

SD70309491

Notice Details

Issue Date/Time: 01/02/2017 (Wed) - 08:39
 Contravention Date/Time: 21/01/2017 (Sat) - 15:32
 Contravention: 34J Being in a Bus Lane
 Being in a Bus Lane

VRM: Dxxx
 Make: Unknown
 Colour: Other

Type:
 Class:
 Height/Weight: -

Location: New Street, West Bromwich
 Location Description:
 Notice Destination:
 PA Details: SD326
 VDA Type:

VEL: -
 Roadside
 Yellow Lines:

All Windows Checked:	Valves Front/Back:	First	Second
Broken Down:	Obs (1/2):	/	
Abandoned:			
Driver Seen:	Wheels Footway:		
Loading Evidence:			

Supporting Information

Badge Number:
 Officer Book Ref: Note
 Officer Comments:

P&D Details

Ticket Number:
 Fee Paid:
 Entry Date Time: -
 Expiry Date Time: -

P&D Feed Details

Ticket Number:
 Fee Paid:
 Entry Date Time: -
 Expiry Date Time: -

SD70309491

Legal Stage: Pre Notice To Owner
Current Stage: NPAS Appeal - Reference Added To Appeal
Last Progressed: 25 April 2017
User Dealing:

Original Penalty: £60.00
Current Penalty: £60.00
Total Paid: £0.00
Uncollectable: £0.00
Outstanding: **£60.00**

SD70309491

SD70309491

Processing Notes

Note

Review Operator: Mike Hayes, Camera Operator:

User Details

Job Manager

Date/Time

25/01/2017 03:01:57

SD70309491

SD70309491

Notice History

Action	User Details	Date/Time	Comments
Notice Number Created On System	Simon Cheung	16/11/2016 16:22	Notice Number Created: SD70309491
New Note Added	Job Manager	25/01/2017 03:01	Note: Review Operator: Mike Hayes, Camera Operator:
Bus Lane - Notice On File	Job Manager	25/01/2017 03:01	
DVLA - Automatic Electronic Initial VQ4 Request	Job Manager	25/01/2017 20:04	Automatic progression
DVLA - Electronic VQ4 Request Sent	Job Manager	26/01/2017 08:02	DVLA request export
DVLA - Mismatch Colour	Job Manager	27/01/2017 08:01	DVLA VQ5 returned
DVLA - Returned Mismatch Make	Job Manager	27/01/2017 08:01	DVLA VQ5 returned
DVLA - VQ5 Returned Address Needs Review	Job Manager	27/01/2017 08:01	DVLA VQ5 returned
DVLA - Mismatch Accepted	Tracey James	31/01/2017 08:08	DVLA mismatch reviewed DVLA Make: RENAULT DVLA Colour: BLUE
New Address Added To Case	Tracey James	31/01/2017 13:18	Addressee: Mxxxxx DVLA
DVLA Address Made Current and Progressed	Tracey James	31/01/2017 13:18	response reviewed.
Printing - Bus Lane - PCNNT0 In Print Queue	Job Manager	31/01/2017 20:09	Automatic progression
Manual Detail Change	Tracey James	01/02/2017 08:39	Notice issued
Manual Detail Change	Tracey James	01/02/2017 08:39	Notice destination set:
Printing - Bus Lane - PCNNT0 Printed and Posted	Tracey James	01/02/2017 08:39	Correspondence: Bus Lane - PCN NTO printed successfully.
Bus Lane - Discount period Expired	Steve Boffy	01/02/2017 13:42	No comments entered
Scanned - Rep - Other Grounds	Kayleigh.Morris	14/02/2017 06:27	
Review - Client Manager	Teresa Clarke	28/03/2017 13:42	No comments entered
Bus Lane - NOR	Teresa Clarke	28/03/2017 13:57	No comments entered
Bus Lane - NOR - Printed and Posted	Steve Boffy	29/03/2017 07:38	Correspondence: Bus Lane - NOR printed successfully.
TPT Appeal - Reference Added To	Teresa Clarke	25/04/2017 07:32	Notice added to appeal: SD00066FF
Adjust Case - Set Case To Full Penalty	Teresa Clarke	03/05/2017 07:20	Adjustment made

SD70309491

SD70309491

Addresses

Name: XXXXXXXXXXXXXXXXXXXX
Business Name:
Address:

Default Address: Yes
Date/Time: 31/01/2017 13:18
User Details: Tracey James

SD70309491

SD70309491

Correspondence

Ref	Type Description	User Details	Date/Time	Qd
1228592	Bus Lane - PCN NTO Automatic progression	Job Manager	31/01/2017 20:09	No
1237401	Scanned - NTO Response	Kayleigh.Morris	14/02/2017 06:27	No
1277540	Bus Lane - NOR No comments entered	Teresa Clarke	28/03/2017 13:57	No

SD70309491

SD70309491

Payments

Pay Ref	Type	Method	User Details	Date/Time	Description	Amount
---------	------	--------	--------------	-----------	-------------	--------

SD70309491

SD70309491

DVLA

DVLA Response

XXXXXXXXXXXXXXXXXXXXXXXXXX

Translated Response

Name: XXXXXXXXXXXXXXXXXXXX
Business Name: XX
Address:



VRM DXXXXXXXXXXXXXXXXX

Make: RENAULT

Colour: BLUE

Model: MEGANE DYNAMIQUE TOMTOM V

Mismatch Type: Colour Make Mismatch

Response Type: Response OK

PCN Number: **SD70309491**
served on: **01/02/2017**

by Civil Enforcement officer (CEO) **SD326**
who had reason to believe that the following
contravention had occurred and that a penalty
charge is now payable:

Being in a Bus Lane

Code: 34J

Date of contravention: **21/01/2017**
Time of contravention: **15:32**
Location: New Street, West Bromwich

Vehicle registration: **Dxxx**
Make: **Unknown**
Colour: **Other**
Tax disc: Expiry:

Observed from to 08:39

A penalty charge of £60 is now payable and must
be paid not later than the last day of the period
of 28 days beginning with the date on which this
PCN was served (i.e. 17/02/2017)

The penalty charge will be reduced by a discount
of 50% to £30 if it is paid not later than the
last day of the period of 14 days beginning with
the date on which this PCN was served (i.e.
03/02/2017)

SEE REVERSE FOR pay.

How to challenge this PCN.
what happens if no payment is made.

PCN Number: **SD70309491**
Served on: **01/02/2017** At: **08:39**
vehicle registration: **Dxxxx**
Contravention: Being in a Bus Lane

Code: 34J

The Penalty Charge is £60; or £30 if paid not
later than the last day of the period of 14 days
beginning with the date on which this PCN was
served

If payment is made by post, please detach this
slip, complete the details on the reverse and
return it with your payment.

SD70309491

**BUS LANE PENALTY CHARGE NOTICE (PCN)
[NOTICE TO OWNER]**

Section 144, Transport Act 2000; Bus Lane Contraventions
(Penalty Charges, Adjudication and Enforcement) (England)
Regulations 2005



XXXXXXXXXXXXXXXXXXXX

PCN Number: SD70309491

Vehicle Registration:

Dxxxxxxxx Unique Web Code:

115ZT566

PLEASE DO NOT IGNORE THIS NOTICE, AS THE OWNER / KEEPER / HIRER OF THIS VEHICLE THIS NOTICE IS YOUR RESPONSIBILITY. DO NOT PASS THIS NOTICE TO ANOTHER PARTY.

PCN Number:SD70309491

Date of this Notice and the date of posting: 01/02/2017

This notice has been served to you because it appears to Sandwell Metropolitan Borough Council that you are the owner/keeper/hirer of **Vehicle Registration Mark: Dxxxxxxxx**

Make: Unknown

Colour: Other

The following alleged contravention has been detected and recorded by an Approved CCTV Device. The attached images have been extracted from the CCTV footage and show the vehicle at the time of the alleged contravention.

Contravention: 34J : Being in a Bus Lane

Location: New Street, West Bromwich

Detection Date: 21/01/2017 **Detection Time:** 15:32

A penalty charge of £60.00 is now payable and must be paid not later than the last day of the period of 28 days beginning with the date of service of this notice. This Notice will be taken to have been served on the second working day after the day of posting (as shown above) unless you can show it was not.

The penalty charge will be reduced by 50% to £30.00 if it is paid not later than the last day of the period of 14 days beginning on the date on which this Notice was served.



PAYMENT SLIP – For payment options see overleaf

<p>Please complete in BLOCK CAPITALS</p> <p>Name:</p> <p>Address:</p> <p>Post Code:</p>	<p>Penalty Charge Notice:SD70309491</p> <p>Vehicle Registration Mark: DF62UXC</p> <p>Date of Notice:01/02/2017</p> <p>Payment Amount Due: £30.00</p> <p>(If paid within 14 days as detailed above)</p>
---	--

B/L NTO (Other Grounds)

APCOA PARKING
C/O Sandwell MBC
P.O. Box 2374
Council House Oldbury
B69 3DE

RECEIVED
- 9 FEB 2017

Date: February 6th 2017

Dear Sir/ Madam,

Ref: Appeal PCN SD70309491

Contravention did not occur.

As a stranger to the area, I found the signage totally inadequate and confusing.

I fully accept that signs comply with regulations but their placement and pre-warning would help drivers immensely and avoid unnecessary PCNs.

Had I realised this was a bus lane I would never have entered but without clear signage, entered solely in error.

If for no other reason, please exercise your discretion to cancel the PCN.

Procedural Impropriety-

Having reviewed the relevant legislation I find that there are a number of issues with the PCN.

These include missing mandatory information such as the right to view a video at an office of my choice, the right to request still images, what may happen after the end of the 28 day period and not least, failing to correctly state the grounds that are prescribed within the Bus Lane Legislation.

A procedural impropriety is generally taken as a failure of the enforcement authority to take any step that the legislation or regulations require of them and as such is grounds to cancel the PCN.

The Penalty exceeds the amount due in the circumstances of the case.

As the PCN fails to include mandatory information and includes grounds that are not prescribed, it must be regarded as a nullity in law.

As such, any penalty levied is an unlawful demand and exceeds the penalty due.

This is grounds to cancel the PCN.

Please confirm cancellation at the earliest.

Yours sincerely,



XXXXXXXXXX

Date of Notice: 29/03/2017

XXXXXXXXXXXXXXXXXX

Dear xxxxxxxx

Bus Lane Contravention (Penalty Charge, Adjudication and Enforcement)(England) Regulation 2005
Notice of Rejection of Representations

Notice No: SD70309491
Vehicle Registration No: Dxxxxxxx
Date of service: 01/02/2017 at 08:39
Location: New Street
West Bromwich
Contravention: Being in a Bus Lane

I refer to the representations that you have made, received in response to the Penalty Charge Notice/Notice to Owner served on you in connection with the issue of the above Penalty Charge Notice 21/01/2017 (Sat) - 15:32.

Your representations have been considered carefully by Sandwell Council and have been rejected for the following reasons.

We sent you a Penalty Charge Notice as camera evidence confirms that your vehicle was in a Bus Gate/Lane where access to other vehicles is prohibited at all times.

Sandwell council have made an electronic enquiry with DVLA that confirms that the above vehicle is registered in your name and the above address.

Although you have advised that mandatory information is missing from the PCN, I would bring to your attention that the still images are printed on the front of the PCN and are also available to view along with the video clip on Sandwell Councils Website using the unique web code which is printed on the front of the PCN. The notice advises that If you are unable to use this method or have any other enquiry please telephone 0121 569 4330. Parking Services will arrange a suitable time for you to view them at a Council office of your choice.

Sandwell Council carried out publicity and advertising for one whole month prior to the introduction of the Bus gate/lane Enforcement located in New Street West Bromwich. Warning notices were also issued from 21st November 2016 to 4th December 2016 (inclusive). Warning signs are in place on both approaches in advance of the Bus Gate.

In addition the prohibition signs are also displayed at the start of the prohibition which are clearly visible and unobstructed as required by law.

The bus lane restrictions are used nationwide and the signs in place to notify motorists of the prohibition, appear in the Highway Code (which all motorists should be familiar). Motorists are expected to comply with the restrictions irrespective of their level of familiarity with the local area.

It is not unusual for the enforcement authority to review the restrictions in force and implement restrictions where required however, it is ultimately the driver's responsibility to observe the signage in effect. I would bring to your attention that the Traffic Regulation Order for the Bus lane has been in effect in this location since 2001 however, as motorists continued to disregard the signage, Sandwell MBC introduced CCTV and ANPR in order to deal with this issue.

Bus Only Streets are marked with Bus Gate road markings on the carriageway. Road signs are positioned at the start of the Bus Only Street. If a time is not provided on the sign, the bus lane operates 24 hours a day.



Bus Only Sign and Bus Gate road markings

Further information on the enforcement of bus lanes in Sandwell can be found on Sandwell MBC's website www.sandwell.gov.uk/parking.

Each occasion that a vehicle proceeds along a bus lane or enters and proceeds along a bus only road, constitutes a separate contravention of the restrictions and may result in an individual PCN being served. If the motorist has driven a route which includes a number of bus only roads/lanes on the same journey or has driven along the same bus only roads/lane more than once, this may result in multiple bus lane PCNs being correctly received, each of which remains enforceable.

It is unfortunate that you were unfamiliar with the Bus gate and its operation. **However, it is still remains your responsibility as the driver to be aware of Bus Lane/Gate (and other) signs on the highway and be compliant.** Therefore I am satisfied that the Penalty Charge Notice has been served correctly.

As the PCN was correctly issued I am rejecting your representations accordingly and the following applies.

You have the following choices;

- You can pay the reduced rate charge of £30.00 by 12/04/2017. You have 14 days from the date of this letter being served to do this as your representations were received within the fourteen day period.
- You can pay £60.00 if you miss the reduced-charge period; you have 28 days to pay the original charge from the date of this letter being served to do this.
- Appeal to Traffic Penalty Tribunal. Details are on the next page.

The penalty charge of £60.00 is now payable. This must be paid before the end of 28 days beginning with the date of service of this Notice, which will be taken to be the second working day after the date of this Notice.

You must now decide whether to pay the penalty charge or to appeal against this decision to the Traffic Penalty Tribunal.

If you do not appeal and do not pay the penalty charge within the 28 day period set out above, Sandwell Council may serve a Charge Certificate on you increasing the penalty by 50% to £90.00. If the increased Penalty Charge has not been paid within a further 14 days, the Council may apply to the County Court to recover the Charge as if it were a debt payable under a County Court Order.

Yours sincerely



**Kira Fleck
Principal Officer
Parking, Safer & Sustainable Travel**

HOW TO PAY THE PENALTY CHARGE

Your cheque or postal order should be made payable to **SANDWELL MBC** and sent to **APCOA Parking Services, C/O P.O. Box 2374 Council House, Freeth Street, Oldbury B69 3DE** quoting the PCN number. Alternatively, you may pay by credit/debit card over the counter at the above office between 9:00 am and 16.30 Monday to Friday. Cash payment is also accepted over the counter at the above office.

The methods below will only accept the full amount as shown on the case.

There is also an auto payment line on telephone number 0121 569 3460 or, the charge can be paid via the internet on the Sandwell website at <http://www.sandwell.gov.uk> then use the link for "Parking" then use the link on left side of screen "Pay a parking Fine"

Payment can also be made through any Sandwell Council area office.

HOW TO APPEAL

You must now decide whether to pay or appeal your penalty.

If you disagree with the council's decision you can appeal to the independent adjudicator at the **Traffic Penalty Tribunal**. The adjudicators are independent of the council and their decision is final.

You can appeal now by visiting the tribunal's website: www.trafficpenaltytribunal.gov.uk/appeal

The website explains what the adjudicator can consider and how to appeal. There is no charge for appealing and costs are not normally awarded. The website gives full details. **You will need the information in the box below to hand when you begin your appeal.**

Notice of Rejection date: 29/03/2017

PCN number(s): SD70309491 Vehicle

Registration Mark: Dxxxxxx

Notice Web Code: 72C722

You should appeal within 28 days of delivery of this Notice of Rejection (usually 2 working days after the "Notice of Rejection" date above – our website explains this)

If you are unable to appeal online you may request a paper form from the Traffic Penalty Tribunal by Calling **01625 44 55 99** and leaving your name, address, telephone number, vehicle registration mark and Penalty charge notice number.



21/01/2017 15:32:16 903955 LW1096 lon:-1.99270 lat:52.51931

21/01/2017 15:32:16 903955 LW1096 lon:-1.99270 lat:52.51931



21/01/2017 15:32:14 903940 LW1096 lon:-1.99270 lat:52.51931