

## Debt recovery frequently asked questions

### **Q 1- Does Parking Services deal with Debt Recovery? Or does Parking Services use enforcement agency to recover the debt?**

A- Yes, the Debt Recovery stage can start 14 days after the Charge Certificate is issued and if the Penalty Charge Notice is not paid in full, a debt registration fee is applied and the Council issues an Order for Recovery to the keeper/owner.

The keeper/owner then has 21 days from the date of issue of the Order for Recovery to file an application with the Traffic Enforcement Centre or pay the fine in full.

If neither full payment nor revocation order is received the Council may register the debt as a Warrant of Control.

The Warrant will then be passed to an enforcement agency, who will recover the debt on the Councils behalf. Further enforcement fees will be applied once the Enforcement Agency enforce on the debt;

### ***The London Borough of Tower Hamlets uses three enforcement agencies:***

#### ***1-Newlyn***

Website: <https://newlynplc.co.uk/>

Email: [enquiries@newlynplc.co.uk](mailto:enquiries@newlynplc.co.uk)

Telephone: 01604 633001

Postal address:

Newlyn enforcement:

P.O. Box 933

Northampton

NN1 9DX

#### ***2-Phoenix Commercial Collections***

Website: <http://www.phoenixcommercial.co.uk/>

Email: [central@phoenixcommercial.co.uk](mailto:central@phoenixcommercial.co.uk)

Telephone: 0333 323 0333

Postal address:

Phoenix Commercial Collections

P.O. Box 2160

Bolton

BL6 9BR

**3-Rundles**

Website: <https://www.rundles.org.uk/>

Email: [info@rundles.org.uk](mailto:info@rundles.org.uk)

Telephone: 0845 658 5030

Postal address:

Rundles

53 Northampton Road

Market Harborough

Leicestershire

LE16 9HB

**Q 2- How do I know when a case is at Debt Recovery stage?**

A- When Tower Hamlets register the debt with Northampton County Court and an Order for Recovery has been issued.

**Q 3- Why the case was passed to the Enforcement Agency and are they allowed to add their fees?**

A- If neither full payment nor revocation order is received after 21 days of the issue of the Order for Recovery, the Council may register the debt as a Warrant of Control.

The Warrant of Control will then be passed to an Enforcement Agency, who will recover the debt on the behalf of this Local Authority. Further enforcement fees will be applied once the Enforcement Agency enforce on the debt; the fees that the Enforcement Agency can add are set by parliament in the Taking Control of Goods (Fees) Regulations 2014.

Stage	Description	Fee
Compliance Stage	Becomes due as soon as the case is passed onto the Enforcement Agency.	£75.00
Enforcement Stage	Becomes due as soon as the Enforcement Agent carries out a 1 <sup>st</sup> visit.	£235.00
Sale Stage	Becomes due as soon as the goods are removed or taken in control.	£110.00
Storage Stage	Become due after the vehicle or other goods are in storage for over 24 hours (daily rate).	Depending on the type of goods.

**Q 4- I have received a letter from an enforcement agency demanding money, what shall I do?**

A - Contact the Enforcement Agency. However, you can contact the Local Authority if any of the following applies to you:

1. You were not the keeper/owner at the time of the offence.
2. You have moved your address after the issue of the Penalty Charge Notice.
3. The letter is not in your name but was sent to your address.

Please note that you need to provide sufficient evidence to substantiate any of the above claims.

**Q 5- The debt is not mine what shall I do?**

A- If the debt is not in your name for example the registered keeper/owner has moved, provide proof of this such as a Council Tax bill and or a Tenancy agreement to the enforcement agency who will deal with your enquiry.

**Q 6- The enforcement agent is at my door, what shall I do?**

A- Either pay the agent or if you have any reason to believe that you are not liable, explain your situation to the enforcement agent and seek his/her advice. You can also contact the enforcement agency itself and seek their advice.

**Q 7- I called the Traffic enforcement Centre and they said that they cannot help me, what can I do?**

A- You can only make an in-time Witness Statement or an in-time Statutory Declaration within the first 21 days from the date of the Order for Recovery.

TEC does not accept any applications received after that. If you cannot file an application with the Traffic Enforcement Centre, you must pay the debt.

Alternatively if your circumstances would not make you liable for the fine, please explain your circumstances to the enforcement agent and seek his/her advice.

You can also contact the enforcement agency itself and seek their advice.

**Q 8- Can the enforcement agent take my furniture?**

A- Under The Taking Control of Goods Act 2013, certified enforcement agent with a valid warrant in your name are authorised to remove and sell goods to the value of the debt. The list of goods that they are not permitted to remove is listed here <http://www.legislation.gov.uk/ukxi/2013/1894/regulation/4/made>

**Q 9- I have contacted the Local Authority in writing before, does this stop the enforcement?**

A- No, once a case is at the Order for Recovery Stage, the Council is not obliged to respond to any representations received. Representations are only accepted before the Charge Certificate is issued.

**Q 10- I received a revocation order, what happens now?**

A- Go to question number 23 and 24.

**Q 11- Can I contact the Traffic enforcement Centre?**

A- Yes, on 0300 123 1059, 01604 619 450 or by email [tec@hmcts.gsi.gov.uk](mailto:tec@hmcts.gsi.gov.uk)

**Q 12- What if I have evidence that I did not own the car or I am not liable for the fine?**

A- Please refer to question number 4. If you require further assistance you can contact the Tower Hamlets Service Centre to seek their advice.

**Q 13- I did not know about the debt. I moved address and didn't receive any of the documentation, what shall I do?**

A- Please refer to question number 4. If you require further assistance you can contact the Tower Hamlets Service Centre to seek their advice.

**Q 14- I did not own the vehicle at the time and I do not have any evidence, what can I do?**

A- Contact the DVLA and ask them to send you a letter to confirm that you have not owned the vehicle. You also need to explain this to the enforcement agency.

**Q 15- I sold the vehicle before the contravention date what can I do?**

A- Contact the DVLA and ask them to send you a letter confirming the date you sold the vehicle to the keeper. Once you receive this letter, send it to the Council and include the new keeper's details. You also need to provide the insurance certificate to indicate that date you cancelled the insurance policy for the said vehicle. You may also be required to provide proof of money transfer between you and the new buyer of the vehicle.

**Q 16- I left the car with someone else at the time of the contravention, am I still liable?**

A- Yes, it is your responsibility as the keeper/owner of the vehicle for all fines incurred unless the vehicle was stolen, hired or leased to someone else. In this case you must send proof of this to the Council (Crime reference number or Hire/lease agreement).

**Q 17- My vehicle is on lease, can the enforcement agency still take my vehicle?**

A- Yes, as a registered keeper, you are liable for any Penalty Charge Notice. If you have not provided the details of the hirer, the warrant will be registered under your name and the vehicle can be removed.

**Q 18- How long will you take to deal with my enquiry at the debt recovery stage?**

A- This will take up to 14 working days.

**Q 19- My fine has been sent to an Enforcement Agency, can I make an arrangement to pay the debt to the Council?**

A- No, once the warrant is passed to the Enforcement Agency they act on the Council's behalf to recovery the debt. You must pay the debt directly to the Enforcement Agency. The Council will not accept any payments once a warrant has been issued to an Enforcement Agency.

B- On rare occasions Council still receives money from debtors after the case was passed onto the Enforcement Agency, for example a postal order. Please note that this will not remove the Enforcement Agency fees, the Council will pass the payment onto the Enforcement Agent who will then deduct this amount from the total outstanding amount and the Enforcement Agency will continue enforcing the rest of the outstanding balance.

**Q 20- I do not have enough money to pay the debt, can I enter into a payment arrangement?**

A- The Council does not have the facility to take part payments for parking cases. However, you must contact the Enforcement Agency if you are having financial difficulties. The Enforcement Agency may extend the period for payment if you send them the relevant information regarding your financial hardship. If you consider yourself to be vulnerable – for example you have a mental or physical health problem which makes it hard for you to deal with your debts – you should tell the Enforcement Agency.

To seek help in regard to the financial hardship, please contact Stepchange charity organisation on 0800 138 1111.

**Q 21- I received an order from the Court (Revocation Order) and it states that the case is cancelled?**

A- The Revocation Order does **not** cancel the original Penalty Charge Notice. The revocation order cancels the Charge Certificate and the Order for Recovery. Depending on the grounds you have selected the case will follow the statutory process set by the Traffic Management Act 2004:

**Grounds 1:** I did not receive the Penalty Charge Notice/Notice to Owner.

**Grounds 2:** I made representation about the Penalty Charge Notice to the enforcing authority concerned within 28 days of the service of the Penalty Charge Notice/Notice to Owner, but did not receive a rejection notice.

**Grounds 3:** I appealed to the independent Adjudicator against the Local authority to reject my representation, within 28 days of the service of the rejection notice but have had no response to my appeal.

**Grounds 4:** The Penalty Charge Notice was paid in full.

**Q 22- I have received an Order for Recovery notice – what should I do?**

A-The Order for Recovery informs the registered keeper of the vehicle that the Penalty Charge Notice has been registered as a debt at the County Court and the Court fee of £8 has been added to the Penalty Charge Notices outstanding balance.

**You can either:-**

- Pay the debt in full;
- File a Statutory Declaration or Witness Statement with the Traffic Enforcement Centre within 21 days.

Under no circumstances should this notice be ignored. Failure to act may result in the Council carrying out recovery of the debt by an Enforcement Agency at your address.

**Q 23- What happens after I have filed an in-time statutory declaration/witness statement with TEC?**

A- You will receive a revocation order from the Traffic Enforcement Centre at Northampton County Court. The decision will be based on the ground you selected when you filed your application. The grounds are explained in question 21.

**Q 24- What are the grounds for the Order for Recovery?**

A- The grounds for the Order for Recovery:

If you received a revocation order, one of the following the events listed below will take place depending on the grounds you filed with the Traffic Enforcement Centre?

**Grounds 1** – I did not receive the Penalty Charge Notice/Notice to Owner.

**Grounds 2** – I made representation about the Penalty Charge Notice to the enforcing authority concerned within 28 days of the service of the Penalty Charge Notice/Notice to Owner, but did not receive a rejection notice.

**Grounds 3** – I appealed to the independent Adjudicator against the Local authority to reject my representation, within 28 days of the service of the rejection notice but have had no response to my appeal.

**Grounds 4** – The Penalty Charge Notice was paid in full.

**Q 25- I am going away on holiday and will not be able to complete the statutory declaration/witness statement within the time limit.**

A. If you require more time you must contact TEC immediately to inform them and follow their advice. You can contact them on 0300 123 1059, 01604 619 450 or by email [tec@hmcts.gsi.gov.uk](mailto:tec@hmcts.gsi.gov.uk)

**Q 26- I filed an Out of time application with the Traffic Enforcement Centre, is my case on hold?**

A- Traffic Enforcement Centre informs the Council daily when an application has been filed successfully against a case. Once informed the Council place the case on hold and make a decision on whether to oppose or accept the application and inform the Court. If the Council decides to oppose the Out of Time application, which the Council will do if the application is done simply to delay or prevent the enforcement action and the debtor has no valid grounds for applying for the out of time application, the Council will file a Statement of Truth and the Court will decide if they accept or refuse the application. The Council then await the outcome of the application from the Traffic Enforcement Centre.

If the Out of Time application is accepted then a revocation order will be issued (please note it does not cancel the Penalty Charge Notice).

If the Out of Time application is refused the enforcement will immediately resume, which in majority of the cases means the case will be passed onto the Enforcement Agency.

**Q 27- My vehicle has been taken into control by a Civil Enforcement Agent and I know nothing about this Penalty Charge Notice.**

A. Contact the Enforcement Agent immediately to pay or seek legal advice otherwise the vehicle may be removed and sold. The vehicle may be removed after 2 hours of the clamp being affixed to the vehicle.

The vehicle maybe removed immediately if the debtor is a persistent evader or if the Enforcement Agency believes the clamp may be removed before expiry of the 2 hours.

B. If your vehicle was removed and the Council receives and Out of Time Witness Statement or Statutory Declaration after the vehicle was clamped, the vehicle will remain clamped or in the storage until the Court makes a decision to either accept or refuse the application.

**Q 28- The Enforcement agent didn't show me the warrant for their enforcement, is this legal?**

A- The enforcement agents do carry the Warrant of Control with them either in electronic form or hard copy. They must show this to you if you request it.

**Q 29-. I filed my late statutory declaration and TEC rejected it. What happens next?**

A. The Enforcement of the debt will resume immediately. If you are still unsatisfied with Court decision you can seek legal advice and apply to have this decision reconsidered by contacting filing N244 application. If you do not do so, debt recovery will automatically recommence without further notice. The cost of the N244 application is £255.00 (as of 18/11/2016).

For more information about N244 application please go to:  
[https://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court\\_forms\\_id=484](https://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court_forms_id=484)

**Q 30- I have received an Enforcement Notice from the Enforcement Agent addressed to somebody who does not live at my address.**

A- Please notify the Enforcement Agent immediately. A copy of your council tax bill or a current tenancy agreement in your name should also be sent to them as proof of occupancy.

**Q 31- I want to complain about the Enforcement Agent behaviour?**

A- Your first contact is the Enforcement Agency. You can submit your complaint to them. If you are unhappy about their response; you can submit your complaint to the Council via the following link:

[https://www.towerhamlets.gov.uk/ignl/council\\_and\\_democracy/complaints/The\\_complaints\\_process.aspx](https://www.towerhamlets.gov.uk/ignl/council_and_democracy/complaints/The_complaints_process.aspx)

or **by post:**

The London Borough of Tower Hamlets  
Corporate Complaints  
Town Hall  
Mulberry Place  
5 Clove Crescent  
London  
E14 2BG

**Q 32- The Enforcement Agent filmed me / Taken photos without my permission?**

A- If you are unhappy about it, please see above process of how to make a complaint.

**Q 33- How can I apply for a refund?**

A- This will be based on the circumstances. Your first contact is the Enforcement Agency. You can submit your application to them and you need to provide enough information to substantiate your claim. If you are unhappy

about their response; you can contact the Debt Recovery Team at Tower Hamlets Council.

**Q 34- The Council sent everything to my old address even though I wrote in and gave them my address, why did this happen?**

A- Your first point of contact will be the Tower Hamlets Service Centre who will deal with your enquiry and pass your details to the relevant team to investigate your query. It is very important to provide evidence to substantiate your statements.

**Q 35- I sent an enquiry about this case already, I haven't heard anything back, what shall I do?**

A- If the enquiry was sent before you received the charge certificate, you can contact the Tower Hamlets Service Centre who will deal with your enquiry and pass your details to the relevant team to investigate your query. However, if the enquiry was sent after you received the charge certificate, the Local Authority cannot deal with it as it is deemed as (late) and it will not be dealt with. You need to wait for the Order for Recovery and comply with.

**Q 36- Why are the enforcement charges/fees so high?**

A- The enforcement fees for Enforcement Agents were adjusted and regulated by Parliament by introduction of Taking Control of Goods Act 2013. Since then, there are three main fee levels:

- £75 for compliance fee
- £235 for enforcement
- £110 for the sales fee

If you failed to pay when the fine was still at the Council then you will incur higher charges depending on what level you are paying the fine.

**Q 37- Why has it taken so long for the Council to enforce this debt?**

A- The collection of Penalty Charge Notices is often complex process. The Council first has to follow the statutory process of sending out the Penalty Charge Notice/Notice to Owner, then the Charge Certificate and then the Order for Recovery. The Council in the meantime carries out different checks to ensure that they have the correct address of the debtor. On some occasions the Council will receive a evidence to state that the vehicle was sold to another party – when this happens the Council has to restart the statutory process. The law allows the Council a period of 6 years in which to collect a debt linked to a Penalty Charge Notice.

**Q 38- An enforcement agent has visited my address with regard to a Penalty Charge Notice debt and no one was home – what should I do?**

A- Contact enforcement agent using the contact numbers provided in the correspondence left at your address immediately. You could also seek independent legal or financial advice.

**Q 39- Will the registration of a Penalty Charge Notice debt affect my credit rating**

A- No. The registration of a Penalty Charge Notice as a debt at the County Court is not the same as a County Court Judgement and will not affect your credit rating.

**Q 40 – What happens if pay the PCN outstanding amount directly to the Council? Will the Enforcement Agent fees be cancelled?**

A- If you pay directly to the Council it will not cancel the Enforcement Agent fees. The Council will have to forward your payment to the Enforcement Agency in line with the Taking Controls of Goods Act 2013 as they have the Warrant of Control. The enforcement via Enforcement Agency will continue for the remainder of the outstanding debt as the direct payment to the Council will first cover the enforcement fees.

B- Please note that the debtors should not be making direct payment to the Council.

18 December 2018