

# **Parking and Bus Lane Penalty Charge Notices**

# Table of Contents

Purpose of this document .....	2
Background.....	2
Debt recovery stages.....	3
Issuing of penalty charge notice .....	3
Notice to Owner .....	3
Charge certificate.....	4
Notice of debt registration.....	4
Bailiffs.....	4
Making an appeal .....	5
Parking Penalty Charge Notice.....	5
Bus lane Penalty Charge Notice .....	5

## Purpose of this document

This document exists to explain how we recover debts incurred by parking and bus lane Penalty Charge Notices so that;

- people who have received a Penalty Charge Notice know what is happening and why, and;
- people who park and drive legally have the confidence that we are committed to enforce parking and bus lane restrictions and recover money owed to us.

In this document the terms 'we', 'us' and 'our' relate to the Parking Services department of Bury Council.

## Background

Bury Council took over responsibility for parking enforcement in the borough from the police in October 2002. This reflected the need for police to concentrate on core policing priorities.

The Traffic Management Act 2004 forms the framework under which Bury Council enforces parking and bus lane rules. The steps we follow to recover a penalty charge are set out below. The same processes followed by all councils in England and Wales.

The Council agrees Parking Places Orders and Traffic Regulation Orders, which set out the rules for individual car parks and bus lanes in the borough.

Bury Council's parking and bus lane enforcement duties are managed by NSL Services Ltd. They provide Civil Enforcement Officers who monitor car parking in the borough and they operate bus lane CCTV equipment.

Penalty Charge Notices are issued to motorists who park in contravention of a restriction or use bus lanes during operational hours. The Parking Services department at Bury Council is responsible for the recovery of money owed for Penalty Charge Notices.

The law says that civil parking enforcement must be self-financing. Any surplus, after the cost of administration and enforcement, is used for improving local transport in the borough. This includes parking, traffic management, better public transport and facilities for pedestrians and cyclists.

# Debt recovery stages

## Issuing of penalty charge notice

### Parking Penalty Charge Notices

These are fixed to a vehicle whilst it is parked in contravention of a restriction. We allow a 28 day period for you to either pay the charge, or challenge it. This part of the process is managed by NSL Services Ltd.

At this point we have not investigated who owns the vehicle. 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 you will receive a 50% discount.

After 28 days this informal stage of the process ends and Bury Council continue formal recovery action of the Penalty Charge Notice.

### Bus lane Penalty Charge Notices

We use CCTV cameras to monitor bus lanes in the borough. We then contact the Driver Vehicle Licensing Agency to find out who owns the vehicle, and send a Penalty Charge Notice through the 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 lets the registered keeper of the vehicle know that a Penalty Charge Notice is outstanding. It is the start of the formal recovery process.

The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 state that 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 certificate**

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 £7. 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 you have two options. You can either pay the charge 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 NSL Service Group within 28 days of the ticket being issued

**Formal appeal** – after 28 days the recovery of the penalty charge is controlled by Bury Council. At this point 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. The Tribunal will need to see your Notice of Rejection letter show that you have exhausted the council's appeals process.

## 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 Bury Council. If this appeal is unsuccessful, we will send you a Notice of Rejection letter.

**Tribunal appeal** – if your bus lane appeal to Bury Council is unsuccessful you have a further right of appeal to the independent Traffic Penalty Tribunal. The Tribunal will need to see your Notice of Rejection letter show that you have exhausted the council's appeals process.

Further details and appeals forms can be found at [www.bury.gov.uk/parkingappeals](http://www.bury.gov.uk/parkingappeals) and [www.bury.gov.uk/buslaneappeals](http://www.bury.gov.uk/buslaneappeals)