



ISLINGTON

Telephone enquiries
020 7527 2000

Penalty Charge Notice (PCN)

London Local Authorities and Transport for London Act 2003

Penalty Charge Notice to:
[Redacted]
[Redacted]
Enfield
[Redacted]



00000005-12101031

Vehicle registration number:	[Redacted]
Penalty Charge Notice number:	IZ11825685
Date of this Notice:	23/04/2019
Date of contravention:	05/04/2019

DO NOT IGNORE THIS NOTICE

You are legally responsible for dealing with this Notice. Do not pass it on to the driver.

The council believes that you are liable to pay a penalty charge with respect to the above vehicle, for the following alleged contravention

53J Failing to comply with a restriction on vehicles entering a pedestrian zone

In Sussex Way [Zone F]

on 05/04/2019

at 15:54

The alleged contravention was noted by C.E.O. UNATTENDED

The alleged contravention was captured and supported by digital video images obtained by either a manned or unmanned road side camera at the time stated.

The penalty charge of £130.00 must be paid before the end of the period of 28 days beginning with the date of this Notice. If the penalty charge is paid before the end of the period of 14 days beginning with the date of this Notice, the penalty charge will be reduced by 50% and an amount of £ 65.00 will be payable.

Alternatively, if you believe you have a reason not to pay the penalty charge, you should write to us explaining why (see 'how to challenge' overleaf). Although there are specific legal grounds for making representations, we will consider exercising our discretion and may cancel the PCN if we believe there are suitable mitigating circumstances. We may disregard any representations received after the period of 28 days beginning with the date of service of this Penalty Charge Notice.

Please make sure the Penalty Charge Notice number is written on all correspondence.

If you do not pay or do not make representations before the end of the 28 day period the charge may increase by 50% to £195.00. A Charge Certificate may be served by the council seeking payment of this increased amount. If you make representations and they are unsuccessful you will be served with a Notice of Rejection. You will then have the opportunity to pay the penalty charge or appeal against the council's decision to an independent adjudicator.

For instructions about how to pay or make representations against this charge please see overleaf.

Images of this alleged contravention can be viewed at www.islington.gov.uk/pcn. To access them you will need your Vehicle Registration Number and Penalty Charge Number. Overleaf are images taken from the digital video recording of your vehicle.



How to challenge:

You can make representations to the council on one or other of the grounds listed below. The council may exercise discretion and cancel a penalty charge if it believes there are sufficient mitigating circumstances. In all cases please provide details in the box on the next page.

Representations may be made by email to islingtonparking@civica-rm.co.uk or by post to Islington Parking Services, PO BOX 2019, Pershore WR10 9BN. Please include any available supporting evidence. Representations must include the name, postal address and signature of the person making them. If representations are made by email then the name of the person making them must be in the message header or main body text and will be taken to be the signature of that person.

Grounds for making representations:

INDICATE BY TICKING

☐ **A** I was not the owner of the vehicle when the penalty charge was issued because:

☐ I was never the owner of the vehicle

☐ I ceased to be the owner of the vehicle before the date on which the penalty charge was alleged to have become payable (representations made on this ground must include a statement of the name and address of the person to whom the vehicle was disposed of by you if that information is in your possession).

☐ I became the owner of the vehicle after the date on which the penalty charge was alleged to have become payable

(representations made on this ground must include a statement of the name and address of the person from whom the vehicle was acquired by you if that information is in your possession).

☒ **B** The contravention did not take place (please explain overleaf)

☐ **C** At the time of the alleged contravention of the traffic control order, the person in control of the vehicle was in control of it without my consent

☐ **D** We are a vehicle hire firm and at the material time the vehicle was hired under a vehicle hiring agreement and the person hiring it had signed a statement of liability in respect of any penalty charge notice issued in respect of the vehicle during the term of the hiring agreement (enclose copies of the hire agreement/hirer's liability)

☐ **E** The penalty charge exceeds the legal amount applicable to the case

Name/address of buyer/seller/person hiring vehicle

Name: _____

Address: _____

Postcode: _____

Date of purchase/sale/hire: _____



Details of why you want us to cancel the penalty charge:

I turned left from Tollington Road on to Sussex way. I have made this turn hundreds of times over the years. There is no clear signage visible from a car to notify me that otherwise I was entering a 'pedestrian zone'. From the pictures you have provided, again, there are no visible evidence to show that I wasn't allowed to drive through Sussex Way.

If I was mistaken, it is due to your poor signage - there should be clearly visible signs for motorists on Sussex Way AND Tollington, otherwise how will motorists avoid turning on to Tollington Sussex Way and passing the tiny sign that you have provided as evidence for the contravention, for example, a no-right-turn sign is clearly visible when approaching a turn or junction. This, therefore, provides no opportunity to change your course, it effectively traps you into making an error.

This is the first time I have heard of a 'S3 J' given this, the lack of information available to me and no clear signage or evidence to show I passed a sign which prohibits access. The sign turning from Tollington Rd. to Sussex Way (the direction I drove) on has a 'Controlled Zone Mon-Fri 10am to 2pm' Sign. I am at a loss to how I could have avoided this, therefore, I do not believe a contravention took place.

After we have considered your representations and any supporting information you have provided, we will write to you with our decision. If we accept your representations, we will cancel this Penalty Charge Notice and you will not have to pay the penalty charge. If we do not accept them, you will receive a Notice of Rejection. On receipt of the Notice of Rejection you must either pay the penalty charge or appeal against the council's decision to an independent Environment and Traffic Adjudicator. An appeal may be made either online or by giving written notice of appeal to the Environment and Traffic Adjudicator, including any additional representations you wish to make, before the end of the period of 28 days beginning with the date of service of the Notice of Rejection or within such longer period as the Environment and Traffic Adjudicator may allow. If using a paper copy of the notice of appeal, it must be signed by you or by someone authorized by you to sign on your behalf. You will need to indicate whether you want a postal or personal hearing and if the latter, dates you will be available to attend the hearing. The Council will enclose a Notice of Appeal form with the Notice of Rejection together with notes to assist you in making your appeal.

Declaration

This must be signed in order for your representation to be considered.

I confirm that the details of my representations are correct to the best of my knowledge. I realise that making a false statement may result in prosecution and a fine upon conviction of up to £5,000.

Name:

Signature:

Date:

28.04.2019

Position in company, if this is relevant:

N.A.

Please post your representation to Islington Parking Services, PO Box 2019, Pershore WR10 9BN.

For more information about the representation and appeals process please visit www.islington.gov.uk/parking or www.londontribunals.gov.uk. If you have any queries about this Penalty Charge Notice, please telephone Contact Islington on 020 7527 2000. Please note, your call may be recorded for quality or training purposes.

Data Protection Statement

Personal data has been collected by London Borough of Islington in order to serve this Penalty Charge Notice and enforce parking contraventions under the Traffic Management Act 2004. As we believe a contravention has occurred, your personal data may be collected, processed, shared and retained in order to carry out the performance of a public task and fulfil our legal obligations in the following ways:

- To request details of the registered keeper of the vehicle from the DVLA or the person/ company we believe to be the owner of the vehicle in order to pursue a Penalty Charge Notice
- Shared with NSL, Enforcement Agents and London Tribunals for appeals and enforcement.
- Shared with the police or security organisations to prevent or detect crime.
- Shared with Capita for processing, printing and posting of statutory documentation, Civica for processing and scanning of challenges and WSP for general data processing and database maintenance.

Data will be stored for a period of two years or as long as cases remain outstanding.

Your Data Rights

In relation to the personal data which we may hold about you, you have the right to request to:

- Be informed, have access or rectify incorrect information. You also have the right to object to or restrict our processing of your data.
- Under Data Protection law we must verify your identity and explain to you our reasons if we do not agree to carry out your request.

Contact and Further Information

If you would like more information about how we use your data, please read our Privacy Policy <https://www.islington.gov.uk/about-the-council/information-governance/data-protection/privacy-notice> or you can listen to our Privacy Policy by telephoning 0207 527 2000

Data protection questions can be made by email dp@islington.gov.uk or in writing to Data Protection Officer, c/o Information Governance Team, London Borough of Islington, 4th floor, 7 Newington Barrow Way, London N7 7EP. You have the right to complain to the Information Commissioner's Office at www ICO.org.uk.

How to pay

By post: Payments made by cheque or postal order should be made payable to LB Islington (Parking Finance) and sent to Islington Parking Services, PO Box 2019, Pershore WR10 9BN. Please write the Penalty Charge Notice number and your address on the back of the payment and complete the payment slip at the bottom of this page. Post-dated cheques will not be accepted. If you would like a receipt please include a self-addressed stamped envelope with your payment.

By telephone: If you want to pay by credit or debit card please phone 020 7527 2000 at any time. We accept Visa, Mastercard, Delta, Switch and Solo. Please note, your call may be recorded for quality or training purposes.

Online: www.islington.gov.uk/pcnpay

If you wish to arrange to view a recording of this alleged contravention, obtain still images from the recording, or if you have any other query about this Penalty Charge Notice, please telephone Contact Islington on 020 7527 2000. Please note, your call may be recorded for quality and training purposes.

06883-00065/03/03-140



Payment slip - please return with all payments sent by post

Penalty Charge Notice number: IZ11825685

Vehicle registration number: YJ63JHX

Mr/Mrs/Ms/Miss/Dr: _____

Address (if different from address overleaf): _____

Postcode: _____

Islington Parking Services
PO Box 2019
Pershore WR10 9BN

T 020 7527 2000

www.islington.gov.uk

Our Ref: RACHEL PHILLIPS
VRM: YJ63JHX
14 May 2019

Enfield

Dear

**Penalty Charge Notice No. IZ11825685 Date of Issue 05/04/2019 at 15:54
Location of Contravention Sussex Way [Zone F]**

Notice of Rejection of Representations:

Thank you for your letter of in which you made representations regarding the above Penalty Charge Notice (PCN).

The Penalty Charge Notice (PCN) was issued for failing to comply with a sign indicating a restriction on vehicles entering a pedestrian zone.



I have considered your comments in your appeal of the above PCN that the signage is not sufficient to notify drivers of the restriction.

Please find attached photographs of the signage in place at this location. These photographs also show the advance warning notices of the restrictions along with the notice at each entrance to the road. Dependant on your direction of travel you will have passed one or more of these signs. Based on the information available I am confident that there is sufficient signage in place to notify drivers of the restriction.

I appreciate that you may have driven this route a number of times in the past, however, drivers are responsible for ensuring they remain vigilant for any new or temporary restrictions along their route and that they abide by them at all times.

I am therefore satisfied that the contravention occurred and the PCN was issued correctly.

Accordingly the Council formally rejects your representations. This means that your options are either to pay the penalty charge or to appeal to the Environment and Traffic Adjudicators. Whichever one you choose, you should do this before the end of the period of 28 days beginning with the date of service of this notice of rejection. The Adjudicator may allow a longer period if you submit your appeal after the end of the 28 day period and set out the

reasons for the delay.

If you decide to pay the penalty charge then the Council will accept the discounted amount of £65 in full and final settlement of this matter provided it is received by 1 June 2019. After that date the full penalty charge of £130 will be payable.

If you have not paid the penalty charge or appealed by the end of the 28 day period, the Council may serve a Charge Certificate and may increase the charge to £195.

You can make a credit or debit card payment on our automated payment line on 020 7527 8000 at any time or speak to an advisor on 020 7527 2000 – between 09:00 to 17:00. You can also pay on line at www.islington.gov.uk. If you prefer to pay by cheque, please make it payable to LB Islington and send it to the above address. Please write the PCN number on the back of the cheque.

If you decide not to pay and wish to appeal, you can do so online at the following address www.londontribunals.gov.uk. Please ensure that you quote the unique appeal verification code which is 86E920 and follow the on-line instructions on how to complete your appeal. If you don't wish to make an online appeal, you can complete the Appeal Form enclosed with this letter (please read the guidance notes before completing the form) and send your appeal by post to the London Tribunals, PO Box 10598, Nottingham NG6 6DR. 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 www.londontribunals.gov.uk.

An Adjudicator shall not normally make an order awarding costs and expenses but may make such an order:

- a) against either party if they are of the opinion that the party has acted frivolously or vexatiously or that their conduct in making, pursuing or rejecting the appeal was wholly unreasonable; or
- b) against an enforcement authority where they consider that the disputed decision was wholly unreasonable.

An Adjudicator may only make an order awarding costs and expenses against a party, as detailed above, where the party has been given the opportunity of making representations against the making of the order.

Yours sincerely



Rachel Phillips
Correspondence and Appeals Officer

IZ11825685



