

Representations Form



Please complete all sections

Name

Address

Town

County

Postcode

E-mail

Please tick your preferred response type

Mail

E-mail

Please enter penalty charge number & vehicle registration

TW

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KU

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Vehicle Registration

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Please enter your reasons for this appeal below

Please return the completed form to:

Parking Services, Town Hall, Tunbridge Wells, Kent, TN1 1RS

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The Appeals Process

Informal challenges

We aim to respond within 10 working days. If the matter requires further investigation we aim to respond within 20 working days from today's date. If we cannot meet this timescale, we will contact you and give you the reasons for the delay. In the meantime the relevant Penalty Charge Notice/s will be held at the current charge/s. Please refrain from paying until you have received a response to this informal challenge.

Notice to Owner and Formal Representations

If a Penalty is neither paid nor cancelled within 28 days, a Notice to Owner is sent to the registered vehicle owner who must either pay the full charge or make a formal representation. We aim to respond with a written decision within 20 working days. If that response is a Notice of Rejection, we will tell you how you can appeal to the Traffic Penalty Tribunal (within a further 28 days) if you dispute our decision. Otherwise, payment should be made in that time.

Traffic Penalty Tribunal (TPT)

The TPT is an independent tribunal whose decision is final. There is no charge made for appeal submissions, although in exceptional cases costs may be awarded against either the Council or the appellant if either's submission is considered to be wholly unreasonable. Hearings may be in person, by telephone or decided on the basis of documents alone. If an appeal is dismissed by TPT then full payment is required within 28 days of dismissal.

Charge Certificate

If a Penalty has not been cancelled or paid within the above timescales, a Charge Certificate is sent which increases the charge by 50%. There is no right of appeal at this stage and payment must be made within a further 14 days. If not then the charge is registered as an outstanding debt at the Traffic Enforcement Centre, which adds another £8.

Order for Recovery and Witness Statements

Any amounts still outstanding are then requested by an Order for Recovery (form TE3). This gives 21 days to either make payment or to file a Witness Statement (form TE9) with the Traffic Enforcement Centre, on one of the limited grounds stated on the Order for Recovery.

Enforcement Agent (formally known as Bailiffs) Recovery

If neither payment nor a Witness Statement is made, then a warrant will be issued for the outstanding charge to be recovered by a firm of Enforcement Agents, (formally known as Bailiffs). At this stage the Council will not deal with any queries regarding the debt, which must be made directly with the Enforcement Agents. Alternatively, advice may be sought from the Citizens Advice Bureau.

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Bailiff Reform – Important Information

From the 6th April 2014 all Bailiff Action and the fees that can be charged, will be governed by the Tribunals Courts & Enforcement Act 2007 and are made transparent in this document.

Also under this new legislation the word 'Bailiff' is now replaced with 'Enforcement Agent' (EA)

The new legislation also means that there will be a significant increase in Enforcement Agents' charges for parking fines and would urge you to pay the fine before it is necessary for us to instruct the EA to recover the debt. Immediately the EA receives that instruction, and before any work has started, the outstanding debt automatically increases by £75.

Under this legislation there are three stages in the EA recovery schedule and the fees are fixed and set by Government:

Stage 1. Compliance Stage Fee: £75

This fee is due as soon as the case is received by the Enforcement Agent and covers all activity up to commencement of the Enforcement Stage.

Stage 2. Enforcement Stage Fee: £235

(plus 7.5% of the value of the original debt which exceeds £1,500)

The fee becomes payable as soon as a case has escalated to this stage and comprises all activity from the first attendance at the premises in relation to the instruction.

Stage 3. Sale Stage Fee: £110

(plus 7.5% of the value of the original debt which exceeds £1,500).

The fee becomes payable as soon as a case has escalated to this stage and comprises all activity to be undertaken.