
- A review is NOT simply an opportunity for you to appeal again.

HOW TO AVOID GETTING A PARKING TICKET

While this guide may prove useful in avoiding paying tickets that have already been issued, the best way to avoid paying the charges is to avoid getting a ticket!

Follow these simple tips to keep the traffic wardens at bay:

DO:

- Make a note of the times when parking is allowed
- Make sure you are completely within the marking of the bay
- Check the bay is not suspended (especially if you park there frequently)
- Ensure that your ticket, voucher, badge or permit is displayed properly
- Find out about parking in advance, ask for advice for the best place to park before start-



ing your journey

- Ensure there is no loading restriction before loading or unloading

DO NOT:

- Park at a meter that is out of order
- Leave your car empty while getting change or visiting a pay and display machine
- Leave more than one ticket or voucher on display, always remove old ones
- Park in a disabled bay (unless you have a European blue badge or a City of London red badge)
- Park on the footway.
- Park on a yellow line

GLOSSARY OF TERMS

Adjudicator:

Parking Adjudicators are independent solicitors or barristers who have been in practice for at least five years. The decision of a Parking Adjudicator is final and binding on both parties to an appeal.

Notice of Acceptance: A letter issued by a Council to a motorist following their formal representation against a Notice to Owner indicating that this representation has been accepted.

Notice of Rejection: A letter issued by a Council to a motorist following their formal representation against a Notice to Owner, indicating that this representation has been rejected.

Notice to Owner (NTO): A statutory notice to be served by the council on the person believed by them to be the owner of a vehicle issued with a Penalty Charge Notice that remains unpaid after 28 days. The Notice to Owner requires the owner either to;

- i) make payment of the full penalty charge within 28 days, or;
- ii) make formal representation against liability for the charge on one of the statutory grounds allowed, again within 28 days.

Notice of Appeal: The form which must be issued to a motorist along with a Notice of Rejection and which opens up the motorist's right to appeal to an independent Parking Adjudicator.

Penalty Charge Notices (PCN): The parking ticket attached to your car

Representations: These are the documents you use to state your case; you can include evidence to support your claims, such as receipts or witness statements

Parking and Traffic Appeals Service (PATAS): The name given to the adjudication service in London. (Formerly the Parking Appeals Service).



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