

### **Civil Parking Enforcement – Use of Enforcement Agents (Bailiffs)**

1. Nottinghamshire County Council has completed a European procurement to utilise the services of Enforcement Agents companies to support Civil Parking Enforcement. The companies are employed by a framework agreement that allows the District and Borough Councils to utilise the contract for their PCN debt.
2. In accordance with Department for Transport guidelines, certificated Enforcement Agents are essential to ensure that persistent evaders are correctly pursued for outstanding debt. Failure to do so would undermine parking enforcement as the public would realise that the Penalty Charge Notices will ultimately be cancelled or forgotten by the local authority. The general concept of using bailiffs is that they are used to pursue debt from motorists who generally refuse to pay, rather than those who cannot pay.
3. A motorist in receipt of a Penalty Charge Notice (PCN) of either £50 or £70 has 14 days within which to pay it at 50% discount. If no payment is received, owner details are obtained from the DVLA and a “Notice to Owner” is sent to the address the vehicle is registered against. If no further correspondence is received at this stage, a Charge Certificate is issued and the PCN debt rises to either £75 or £105.
4. If no payment is received 14 days after the Charge Certificate is sent, the authority can register the debt with Northampton County Court (the national court for parking debt registration) and a further £7 is added to the outstanding amount for debt registration. At this stage, the motorist will receive the final letter from the Authority which gives a further 21 days to pay or object to the debt registration on certain statutory grounds.
5. Assuming no challenges are received to the PCN, the basic procedure results in 4 letters being sent to the vehicle owner before the debt is passed to the Enforcement Agents. If challenges are made, this number could rise to 7 letters in total.
6. It is estimated that between 5 and 10% of all issued Penalty Charge Notices will be passed for debt collection. Currently within Nottinghamshire, 60,000 PCNs are being issued annually. Of these 60% are PCNs issued for on-street parking contraventions in the name of Nottinghamshire County Council. The remainder are issued by the District and Borough Councils. Consequently, it is anticipated that approximately 2700 warrants will be issued annually for parking debt owed to NCC.
7. The contract with the Enforcement Agents requires them to follow a strict recovery timetable and only add costs as prescribed by the Taking Control of Goods Regulations 2013. Consequently, the first action they will take upon receipt of the debt is a further letter under the compliance stage which adds £75 to the outstanding debt.
8. They cannot make any visit to the property until 7 clear days has passed from sending the letter. This second stage is known as the Enforcement Stage and increases the outstanding debt by a further £235. On occasions, the vehicle may need to be clamped and on rare occasions goods would be removed. The Enforcement Agents will follow a strict code of conduct and ensure that recovery action is undertaken sympathetically and unobtrusively.

9. There will also be frequent liaison with the Central Processing Unit to clarify and resolve any emerging circumstances or unknown issues. The Processing Centre will be able to withdraw instantly from the Enforcement Agents if it becomes aware of valid mitigating circumstances.

10. The four companies chosen after a detailed scoring procedure are Marstons, Equita, Jacobs and Bristow & Sutor. All are recognised as amongst the leading national debt collection agencies and the emphasis throughout the tendering process was on choosing companies that focused on early debt collection and had extensive experience of acting on behalf of a Local Authority.

11. The contract also allows the County Council to utilise the Enforcement Agents for the pursuit of sundry debt owed to the Authority.

12. The Enforcement Agents companies will be monitored via monthly performance reports and regular contract meetings. All the companies are bound by the terms of the Taking Control of Goods Regulations 2013. As the framework contract does not guarantee that the County Council will utilise the appointed companies any significant failures could lead to a cessation of enforcement work to that company.