

Bus Lane Enforcement – Use of Enforcement Agents (Bailiffs)

1. Nottinghamshire County Council completed a European procurement to utilise the services of Enforcement Agents to support Bus lane Enforcement.
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 the enforcement and would increase the potential misuse of bus lanes.
3. A motorist is served a Penalty Charge Notice (PCN) by post for £60.00 and has 14 days within which to pay it at 50% discount. If no payment or correspondence has been received after a further 14 days, a Charge Certificate is issued and the PCN debt rises to £90.00.
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 and traffic contravention debt registration) and a further £7.00 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 bailiffs. If challenges are made, this number could rise to 7 letters in total.
6. 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 2014. The initial process is to contact the debtor by letter that will also increase the outstanding amount by £75.00. This letter will stipulate how further costs will be added from that date if payment is not forthcoming including an Enforcement Agent attendance of £235.00. Debtors unable to pay the outstanding amount are urged to contact the Enforcement Agent Company to discuss repayment terms. The local Citizens Advice Bureau will also offer advice and assistance.
7. Enforcement Agents will not make any visit to the property until 7 clear days has passed from sending the letter. 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.
8. 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 warrants instantly from the Enforcement Agents if it becomes aware of valid mitigating circumstances. Warrants are though, only withdrawn in exceptional circumstances.
9. 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.

10. The bailiff companies will be monitored via monthly performance reports and regular contract meetings. All successful tenderers are contractually obliged to adhere to the code of conduct and the National Standards for Enforcement Agents (2002).