

# **LBBB Enforcement Policy**

## **Parking debt Write-off Policy**

Contents	Page
1 Introduction	3
2 The Principles of Good Practice	3
3 Charging Policies	3
4: Payment Options	3
5: Prompt and Accurate Billing	4
6: Range of recovery methods	4
7: Tracing	5
8: Write-off policy	5
9: Review of this Policy	5
10: Contracts	5
11: Useful Links	5

## 1. Introduction

This policy links to the Corporate Debt Management Policy which covers all debt relating to the Council. All recovery action taken will be as set out within the Traffic Management Act and the Corporate Debt Management Policy

Below are extracts from the above Policy which have been adapted for the recovery of Penalty Charge Notice Debt

- 1.1 This policy applies to all sums owing to the Council in relation to Parking Debt and has been developed to ensure a consistent approach to the management of debts across the Council.
- 1.2 To recognise that causes of debt vary and recovery methods should be focused accordingly. Debt will be categorised and methods of recovery focused by type, with debtors identified either as 'Can't Pay' or 'Won't Pay':
  - 'Can't Pay' – will be offered a 28 day extension, dependant on circumstances
  - 'Won't Pay' – cases will progress through the full process of recovery to bailiff stage

## 2. The principles of good practice

- 2.1 Where people genuinely have difficulty maintaining their payments; parking services will not accept instalments but will extend for a further 28 days the time in which a fine can be paid the council will make every effort to help. Others may deliberately set out to delay or not make payments at all. In these situations the council will take action to secure and recover payments. Where appropriate, additional fees will be added onto the debt at various stages of the recovery process this is in line with legislation.
- 2.2 The council will follow the principles of good practice set out below:
  - Consider 28 day extension arrangements for those customers experiencing financial difficulties

## 3. Charging Policies

- 3.1 The charges for Penalty Charge Notices are set by London Councils and not by the Council. These charges are reviewed every three years.

## 4. Payment Options

- 4.1 The service will provide a range of options to reduce the reliance on cash transactions. The current payment options are Debit and Credit Cards (allowing

payments to be made 24 hours a day, 7 days a week using the automated telephone line or Internet facility), Cheque and Cash at One Stop Shops, Cashiers, Scancoin Machines.

## **5. Prompt and Accurate Billing**

- 5.1 The council recognises that a prompt response to any correspondence received is important in reducing the debt burden. The Council will:
- produce accurate and clear PCN's
  - respond quickly to correspondence relating to appeals and enquires
  - produce clear instruction and show:
    - what the PCN was issued for and the date of contravention
    - the amount due and, where appropriate, the outstanding amounts and payment due dates
    - how to make a payment
    - a contact point for enquiries - including website details

## **6. Range of recovery methods**

- 6.1 A range of recovery options will be used where arrangements to pay have broken down. The choice of recovery method for Penalty Charge Notices will follow the guidelines within the Traffic Management Act.
- 6.2 The Council will always take recovery action where a customer does not pay and does not say they are having difficulty paying. If the customer tells us soon enough that they are having problems and we can agree a 28 day extension and will not take any further recovery action until this time has elapsed. However, if we have started recovery action (e.g. the case has a warrant and is with the bailiff) we will continue with recovery action.
- 6.3 When a customer tells us they cannot pay we will offer advice on ways to avoid receiving PCN's in the future and offer a further 28 day period in which they can pay their outstanding debt.
- 6.4 PCN's are issued to a vehicle and not to the driver/owner. We do not know the customers circumstances and if a vehicle is parked in contravention the PCN will be deemed as valid.
- 6.5 We will always ensure that the recovery method is appropriate for the amount of debt. Bailiffs will only be engaged at the appropriate stage of the recovery.
- 6.6 We will follow the principles of enforcement outlined below:

- Our approach will be consistent – with the aim of achieving consistency in the advice we give, the use of our powers and in the recovery methods we use and in line with the Traffic Management Act

## **7. Tracing**

- 7.1 The Council will make all necessary attempts to trace the owner of the vehicle via DVLA checks. Once a warrant has been served on the vehicle it can be clamped or seized wherever it is sited.

## **8. Write-Off Policy (PCN debt)**

- 8.1 PCN Cases that will be considered for write-off with fall within specific categories. These will be reported in accordance with the Corporate Debt Management Policy. However, in terms of PCN debt it will be deemed that they are unrecoverable and therefore recognised as valid reasons for write-off for the following reasons:
- Bailiff return – Warrant expired
  - Vehicle owner deceased
  - Vehicle owner bankrupt / in liquidation
  - DVLA mismatch
  - The age of the debt precludes recovery as outlined in the TMA

## **9. Review of this policy**

- 9.1 This policy will be reviewed annually in conjunction with the Corporate Debt Management Policy to allow it to be updated and to take any service improvements or changes into account.

## **10: Contacts**

Sharon Harrington, Parking Manager  
Tel: 020 8215 3005

## **11: Useful links to previous policies agreed**

- 11.1 Link to Financial Rules Write off policy  
<http://www.lbbd.co.uk/9-council/constitution/pdf/const-d-part5.pdf>
- 11.2 Link to Financial Elevates Debt Recovery Policy  
<http://modgov/mgConvert2PDF.aspx?ID=37637&ISATT=1#search=%22write%20off%20policy%22>
- 11.3 Link to Debt Management Policy (18 October 2011)  
<http://modgov/ieListDocuments.aspx?CId=180&MId=5662&Ver=4>