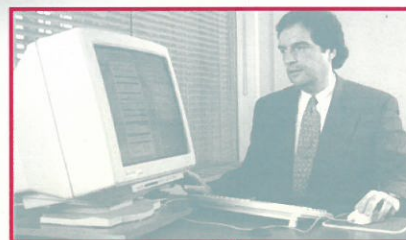




PARKING COMMITTEE FOR LONDON

Annual Report 1995/1996

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FORWARD

I believe a milestone has now been reached this year with the full implementation of decriminalised parking enforcement in London under the 1991 Road Traffic Act. The 33 local authorities in London are now responsible for most of the parking enforcement which is being carried out in London with the remainder, within the Whitehall security zone, on red routes and where serious endorseable offences occur, remaining with the police.

The current levels of enforcement on London's streets are now nearly double that previously carried out before decriminalisation. Marked improvements in terms of the safe and free flow of traffic are being achieved. In addition to car users, improved enforcement benefits the community as a whole: for example pedestrians, bus users, cyclists and people with disabilities.

London's local authorities are now able to introduce, following consultation with local residents, parking controls in areas where in the past the lack of enforcement resources prevented local scheme implementation. This is illustrated by the planned introduction of so many new controlled parking zones schemes over the 1995/96 period.

There will always be motorists who will legitimately wish to pursue complaints and representations against the circumstances involved on individual tickets and it is the role of the Committee's independent appeals service to consider and resolve these matters. In the year some 20,000 appeals were considered by the adjudicators, an increase of some 5,000 on last year.

The TRACE service for removed vehicles received a record 140,000 calls for assistance and this is expected to increase whilst the enforcement across London settles down over the 1996/97 year.

I am pleased that a constructive approach to the work of the Committee has been shared by all members. This illustrates how elected members from all the different parts of London with their widely divergent economic, social and traffic management needs, can work together in the strategic interest of Greater London, as a whole.

Sally Hall

Chair, Parking Committee for London



INTRODUCTION

The Parking Committee for London (PCfL) was established under Road Traffic Act 1991. The law requires that PCfL set penalties and other enforcement-related parking charges in London and provides support for the parking adjudicators. PCfL also provides a number of other services for the public and for parking enforcement authorities.

The legislation decriminalising parking enforcement in London was contained in the 1991 Road Traffic Act. Most of the parking provisions of the Act came into effect in July 1994. This Annual Report covers the first full year of operation.

The main functions of the 1991 Act relating to parking enforcement were to:

- decriminalise certain parking contraventions;
- place a duty on London authorities to enforce regulations covering designated parking places;
- give powers for London authorities to enforce almost all stationary parking controls in Special Parking Areas (SPAs);
- enable London authorities to use clamping and removal in addition to issuing Penalty Charge Notices (PCNs);
- allow London authorities to retain penalty income from PCNs in a parking reserve account;
- create a new adjudication procedure for challenging PCNs;
- create a streamlined county court procedure for enforcing road traffic debts.

Most of these functions are now carried out by the London boroughs individually, but the Act also obliged the authorities to create a joint committee – the Parking Committee for London – to undertake two tasks:

- set the level of parking penalties and other additional parking charges, including the discount available to motorists for prompt payment of a PCN;
- appoint adjudicators to hear parking appeals and provide

administrative support and premises for them.

In addition, the authorities agreed that PCfL should undertake other functions on a London-wide basis. These included:

- TRACE – a 24-hour telephone service locating removed cars;
- electronic links between the boroughs and DVLA, the County Court and the Foreign & Commonwealth Office;
- electronic links between boroughs to clear payments made to the wrong place and to create a persistent evader database;
- training standards and certification of parking attendants;
- providing regional publicity and information;
- maintaining a Code of Practice on parking enforcement.

More information on PCfL's services can be found in sections 3 to 5.

Implementation of the Act began in two small areas of Wandsworth during July 1993, and implementation for all designated parking places and the majority of SPAs began on 4th July 1994. Simultaneously, police powers to enforce parking controls in designated parking places and SPAs lapsed. By 1st April 1995 all of London, excluding the red route network, some security sensitive areas and the Royal Parks, was covered by SPAs and London authorities became responsible for the bulk of parking enforcement in London.

In implementing the 1991 Act the following objectives were used:

- to increase compliance with parking regulations;
- to minimise the number of parking tickets neither paid nor challenged;
- to operate a parking enforcement service which was easy to understand;
- to work in a user friendly way;
- to make the best use of information technology;
- to operate at no net cost to the council tax payer.

The success of the overall scheme can be measured by:

- the improvement in compliance with parking regulations;
- how the public accept the new scheme.

- the value for money delivered for the council tax payer.

Against these criteria, the first full year of operation can be judged a success. A number of indicators show improvements in compliance with regulations. More details can be found in section 7, **'Borough Progress'**.

Despite the number of parking tickets issued in London almost doubling over previous years, the level of public criticism has been the same, or lower, than when enforcement was carried out by the Police.

In terms of cost, most boroughs have found that their parking operations are self-financing. This meets the objective of operating at no-net cost to the council tax payer. A few authorities have operated at a deficit, though for most this is a first year deficit rather than a continuing problem.

A number of problems have been experienced by councils in implementing the 1991 Act. These include:

- becoming operational — it has taken every authority longer than anticipated to have a fully functioning operation, which reflects the complexity of the undertaking;
- volumes of correspondence — these have been higher than anticipated and the need for better quality replies than anticipated has also put strains on councils;
- DVLA — the information on keepers from DVLA is often inaccurate;
- signing — signs regulations do not allow sufficiently clear signs for motorists, and even when regulations allow not every borough uses clear signs;
- 'drive-aways' — where motorists park illegally but drive away before a PCN can be served;
- the legislation — which is in part unclear and obscurely drafted.

These issues are discussed in more detail in this report.

PCfL undertakes a considerable amount of work to co-ordinate the efforts of London's councils in maintaining and improving standards in parking enforcement. This is achieved by promoting good practice, for example through the Code of Practice on Parking Enforcement, rather than by instruction.

This year also saw preparations by PCfL in connection with the first decriminalisation of parking enforcement by a local authority outside of London — Winchester City Council. Although PCfL does not have any statutory remit to deal with parking enforcement outside of London, we are providing access to parking adjudicators for any motorist who receives a PCN in Winchester and whose representations to the council have been rejected. In addition, we have provided advice and support for a number of other local authorities who are considering changing parking enforcement responsibilities from the police to local authorities.

Following the 1991 Act, the London Local Authorities Act 1995 provided a number of new complementary powers for local authorities. These included:

- powers to clamp or tow a vehicle, then hold it until all outstanding penalties are paid;
- powers to temporarily ban parking to facilitate a sporting or social event;
- a faster disposal procedure for vehicles left unclaimed in car pounds;
- powers to enforce against vehicles 'double parked' alongside designated parking bays;
- the ability to issue PCNs and remove vehicles parked on pedestrian crossings and accompanying white 'zig zag' markings;

More information on the London Local Authorities Act can be found in the **'Borough Progress'** section of this report.

PARKING PENALTIES

Statutory powers

PCfL is legally required to set the levels of parking penalty in London; the level of discount for early payment of a PCN; and charges related to clamping, removal, storage and disposal of vehicles. In doing so, PCfL must take account of the Secretary of State's guidance on the subject, which is set out in 'Traffic Management and Parking Guidance'.

Penalties

The levels of parking penalty in London are in three bands, A, B and C, which apply in different areas and for different offences. The penalties were initially set in December 1995, and have not increased since then. The Committee believes that penalties should be set at the lowest level appropriate to deter breaches of parking controls.

A review of the level of penalties was made prior to the December 1995 meeting of the PCfL. A number of local authorities pressed for an increase in the level of band 'B', (currently a £40 penalty). The Committee determined that an increase was not justifiable at the time.

The areas and offences to which the various penalty bands apply have not significantly changed over the year. However, minor alterations have been made to the scheme where the council has reported problems in maintaining compliance with parking controls in a particularly congested area. From April 1996, the following penalty bands applied in London:

Penalty Band A – £60

Barking & Dagenham	Barking Town Centre only
Bromley	Bromley Town Centre waiting restriction offences (yellow lines) only
Bexley	Bexleyheath Town Centre only
Camden	south of Euston Road only
City of London	
Hackney	
Islington	
Kensington & Chelsea	
Lewisham	north of A205 only
Southwark	north of A205 only
Lambeth	north of A205 only
Westminster	south of Marylebone Road only

In addition, band A applies to all offences committed in designated parking bays on red routes.

Penalty Band B – £40

All areas and all offences except where bands A or C apply.

Penalty Band C – £30

Bromley	offences committed on designated parking bays (eg. meter overstaying), and in car parks ¹
Enfield	offences committed in off street car parks ¹
Harrow:	offences committed in off street car parks ¹
Hounslow	offences committed in off street car parks ¹
Kingston	offences committed in off street car parks ¹

Minor variations to the above scheme occur on roads which form borough boundaries so that no streets have different levels of penalty on opposite sides of the road.



¹ Those regulated under Section 35 of the Road Traffic Act 1984

Discount rate

The level of discount for early payment of a PCN was set by the Committee in December 1992 at 50%. The discount only applies if the penalty is paid in full within 14 days of the PCN being issued. No changes to the level of discount have been approved this year.

The law requires that a motorist must wait at least 28 days before a formal challenge to a PCN can be made, and only if the ticket is still unpaid; unless the vehicle was clamped or removed. As a result many motorists believe that the effect of the discount is a doubling of the penalty if a PCN is contested. Technically this view is incorrect (the penalty does not double), but PCfL is proposing the law be changed to allow motorists to pay the penalty at the discounted rate and still pursue the matter to an appeal if they choose to. Then councils will still benefit from encouraging motorists to pay penalties quickly and responsible motorists will have an opportunity to avoid the penalty rising whilst it is being contested.

Other additional parking charges

PCfL also sets the levels of charges for clamping, removal, storage and disposal of illegally parked vehicles. PCfL reviews these charges annually. The objectives are to ensure charges are similar to those set by the Home Office in respect of police enforcement activity, where possible, and sufficient to cover the cost of enforcement action. There have been no changes to the levels of any additional charges for 1995/6, as a result they stand at:

Release from clamp: £38.

Release from pound: £105

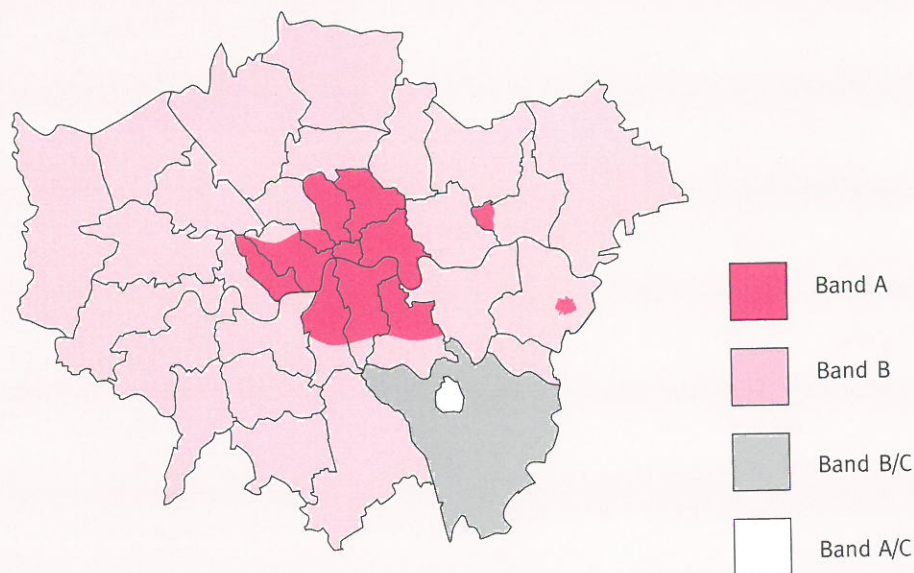
Pound storage fee: £12 per day

Disposal fee: £50.

This year saw the start of clamping and removal operations by the Driver and Vehicle Licensing Agency (DVLA) in respect of untaxed vehicles. Most of the charges set by the Department of Transport for this operation were identical to those set by the Home Office and PCfL.

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PENALTY CHARGES 1996/97



THE PARKING APPEALS SERVICE

PCfL provides support for the parking adjudicators, an independent tribunal to settle disputes over liability which arise following the issue of a PCN or a decision to clamp or remove a vehicle. Each appeal is heard by an adjudicator – a lawyer of a least five years good standing – who is independent of the council involved in the case. The PCfL itself has no influence whatever on the outcome of any appeal, which is solely a matter for the adjudicator concerned. There is no charge to any motorist who takes up their right to appeal. Last year 19,337 appeals were considered, making the Parking Appeals Service one of Britain's busiest tribunals in terms of numbers of cases considered.

The adjudicators are required to produce a report on their activities each year. This is enclosed as part of this publication as the **'Joint Report of the Parking Adjudicators'**.

The role of the Appeals Service is to ensure that the adjudicators receive the support necessary to enable both the public and councils to have a fair hearing. The Committee has a commitment to apply the highest standards of customer care to the Appeals Service, and the performance targets are challenging in the context of the administration of justice. The aim is to remove all unnecessary delays and formality from the tribunal in order that no person is discouraged or inconvenienced by appealing.

The performance targets are to:

- notify both parties on receipt of an appeal within two working days: achieved in **99.8%** of cases;
- schedule the first hearing within thirty five days of receipt of an appeal: achieved in **99.1%** of cases. (Occasionally the motorist requests a hearing date after 35 days from the receipt of the appeal form. Where possible we allow motorists to select their own date and time for hearings – as a result not all initial hearings are within 35 days.);

- decide cases within 35 days of receipt of an appeal: achieved in **78%** of cases. (It is not always in the interests of justice to decide a case on the first hearing – an adjournment might be made to collect further evidence. As a result, the number of cases decided within 35 days is always subject to the need to provide a fair hearing for both parties.);
- ensure motorists wait no more than 15 minutes for their hearing: achieved in **75.6%** of cases;
- notify both parties of the outcome of their case, including the adjudicator's reasons for decision, within two working days: achieved in **99.8%** of cases;

Most of the routine administrative support for the Appeals Service has been contracted out to Electronic Data Systems (EDS), with other work being carried out by the Clerk to the Parking Appeals Service and other PCfL staff. In order to meet the rigorous customer care targets and ensure the adjudicators work as efficiently as possible a 'paperless court' system is used, with almost all incoming evidence being scanned into an IT system and presented at the hearing as an image 'on screen'.

There is no obligation on either the council or motorists to attend a hearing. Both parties may submit all their evidence in advance and wait for their decision by post. In practice, just under a third of all motorists attend in person and present their own evidence. Council officers rarely attend appeal hearings.

The Committee employs a full-time Chief Adjudicator, Caroline Sheppard. In addition, fifteen part-time adjudicators have been appointed, most attending hearings about once a week. A list of the adjudicators can be found on page 34.



Often following an appeal the motorist or council will write to the Appeals Service challenging or querying the adjudicator's decision. Towards the end of this year it became apparent that the Appeals Service was unable to reply quickly enough to this kind of correspondence. Dealing with it cannot be contracted out, and the volume of correspondence is likely to rise in future as the number of appeals grows. PCfL will recruit a new member of staff to deal with correspondence faster.

The Committee is aware that some adjudicators' decisions have met with concern from boroughs involved. In many cases this is because there is misunderstanding of the adjudicators' role. The Committee wants to ensure that

adjudicators' decisions are independent, and seen to be independent, of the councils. It is accepted that some of these decisions are bound not to satisfy the councils fully, in the same way that some appellants are dissatisfied with decisions.

PCfL is striving to further improve the quality of the Appeals Service, and will be closely examining the recommendations in this year's 'Joint Report of the Parking Adjudicators' and the results of an Appeals Service customer satisfaction survey, due to be completed next year. Last year's adjudicators' recommendations, and responses to them, are shown in this report in the accompanying box.

Last year the parking adjudicators made a number of recommendations in their Annual Report. These included:

8 'We would request the PCfL undertake a survey to discover the public perception of the function of the adjudicators and the Parking Appeals Service, whether the reference on the forms and letters to the PCfL clarifies or obfuscates the perception, and to measure reaction to the informality of the service.' **PCfL has agreed that a customer satisfaction survey of Appeals Service users should be carried out. This will take place in the near future.**

'We consider that steps should be taken to improve public awareness of the need to register vehicles properly.' **PCfL has pressed for changes to the system of vehicle registration in order to improve the accuracy of the DVLA database.**

'We hope that as the Road Traffic Act procedures become more established that all local authorities will be able to increase their staff and resources to consider all representations fully, ensure that discretion is exercised in all appropriate cases and, where the representations are rejected, reasons for the rejection are given.' **Many local authorities have recruited extra staff in order to enable them to deal with correspondence more swiftly and ensure replies provide comprehensive information.**

'We consider that responding to mitigation is an implied duty of the local authorities and necessary for public acceptance of the objectives of the Road Traffic Act 1991. Many appellants say that they consider it unfair that adjudicators have no powers of mitigation. We hope that all councils will ensure that they give proper weight to mitigation so that an amendment to the Act to give adjudicators those powers will not be necessary.' **PCfL has reminded Local Authorities about their duty to consider pleas of mitigation.**

'It is hoped that long delays will be avoided by efficient systems and sufficient deployment of resources. If, however, the problem of delay persists, the Secretary of State may wish to consider an amendment to schedule 6 of the Act introducing a limit on the time in which the first Notice to Owner may be served.' **PCfL is now seeking a change in the law to impose a six month maximum delay between serving a PCN and the first Notice to Owner.**

'Local authorities must ensure that not only are their parking attendants fully aware of the requirements of this section [section 66] but, more generally, that all the evidence being presented is checked to ensure that there is a case to proceed.' **Most local authorities now do not pursue penalties where the evidence suggests that the PCN was not served; regrettably, however, a minority still do.**

APPEALS UNDER SECTION 6 (PCNs)

Authority	Personal Hearings			Postal Hearings			Grand Total
	Allowed	Refused	Total	Allowed	Refused	Total	
Barking & Dagenham	60	22	82	100	118	218	300
Barnet	94	36	130	342	423	765	895
Bexley	66	34	100	159	83	242	342
Brent	62	36	98	77	196	273	371
Bromley	70	22	92	163	203	366	458
Camden	872	133	1005	1273	650	1923	2928
Corporation of London	155	51	206	104	255	359	565
Croydon	101	51	152	152	225	377	529
Ealing	145	18	163	374	186	560	723
Enfield	57	37	94	83	187	270	364
Greenwich	0	0	0	0	0	0	0
Hackney	81	1	82	148	7	155	237
Hammersmith & Fulham	168	162	330	444	656	1100	1430
Haringey	65	22	87	161	70	231	318
Harrow	28	13	41	49	157	206	247
Havering	42	22	64	127	80	207	271
Hillingdon	24	6	30	101	65	166	196
Hounslow	18	3	21	75	46	121	142
Islington	26	0	26	31	0	31	57
Kensington & Chelsea	103	34	137	125	196	321	458
Kingston upon Thames	14	5	19	8	39	47	66
Lambeth	63	12	75	53	25	78	153
Lewisham	174	48	222	204	285	489	711
Merton	21	3	24	29	30	59	83
Newham	178	34	212	488	247	735	947
Redbridge	27	12	39	52	82	134	173
Richmond upon Thames	51	56	107	102	175	277	384
Southwark	736	149	885	789	374	1163	2048
Sutton	68	28	96	258	186	444	540
Tower Hamlets	170	27	197	346	119	465	662
Waltham Forest	52	19	71	119	181	300	371
Wandsworth	124	61	185	313	270	583	768
Westminster	56	34	90	61	137	198	288
All London	3971	1191	5162	6911	5953	12863	18025

APPEALS UNDER S.71 (CLAMPED OR TOWED AWAY)

Authority	Personal Hearings			Postal Hearings			Grand Total
	Allowed	Refused	Total	Allowed	Refused	Total	
Brent	9	8	17	16	36	52	69
Camden	83	26	109	107	136	243	352
Corporation of London	7	4	11	6	22	28	39
Croydon	6	6	12	4	12	16	28
Enfield	5	4	9	4	23	27	36
Hammersmith & Fulham	1	4	5	4	31	35	40
Hackney	21	0	21	68	2	70	91
Kensington & Chelsea	59	27	86	30	97	127	213
Kingston upon Thames	0	1	1	0	1	1	2
Lambeth	24	1	25	17	8	25	50
Southwark	2	0	2	1	5	6	8
Wandsworth	6	7	13	4	7	11	24
Westminster	27	37	64	17	135	152	216
All London	250	125	375	278	515	793	1168

In addition to appeals shown above, 126 decisions were made on review and 19 following the filing of a statutory declaration at the County Court.

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OTHER ACTIVITIES

TRACE – 0171 747 4747

TRACE is a 24 hour-a-day helpline for motorists who believe their vehicle has been stolen or towed-away. It would be unreasonable to require a motorist whose car has gone missing to call a number of different council and police pounds in an effort to find out if their vehicle had been removed or stolen. TRACE enables a caller to check all police and council pounds with one call (TRACE can also give information on vehicles recently removed and still in transit to the pound). If the vehicle has been towed-away, TRACE can provide information on how to get to the pound on public transport, how much must be paid to recover the vehicle and what payment methods are acceptable. TRACE also provides a back up service of information for any motorist who has been clamped on-street but has found the de-clamping information card has been removed from the vehicle.

PCfL's commitment to the highest levels of customer care extends to the TRACE service. We aim to answer all calls within three rings, or at busy times queue incoming calls and answer within 90 seconds. This was achieved for **98.6%** of calls this year. On average, TRACE callers waited only **10.2** seconds to speak to a customer service representative.

This year saw a pilot scheme for the clamping and removal of vehicles for tax disc offences by DVLA. Following agreement with DVLA, information on clamped and removed vehicles was passed to TRACE, enabling TRACE to provide a fully comprehensive service for all motorists whose vehicles have been towed away in London, irrespective of which law enforcement authority was responsible.

TRACE now handles over 11,000 calls per month, the number having risen slightly since last year. This high volume of calls reflects both the number of vehicles towed-away by law enforcement agencies and the high level of car theft in London. Provision of the TRACE service is through our IT contractor EDS. Most of the information on vehicles removed and clamped by local authorities is passed onto PCfL electronically.



External relations

Parking controls and enforcement can generate strong feeling among members of the public, in particular when motorists feel they have been wrongly penalised. Many of the complaints about parking enforcement are caused by motorists mis-understanding the street signs and lines providing the information about parking controls. PCfL is committed to improving the quality and quantity of information about parking controls available to the public, in an effort to reduce the numbers of motorists caught out by ignorance or confusion. To this end PCfL publishes a number of information leaflets for drivers explaining the basics of parking law.

Many orange badge holders are confused about the exact extent to which they are exempt from parking rules. PCfL's leaflet for orange badge holders is our most frequently requested (over 100,000 copies distributed this year) and we are investigating ways to further improve the knowledge of badge holders through liaison with groups representing disabled drivers.

Foreign tourists visiting central London are often unaware of the extent of London's parking controls. Many visitors receive parking tickets, are clamped or towed-away. In an effort to reduce the number of penalties issued to tourists, PCfL has produced a simple guide – 'Parking your Car in London.' This is available in Dutch, English, French, German, Italian and Spanish, explains the basic rules for street parking, and points out some of the more obvious pitfalls. It is available from tourist information offices in Britain and abroad, and at a number of key ports of entry. The leaflets are also available from local councils and many car hire companies.

In addition we have published the 'London Tourist Coach Parking Map' in three languages this year, in conjunction with the London Tourist Board and the Metropolitan Police. This is intended to reduce the inconvenience caused to Londoners by inconsiderate parking of visiting coaches.

Next year should see the publication of a new leaflet explaining Penalty Charge Notices; and a re-designed version of the coach parking map.

During 1995/96, more than 200,000 information leaflets were distributed.

The amount of media interest in parking in London remains high, with regular requests for information and interviews being made to PCfL. The London Parking Director and the Chief Adjudicator have both made themselves available for interview on a number of occasions to explain how London's parking system works. In addition to reacting to the constant stream of questions from the media, PCfL has been seeking to use the media to ensure that motorists understand parking rules and their right to appeal. A number of pieces have appeared on the subject this year, and we are optimistic that next year will continue to see sympathetic press coverage of the work of PCfL.

Public holidays are a regular cause of complaint and confusion among motorists. As a result PCfL now issues guidance to AA Roadwatch and other broadcasters about special parking arrangements on public holidays (eg. those linked to major sporting events) and about the enforcement of parking rules generally.

PCfL regularly receives letters and telephone calls with complaints or suggestions from members of the public seeking changes to London's parking enforcement system. Wherever possible we answer the letters within five working days: and, where appropriate, we feedback the content to the appropriate authority. Often the subject matter of the complaint is outside PCfL's immediate control – for example, the activities of clampers operating on private property.

PCfL encourages other information providers to improve the understanding of Londoners and visitors about parking in the capital. This year we assisted a number of map and guide publishers with information on parking rules and enforcement, and this work will continue in addition to our efforts to distribute information directly.

In last year's Annual Report we noted with regret the lack of parking information in the 'Highway Code'. We are pleased to report that the new edition is a considerable improvement; however, PCfL would still like to see more emphasis on parking controls in future editions of the Code.

PCfL maintains links with a number of organisations in order to inform our work and pass on information to councils. The AA, RAC, disabled drivers and other road users are represented on our Users' Panel, which advises the Committee on a range of issues. Regular contact is maintained with a number of central government departments and agencies, including the Government Office for London, the Department of Transport, the Home Office, the Lord Chancellor's Department and the Foreign Office.

PCfL recognises that parking enforcement has an impact on London's wider economy: increased congestion can hugely increase costs to industry; tourists can have a holiday marred by clamping; businesses suffer if there is insufficient access to premises for loading. To meet our obligations to play a role in the overall government of London, PCfL liaises with the Association of London Government; London First; London Tourist Board; Metropolitan and City Police forces; Royal Parks Agency; Traffic Director for London and other bodies. PCfL aims to ensure that strategies for managing parking enforcement are complementary to the overall plans to regenerate and promote London as a vibrant and exciting place to live, work and visit.

PCfL still receives a steady stream of requests to visit our operations and to make presentations. Recent visitors have included representatives of Bradford City Council; Essex County Council; Hampshire County Council; Kent Constabulary; Kent County Council; Oxfordshire County Council; City of Chicago (USA); Norwegian Parking Association; City of Portland, Oregon (USA); Pusan Metropolitan District (South Korea) and the City of St. Petersburg (Russia).

PCfL staff occasionally make presentations to organisations seeking to learn more from London's experiences of parking enforcement. This year we attended conferences organised by the Yankee Group; Kent County Council; the Technical Advisors Group; the Smart Card 1996 conference and the ALG's Transport Conference.

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IT services for local authorities

PCfL assists local councils in enforcing parking controls by providing a number of IT services. This year has seen a large rise in volumes of data processed by PCfL, as more councils integrate their ticket processing operations with PCfL's systems. In most cases, this is through a PC installed by PCfL in the council's offices which links to our system via a modem. Despite the rise in demand, PCfL could easily cope with a further increase in data traffic, and in future the surplus capacity on some services may be made available to authorities outside London.

PCfL's most widely used service is the link to the DVLA keeper database in Swansea. If a PCN is unpaid the council can pass to PCfL the vehicle registration mark (VRM) of the offending vehicle, with an automatic response being provided the following morning showing the relevant keeper information. This system is considerably faster and cheaper than making written requests to DVLA or seeking information by sending magnetic tapes. In the twelve months to April 1996 PCfL processed 354,428 DVLA enquiries, on 98.4% of occasions councils receiving information back from PCfL within 24 hours.

Another key IT service is the link to the County Court in Cardiff. In the first instance this court handles all debts incurred under the provisions of the Road Traffic Act. PCfL provides each council with the ability to register batches of debts without the need to generate paper records for each one. During 1995/6 154,611 debts were registered and a further 87,557 warrants of execution issued following electronic transactions made through the PCfL. Only four of London's councils have chosen to register debts directly with the County Court.

Because of diplomatic immunity PCNs issued to diplomats cannot be processed by registration of the debt with the County Court. However, the Foreign and Commonwealth Office (FCO) takes the view that members of the diplomatic community should pay all outstanding parking penalties. Each council is able to use their electronic link to PCfL to notify the FCO of outstanding PCNs issued to diplomatic vehicles. Information on 403 diplomatic PCNs was passed to the FCO last year. The FCO uses this information to pressurise the relevant embassy or high commission to pay their debts. In practice, despite the lack of any final legal sanction, almost 80% of diplomatic PCNs notified to the FCO last year were paid.

With 33 councils and two police forces in London issuing parking penalties, a number of payments are inevitably sent to the wrong ticket processing office. Where this happens PCfL's payment information exchange system ensures that the council or police force does not need to return the cheque. When a 'widowed' payment is received, the council uses the system to immediately notify the correct recipient (in order to prevent further steps being taken to recover the debt). At the end of the month, each council issues a cheque for all money collected on behalf of other agencies and PCfL distributes these. This system is also used where unsuccessful appellants or diplomats pay their penalties directly to PCfL. PCN and FPN payments totalling £111,140 were re-directed through this system in 1995/6.

Finally, PCfL maintains a database of 'persistent evaders'. This is a list of VRMs of vehicles with multiple long-term unpaid parking penalties. This information is collated from council ticket processing systems each night, and then re-transmitted back each morning. This enables councils to target clamping or towing on those vehicles with a history of non-payment of PCNs. In order to qualify for a place on the evaders' database, a vehicle must have at least five PCNs outstanding for over two months. Safeguards are built into the system to ensure those PCNs that could yet become subject to representations or appeals cannot be entered on the database. This year saw a total of 10,054 transactions on the system, with the number of listed evaders standing at 299 at the end of April 1996. This database is likely to become extremely useful when councils gain the powers to demand payment of all back penalties – including those owed to other councils – next year.

Virtually all of the work concerning our IT services is undertaken on PCfL's behalf by our contractor EDS.



Training Standards

PCfL has developed a training standard for parking attendants, in order to ensure they all have the same basic level of competency to carry out their duties under the Road Traffic Act. The training courses for parking attendants are provided by their employer or by a third party training organisation, but PCfL certificates approved courses. This ensures that all the courses cover the same key areas of knowledge; for example identifying offences, basic first aid and information about the local area. The structure of the scheme is modular, with each trainee learning certain core skills, backed up with essential local information and followed by a probationary period on the street. Only after all modules have been completed is the trainee fully qualified.

To promote mobility of parking attendants across different councils and contractors, PCfL issues certificates to verify that an approved course has been completed, and maintains a database of all fully qualified parking attendants. All of London's councils are committed to employing only fully trained and certificated parking attendants. By the end of April 1996 761 parking attendants had completed approved training courses and had been issued with a certificate.

In the later part of this year, PCfL was approached by the Security Industries Training Organisation and the British Parking Association with a view to establishing a National Vocational Qualification (NVQ) for parking attendants and preliminary mapping exercises have taken place. The PCfL training standards will provide the basis for a universally recognised scheme that will apply to the whole of the UK.

To support the work of parking attendants on the street, PCfL publishes the 'Parking Attendants' Handbook', which is a guide to the key rules and exemptions to parking controls. The handbook is designed to complement the training that attendants have already received on their approved courses.

Accredited Training Centres (at 31st March 1996)

London Borough of Bromley
London Borough of Camden
London Borough of Croydon
London Borough of Hackney
London Borough of Haringey
London Borough of Islington
London Borough of Lewisham
London Borough of Redbridge
APCOA
ATLAN
Control Plus
Drakes
Granada Parking Services
Renderry Ltd
Sureway Parking Services

Code of Practice on Parking Enforcement

The 'Code of Practice on Parking Enforcement' was first written before any councils had any experience of using the Road Traffic Act 1991. It was designed to provide local authorities with a guide to how to take over enforcement operations from the police. The Code has now been re-written in the light of experience, to provide further help for councils outside London seeking to implement the Road Traffic Act, and will be available shortly.



Committee Support and Administration

The full PCfL Committee, comprising one councillor from each of the 33 London authorities, met twice this year: 20th June 1995 and 19th December 1995. Policy matters are usually considered first by the sub-Committee, which met five times on: 26th July 1995, 12th September, 8th November, 30th January 1996 and the 27th March. The sub-Committee has seven members appointed by the full Committee. A full list of members of both Committees can be found on pages 15 and 16. All PCfL meetings are open to the public.

PCfL's policy is to keep the core staff employed by the Committee to a minimum, and to avoid creating a large bureaucracy to support PCfL's work. To this end administrative support for appeals, IT services for local councils, development of training standards, accounting services, graphic design services and other activities are contracted out. As a result, PCfL currently employs only eight full time staff, although an additional post of Administrative Officer has been approved by the Committee and will be recruited to early in 1996/97. The postholder will assist with appeals and communications work.

PCfL Staff (at 31st March 1996)

Nick Lester, London Parking Director

Caroline Sheppard, Chief Adjudicator

Barry Hornett, Finance & Administration Manager

Charlotte Axelson, Clerk to the Parking Appeals Service

Gary Law, Communications Officer

Margaret Brown, PA to Chief Adjudicator

Marianne Vigo, PA to London Parking Director

Teresa Duyile, Administration Assistant



Nick
Lester



Barry
Hornett

Members of the Parking Committee for London (at 31st March 1996)

Barking & Dagenham	Cllr R Patient Cllr J Bruce (Deputy) Cllr W Dale (Deputy)
Barnet	Cllr N Kissen Cllr J Tierney (Deputy) Cllr S Gottsche (Deputy)
Bexley	Cllr B Brand Cllr B W Olliver (Deputy)
Brent	Cllr E Lazarus Cllr G Fiegel (Deputy)
Bromley	Cllr M Hyland Cllr D M Dear (Deputy)
Camden	Cllr B Woodrow Cllr E James (Deputy) Cllr D Sacks (Deputy)
City of London	Mrs B Keep CC J S Henderson CC (Deputy) J Barker CC (Deputy)
Croydon	Cllr C Burling Cllr M Jewitt (Deputy) Cllr P Ryan (Deputy)
Ealing	Cllr K Fraser Cllr J O'Neil (Deputy)
Enfield	Cllr V Horridge Cllr G Devitt (Deputy)
Greenwich	Cllr S Sanghara Cllr J Coughlan (Deputy)
Hackney	Cllr B Marsh Cllr J Reeves (Deputy)
Hammersmith & Fulham	Cllr S Powell Cllr J Wicks (Deputy)
Haringey	Cllr M Dewar Cllr N Gavron (Deputy) Cllr N Makanji (Deputy)
Harrow	Cllr S Giles-Medhurst Cllr P Budden (Deputy) Cllr Mrs J Skipworth (Deputy)
Havering	Cllr B S Kilbey Cllr C Harrison (Deputy) Cllr D Smith (Deputy)

Hillingdon

Cllr C Saunders
Cllr M Nash (Deputy)
Cllr P Ryserson (Deputy)

Hounslow

Cllr A Louki

Islington

Cllr A Bosi
Cllr C Baggs (Deputy)

Kensington & Chelsea

Cllr J Corbet-Singleton
Cllr M Weale (Deputy)

Kingston-upon-Thames

Cllr D Twigg
Cllr G Goring (Deputy)
Cllr J Oates (Deputy)

Lambeth

Cllr J Heather

Lewisham

Cllr L Curran
Cllr I Arnold (Deputy)
Cllr A Till (Deputy)

Merton

Cllr M Brunt

Newham

Cllr C Knights
Cllr J Newstead (Deputy)
Cllr B Collier (Deputy)

Redbridge

Cllr Dr A Noor
Cllr D J Milton (Deputy)
Cllr R Ward (Deputy)

Richmond upon Thames

Cllr R Hart
Cllr M Elengorn (Deputy)
Cllr B Miller (Deputy)

Southwark

Cllr T Ritchie
Cllr N Dolezal (Deputy)
Cllr V Feiner (Deputy)

Sutton

Cllr M Cooper
Cllr M Shaw (Deputy)
Cllr R Shaw (Deputy)

Tower Hamlets

Cllr B Harris
Cllr J Rainer (Deputy)
Cllr J Ryan (Deputy)

Waltham Forest

Cllr T Buckley
Cllr J Pearson (Deputy)
Cllr D Murray (Deputy)

Wandsworth

Cllr R Govindia
Cllr M Grimston (Deputy)

Westminster

Cllr R Davis
Cllr D Harvey (Deputy)
Cllr F Blois (Deputy)



BOROUGH PROGRESS

Introduction

This year saw all London's councils with full-scale parking enforcement operations from April 1995, although the majority had started enforcing most, if not all, parking controls from July 1994. By 1st April 1995, all of London's parking controls were enforced by local councils except those on red routes and in security sensitive areas. In addition, the police have retained powers throughout London to prosecute for the offences of obstruction, dangerous position and parking on a pedestrian crossing.

Most authorities' operations are now starting to settle down. But it is clear that operating all aspects of parking enforcement plus disentangling former police activity in this area has been far more complex than originally envisaged. Disappointingly, by the end of 1995/96 there were still boroughs not fully operational; either by not having a working IT system or by not going through the full processing cycle. One borough had not responded to any formal representations since their enforcement operation started. A few other boroughs had failed to understand the process fully. PCfL is working closely with all of the boroughs to provide help and support to improve the quality of operations where possible.

Certain key issues have caused problems for every borough. PCfL uses its responsibilities for co-ordination to facilitate responses and improvements in these areas, which are discussed later.

Traffic Signs

A key problem for motorists, identified in previous annual reports, is confusion over which parking controls apply at what times. This confusion can lead to otherwise law-abiding citizens incurring parking penalties. We have continued to press the Department of Transport for improvements to the signing regulations, which councils have to follow, and this year has seen preparatory work for improvements.

Last year's report noted the problems associated with signing parking rules in Controlled Parking Zones. The single largest problem is that yellow lines are typically not marked with a sign showing the hours of operation. In some areas the traffic sign for permit holders' bays does not show its hours of operation. To obtain this information, the driver must remember the times shown on the entry points to the zone in which they are parking. With an increasing number of zones operating at weekends (including Sundays) and in the evening, these problems are likely to grow. The Department of Transport has approved a pilot scheme in Camden for a new system of signs in Controlled Parking Zones and PCfL is hopeful a change to the regulations will follow.

Pavement (footway) parking is banned almost everywhere in London as a consequence of the Greater London (General Powers) Act 1974. Councils have the power to exempt certain streets from the ban, and this can be necessary where a narrow street would be obstructed if all vehicles parked wholly on the carriageway. The Department of Transport approves signs to indicate the start and end points of an exemption to the pavement parking ban, however, the way in which these signs should be used is unclear from the regulations, and can cause confusion among drivers. PCfL is pressing the Department for clarification of the signing rules for exemptions to the pavement parking ban.

Information on Keepers

The quality of keeper information from DVLA is still a cause for concern. Only about 80% of vehicles on DVLA's database have accurate keeper details. Identifying keepers for the other 20% can be very difficult, often resulting in unpaid penalties and uncollectable debts. Much of the problem rests with DVLA's own operations and the Government's support for it. DVLA is still, principally, a tax gatherer; and is less concerned about the need for accurate keeper records where the vehicle excise duty is paid. This means the database can remain inaccurate for long periods if a vehicle owner moves without re-registering, or if a vehicle changes hands without the new owner re-registering.

While DVLA's enforcement branch is effective – and brings in far more revenue to the Treasury than it costs – it has a limited budget which limits its activities. For example; the very successful pilot scheme to wheelclamp vehicles with unpaid tax was stopped after a short time. PCfL is hopeful that a change in the system of registration in future years will improve the quality of data held at Swansea. Further problems are caused because the owners of vehicles tend to remain on the register even when the vehicle is kept by another person. For example, a lease car will typically be registered in the name of the leasing company not the consumer. If a penalty remains unpaid, the registered owner will often pay the penalty and then charge this to the consumer's account plus an administration charge. This practice is highly undesirable as it can eliminate the keeper's right to make representations or appeal (although in practice the Parking Appeals Service will attempt to resolve such difficulties through negotiation with the leasing company). PCfL is continuing to encourage non-owning keepers to register with DVLA, and non-keeping owners to remove themselves from the register. The Committee firmly believes that the Government needs to review DVLA's activities as a matter of urgency.

Foreign registered vehicles account for a significant number of offences in many parts of the capital, particularly in the most congested areas. No council has yet adopted a policy of singling out vehicles with foreign plates for clamping or towing, but most tickets issued to foreign vehicles are not paid, as there is no simple way of obtaining keeper details from our European neighbours. PCfL hopes to investigate ways of enabling councils to collect keeper information from other countries in order to ensure foreign offenders cannot evade parking enforcement operations.

Ticket Processing

The length of delays in processing PCNs, noted in last year's Annual Report and the Adjudicators' report, have reduced this year. Most of those councils with the longest delays in processing PCNs and appeals have made concerted efforts to reduce the backlog, and next year ought to see a speeding up of the average time for processing an unpaid PCN. PCfL encourages all councils to consider writing-off any PCNs where no processing has taken place within a six month period.

Effect of the Road Traffic Act

The statistics in the accompanying box show the number of PCNs issued by councils rose significantly during this year. Given the extension of the Road Traffic Act to new areas and offences it is too early to tell if this trend is likely to persist in the long term.

The number of PCNs issued, although not an indicator of success, is important for councils as income from PCNs provides part of the revenue stream needed to pay for parking enforcement operations. The rates of PCN issue and payment have been lower than anticipated in some areas, however, almost all councils are now likely to conclude this year without running a loss on their parking reserve accounts.

The number of PCNs issued, although a useful guide to the number of offences, is a poor indicator of the success or otherwise of a council's parking enforcement operation. The objective of road traffic law enforcement is to eliminate offending, not to issue PCNs. Some councils have started to undertake systematic surveys measuring the number of offenders and the duration of offences in certain areas. These statistics show the effectiveness of the deterrent impact of the council's parking enforcement operation.

The information can be used to re-deploy parking attendants, clamping and removal operations to maximise the impact of enforcement. Encouragingly, the surveys show that the introduction of the Road Traffic Act has significantly cut the number of offences on yellow lines, meters and in residents' bays, and drastically reduced the number of vehicles illegally parked on pavements. These improvements in compliance are greatest where police and traffic warden enforcement was traditionally poor, such as in parts of outer London. Hopefully, future surveys will show a continuation of the trend, although with rising levels of motor vehicle ownership and use this cannot be taken for granted. It is disappointing that less than a quarter of all boroughs formally monitor compliance with parking controls in their area. The Committee encourages every borough to undertake this monitoring.

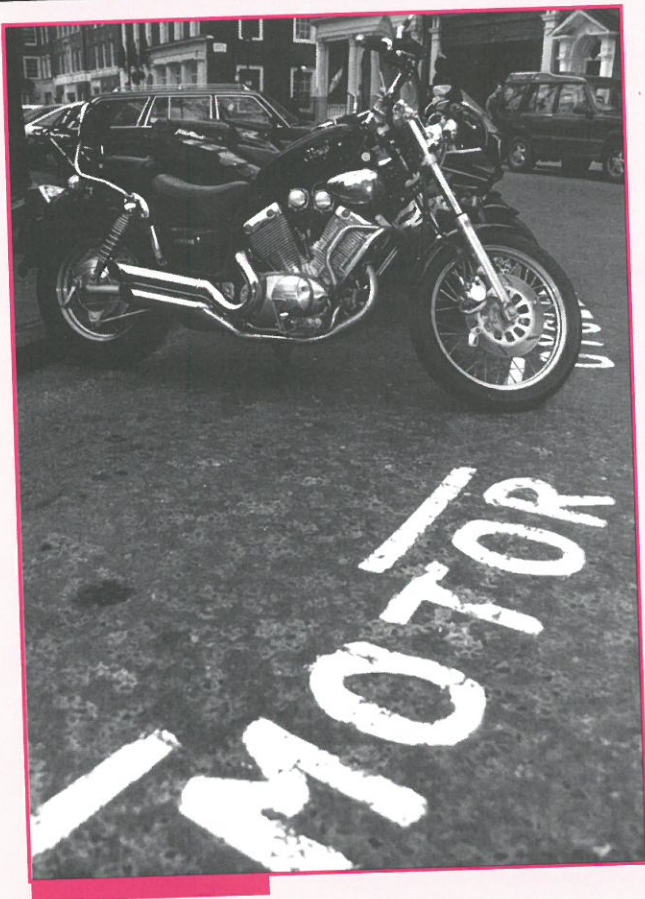
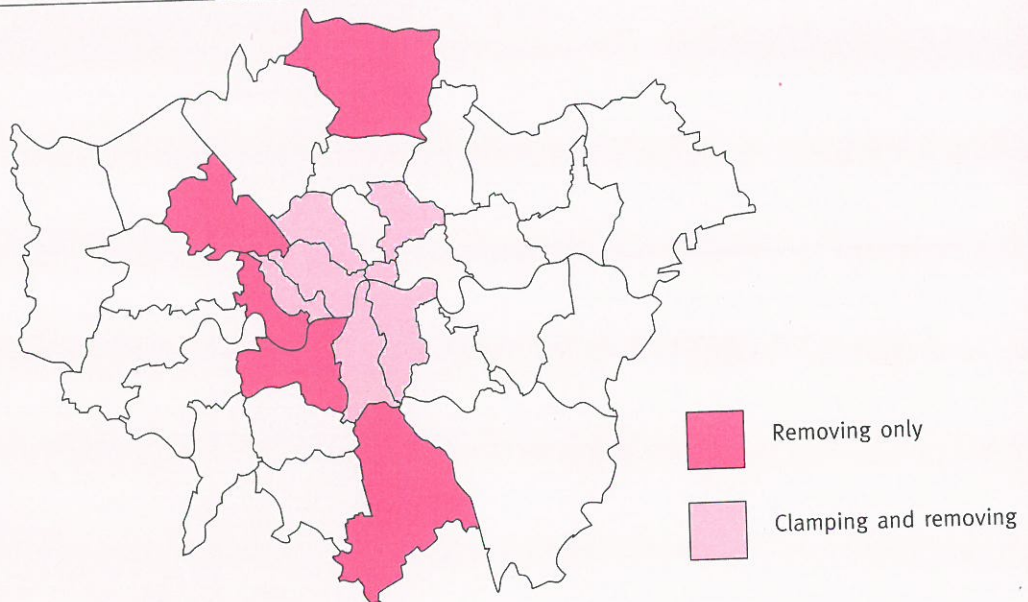
Evidence from organisations as diverse as traders' groups, bus operators and organisations representing people with disabilities, show that the improvements in compliance shown in surveys is making a significant difference to the problems caused by illegal parking. Traders have found that better enforcement has led to a greater turnover of short stay parking spaces leading to easier parking for shoppers. In many areas, too, yellow lines have been replaced by further short stay spaces, either free or paid-for, again improving the attractiveness of shopping areas. Bus operators have found that improved compliance has led to faster and more reliable bus services. People with disabilities have pointed to improvements in enforcement of the footway parking ban leaving more space for pedestrians, particularly those with disabilities, and less damage to pavements.

Public acceptability of the new system of enforcement is hard to measure, and public opinion surveys are needed to quantify it. It is made more difficult by the fact that no-one welcomes getting a parking ticket. During the initial implementation phase both public and media criticism of council-run parking enforcement was often vociferous, but recently comments have been more resigned – and in many cases complimentary. One newspaper complained that decriminalised parking enforcement had 'taken the lottery' out of parking. As this was a prime objective of the new system this comment can be viewed as high praise.

LONDON BOROUGH'S PARKING ENFORCEMENT ACTIVITIES

Authority	1995/6			1994/5		
	PCN's issued	Vehicles clamped	Vehicles towed-away	PCN's issued	Vehicles clamped	Vehicles towed-away
Barking & Dagenham	20,432	-	-	11,444	-	-
Barnet	84,864	-	-	34,436	-	-
Bexley	61,163	-	-	32,733	-	-
Brent	67,104	-	3,645	44,641	-	4,461
Bromley	45,335	-	-	54,511	-	-
Camden	204,427	14,472	5,720	175,461	3,342	1,189
Corporation of London	99,825	1,694	1,562	38,770	1,332	599
Croydon	110,059	-	3,442	85,902	-	1,936
Ealing	86,689	-	-	46,659	-	-
Enfield	68,308	925	1,717	52,637	2,668	1,065
Greenwich	58,741	-	-	47,293	-	-
Hackney	70,138	2,628	286	66,236	4,078	628
Hammersmith & Fulham	107,000	-	2,153	79,873	-	2,400
Haringey	79,602	-	-	51,550	-	-
Harrow	56,987	-	-	37,538	-	-
Havering	33,445	-	-	33,229	-	-
Hillingdon	54,979	-	-	30,406	-	-
Hounslow	74,272	-	-	49,146	-	-
Islington	93,025	-	-	70,205	-	-
Kensington & Chelsea	217,333	10,612	5,228	107,825	9,421	6,185
Kingston upon Thames	43,434	-	-	28,675	278	-
Lambeth	51,876	-	-	18,656	-	-
Lewisham	50,206	-	-	38,197	-	-
Merton	37,801	-	-	15,888	-	-
Newham	56,481	-	-	48,483	-	-
Redbridge	43,723	-	-	32,422	-	-
Richmond upon Thames	71,768	-	-	66,771	-	-
Southwark	73,045	959	162	64,695	-	-
Sutton	41,491	-	-	23,360	-	-
Tower Hamlets	71,735	-	-	51,301	-	-
Waltham Forest	112,245	-	-	68,312	-	-
Wandsworth	102,641	-	1,556	80,893	-	341
Westminster	804,769	19,696	17,381	542,426	12,609	15,220
All London	3,254,943	50,986	42,852	2,230,574	33,728	34,024

LONDON BOROUGHS' CLAMPING AND REMOVING ACTIVITIES



Changes to the Law

Changes to regulations by the Department of Transport led to the decriminalisation of a number of parking offences, including offences in off-street car parks, from July 1995. This simplified procedures for councils and motorists, and ended the use of the Excess Charge Notice in car parks.

Further changes to parking law were introduced following the passing of the London Local Authorities Act 1995. This contained a number of new powers which enabled councils to:

- Enforce against vehicles parked on pedestrian crossings or white zig zag markings (this also remains a criminal offence with three penalty points for the offending driver);
- Enforce against vehicles 'double parked' next to parking bays;
- Dispose of vehicles abandoned in a pound after three months or more;
- Make temporary parking restrictions in areas affected by sporting or entertainment events;
- Collect all outstanding penalties when a vehicle has been clamped or towed-away. This power cannot be exercised until the Secretary of State for Transport approves regulations governing its use. It is likely to improve the ability of councils to enforce against motorists who are not correctly registered with DVLA.

While the London Local Authorities Act 1995 will lead to some improvements in the operation of the 1991 Act's powers, experience has shown the need for further changes, including measures to deal with double parking, early representations and unpaid release fees. As a result PCfL is co-ordinating proposals for a possible 7th London Local Authorities Bill at the end of 1996.

Other Issues

One of the most striking effects of the introduction of the Road Traffic Act has been the increase in the number of controlled parking zones in London. Whilst the police were responsible for enforcement, councils were often unable to introduce new parking schemes as there were no resources available to enforce the parking rules. Local authorities are now no longer dependent on the police for support, and it is estimated around 50 new parking schemes have been introduced in London as a result of the introduction of the Road Traffic Act.

One of the most serious problems councils encounter when undertaking parking enforcement is that motorists occasionally respond abusively or aggressively to parking attendants. Although serious assaults are rare, hostility makes a difficult job more stressful than it need be. Regrettably, despite the prosecution of a number of drivers for assault, this problem persists, and a change to the law to make assaulting a parking attendant an arrestable offence may be desirable in future.

This year has seen an explosion in the popularity of 'designer' number plates with non-standard letter and number forms. In addition, more motorists are obtaining cherished plates and using them with incorrect spacing. These trends make enforcement more difficult as it is harder for an attendant to identify a vehicle registration correctly. For example, by changing letter spacing, the figures '13' can appear as letter 'B'. PCfL hopes to see a tightening in the law on what plates are acceptable to eliminate these problems.

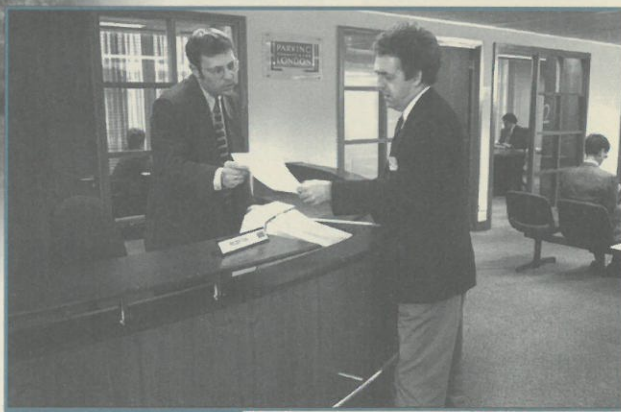
One way to ensure payment of a parking penalty is to clamp the offending vehicle. It remains immobilised until the penalty and the de-clamping fee are paid. However, a number of motorists have chosen to try and take the law into their own hands and attempt to break the clamp off. Removing a clamp without the key and without damaging the vehicle is difficult and there is evidence that organised teams are offering an illegal de-clamping service in parts of London. A number of prosecutions for unauthorised removal of clamps are expected next year.

This year saw Lambeth and Southwark start clamping and removal operations for the first time, and Enfield ending its clamping operation. Clamping and towing away are still very much the exception rather than the rule in parking enforcement. Clamping is used almost exclusively in central and inner London, towing away is slightly more widespread. In practice, the cost of setting up a clamping or removal service, even when largely contracted out, is a considerable financial burden for most councils. However, both clamping and removal are proven as excellent deterrents to parking offences, and their use in outer London is likely to increase. When powers to enable councils to collect all back penalties on a vehicle that has been clamped or towed are implemented it is likely to result in an increase in the number of councils using these tactics. In addition, better targeting of these more extreme penalties should reduce the likelihood of occasional offenders being clamped or removed.

<div> <div>  </div> <div> <div>TIME</div> <div> <div></div> <div></div> </div> </div> <div> <div> <div></div> <div></div> </div> <div> <div>10p 20p 50p £1</div> </div> </div> </div> <div> CASH PAID NO CHANGE GIVEN </div> <div> COINS ACCEPTED </div>		
<p>Controlled Hours: Monday – Friday 8.30am – 6.30pm. Saturday 8.30am – 1.30pm. Other Times Sunday & Public Holidays Charge No Maximum Stay</p>	<div>2</div> <div>SEE DISPLAY FOR FEE PAID & EXPIRY TIME</div>	<div>1</div> <div>INSERT COINS</div>
<div> <div> <div>  </div> <div>3</div> </div> <div> City of Westminster </div> </div>	<div>ZONE</div> <div>G</div>	<div>£2.40 PER HOUR</div> <div>MINIMUM CHARGE 10 PENCE</div> <div>NO CHANGE GIVEN</div> <div>IF MACHINE IS OUT ORDER PLEASE USE ANOTHER MACHINE</div> <div>PARKING ENQUIRY CALL 0171 823 1234</div>
<p>TERMS OF USE PLEASE READ CAREFULLY</p> <p>Tickets purchased ONLY at time of parking.</p> <p>A PENALTY CHARGE and your vehicle may be clamped or removed if you do not pay a valid ticket.</p> <p>The expiry time shown on the ticket is the expiry time for the parking space (meter feeding).</p> <p>Keep place (mark of bags) within one hour.</p> <p>A valid residents permit for this zone may be left free of charge between 30.6.30pm.</p> <p>DO NOT insert any object other than specified coins.</p>	<div>PENALTY CHARGE</div> <div>£60</div> <div>PENALTY CHARGE IS INCURRED FOR PARKING AFTER EXPIRY TIME ON TICKET</div>	<div>2</div> <div>Hours Maximum Stay</div>

JOINT REPORT OF THE PARKING ADJUDICATORS 1995/6

Prepared for the Parking Committee for London under
Section 73(17) of the Road Traffic Act 1991



FORWARD

For the third year the Parking Adjudicators are presenting a joint report to the Parking Committee for London under the requirements of Section 73(17) of the Road Traffic Act 1991.

1995/96 represents the first full year of the development of adjudication. We have dealt with a wide variety of cases, some completely individual, others demonstrating particular trends.

Last year the Annual Report of the Parking Adjudicators showed that we had dealt with 4406 appeals in the year 1994/95. This year's report shows that Parking Adjudicators received 20,166 appeals. The table on page 31 sets out the workload of the Parking Appeals Service during the period of this Report.

Within the context of the number of Penalty Charge Notices issued, appeals may not amount to a significant number of cases, or within statistical terms a reliable sample. And, as we emphasised last year, it is crucial to bear in mind that we only see or hear cases where there is a complaint, either justified or not. It would not, however, be true to say that all we ever hear is general complaints about parking enforcement. Most appellants who appear before adjudicators readily accept the purpose and fairness of the new scheme, but are challenging the penalty charge notice in question. There are, of course, a number who have a particular grievance and have decided to air it in front of an adjudicator. As time goes on, these type of cases are becoming increasingly rare.

Notwithstanding the relatively small proportion of total penalty charge notices that come before us, we nevertheless believe that they do represent a barometer of issues that concern the public.

Caroline Sheppard

Caroline Sheppard
Chief Adjudicator



INTRODUCTION

A widely held perception is that all parking cases are similar, that issues are straightforward and that 'the rules' can be applied universally. The past year has shown that it is important to appreciate the diversity of cases. However, there is a thread that draws each case together and that is the absolute need for more and better public information; about parking regulations, the procedures created by the Road Traffic Act 1991 and the requirement to comply with vehicle registration procedures.

Regulations need to be transparent and known. Citizens subject to a penalty are entitled to know their rights. These propositions are all the more true if regulations are enforced vigorously. The theme, therefore of this report is the need to keep the public informed. In each heading of the report it will be seen that the Adjudicators conclude that better or more timely information will ameliorate the problems we have highlighted.

An inevitable difficulty as we see it is that each local authority approaches matters differently. Of course, the enormous benefit of each local authority controlling its own operations is that they are sensitive to the needs of the local area. However the myriad of different schemes involving residents, business use, visitors' vouchers, pay and display, vouchers, permit holders *et al.* ensure that a significant amount of motorists simply fail to understand what they are expected to do. Often this is complicated by adjacent parking bays being designated for different schemes with a variation in the controlled hours. This is particularly the case where there is a boundary between two Authorities which operate different schemes of restricted parking times. Motorists can easily fail to observe where one set of restrictions starts and the other stops. One of the least known pieces of useful information is what constitutes a parking place and the rules that apply to it.

It is axiomatic that the public must be aware of the regulations but some schemes might seem to make compliance difficult. For example, some areas have voucher parking where the order requires the voucher to be displayed before leaving vehicle. A driver visiting the area for the first time automatically and unwittingly contravenes the regulation by going in search of a vendor of vouchers. Other regulations make it a contravention if a meter becomes out of order 'at any time after the time of parking'.

No doubt such regulations have been introduced to counteract abuse by opportunists taking advantage of every perceived loophole. However, how does an average driver become aware of the regulation save by receiving a penalty charge notice? Parking attendants cannot know the reason for a vehicle being parked without a voucher, nor when a meter must have become 'out of order'. They cannot know if the driver was aware of the regulations. However, the local authority officer considering any representations in response to a penalty imposition should take all the circumstances into account when deciding whether it is appropriate to enforce the penalty. The statutory process set down in Section 71 or Schedule 6 of the Act gives the owner of the vehicle the right to make representations, and the local authority officer considering the representations is in a position to take all relevant circumstances into account. It therefore is apparent that each stage of the statutory process has its own importance.



STATUTORY NOTICE REQUIRED BY THE ACT

The Act itself lays the basic principles for public information, or, as the law describes it, 'putting drivers and vehicle owners on Notice'.

The Penalty Charge Notice

It may seem a little odd in this our third annual report and so long into the Road Traffic Act scheme, to deconstruct the term 'Penalty Charge Notice'. In common parlance a 'Penalty Charge Notice' is virtually unknown, as is its abbreviation PCN; but there are few people unfamiliar with the notion of a 'parking ticket'. A 'Penalty Charge Notice' however, consists of three distinct concepts, a **penalty** for contravening a parking regulation, that penalty is a monetary **charge** (which differs from area to area), and **notice**, which must be placed on the vehicle or given to the driver, of both the penalty and the relevant charge.

Section 66(3) of the Road Traffic Act 1991 lays down the requirements as to information to be provided on a Penalty Charge Notice. It provides:

'A Penalty Charge Notice must state—

- (a) the grounds on which the parking attendant believes that a penalty charge is payable;
- (b) the amount of the penalty charge which is payable;
- (c) that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the notice;
- (d) that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion;
- (e) that, if the penalty charge is not paid before the end of the 28 days period, a notice to owner may be served by the London Authority on the person appearing to them to be the owner of the vehicle;
- (f) the address to which payment of the penalty charge must be sent.'

The provisions of this section were examined in the case of **Moulder v London Borough of Sutton (1995 PAS 1940113243)**.

The facts were that the London Borough of Sutton, by their parking attendant, issued a Penalty Charge Notice to Mr Moulder's vehicle that failed to refer to a Notice to Owner, as required by Section 66(3)(e).

The Adjudicator allowed the appeal, holding that the requirements of the Section were mandatory not discretionary and that a failure to comply with it rendered the Penalty Charge Notice a nullity.

As the Penalty Charge Notice was held a nullity, no Notice to Owner or subsequent enforcement could be based upon it.

The Adjudicator, *inter alia*, examined the essential difference between the Penalty Charge Notice and the Notice to Owner. The local authority has a duty to tell the recipient of the Penalty Charge Notice (that is the driver or person in charge of the vehicle, who may or may not be the owner) of the penalty for a specified parking contravention, the penalty charge, the method of payment, that the reduced penalty charge will be accepted if it is paid within 14 days, and that there is an alternative to paying the penalty charge which is that a Notice to Owner will be sent to the owner of the vehicle giving the opportunity to make representations.

This case highlights a fundamental principle that adjudicators often have to deal with in cases where the appellant asserts that they had no notice of the penalty charge in that it was neither handed to the driver (or other person appearing to be in charge of the vehicle) or fixed to the vehicle, as required by Section 66(1) of the Act. In our last report we set out the different types of cases where this assertion is made.

It must be borne in mind that in making parking a civil contravention, the Road Traffic Act 1991 empowers the attendant to perform an administrative act in issuing a notice of a penalty charge; the local authority is not prosecuting an offence.

In **Moulder**, the representative of the London Borough of Sutton referred the Adjudicator to an unreported Divisional Court case (**R v The London Borough of Tower Hamlets and the Tower Hamlets Combined Traders Association, 9 July 1993**). The Adjudicator, in his decision, quoted Mr Justice Sedley:

'It is... important, in my judgement, that it should not be thought by local authorities that they can omit steps of the importance which I consider this step has and take their chance on rescue by the exercise of the Court's discretion on facts which will have emerged by the time of the trial.'

The adjudicators consider this to be a fundamental principle generally in the procedures set down in the Road Traffic Act 1991.

THE NOTICE TO OWNER

A high proportion of appeals stem from appellants who claim they are not the owner of the vehicle, either literally, or otherwise for the purposes of the Road Traffic Act 1991. A particular set of these cases are subject to a test case which, at the time this report covers, was subject to judicial review in the High Court. A more detailed report on ownership cases will be made in the next annual report of the parking adjudicators.

One area in which (unusually) adjudicators made a number of awards of costs against local authorities concerns the dispatch of the Notice to Owner, to the keeper of a vehicle that was not the vehicle that the attendant saw at the location.

Typically, the appellant will say that their vehicle could not possibly have been there at the time alleged. The local authority maintains that a Penalty Charge Notice was properly issued to the vehicle. There is no dispute by the appellant that they are the owner of the vehicle. All they know is that their vehicle was not there.

Sometimes a closer examination reveals that the vehicle registration mark does not match that on the Notice to Owner. On other occasions they might be the same but the vehicle details are not or the notebook records a different mark. Additionally, adjudicators do have cases where it is clear (perhaps from a police report) that there is believed to be what is commonly known as a 'ringer', where another often very similar vehicle has false plates with the appellant's vehicle registration mark.

There appear to be several ways this comes about, for example, an inputting error by the clerical staff requesting vehicle details from the DVLA or simply poor writing by the parking attendant.

The result is that the owner of a vehicle, unconnected with the one the parking attendant saw, is drawn needlessly into the process of appeal. We assume that local authorities will always check the details as regards the Penalty Charge Notice and the Notice to Owner at the appeal stage but a number still do get through. In fact, as mentioned above, adjudicators have found that there are sometimes differences even between the vehicle registration mark in the parking attendant's notebook and the Penalty Charge Notice itself. Such cases should never have reached the appeal stage.

A cursory check of the registered vehicle details is all that is need to ensure that, for example, a yellow mowing machine could not be the white Rover motor car to which the Penalty Charge Notice refers. Equally, it should be apparent that whilst a keeper's address in the Hebrides does not have to mean the vehicle was not in fact at the location on the day in question, it does at least suggest a closer examination is called for. In that case again, the vehicle registration mark on the Notice to Owner was wrong. If the make and colour of the vehicle details were recorded on the Notice to Owner these type of cases would clearly never reach the parking adjudicators.

Accordingly, the adjudicators recommend that every local authority ensures that full vehicle details, namely the make, model and colour, as well as the registration mark, are always clearly shown on the Notice to Owner.



DIFFERENT DRAFTING OF ORDERS

The function of a parking adjudicator is no different from any other tribunal, namely the task is to make findings of fact and apply them to the law. It was initially envisaged that there were some basic presumptions of fundamental principles, for example the loading and unloading provisions, that could be universally applied without referring to the relevant traffic management order in every case. However, a difficulty that has become increasingly apparent over the last year is that the traffic orders in different local authorities are sometimes slightly differently drafted. They appear to have departed in various ways from the old Greater London Council model orders. Therefore, not only are there different schemes with different requirements, but also there are different definitions of some basic principles, such as loading, unloading, delivering and setting down passengers.

It would benefit the public, adjudicators, and the local authorities themselves if the drafting of the basic principles were in a universal format so that the provisions would be widely and correctly known.

The adjudicators recommend that all local authorities co-operate in an initiative to develop new model traffic management orders to cover the fundamental principles of these orders.



DELAY IN LOCAL AUTHORITY PROCESS

Last year in our report we referred to delay in the local authority processes and explained the prejudicial effect on the public – ‘justice delayed is justice denied’. We have noted considerable improvements from those local authorities we had in mind last year. Unfortunately other Authorities are now beset with the same difficulties. A number of cases still come before us where the Notice to Owner has been sent well after six months from the date of the contravention. In other cases local authorities have taken up to nine months to consider and reject a vehicle owner’s representations.

Again, this highlights a person’s right to be informed. Where there is considerable delay in sending notices there is a presumption that no further action is to be taken. In these circumstances, evidence which would be needed to support a dispute may not be preserved. Even where the representations are made on grounds of mitigation only, the person making them is entitled to assume that an unusual lapse of time in receipt of a response means that his or her plea for mercy has been accepted.

We express particular concern about the delay in the processes in the London Boroughs of Islington and Greenwich. During the period of this report no appeal had yet been received from Greenwich and only 58 from Islington. Both Authorities adopted the Road Traffic Act powers in July 1994 with the other London Boroughs.

Adjudicators cannot bind their own discretion and each case will turn on its own facts. However there must come a time when it is unfair and prejudicial to a person’s rights under the Road Traffic Act 1991 to proceed to enforcement of a penalty charge where there has been a considerable lapse of time without action on the part of the local authority.

The statutory scheme does not provide for a limitation period in which a Notice to Owner must be sent out, following the issue of a Penalty Charge Notice. Neither does the Act impose a time limit in which a local authority must respond to representations or register a penalty charge at the County Court. However, there must come a time when undue delay is unfair and prejudicial to an owner’s rights under the Act. Furthermore, lengthy delays in pursuing penalties undermine the public’s confidence in the statutory scheme. The scheme is intended to result in the disposal of penalties and (where penalties are contested) determination of disputes in a swift and efficient way.

Guidelines

We recommend that all local authorities apply the following guidelines when pursuing penalty charges:

- The first Notice to Owner to be sent within six months of the contravention. Where a Notice to Owner has not been sent within six months, the case should be considered individually by a senior member of the local authority staff to see if there is an exceptional reason to start proceedings. If not, the Penalty Charge Notice should be cancelled.
- All representations, whether following clamp or removal, or a Notice to Owner, should normally be dealt with as soon as possible, preferably within 28 days but, in any event, within 56 days, despite the fact that Schedule 6 does not impose a 56 day bar on dealing with representations following a Notice to Owner. Where there is good reason for taking longer than 56 days, for example the representations require that the local authority make further investigation, a holding letter should be sent to the person making the representations explaining the reason for the delay and that the matter is being held open by the local authority pending the investigation. Where representations have not been considered within 56 days for no good reason (lack of resources is a doubtful reason) the Section 71(9) procedure should be followed and the representations accepted.
- The penalty charge should be cancelled without further process if more than six months has elapsed after the service of the Charge Certificate without the local authority taking steps to register the debt at the County Court. If delay is anticipated in taking the decision to register debts, warning letters should be sent to defaulters giving a further opportunity to pay and warning again of the potential debt registration.

REVIEWS

There is no right of appeal from an adjudicator's decision.

Regulation 11 of the Road Traffic (Adjudicators) (London) Regulations 1993 provides that the Adjudicator shall have power on the application of any party, to review and revoke or vary any decision to dismiss or allow an appeal or any decision as to costs on the grounds there specified.

The Regulation provides that the grounds are:

- '(a) the decision was wrongly made as the result of an error on the part of [the] administrative staff;
- (b) a party who failed to appear or be represented at a hearing had good and sufficient reason for his failure to appear;
- (c) where the decision was made after a hearing, new evidence has become available since the conclusion of the hearing the existence of which could not have reasonably been known or foreseen;
- (d) where the decision was made without a hearing, new evidence has become available since the decision was made the existence of which could not have reasonably been known or foreseen;
- (e) the interests of justice require such a review.'

The grounds are clearly very restricted in scope. The circumstances under which such power of review should be exercised were examined in the case of **Ross v London Borough of Enfield (1995 PAS 1950142044)**. The limited circumstances in which application for such review might be granted are set out in Appendix Two.

However, returning to the theme of this report, it is essential to remain aware that the new adjudication scheme is young and not yet widely known to the public. Appellants may not necessarily know what is expected of them, the type of evidence they should provide or whether they should submit evidence of a witness. The Notice of Appeal Form gives basic information but cannot give guidance in every type of case. Therefore whether the existence of evidence could have reasonably foreseen by the appellant seeking a review may be as much subjective as objective. On the other hand, the local authorities have considerable experience of operating the scheme and preparing appeals and should, in most cases, foresee and submit the relevant evidence.

The whole basis of the scheme is that there should be certainty and finality. Reviews will therefore be rare.



OFF-STREET CAR PARKS

During the period covered by this Report, adjudicators began to hear cases arising from the issue of Penalty Charge Notices in off street car parks.

The Parking Appeals Service received 320 appeals in such cases. By far the biggest category (199 appeals) was for 'code 83' contraventions, that is parking in a pay and display car park without paying the initial charge and displaying the ticket or voucher. The next largest was for the related 'code 82' contravention of being parked after the expiry of paid for time in a car park.

In many respects the civil nature of the scheme is more apparent in off-street parking since the public clearly think there is no difference in their use of a local authority car park from a privately operated one. This colours many of the cases in which the appeal centres on whether or not the ticket is displayed. Many appellants in such cases believe that they have paid for their use of the car park and if, for some reason, the ticket has become dislodged, local authorities should recognise that the contractual obligation has been fulfilled by payment and that the technical breach of the regulation to display has been absolved through proof of the payment.

Knowledge of the Contravention

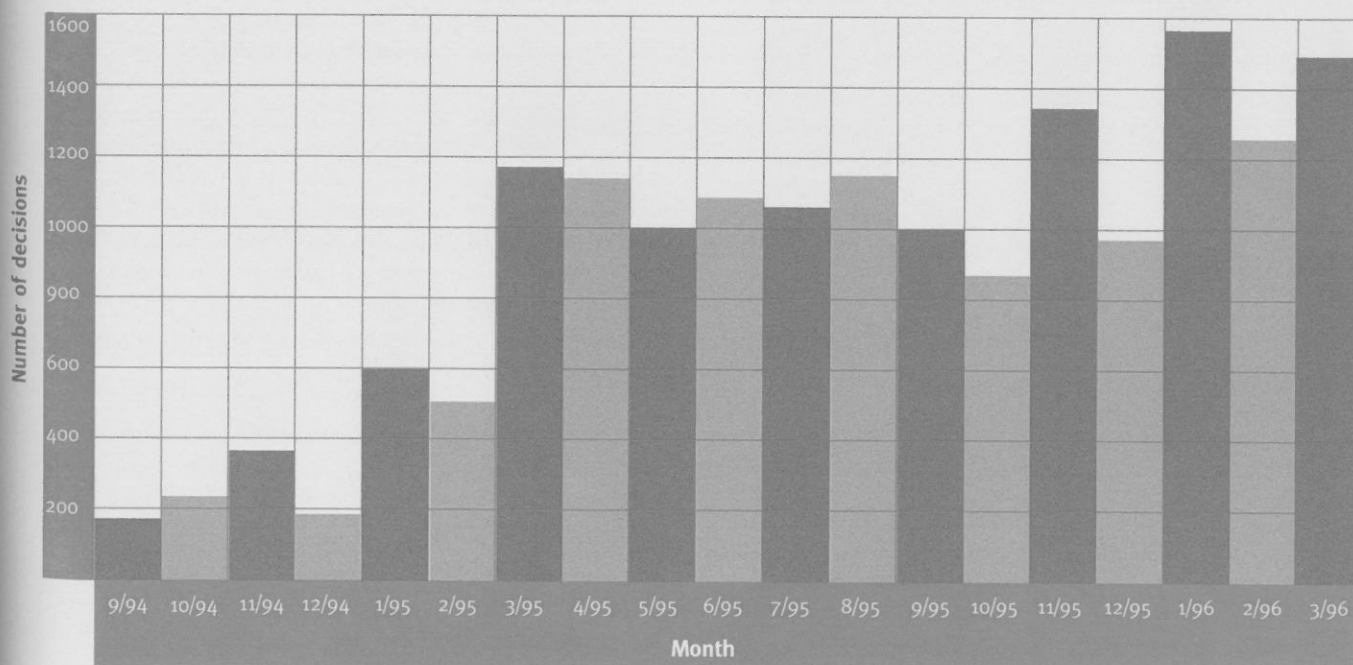
On perusal of the different local authorities' off-street regulations there appears to be an even greater degree of diversity in terms of what people are or are not allowed to do in different car parks than in the on-street regulations. Clearly many of the regulations are only advisory, or at best contractual, while others are of the nature set down in sections 32 and 35 of the Road Traffic Regulation Act 1984 which may be enforced by a penalty charge notice. Reiterating the theme of this report, it is fundamental that persons using a car park must be informed of the terms of use of the car park and in particular be aware of those regulations – breach of which will result in penalty charge.

Adjudicators often hear appellants maintain that they have received Penalty Charge Notices for contraventions they say they did not know applied in the car park. An example of this is 'code 86' contraventions of parking beyond the markings of the bay. They complain of inadequate or even non-existent signing in this regard.

The adjudicators regret that no Regulations have yet issued by the Secretary of State in exercise of his power under the Road Traffic Regulation Act 1984.

APPENDIX 1

Cases decided 1994 - 1996

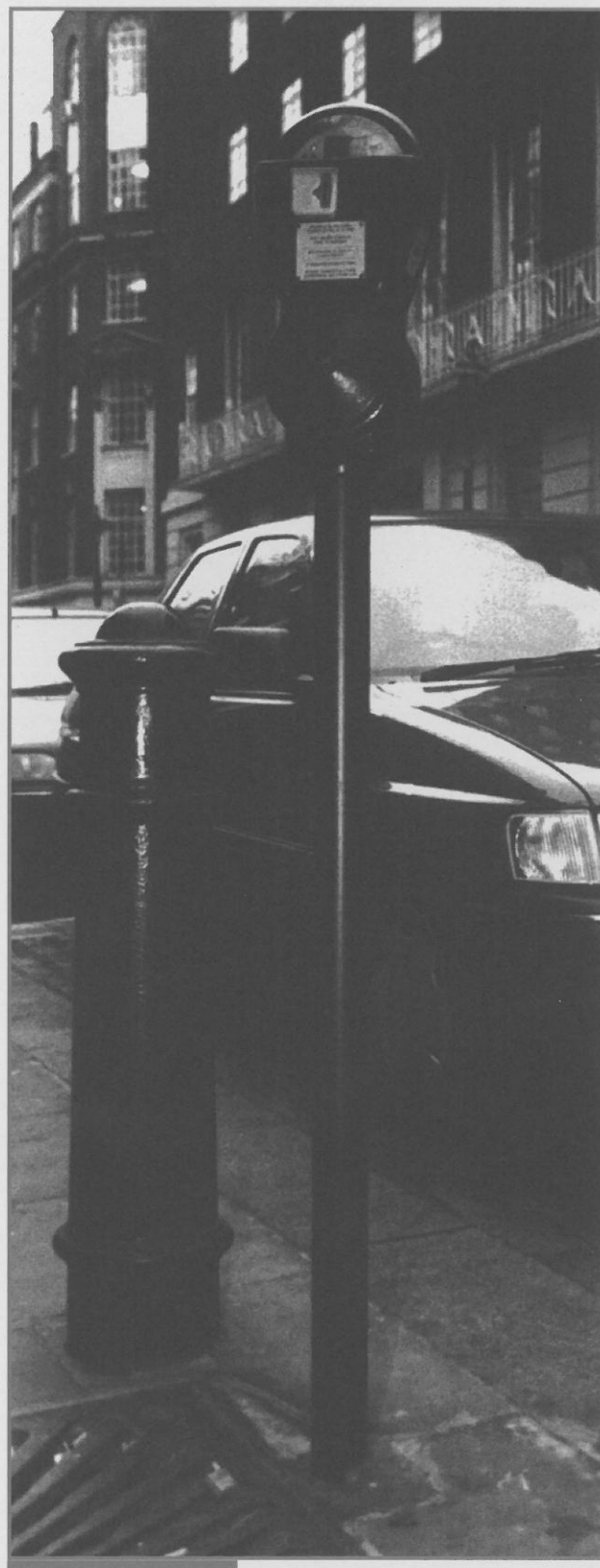


APPENDIX TWO

In the case of **Ross v The London Borough of Enfield (PAS 1950142044)** the Adjudicator considered the facts of the particular case and then went on to summarise the limited circumstances in which application for such review might be granted thus:

- 1 The grounds for review under Regulation 11 are very restricted in scope. This itself is a reflection of the general adjudication scheme set up by the 1991 Act, which is to provide a relatively cheap and expeditious appeal from a refusal of an Authority to accept a car owner's representations against a penalty. Whilst the high levels of feeling amongst motorists which parking 'tickets' can engender cannot be underestimated – and of course the sums of money involved are not negligible, particularly when clamping or towing away is involved – the appeal procedure was and is designed to be appropriate and proportional to the subject matter involved. An inherent part of the scheme is to ensure that the Adjudicator's decision is final and conclusive, save in very exceptional cases. It is clear from the narrow grounds set out in Regulation 11 (and the general scheme of the Act) that reviews will be rare.
- 2 It is certainly clear that a party is not able to seek a review of a decision merely because that party believes the decision is wrong. Further, each appeal depends upon its own facts. This may result in decisions which appear to be inconsistent on their face, because the decisions may be based on very different evidence. Mere apparent inconsistency of decisions does not mean that either decision is wrong, and is certainly not in itself a ground of review.
- 3 Furthermore, where a car owner produces evidence at a personal hearing of an appeal, it will not be in every case that a review will be allowed where the Adjudicator proceeds to come to a decision without giving the Authority an opportunity to respond to the evidence, the Authority (quite understandably and sensibly) having decided not to appear personally at the appeal. That will be so even where the Authority has asked for an opportunity to respond to any evidence produced by an appellant at a hearing at which the Authority is not represented. The interests of justice will not in every such case require an adjudicator to adjourn the appeal or, if he does not, a review. Whether they do, will depend upon the circumstances of each case.
- 4 In considering whether or not to review a particular decision, weight has to be given to the fact that the scheme of the 1991 Act – although decriminalised – is penal in nature. Therefore, in considering whether or not to review a decision at the request of the enforcing Authority, an adjudicator must bear in mind that a review of a decision that no penalty is payable results in the owner being placed in what would be called 'double jeopardy' in a criminal case: that is, the owner having successfully avoided the penalty before the Adjudicator, a review revives his potential liability for that penalty. That is the reason why many Authorities seeking a review do so expressly on the basis that, if they are successful, they will in any event not pursue the owner for any penalty. Such a course is a sensible and proper one, and it enables an Authority to seek the review of a decision, which (for example) may have wider implications for it, without imposing the burden of double jeopardy upon the owner in the particular case in which a point is raised.
- 5 The basis upon which an Authority is able to seek a review under the grounds set out in Regulation 11(1)(a)–(d) are narrow and well-defined. With regard to the ground in Regulation 11(1)(e), whether the interests of justice require a review will depend upon the circumstances of any specific case. However, the statutory language – in context – is clearly restrictive.
- 6 In a case with ramifications wider than simply a single PCN, the review of a decision may be allowed. Where a party indicates an intention to judicially review a decision in the High Court, again that may be a circumstance in which a review under Regulation 11 will be ordered. If a party misleads an adjudicator, the interests of justice may demand a review of the ultimate decision (even where the case does not fall within Regulation 11(1)(c) or (d)). These circumstances are not intended to be exhaustive or limit in any way the categories of case in which a review may be ordered under sub-paragraph (e): each case will depend upon its own facts. Nevertheless, the interests of justice will require the review of an adjudicator's decision in only very rare cases. Any Authority considering a possible application under Regulation 11(1) should bear this in mind.

- 7 Again because of the penal nature of the statutory scheme, the review of a decision may be required at the request of an appellant where it might not be required at the request of an Authority. For example, when deciding under Regulation 11(1)(c) whether the existence of new evidence could or could not have been reasonably known of or foreseen, the test of reasonableness may be less onerous for an appellant than for an Authority, who should understand fully the implications of the statutory scheme and who will be familiar with the type of evidence adjudicators expect to see. This is not to suggest that there is not 'a level playing field' for appellants and Authorities, but rather it is a necessary corollary of the different roles played by an appellant and an Authority in an appeal under the statutory scheme.
- 8 Where one of the grounds set out in Regulation 11(1) is proved, that merely gives an adjudicator a discretion whether or not to review the decision. Even if a ground is proved, the Adjudicator is not bound to exercise that discretion to review the decision.
- 9 In the exercise of his or her discretion, it is open to the Adjudicator to allow the review of a case, but on conditions. For example, it may be a condition of the Adjudicator allowing an owner to review a decision that the owner lodges with Parking Appeals Service the amount of the penalty that would be due if the review failed. Equally, it would be open to an adjudicator, in an appropriate case, to allow an Authority to review a decision on condition that the Authority refunds release charges/penalty charges as directed in the original decision, or that the Authority does not pursue any penalty or other charges from the owner in any event. Specific reference to these possibilities should not be taken as an indication of even the types of condition that an adjudicator might impose in exercising the discretion to review. Once again, any conditions that might be appropriate will depend upon the facts and circumstances of each case.
- 10 The costs provisions of Regulation 12 apply to a review as much as to an initial appeal. Although it is not normal for an adjudicator to make an order awarding costs and expenses, where a party pursues a review wholly unreasonably, then an adjudicator can – and, in exercising his discretion, may well – award costs. Such potential costs orders are a further disincentive for a party to pursue a review which in all the circumstances ought not to be pursued.



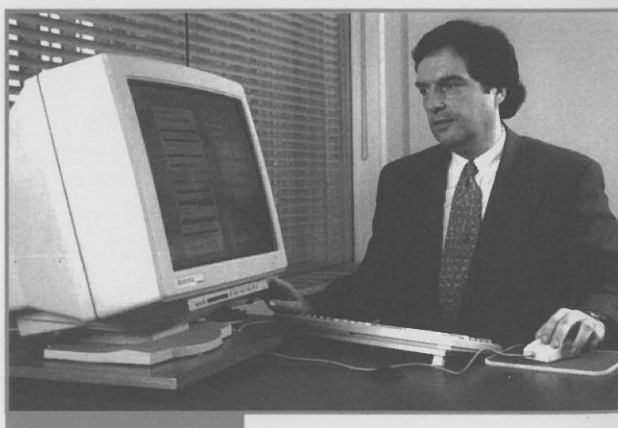
APPENDIX THREE

Chief Adjudicator

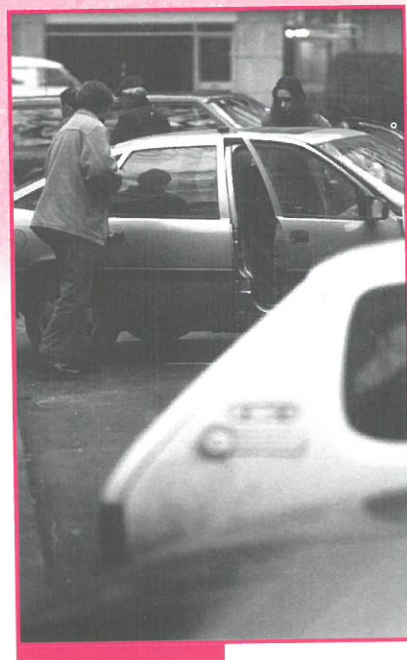
Caroline Sheppard

Adjudicators 1995/6

Hugh Cooper	(appointed December 1995)
Richard Crabb	(appointed December 1994)
Henry Michael Greenslade	(appointed December 1994)
Usha Gupta	(appointed July 1993)
Monica Hillen	(appointed July 1993)
Gary Hickinbottom	(appointed December 1994)
Edward Houghton	(appointed December 1994)
Andrew Keenan	(appointed July 1993)
Brian James CBE	(appointed December 1994)
Barbara Mensah	(appointed December 1994)
Neena Rach	(appointed December 1994)
Jennifer Shepherd	(appointed December 1994)
Gerald Styles	(appointed December 1994)
Susan Turquet	(appointed December 1994)
Paul Wright	(appointed December 1994)



FINANCIAL STATEMENT AND ACCOUNTS



REPORT OF THE CHAIR OF THE PCFL TO THE CONSORTIUM MEMBERS

The Chair of the Parking Committee for London (the Committee) has pleasure in presenting the financial statements for 1995/96, the fourth year of operation of the Committee.

Responsibilities of the Committee's Officers

The Committee's Officers are required to prepare financial statements for each financial year which give a true and fair view of the state of affairs of the Committee and of its result for that period. In preparing those financial statements, the Committee's Officers are required to select suitable accounting policies and then apply them consistently, make judgements and estimates that are reasonable and prudent and to prepare the financial statements on the going concern basis unless it is inappropriate to presume that the Parking Committee for London will continue.

The Committee's Officers are responsible for keeping proper accounting records which disclose with reasonable accuracy at any time the financial position of the Committee and are also responsible for safeguarding the assets of the Committee and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

Principal Activities

The Committee is a statutory body, established under s.73 of the Road Traffic Act 1991. That Act makes provision for the transfer of responsibility for enforcing most parking regulations in London to the London local authorities from the Metropolitan Police, their traffic warden services and the City of London Police.

The Act requires that a number of specific functions are carried out by the Committee, plus functions that have been added by resolution of the Committee. The following are the agreed services carried out by the Committee:

'an adjudication service, setting additional parking charges (including penalties), a Code of Practice, links to the Foreign and Commonwealth Office on diplomatic parking, provision of a public information service, a common link to the DVLA, a common link to the County Court Parking Enforcement Centre, a database of persistent evaders, a payment exchange system, setting training standards, certain public relations activities, and maintaining a general overview of local authority enforcement in London and the transfer of Metropolitan Police services'.

The London Parking Director is responsible for implementing all the functions to be carried out by the Committee, and a Chief Adjudicator is responsible for the adjudication.

Committee Activity and Support during 1995/96

The Committee and its Sub-Committee are advised and supported by a management team, the London Parking Director, Chief Adjudicator, Administration and Finance Manager and a small core support team which includes a Communications/Publicity Officer and the Clerk to the Parking Appeals Service.

The Committee's financial year of 1995/96 saw the first year of all London boroughs commencing their responsibilities for parking enforcement regulations in London. The majority of London boroughs implemented their responsibilities on 4 July 1994, eight boroughs started in the later half of 1993 and early in 1994.

The full Parking Committee for London met twice and the Sub-Committee met five times.

Accounts for 1995/96

The approved estimated budget for the year was £3,832,000 which took into account the first year of boroughs having full enforcement powers and the Committee's support services providing the full range of services related to them.

The estimated enforcement activity was lower than anticipated by boroughs. The penalty charge notices issued were 40% less than borough estimates for the period. Some boroughs took longer than expected to get near full activity, others experienced initial IT software problems. This had an impact on the related services provided by the Committee and therefore expenditure was lower than anticipated in the budget estimates, resulting in contingency balances being higher than anticipated. The Committee will be considering its policy on balances in 1996/97.

There were some outstanding annual levy payments from boroughs.

Looking Forward to 1996/97

The Committee's financial year 1996/97 will see the first full year of borough parking enforcement.

Borough activities should reach a fully operational level and Parking Committee for London support services will respond and are expected to increase accordingly to a more consistent level which will enable greater accuracy in budget estimates.

During 1995/96 the Secretary of State extended decentralised parking enforcement to local authorities outside London. It is anticipated that some authorities may wish to utilise some of the services provided by the Parking Committee for London.

The Committee in December 1995 approved an estimated budget of £3.369m for 1996/97.



Councillor Sally Powell

Chair, Parking Committee for London

17 December 1996

AUDITORS' REPORT TO THE CONSORTIUM MEMBERS

We have audited the financial statements on pages 38 to 40.

Respective Responsibilities of the Committee and Auditors

As described in the Report of the Chair on page 36, the Committee's Officers are responsible for the preparation of financial statements. It is our responsibility to form an independent opinion, based on our audit, on those statements and to report our opinion to you.

Basis of Opinion

We conducted our audit in accordance with Auditing Standards issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the financial statements. It also includes an assessment of the significant estimates and judgements made by the Committee in the preparation of the financial statements, and of whether the accounting policies are appropriate to the Parking Committee for London's circumstances, consistently applied and adequately disclosed.

We planned and performed our audit so as to obtain all the information and explanations which we considered necessary in order to provide us with sufficient evidence to give reasonable assurance that the financial statements are free from material mis-statement, whether caused by fraud or other irregularity or error. In forming our opinion we also evaluated the overall adequacy of the presentation of information in the financial statements.

Opinion

In our opinion the financial statements give a true and fair view of the state of affairs of the Parking Committee for London as at 31 March 1996 and of its surplus for the year then ended.

Saffery Champness
Chartered Accountants
Registered Auditors
Fairfax House
Fulwood Place
Gray's Inn
London WC1V 6UB

17 December 1996



INCOME AND EXPENDITURE ACCOUNT (for the year ended 31 March 1996)

	Notes	1996	1995
Income	2	3,571,132	2,922,437
Expenditure			
Operating costs		2,282,814	1,795,430
Accommodation		454,345	436,529
Staffing costs		269,518	252,467
Computer costs		28,886	24,429
Overheads		161,352	387,204
		3,196,915	2,896,059
Operating result		374,217	26,378
Interest receivable		83,227	70,240
Retained surplus for the year		457,444	96,618
Balance brought forward		425,865	329,247
Retained surplus carried forward		£883,309	£425,865

There were no recognised gains or losses other than the surplus for the year.

The results for the year arise from continuing operations.

The notes on pages 39 and 40 form part of these financial statements.

BALANCE SHEET (31 March 1996)

	Notes	1996	1995
Fixed assets			
Tangible fixed assets	3	376,735	417,102
Current assets			
Debtors	4	520,754	371,128
Cash at bank and in hand		1,238,794	1,722,675
		1,759,548	2,093,803
Creditors			
Amounts due within one year	5	1,252,974	2,085,040
Net current assets		506,574	8,763
		£883,309	£425,865
Financed by			
Income and expenditure account		£883,309	£425,865

The notes on pages 39 and 40 form part of these financial statements.

Councillor Sally Powell
Chair, Parking Committee for London
17 December 1996

N Lester
London Parking Director
17 December 1996

NOTES TO THE FINANCIAL STATEMENTS

(for the year ended 31 March 1996)

1 Accounting Policies

The Committee has adopted the following accounting policies which should be read in conjunction with the financial statements set out on pages 40 to 42 which have been prepared under the historical cost convention.

i) Income and expenditure

Income and expenditure is accounted for on an accruals basis.

ii) Fixed assets and depreciation

Fixed assets are stated at cost less depreciation. Depreciation is provided on all tangible fixed assets at rates calculated to write off the cost less estimated residual value of each asset evenly over its useful life as follows:

Furniture and fittings	10% on cost
Computer, communications and security equipment	25% on cost
Leasehold improvements	over the term of the lease

iii) Leased assets and obligations

Where assets are financed by leasing agreements that give rights approximating to ownership ("finance leases"), the assets are treated as if they had been purchased outright. The amount capitalised is the present value of the minimum lease payments payable during the lease term. The corresponding lease commitments are shown as obligations to the lessor.

Depreciation on the relevant assets is charged to the profit and loss account.

Lease payments are treated as consisting of capital and interest elements, and the interest is charged to the profit and loss account using an approximation to the annuity method.

All other leases are "operating leases", and the annual rentals are charged to the profit and loss account on a straight-line basis over the lease term.

2 Income

	1996	1995
Borough levies for the period	3,484,929	2,747,465
Other income		
publication sales	7,386	15,183
training levies	24,187	99,630
press & publicities	49,495	56,590
other	5,135	3,569
	£3,571,132	£2,922,437



3 Tangible Fixed Assets

	Leasehold Improvements	Computer, Communications & Security Equipment	Furniture & Fittings	Total
Cost - At 1 April 1995	259,209	94,454	128,163	481,826
Additions	—	14,088	1,455	15,543
Disposals	—	(6,056)	—	(6,056)
At 31 March 1996	£259,209	£102,486	£129,618	£491,313
Depreciation at 1 April 1995	18,721	30,837	15,166	64,724
Charge for year	17,281	25,352	12,773	55,406
Eliminated on disposal	—	(5,552)	—	(5,552)
At 31 March 1996	£36,002	£50,637	£27,939	£114,578
Net book value - 31 March 1996	£223,207	£51,849	£101,679	£376,735
- 31 March 1995	£240,488	£63,617	£112,997	£417,102

4 Debtors

	1996	1995
Levies receivable	371,248	193,180
Other debtors	106,034	138,616
Prepayments	43,472	39,332
	£520,754	£371,128

5 Creditors

	1996	1995
Amounts due within one year:		
Due to boroughs	426,946	1,160,795
Electronic Data Services Limited	18,104	177,332
Other creditors	205,157	446,286
Accruals	602,767	300,627
	£1,252,974	£2,085,040

7 Taxation

The Parking Committee for London is exempt from charges to Income Tax, Corporation Tax and Capital Gains Tax under S519, Income and Corporation Taxes Act 1988.

8 Lease Commitments

Annual commitments under operating leases at 31 March 1996 are:

	1996	1995
Land and Buildings		
Expiring after five years	£100,000	£75,000

9 Financial Commitments

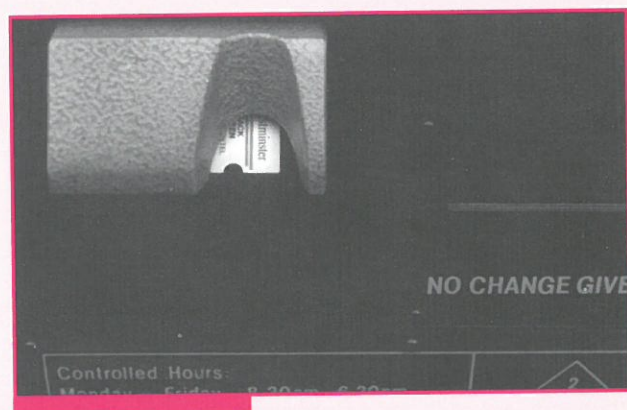
The terms of the IT agreement with EDS stipulate that a minimum annual payment of £1,700,000 is payable to EDS for the second year of the contract. The Parking Committee for London is contracted to make up the difference between the charges paid up to the anniversary date and the minimum payment.

The £1,700,000 minimum was not achieved via the contractual charges at the conclusion of the second year of the contract (July 1996) and a shortfall of £367,000 exists. All of this balance has been accrued in the 1995/96 accounts.

DETAILED INCOME AND EXPENDITURE ACCOUNT (For the Year Ended 31 March 1996)

	1996	1995
Income		
Boroughs' levies	3,484,929	2,747,465
Other income	86,203	174,972
	3,571,132	2,922,437
Interest receivable	83,227	70,240
	3,654,359	2,992,677
Expenditure		
Operating costs:-		
EDS services	2,167,936	1,770,420
Adjudication	114,878	25,010
	2,282,814	1,795,430
Accommodation costs:-		
Rent	100,000	100,000
Rates	195,899	197,349
EDS management charge	16,838	26,250
Light and heat	17,246	18,799
Insurance	18,523	18,118
Service charge	82,249	53,874
Cleaning	5,092	4,858
Security	1,217	-
Depreciation - leasehold improvements	17,281	17,281
	454,345	436,529
Staffing costs:-		
Office administration	264,364	240,479
Temporary staff	250	1,720
Recruitment charges	-	6,888
Payroll administration costs	-	941
Training	4,904	2,439
	269,518	252,467
Computer costs:-		
Hardware maintenance	2,191	1,613
Supplies	838	393
Depreciation - computer equipment	25,352	22,423
Loss on disposal - computer equipment	505	-
	28,886	24,429
Carried forward	3,035,563	2,508,855

	1996	1995
Brought forward	3,035,563	2,508,855
Expenditure continued		
Overheads:-		
Publication costs	31,611	6,620
Maintenance	5,446	2,421
Photocopying	3,897	5,130
Telephone	15,024	29,151
Postage	25,359	10,768
Meeting expenses	1,856	1,776
Advertising	315	80,229
Travel expenses	3,137	595
Stationery	24,968	29,822
Audit and accountancy	3,150	9,600
Consultancy	2,129	154,311
Legal and professional	1,740	5,600
Bank interest and charges	-	1,601
Subscriptions	1,792	1,959
Depreciation - furniture	12,773	12,808
Sundry	3,820	4,455
Training	24,335	30,358
	161,352	387,204
Total	3,196,915	2,896,059
Surplus for the year	£457,444	£96,618







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New Zealand House
80 Haymarket
London SW1Y 4TE
Telephone **0171 747 4700**
Facsimile **0171 747 4848**
E-Mail **admin@pcfl.gov.uk**
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