



## Debt recovery stages

### Issuing of Penalty Charge Notice

**Parking Penalty Charge Notices** – A Penalty Charge Notice is issued and fixed to the windscreen of any vehicle which is found to be in contravention of a parking restriction. Tameside Council allow a 28 day period for you to either pay the charge, or challenge it. All challenges are dealt with the Parking Services Team.

The 28 day period allows the person who parked the car the opportunity to resolve the situation by either paying the penalty charge or making an informal appeal. If payment is made within 14 days (21 days for bus lane notices) a 50% discount will be applied

At this stage the Council are unaware of the registered keeper of the vehicle. If the Penalty Charge Notice remains unpaid the Council will apply to the Driver Vehicle Licensing Authority to obtain the name and address of the registered keeper. Following the expiry of 28 days from the issue of the Penalty Charge Notice the informal stage of the process ends and Tameside Council continue formal recovery action of the Penalty Charge Notice.

**Bus lane Penalty Charge Notices** – the Council monitor Bus Lanes through CCTV cameras at several locations throughout the Borough. When a vehicle is detected driving through a Bus Lane during operational hours it is checked and recorded on our Parking System. The Council will then contact the Driver Vehicle Licensing Agency to find out the registered keeper of the vehicle, and following receipt, send a Penalty Charge Notice by post.

## **Notice to Owner**

We send a Notice to Owner letter if:

- you have been given a parking Penalty Charge Notice and have not paid within 28 days
- you have been photographed driving or parking in a bus lane. There is no 'informal' stage to a bus lane Penalty Charge Notice because we have to investigate who owns the vehicle before we issue the notice. However, you can still qualify for the 50% discount if you pay within 14 days of the notice being issued to you in the post.

This document advises the registered keeper of the vehicle that a Penalty Charge Notice is outstanding. This is the start of the formal recovery process.

The responsibility for any Penalty Charge Notice lies with the registered keeper of the vehicle, as per records held at the Driver and Vehicle Licensing Agency.

The Notice to Owner gives you 28 days to pay the charge, or make a formal appeal.

**Charge certificates** – If you do not pay within 28 days of the Notice to Owner letter we will send you a Charge Certificate. This tells you that we intend to register your Penalty Charge Notice with the County Court as a debt.

At this point the amount of the debt will increase by 50%. The Charge Certificate gives you 14 days to pay the new amount.

### **Notice of debt registration**

If you do not make payment we will register the debt with County Court. This will incur a fee of £9. We send you a Notice of Debt Registration to tell you we have done this. The registration of debt is an automated process and there is no right of personal representation during this process.

At this point there are two options. The outstanding charge is to be paid in full within 21 days or complete a Witness Statement for the County Court.

A Witness Statement is a sworn declaration to the effect that part of the recovery process has not been followed correctly. There are four grounds on which a Witness Statement may be made;

- you didn't get a Penalty Charge Notice/Notice to Owner
- you appealed against the Penalty Charge Notice within 28 days and you haven't received a Notice of Rejection
- you've appealed to the Traffic Penalty Tribunal against our decision to reject the representation within 28 days of receiving a Notice of Rejection, but you haven't had a response
- the Penalty Charge Notice has been paid

## **Bailiffs**

If you do not pay within 21 days we will pass your debt to a bailiff, unless we consider it would be inappropriate to do so. They will charge their own fees, which can increase the amount of your debt considerably.

## **Making an appeal**

There are various opportunities for you to make an appeal against a Penalty Charge Notice. These are summarised below. If you make an appeal we suspend recovery action whilst it's being considered.

### **Parking Penalty Charge Notice**

**Informal appeal** - made to Tameside Parking within 28 days of the ticket being issued

**Formal appeal** – Following 28 days from the recovery of the penalty charge notice there is a second right of appeal. You have 28 days from the receiving the Notice to Owner letter to make this appeal. If this appeal is unsuccessful, we will send you a Notice of Rejection letter.

**Tribunal appeal** - if informal and formal appeals are unsuccessful you have a further right of appeal to the independent Traffic Penalty Tribunal. Details of how to appeal are included with the Notice of rejection along with a PIN number to register the appeal.

### **Bus lane Penalty Charge Notice**

**Formal appeal** - you have 28 days from the date of issue of the Penalty Charge Notice/Notice to Owner. The appeal is made to Tameside Parking Services. If this appeal is unsuccessful, we will send you a Notice of Rejection letter.

**Tribunal appeal** - if your bus lane appeal to Tameside MBC is unsuccessful you have a further right of appeal to the independent Traffic Penalty Tribunal. Details of how to appeal are included with the Notice of rejection along with a PIN number to register the appeal.