

FAQ - ENFORCEMENT AGENTS

(FORMALLY KNOWN AS CERTIFIED BAILIFFS)

Once the debt has been registered a TE3/TE9 letter/document is sent to the registered keeper of the vehicle. This document notifies the register keeper of the vehicle that the outstanding PCN has been registered with the County Court and outlines a date by which you **must** either; pay the total amount shown **or** file a witness statement.

What is a Witness Statement?

A witness statement is a statement that you can make, based on certain grounds and details of which can be found on the TE3/9 document. This is not a means of challenging the Penalty Charge Notice (see page 2/3).

What if I don't pay or file a witness statement?

If neither a payment is made nor a witness statement filed within the time limits stated on the TE3/9 document, a warrant will be requested and the outstanding debt will be sent to the Councils contracted Enforcement Agency (formally Bailiff) with an instruction to recover the debt. This **will** incur additional fees (detailed below).

What are the additional fees?

Once a warrant has been issued and the outstanding debt has been sent to an Enforcement Agency, additional fees will be applied.

These fees are in addition to the outstanding PCN and debt registration fee outlined above and are in accordance with:

'The Taking Control of Goods (Fees) Regulations 2014'.

Stage 1 - Compliance Fee:

£75 fee - this is applied by the Enforcement Agent on receipt of the Councils instruction.

Stage 2 - Enforcement Fee:

£235 plus 7.5% for any balance due over £1500 - this is applied when an Enforcement Agent visits the property because the debt remains unpaid.

Stage 3 - Sale or disposal Fee:

£110 plus 7.5% for any balance due over £1500 - this is applied when goods have to be removed and sold to pay the debt.

What shall I do if I have received a Compliance Letter?

If you have received a compliance letter (Stage 1) from an Enforcement Agency then you need to contact them directly to make arrangements for payment. **You should not contact the Council.**

What if I can't pay ?

If you are unable to pay the outstanding debt (plus any subsequent fees) straight away, the Enforcement Agent may agree to an alternative arrangement if within a reasonable timescale. They may also enter into a controlled goods agreement. This is where the agent makes a list of your possessions equal to the value of your debt.

Where a controlled agreement is made, you won't be able to dispose or sell the possessions on this list, without the permission of the agent. If you don't pay as agreed, the agent may enter your property, to remove the listed goods. At this point you will face additional fees (Stage 3) for the removal of these items and their eventual sale.

Can I challenge the Penalty Charge Notice at this stage?

No, it is too late at this stage to challenge the Penalty Charge Notice, however if you meet any one of the following four conditions you may be able to make an 'Out of Time (Late) Witness Statement'. This is a statement that you can make on one of the following grounds. It is not a means of appeal. Any statement you make should be accurate and truthful and to the best of your knowledge.

- I did not receive the Notice to Owner/Penalty Charge Notice.
- I made a representation about the Penalty Charge Notice to the enforcing authority concerned within 28 days of service of the Notice to Owner, but did not receive a rejection notice.
- I appealed against the local authority's decision to reject my representation within 28 days of service of the rejection notice, but have had no response to my appeal.
- The Penalty Charge Notice has been paid in full to Calderdale Council.

What if I don't contact the Enforcement Agent or complete a Witness Statement ?

You should not ignore any correspondence relating to an outstanding parking fine. If you ignore the correspondence, the issue does not go away. If the Enforcement Agent does not receive a response to their letter, they will visit your property in order to recover the debt, which as stated above, could ultimately end up with the removal of goods.

How do I make an Out of Time (Late) Witness Statement?

An out of time witness statement is a statement made outside of the timescales stated on the TE3/9 letter. To make one of these statements you should contact the Traffic Enforcement Centre (TEC) at Northampton County Court directly:

Telephone No. : 0300 123 1059 or 01604 619 450

Email: tec@justice.gov.uk.

They are open Monday to Friday 8.30am to 4pm.

Will enforcement action be suspended to allow me to complete an Out of Time (Late) Witness Statement?

No. The outstanding debt will not be placed on hold nor enforcement action suspended with the Enforcement Agent until the Council has received notification directly from TEC that an Out of Time (Late) Witness Statement has been filed.

TEC, on receipt of your Out of Time (Late) Witness Statement, will acknowledge your application and also notify the Council.

The Council, on receipt of this notification and your completed Out of Time (Late) Witness Statement, will instruct the Enforcement Agency to suspend any enforcement action whilst they consider whether they will accept the reasons stated.

You should continue to deal with the Enforcement Agency directly and pay the amount outstanding to them if required.

What happens if I submit an Out of Time (Late) Witness statement?

On receipt of your Out of Time Witness statement, TEC will notify the Council. The Council will forward their statement and any evidence in relation to your outstanding debt directly to TEC who will then consider both statements and make a decision. TEC will then notify both you and the Council of their decision.

If TEC rejects your statement:

The debt will remain outstanding with the Enforcement Agency and enforcement action will resume from the point that it was suspended. You will still be liable for the debt and any fees already incurred.

If TEC accepts your statement:

TEC will then revoke the warrant and notify the Council. Any Enforcement Agency fees will be removed. **The acceptance does not cancel the outstanding debt.**

The Council will then contact you directly to advise what happens next. Where payments have been made, consideration will be made as to whether they should be refunded.

What is the difference between a Witness Statement and an Out of Time (Late) Witness Statement?

Witness Statement – this is a statement made within the timescales specified on the TE3/9 document.

Out of Time (Late) Witness Statement – this is a statement made outside of the timescales specified on the TE3/9 document.

Note: Any filed Witness Statement, whether accepted or not, does not cancel the original Penalty Charge Notice and further correspondence should not be ignored.

The Council's current Enforcement Agents are Equita, Jacobs and Phoenix.

Equita

Website: <https://www.equita.co.uk/>

Telephone number: 01604 628360

Jacobs

Website: <https://www.jacobsenforcement.com/>

Telephone number: 0345 601 2692

Phoenix

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

Telephone number: 0333 323 0333

Other useful links

Further information relating the above can be found here:

<http://bailiffadviceonline.co.uk/index/traffic-enforcement-centre-tec>

<https://www.gov.uk/your-rights-bailiffs/what-you-can-do-when-a-bailiff-visits>