

How to Challenge a Parking Charge Notice (PCN)

Details are given on the Penalty Charge Notice issued.

Due to legal requirements all challenges must be received in writing. All challenges must state the reasons why you are challenging the issue of a Penalty Charge Notice (parking ticket). If you decide to challenge after reviewing the evidence you will need to give us your Penalty Charge Notice number, vehicle registration, and full name and address.

You can appeal by writing to:

Car Parks Administration
South Somerset District Council
Brympton Way
Yeovil
Somerset BA20 2HT

There are a number of stages to the challenge process

Informal Challenge

You can make an informal challenge up to 28 days after the PCN is issued.

We advise you to make an informal challenge within the 14-day discount payment period. This means that if your informal challenge is rejected you will still be able to pay the PCN at the 50% discounted rate. If your informal challenge is successful, the PCN will be cancelled and no further action will be necessary. You do not need to pay the charge at the time of making an informal appeal.

What happens next (Informal Challenge)

Once we receive your informal challenge we will make a decision based on the evidence we have and the information you give us. If the penalty is found to be unjust we will contact you to let you know and you will not have to pay.

However, if we decide the penalty is valid then the 14 days you have to pay the lower price will begin again. If payment is not received within the 14 days the penalty charge will revert to the full amount

If you consider the decision following your informal challenge to be incorrect and you remain dissatisfied then you can take your challenge to the next stage and that is to make a formal representation (details overleaf).

Formal Representations

If you choose not to pay or challenge your Penalty Charge Notice within the first 28 days after it was issued then the Council will send a 'Notice to Owner' (NtO) to the registered keeper of the vehicle. This notice will advise there is a further 28 days to either:

- a) Pay the full Penalty Charge (at the full rate): or
- b) Make a formal written representation to the Council:

Grounds for making a representation

1. (a) You have never owned the vehicle
(b) You were no longer the owner on the date the contravention occurred. You will have to provide the name and address of the person to whom the vehicle was sold together with proof of the date of sale.
(c) You were not the owner until after that time. You will have to provide the name and address of the person from whom you purchased the vehicle together with proof of the purchase date.
2. The contravention (wrongdoing) did not occur.
3. The contravention occurred whilst the vehicle was under the control of someone without the owner's consent. You will have to supply the crime reference number and the name of the Police Station to which the theft of the vehicle was reported.
4. The Car Park Order was invalid i.e. the Council did not comply with the statutory requirements in making the Order.
5. The vehicle is owned by a vehicle hire firm and the vehicle was on hire to someone under a formal hiring agreement. You will have to supply a copy of the hire agreement clearly showing the name and address of the person hiring the vehicle. This agreement must contain a statement of liability signed and acknowledging the hirer's liability for payment of penalty charges.
6. The penalty charge exceeded the amount applicable to the contravention i.e. the amount is more than you are legally liable to pay.

7. There has been a procedural impropriety on the part of the Council.

8. The penalty charge notice has already been paid in full or has been paid at the reduced amount within the specified period.

What happens next (Formal Challenge)

On receipt of the representation, the Council will carefully consider all the relevant facts. Information relating to the contravention held on the computer records and the Civil Enforcements Officer's notes may also be taken into account. If your representation is accepted, you will be notified that the Penalty Charge Notice has been cancelled and the case closed.

If your representation is rejected, you will be sent a formal 'Notice of Rejection' (NoR) together with an appeal form. You should either pay the penalty charge notice at the full rate or make an appeal to an independent adjudicator at the Traffic Penalty Tribunal (TPT)

Parking Appeals

If the Council rejects your representation, you can appeal to an independent Parking Adjudicator at the Traffic Penalty Tribunal (TPT). The Adjudicator is restricted by law to considering appeals only on the eight grounds listed above (refer to Representations). For legal reasons, it is not possible to appeal to a Parking Adjudicator unless the owner of the vehicle first makes a formal representation to the Council. The decision of the Adjudicator is binding on both the Council and the person making the appeal. Appeals can be decided either in person or by post, depending on your preference. Appeals in person are arranged by TPT. Full details on how to appeal with the NoR are available on the adjudicators website www.trafficpenaltytribunal.gov.uk