

**Transport Committee  
for London**  
Annual Report  
1999/2000





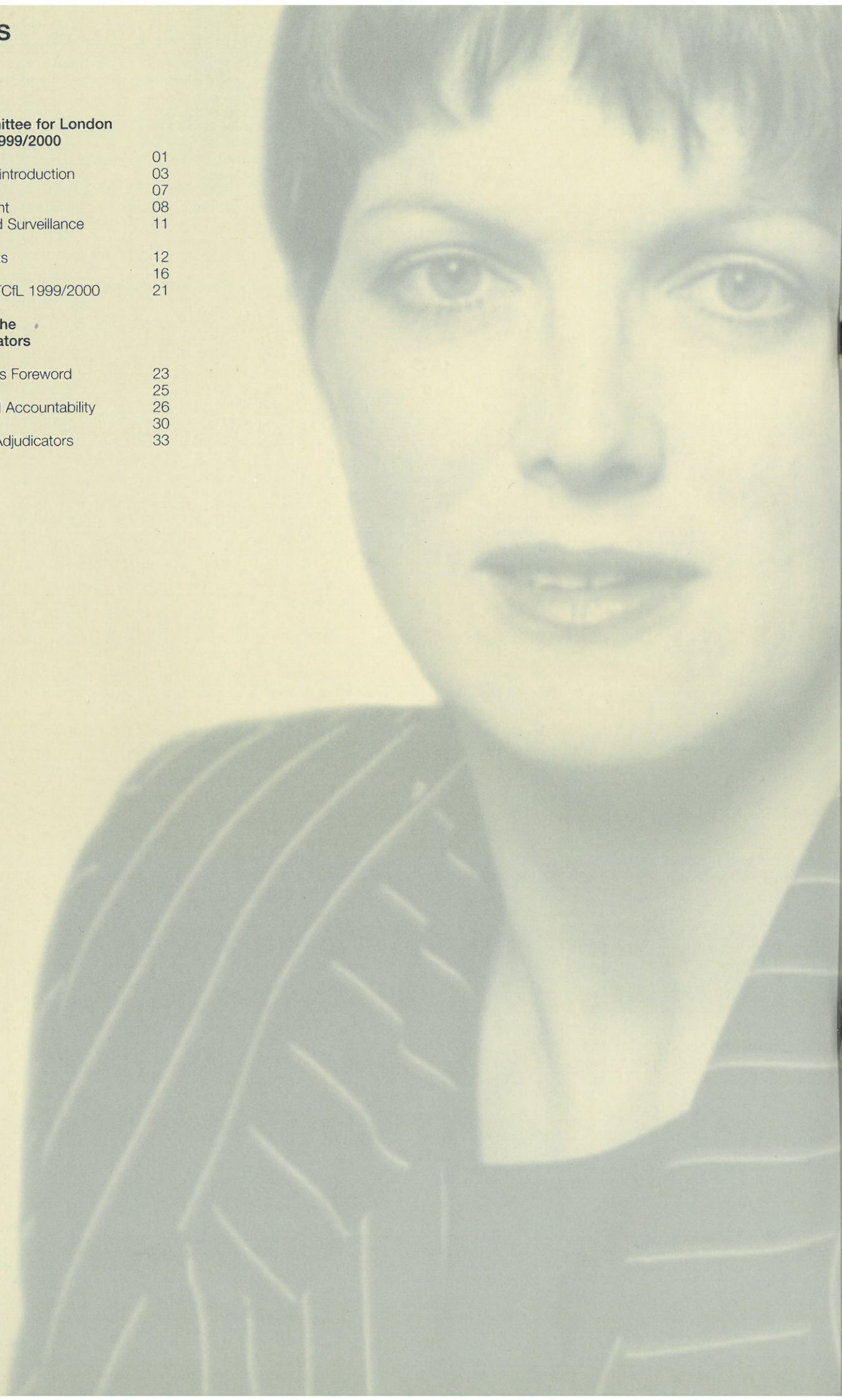
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## **Transport Committee for London Annual Report 1999/2000**

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## **Joint Report of the Parking Adjudicators 1999/2000**

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# Chair's foreword

Sally Powell, Chair of the Transport Committee for London, explains what the TCfL does for Londoners

## 1) What is the Transport Committee for London?

SP: TCfL is the co-ordinating body for all 32 London boroughs and the Corporation of London who get together to provide cross-London transport services.

We enforce the London-wide Lorry Ban which prevents lorries travelling down residential streets at night and at weekends.

We run and pay for the Freedom Pass free ticket initiative for London's senior citizens, blind and disabled people at a cost to the boroughs of £150 million.

We run and pay for the Taxicard scheme which provides free transport for London's disabled community at a cost of £5 million.

We administer the Parking Appeals Service which is an independent service for those who want to appeal against a council's decision on a parking ticket.

We operate other parking services including the TRACE line which provides 24-hour information on cars which have been towed away.

We also take a borough-wide strategic overview on London's transport policy.

## 2) How will TCfL change its role and operate in the new age of London Government?

SP: We will continue to represent the boroughs and their interests. But with the introduction of the Mayor and the Greater London Assembly, we've got to work together to ensure that policy initiatives are right for London and can be delivered. We will also have to work with the Mayor who will hold our transport budget and be responsible for funding local transport schemes to ensure we get a fair share of the cake.

## 3) How did you personally come to be chair of TCfL?

SP: I used to be a solicitor but in 1986 I became a Labour councillor in Hammersmith & Fulham. I got involved in planning and transport planning.

In 1989, I became chair of the Association of London Government's Planning and Transport Committee.

## 4) What were TCfL's greatest successes this year?

SP: We have spent much of the year influencing the legislation bringing about the GLA and pursuing a number of initiatives designed to bring about improvements to the lives of Londoners.

We completed a review of the London-wide lorry ban. The network has been revised in consultation with the road haulage industry and permit conditions and hours have been reviewed.

We are piloting CCTV cameras on bus-lanes in some areas of London. This has been so successful in ensuring bus lanes remain clear and bus speeds and reliability are increased that boroughs are promoting legislation to enable local authorities to roll the system out.

We've set-up a commission to review and look at ways of better co-ordinating door-to-door transport provision for people with disabilities to meet their needs.

## 5) There are some suggestions that the GLA may want to review the London-wide lorry ban further and allow some deliveries at night to ease traffic congestion during the day. What's TCfL's position?

SP: The London-wide lorry ban exists to protect residential areas from the onslaught of heavy lorries at night and at weekends.

We represent London's residents but we have to pay due regard to the interests of business, voluntary groups and communities.

We have modified the ban over the last couple of years. We've increased the weight limit and reviewed the network used by lorries. It now includes all London authorities and reflects our priorities of minimising lorry noise and disturbance to residents whilst not unduly inconveniencing lorry drivers.

The main area where a review is still needed is the application of the ban on the Mayor's own roads. Where these were previously trunk roads, the government was

not prepared to consider applying the ban to them. Many, however, are very residential, and the Mayor must decide if the people living along these roads should suffer the night time noise nuisance which other Londoners are protected from.

If the mayor thinks any other reviews are needed we'll have to have a dialogue but we would view any further change with concern.

## 6) Regarding the Freedom Pass scheme giving senior citizens and people who are disabled and blind free travel, what plans have you got for that?

SP: The London Concessionary Fares Scheme, is probably the best of its type in the world. The next major change should take place in 2002, when smart cards will replace the current tickets. These will be easier and faster to use. Lost and stolen cards will be hot listed to prevent misuse and reduce losses due to fraud.

Boroughs are proud of this scheme and we are 100 percent committed to its continuation as a free scheme.

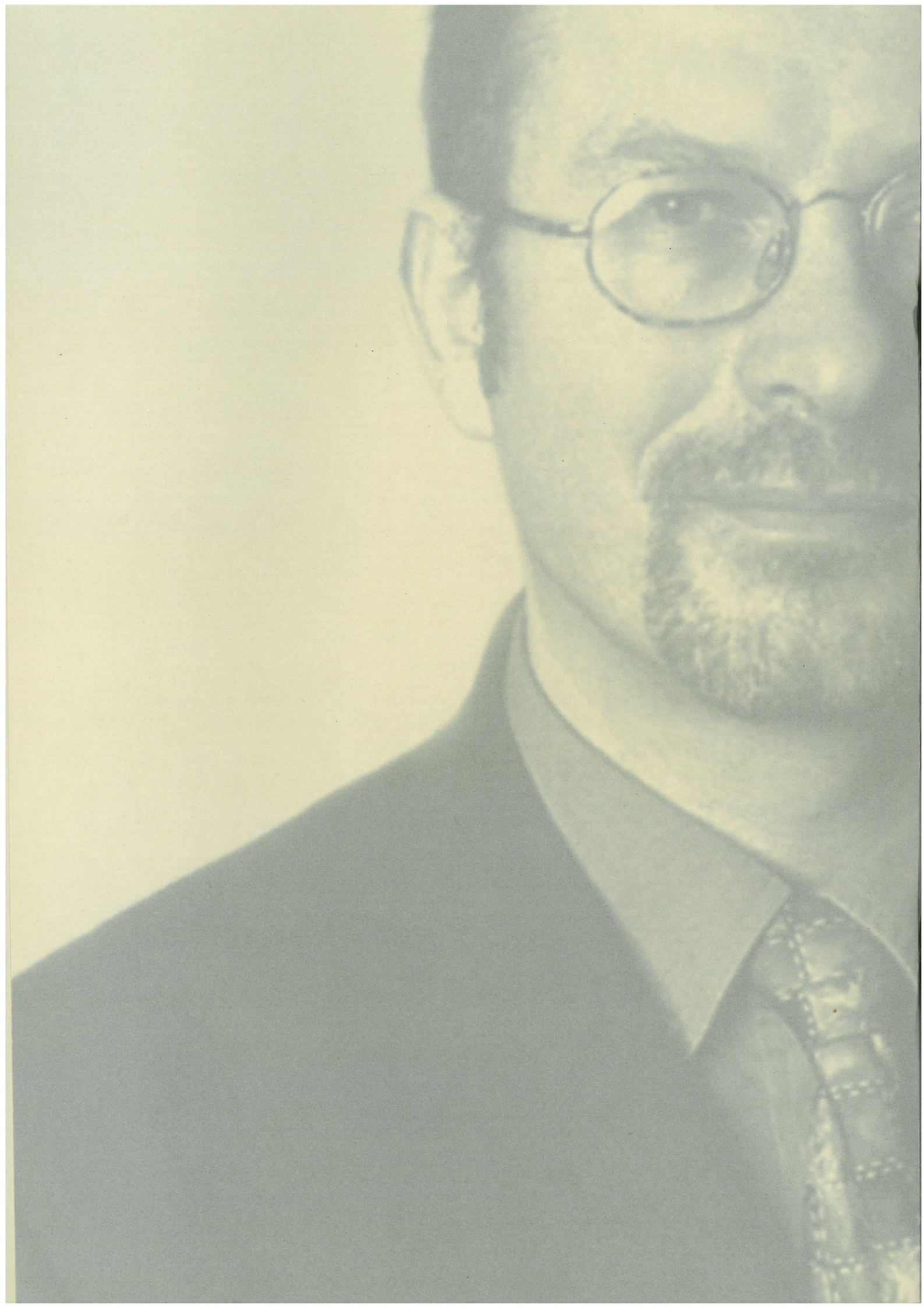
## 7) What areas within TCfL would you like to improve next year? I.e. 2000/01

SP: We've got to work in partnership with the GLA to ensure the good things we do are taken up and not taken apart by the new institution. It will be important over the coming year to develop a relationship with the Mayor so we can have effective Government at a strategic level.

Beyond that we want to extend CCTV cameras on bus lanes. We want to expand the Parking Appeals Service to create a one stop shop for London parking and traffic appeals.

We will work with the Mayor to expand the Taxicard scheme for disabled people. We want to see a uniform service across the whole of London. For example, there are some areas in London not well served with Black Cabs. We'll work with the Mayor to make this better, with legislation for the licensing of minicabs on the horizon, there might be room for improvement to give access to transport to people who really need it.







# Chief Executive's Introduction

This report marks a year of progress that covers the final year of the life of the Transport Committee for London (TCfL).

## Setting up Transport for London

Our main activities during the year were focused on the legislation bringing about the Greater London Authority (GLA). The objectives of TCfL were to ensure that any proposed structure would be effective and promote partnership with the boroughs whilst at the same time clearly delineating the respective areas of responsibility of the Mayor and the boroughs. Some indications that this approach has been successful include the fact that Transport for London, the Mayor's transport agency, must be a member of TCfL for certain purposes, which also provides a ready-made focus for liaison. The close involvement of TCfL in establishing Transport for London and in preparing briefings for the Mayor has also been a result of this approach towards partnership.

Clearly a major element of the creation of TfL involved the transfer of Traffic Control Systems Unit (TCSU) from the Committee's sponsorship to that of TfL, and this was achieved without a loss of service quality and with minimum disruption and uncertainty for members of staff. Indeed, some TCSU managers have gone onto senior managerial posts within TfL.

## Improving our services

These organisational changes taking place at TCfL have not taken away our concentration on the services we provide, and a number of important changes took place in 1999/2000.

A major change involved the provision of services for parking appeals and other parking related services where our previous service provider, EDS Ltd. was replaced by Securicor Information Systems (SIS). Although no major change of IT is trouble free and there were a number of issues that needed to be resolved, we are looking forward to working closely with SIS in the future. The overall effect of the change will be to produce a higher quality service at a reduced price to the boroughs.

The London night time and weekend lorry ban was comprehensively modified during the year. This resulted in a number of changes including a review of the excluded route network—which had not been reviewed since 1986; the raising of the weight limit to 18 tonnes in line with the Government's construction and use regulations for rigid 2-axle lorries; and a comprehensive modernisation of the signing. The resigning package, which will be completed during 2000/01, was supported by Supplementary Credit approvals from the Government and allows all the signs to be checked and rectified where necessary. We have also instituted changes to certain conditions of the lorry ban, which requires operators with permits to make the minimum use of roads away from the excluded route network.

The 1st April 1999 saw the first major change to parking penalty levels since decriminalisation was introduced in 1993/94. The top band of penalty was increased from £60 to £80 and the £40 penalty increased to £60. This increase was introduced without significant difficulty or substantial public concern.

The other major change on enforcement during the year was the introduction of borough based enforcement of bus lanes using closed circuit television based on the 1996 London Local Authorities Act. This enforcement has been introduced on a pilot basis in the boroughs of Croydon, Ealing, Hammersmith & Fulham and Newham. The initial results show that this has been a substantial success with reductions in the numbers of vehicles illegally driving in bus lanes of up to 85%.

In the field of accessible transport a major publication in the year was the report of the Commission on Accessible Transport, which was set up by TCfL to look at ways of better co-ordination of door to door and accessible transport. This report has recommended a number of pilot projects to examine how co-ordination can best work and these pilots will be operated until 2002, funded jointly by TCfL, the Department of the Environment, Transport and the

Regions (DETR) and London Transport. From June 2000 the partners become the Association of London Government (ALG) Transport & Environment Committee, Transport for London and the DETR.

Although the organisational changes resulting from the formation of the GLA were important during 1999/2000, another major reorganisation has also been central to our activities. This is the merger of TCfL and the other four Londonwide bodies controlled by the boroughs (the Association of London Government, the London Housing Unit, London Boroughs Grants and the Greater London Employers' Association) into the new ALG.

The new ALG came into effect on 1st April 2000 and from that date TCfL became an associated joint committee of the ALG. This means that although the committee retains its identity, the borough leaders through the ALG will set the budget and the overall policy direction. All the staff are now employees of the ALG which, in effect, becomes responsible for implementing the decisions of TCfL.

One effect of the merger has been to combine TCfL with the old ALG Transport and Environment Panel. This extends the remit of the committee to cover transport policy issues together with policy issues in planning, the environment, consumer protection, trading standards and waste. As a result of the larger remit of the committee, it has been renamed the ALG Transport and Environment Committee.









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# Mobility

The Freedom Pass and the London Taxicard Scheme are two major schemes that allow elderly and mobility impaired Londoners free or subsidised access to transport.

## **900,000 Freedom Passes issued**

February-March 2000 saw the mass renewal of all Freedom Passes. The renewal was mounted against the backdrop of a pan London advertising campaign: Ticket to Ride. The campaign has proved to be a major success with its positive images of Freedom Pass holders. It appeared in various posters at London stations, on buses and in local borough sites such as in shopping precincts, libraries and town halls. This outdoor campaign was also supported by a radio campaign on LBC and Magic.

Older persons' Freedom Passes were available from post offices, except in a few boroughs where their own issuing service was operated. During the renewal period nearly 900,000 passes were issued.

Freedom Passes are available to London borough residents when they reach statutory pensionable age or if they are eligible through disability or blindness.

London boroughs demonstrate their massive commitment to helping older Londoners and people who are eligible due to disability by paying the £150 million cost of the scheme.

TCfL, on behalf of the boroughs, annually negotiates the costs of the scheme with the transport providers—Transport for London, the Docklands Light Railway and National Railways. The £150 million the London boroughs pay makes them one of the biggest customers to the transport providers. Like all paying customers they demand a decent, efficient service. TCfL acts to ensure that the voices of both the boroughs and the Freedom Pass holders are heard. There are regular meetings where London Transport reviews issues such as ticketing, station gating, access to the system, new bus services and major additions to London's passenger transportation system.

In 1999 TCfL negotiated the acceptance of Freedom Pass on both the Jubilee Line Extension and the Lewisham branch of the Docklands Light Railway. In addition, Freedom Pass holders have free travel on the new Croydon Tramlink service.

Due to the scale of the scheme the boroughs require that the costs be closely monitored, while the service providers are keen that the distribution of Freedom Passes is correctly audited and managed.

## **Getting Mobile with the London Taxicard Scheme**

The London Taxicard Scheme was introduced to help people with serious mobility problems to get around London. The scheme subsidises journeys in licensed taxis for people who are unable to use mainstream public transport because of difficulties of access. Twenty nine boroughs take part in the scheme, which is managed by TCfL.

The scheme has been a great success with just over 44,500 active cardholders making over half a million trips. The annual cost of the scheme was £5.1 million, which was paid for by participating boroughs.

The TCfL Mobility Unit issues the Taxicards on behalf of the boroughs and ensures that Taxicard holders get the best possible service. The scheme's contractor operates a technically sophisticated fleet of approximately 2500 vehicles. All journeys are monitored using a satellite control system, which helps TCfL to exercise quality control over the scheme. This is reflected in the detailed reports provided to boroughs.

The scheme has proved to be particularly beneficial to wheelchair users as all licensed taxis have wheelchair access. The London Taxicard allows disabled Londoners to travel door-to-door while enjoying the same level of service as other taxi users.



# Traffic Enforcement Unit

The Traffic Enforcement Unit has two key responsibilities: London Lorry Control and London Parking Enforcement Co-ordination and Services.

## Lorry Control

London's Lorry Control is a major factor helping to maintain the quality of life of Londoners. Lorry Control protects the environment from lorry noise and disturbance through a ban on vehicles over 18 tonnes overnight and at weekends. The ban operates 9pm to 7am Monday to Friday, after 1pm on Saturdays and all day on Sunday. Without the ban millions of Londoners would have to endure the unremitting noise and pollution of lorries in their city throughout the whole week.

There are some exceptions on certain major roads and permits are available for essential deliveries. However, to keep noise and disturbance to a minimum, hauliers are required to apply for these permits. Hauliers have to declare the reasons for the journey and TCfL Enforcement Officers then determine whether they should receive a permit. If they do, a route is agreed that is the shortest or most unobtrusive choice.

The ban was first introduced by the Greater London Council in 1985 and then transferred to the boroughs when the GLC was abolished. Originally there were mixed views on the scheme but by the second year of its control under TCfL, all London authorities had participated in the ban and continue to do so.

Lorry Control is enforced by six dedicated officers, operating at a time when most Londoners are asleep. This team ensures that the 'London Night Time and Weekend Lorry Control Scheme' continues to be a success.

Lorries that ignore the ban, that do not possess a valid permit or do not comply with Permit Conditions are liable for prosecution.

This year has seen the most progress on London lorry control for many years. We have undertaken the following measures:

- Reviewed with the co-operation of London authorities and the haulage industry the roads forming the Excluded Route Network.
- Amended the Greater London (Restriction of Goods Vehicles) Traffic Order to reflect our priorities of minimising lorry noise and disturbance to residents whilst not unduly inconveniencing lorry drivers.
- Reviewed and amended permit conditions.
- Secured government funding for the programme for re-signing the capital's lorry control signs. (This has now started).
- Introduced new regulations for an 18 tonne gross weight limit.
- Reviewed enforcement hours and procedures.
- Enforcement by cameras has been tested and a pilot scheme completed.

In addition, we are preparing a new Excluded Route map that encompasses additional information for drivers and is on a larger scale.

## Parking Enforcement Parking Co-ordination and Services

TCfL provides a number of services to local authorities in relation to the Road Traffic Act 1991. The Act gave TCfL and its predecessor PCfL (Parking Committee for London) its main statutory tasks: to support the work of parking adjudicators and set the level of parking penalties. Other support functions have been added to our workload, some of which are available to local authorities outside London.

### Statutory functions:-

- Set the level of penalties and other enforcement charges, and set the level of discount for early payment of penalties.
- Set the level of penalties for decriminalised contraventions in bus lanes, and set the level of discount for early payment of penalties.
- Provide administrative support and accommodation (Parking Appeals Service).

### Other services:-

- TRACE—a 24 hour help line service for drivers whose cars have been towed away or stolen.
- IT services to London authorities for DVLA enquiries, County Court debt registrations and warrants (PEC), borough payment information exchange (PIE) and a persistent evaders database (PED).
- Co-ordination and dissemination of information to London local authorities and other bodies in respect of decriminalised parking enforcement and best practice.
- Dissemination of parking enforcement information to drivers and the general public.
- The production and maintenance of a code of practice on parking enforcement.
- The production and maintenance of the parking attendants' handbook of contravention codes.
- Providing information and advice to local authorities outside London and other bodies on decriminalised parking enforcement.
- Administering the Health Emergency Badge Scheme for doctors, nurses and health visitors.
- National Joint awarding body for National Vocational Qualifications (NVQ) for Parking Attendants.

This year saw the pilot introduction of camera enforcement for driving in bus lanes. Pilot authorities are The City of London, LB of Hammersmith and Fulham, LB of Croydon, LB of Ealing and the LB of Newham.

On the 4th July 1999, TCfL entered into a new contract for IT Services and Facilities Management with Securicor Information Systems.

Revised parking penalties and other additional parking charges came into force on the 1st April 1999. The new penalties, with old penalties in brackets are:

#### Penalty Charges

|        |     |       |
|--------|-----|-------|
| Band A | £80 | (£60) |
| Band B | £60 | (£40) |
| Band C | £40 | (£20) |

#### Other additional parking charges

|                          |      |        |
|--------------------------|------|--------|
| Release from Clamp       | £45  | (£38)  |
| Release from pound       | £125 | (£105) |
| Storage charge (per day) | £15  | (£12)  |
| Disposal fee             | £60  | (£50)  |

#### Additional TCfL borough parking services provided

##### *In London*

- The boroughs of Lewisham, Barking and Dagenham, Tower Hamlets and Islington joined the TRACE service and Islington commenced removing and registered for the TRACE public information service.

##### *Outside London*

- Luton Borough Council joined the Parking Enforcement Centre (PEC) service.

#### Health Emergency Badge Scheme

It is widely recognised that doctors often face difficulties in visiting patients in London. The Health Emergency Badge scheme gives the medical profession a measure of consideration not afforded to others. The agreement has no legal standing and relies on the goodwill of London's councils. The badge, if used in accordance with the conditions of use, will ensure that the user will not be penalised for parking illegally.

At the Transport Committee for London meeting on 1st July 1999 members agreed that the Health Emergency Badge Scheme should be administered 'in house'.

Administrative charges were increased to £20 per application form plus £1 per badge.

The 'in house' administration was operational on the 1st of August 1999.

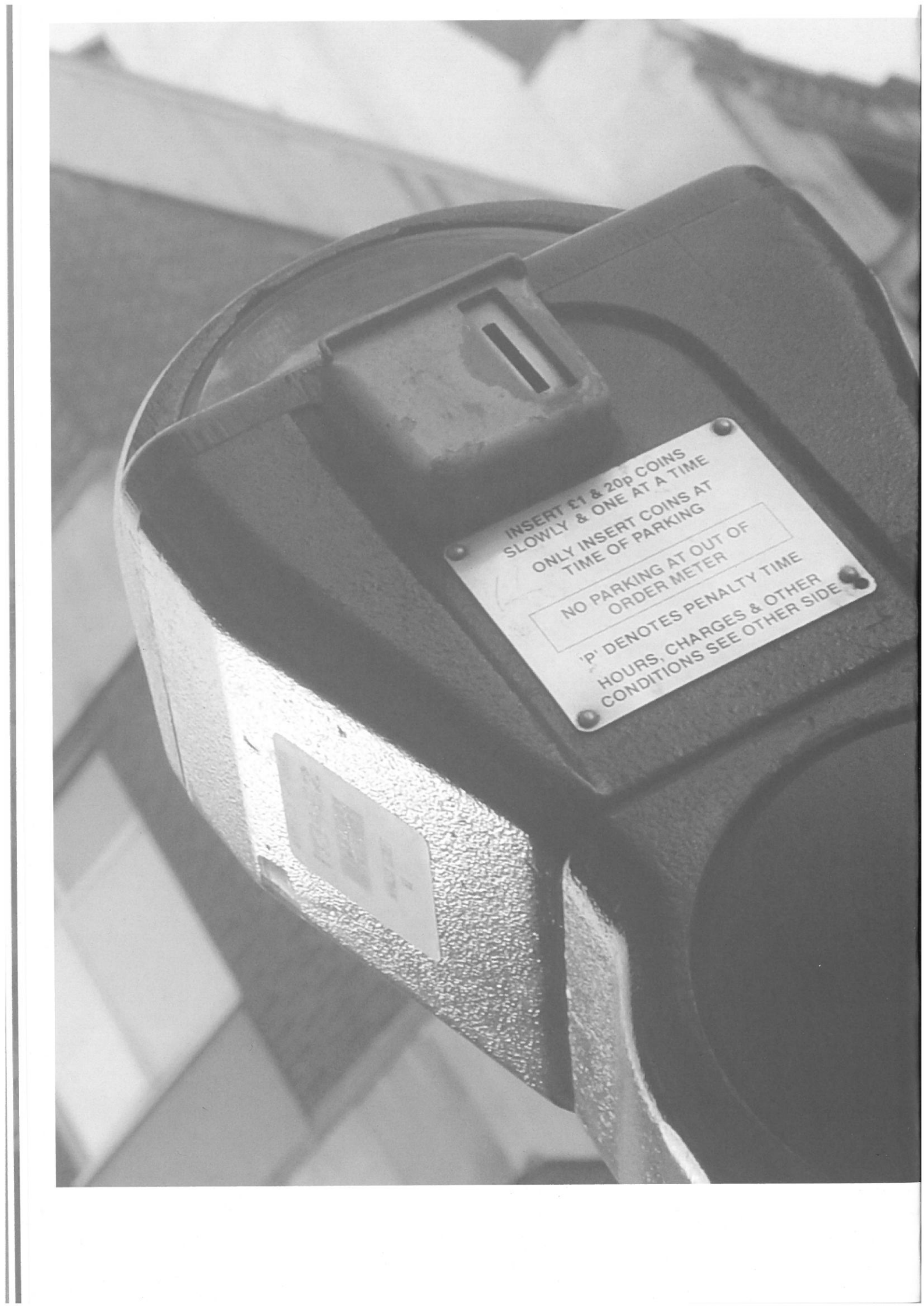
In the year 1999/2000 we received 845 application forms, 786 of them were approved, 41 were pending and 18 refused. The number of badges requested was 6375, of that 5642 badges were issued. The average badge request per application was 7.8 badges.

#### National Vocational Qualifications for Parking

The Transport Committee for London and its partners Security Industry Training Organisation Limited, (SITO), are the Joint Awarding Body for the first National Vocational Qualification in parking in the United Kingdom, 'Parking Attendants Level 2'. There is a lead officer from TCfL and SITO and the Awarding Body is supported by an NVQ Steering Group. The joint awarding body also works closely with the British Parking Association. The Awarding Body completed its first year of registration with a positive but slower start than projected. This was mainly due to the initial setting up of approved assessment centres and the training of their internal verifiers and assessors.

Additional standards were prepared for Clamping and Removal for inclusion in the Level 2 award and draft standards mapping plans were agreed for Parking Level 3 supervisors NVQ and Parking Administration Standards for support officers. These form the programme for 2000/2001.





INSERT £1 & 20p COINS  
SLOWLY & ONE AT A TIME  
ONLY INSERT COINS AT  
TIME OF PARKING

NO PARKING AT OUT OF  
ORDER METER

'P' DENOTES PENALTY TIME  
HOURS, CHARGES & OTHER  
CONDITIONS SEE OTHER SIDE

# Traffic Signals and Surveillance

The Traffic Control Systems Unit (TCSU) is responsible for the huge engineering task of keeping London's traffic lights, pedestrian crossings, traffic surveillance and enforcement cameras working all across London 24 hours a day. Boroughs and central government agencies make decisions about where signals and cameras should be placed, but it is the TCSU that ensures they work.

TCSU is responsible for over 4000 traffic signalled installations, 364 traffic control CCTV cameras, 600 red light and speed enforcement cameras and 174 large variable message signs providing traffic information. The system has grown over the course of this year, with 82 new signalled installations, 35 CCTV cameras, 50 red light and speed cameras and 25 variable message signs commissioned.

The TCSU Fault Control Centre directs private sector contractors to carry out maintenance of this equipment. Overall availability of the traffic signals was 98 percent, and generally faults which affect traffic were repaired within four hours.

TCSU maintains the London urban traffic control computer software, which was modified to ensure it was Millennium compliant. All other traffic control equipment and systems in London were also checked and modified where necessary, so the start of the year 2000 caused no problems.

TCSU provided traffic signal design and installation to boroughs and developers including the contractors for the Croydon Tramlink. TCSU also provided a traffic control design and installation service to the London Red Route Priority Network, the London Bus Priority Network and the London Cycle Network. It also assisted the five boroughs who trialled the use of CCTV cameras for the enforcement of bus lanes.

The London Traffic Information System (LTIS) has been developed by TCSU in collaboration with the Metropolitan Police and London Buses. The police now use LTIS to provide traffic information to the media. Pictures from some of the CCTV cameras have been included in the BBC information web site as a trial, and work has begun on further ways to use the Internet to provide traffic information.

# Parking Appeals

The Parking Appeals Service is for people who wish to appeal against their parking penalties or contravention of bus lane restrictions. It provides an independent decision on their disputed traffic penalties and administers the work of the Parking and Traffic Adjudicators. The Adjudicators are empowered by the Road Traffic Act 1991 to consider appeals against liability to pay Penalty Charges relating to parking contraventions. They are also empowered by the London Local Authorities Act 1996 to consider appeals against liability to pay Penalty Charges for contravention of bus lane restrictions.

There has been a slight rise in the number of parking appeals with 39,064 submitted this year compared to 38,424 last year. 2,860 of these appeals were against the clamping or removal of vehicles. The appellant was successful in nearly 60 per cent of appeals. In 7,360 of these, the decision to allow the appeal was taken automatically because the local authority concerned decided not to contest the case.

The Adjudicators considered 204 appeals against Penalty Charge Notices issued to vehicles driving in bus lanes during controlled hours. Four councils carried out enforcement activity under the London Local Authorities Act 1996 as part of a year long demonstration project (Croydon, Ealing, Hammersmith & Fulham and Newham,). All the cases were adjourned pending the Adjudicator's consideration of the issue of liability in a test case. The appeals were then allowed because the Adjudicator found that a fault in the drafting of the legislation made the enforcement of the penalties unworkable. That decision was made in May 2000, shortly after the end of this reporting year

The main issue for the appeals service this year was the award of the TCfL IT and services contract to a new bidder, Securicor Information Systems. As detailed elsewhere in this report, the contract was awarded in March 1999 and operations were handed over to the new incumbent on 4 July 1999. The Parking Appeals Service works to specific targets in processing cases. The Parking Adjudicators consider over 500 appeals each week and aim to consider cases as speedily as

possible. It was decided not to suspend operations during the period of the contract handover, as it was felt that this would create unacceptable backlogs and delays both to the public and to the enforcing authorities. Inevitably, case processing and adjudication were affected by the contract change. Initial difficulties in software development and operations did result in a backlog of cases. Nonetheless, just under half the appeals received (43.77%) were dealt with within seven weeks of receipt and as the year progressed, the new contractors were able to attain the demanding service levels required. We were therefore able to enter the next reporting year with a stable service and firm foundations on which to build systems and operational improvements throughout the life of the contract.



**ALG—TEC**  
**Revenue Accounts**  
for the year ending 31st March 2000

**London Mobility Unit**

|                                  | 1999/2000<br>£000 | 1998/99<br>£000   |
|----------------------------------|-------------------|-------------------|
| <b>Expenditure</b>               |                   |                   |
| Employee Costs                   | 224.00            | 234.00            |
| Premises                         | -36.00            | 2.00              |
| Transport                        | 3.00              | 0.00              |
| Supplies and Services            | 14.00             | 264.00            |
| Agency Payments                  | 0.00              | 0.00              |
| Transfer Payments                | 0.00              | 0.00              |
| -Payments to Transport Operators | 149,846.00        | 144,578.00        |
| -Survey/Reissue Costs            | 221.00            | 9.00              |
| Central/Technical Support        | 12.00             | 23.00             |
| <b>Total Expenditure</b>         | <b>150,284.00</b> | <b>145,110.00</b> |
| <b>Income</b>                    |                   |                   |
| Borough Levies                   | 150,864.00        | 144,822.00        |
| Transfer from Reserves           | 80.00             | 886.00            |
| Interest                         | 159.00            | 194.00            |
| Contribution from LT             | 168.00            | 30.00             |
| Other Income                     | 0.00              | 0.00              |
| <b>Total Income</b>              | <b>151,271.00</b> | <b>145,932.00</b> |
| <b>Transfer to Reserves</b>      | <b>987.00</b>     | <b>822.00</b>     |

**Parking/Central Unit**

|                               | 1999/2000<br>£000 | 1998/99<br>£000 |
|-------------------------------|-------------------|-----------------|
| <b>Expenditure</b>            |                   |                 |
| Employee Costs                | 510.00            | 388.00          |
| Premises                      | 734.00            | 489.00          |
| Supplies and Services         | 2,411.00          | 2,514.00        |
| Agency Payments               |                   |                 |
| -EDS Services                 | 2,157.00          | 2,278.00        |
| -Adjudication                 | 377.00            | 351.00          |
| Transfer Payments             | 0.00              | 0.00            |
| Central/Technical Support     | 25.00             | 18.00           |
| <b>Total Expenditure</b>      | <b>6,214.00</b>   | <b>6,038.00</b> |
| <b>Income</b>                 |                   |                 |
| Borough Levies                | 5,467.00          | 4,776.00        |
| Transfer from Reserves        | 133.00            | 693.00          |
| Interest                      | 17.00             | 53.00           |
| Other Income                  | 132.00            | 3.00            |
| <b>Total Income</b>           | <b>5,749.00</b>   | <b>5,525.00</b> |
| <b>Transfer from Reserves</b> | <b>465.00</b>     | <b>513.00</b>   |

## Traffic Enforcement Unit

|                             | 1999/2000<br>£000 | 1998/99<br>£000 |
|-----------------------------|-------------------|-----------------|
| <b>Expenditure</b>          |                   |                 |
| Employee Costs              | 492.00            | 386.00          |
| Premises                    | -6.00             | 110.00          |
| Transport                   | 15.00             | 11.00           |
| Supplies and Services       | 242.00            | 232.00          |
| Agency Payments             | 0.00              | 48.00           |
| Transfer Payments           | 0.00              | 0.00            |
| Central/Technical Support   | 19.00             | 15.00           |
| <b>Total Expenditure</b>    | <b>762.00</b>     | <b>802.00</b>   |
| <b>Income</b>               |                   |                 |
| Borough Levies              | 701.00            | 650.00          |
| Transfer from Reserves      | 0.00              | 67.00           |
| Court Fees and Other        | 175.00            | 157.00          |
| Interest                    | 25.00             | 28.00           |
| <b>Total Income</b>         | <b>901.00</b>     | <b>902.00</b>   |
| <b>Transfer to Reserves</b> | <b>139.00</b>     | <b>100.00</b>   |

## Health Emergency Badge

|                             | 1999/2000<br>£000 | 1998/99<br>£000 |
|-----------------------------|-------------------|-----------------|
| <b>Expenditure</b>          |                   |                 |
| Employee Costs              | 7.00              | 0.00            |
| Supplies and Services       | 9.00              | 0.00            |
| <b>Total Expenditure</b>    | <b>16.00</b>      | <b>0.00</b>     |
| <b>Income</b>               |                   |                 |
| Sale of Badges              | 20.00             | 0.00            |
| <b>Total Income</b>         | <b>20.00</b>      | <b>0.00</b>     |
| <b>Transfer to Reserves</b> | <b>4.00</b>       | <b>0.00</b>     |

## CAT Door-to-Door Pilot

|  | 1999/2000<br>£000 | 1998/99<br>£000 |
|--|-------------------|-----------------|
| <b>Expenditure</b>                     |                   |                 |
| Supplies and Services                  | 44.00             | 0.00            |
| <b>Total Expenditure</b>               | <b>44.00</b>      | <b>0.00</b>     |
| <b>Income</b>                          |                   |                 |
| Transfer from Reserves                 | 30.00             | 0.00            |
| Contribution from DETR                 | 88.00             | 0.00            |
| Contribution from LT                   | 25.00             | 0.00            |
| <b>Total Income</b>                    | <b>143.00</b>     | <b>0.00</b>     |
| <b>Balance carried forward to 2000</b> | <b>99.00</b>      | <b>0.00</b>     |



**ALG—TEC**  
**Consolidated Balance Sheet**  
as at 31st March 2000

|                                   | 1999/2000<br>£000 | £000              | 1998/1999<br>£000 | £000              |
|-----------------------------------|-------------------|-------------------|-------------------|-------------------|
| <b>Tangible Fixed Assets</b>      |                   |                   |                   |                   |
| Leasehold Improvements            |                   | 0.00              |                   | 171.00            |
| <b>Current Assets</b>             |                   |                   |                   |                   |
| Debtors                           | 8,740.00          |                   | 8,749.00          |                   |
| Cash in hand and at bank          | <u>7,296.00</u>   |                   | <u>11,466.00</u>  |                   |
|                                   |                   | <u>16,036.00</u>  |                   | <u>20,215.00</u>  |
| Total Assets                      |                   | <u>16,036.00</u>  |                   | <u>20,386.00</u>  |
| <b>Current Liabilities</b>        |                   |                   |                   |                   |
| Creditors                         |                   | <u>-13,386.00</u> |                   | <u>-18,127.00</u> |
| <b>Total Assets Less</b>          |                   |                   |                   |                   |
| Current liabilities               |                   | 2,650.00          |                   | 2,259.00          |
| Provisions                        |                   | <u>0.00</u>       |                   | <u>-66.00</u>     |
| Total assets less liabilities     |                   | <u>2,650.00</u>   |                   | <u>2,193.00</u>   |
| <b>Reserves</b>                   |                   |                   |                   |                   |
| Transfers from predecessor bodies |                   |                   |                   |                   |
| —Revenue Reserves                 | 2,129.00          |                   | 3,365.00          |                   |
| —Capital Contributions Unapplied  | <u>64.00</u>      |                   | <u>64.00</u>      |                   |
|                                   |                   | 2,193.00          |                   | 3,429.00          |
| Less transfer to Revenue Account  |                   | -243.00           |                   | -1,645.0          |
| Transport Operators Fares         |                   | 550.00            |                   | 0.00              |
| Increase Reserve                  |                   | -64.00            |                   | 0.00              |
| Capital Contributions Applied     |                   | 214.00            |                   | 409.00            |
| Surplus for the Year              |                   | <u>2,650.00</u>   |                   | <u>2,193.00</u>   |



# Traffic Control Signal Unit

|                                     | 1998/99                              |                           |                                    |                                       |  | 1999/2000                              |                             |                                      |   |  |
|-------------------------------------|--------------------------------------|---------------------------|------------------------------------|---------------------------------------|--|--|-----------------------------|--------------------------------------|---|--|
|                                     | Gross Expenditure<br>1998/99<br>£000 | Income<br>1998/99<br>£000 | Net Expenditure<br>1998/99<br>£000 | Grant from<br>DETR<br>1998/99<br>£000 | Final Claim<br>Position<br>1998/99<br>£000 | Gross Expenditure<br>1999/2000<br>£000 | Income<br>1999/2000<br>£000 | Net Expenditure<br>1999/2000<br>£000 | Grant from<br>DETR<br>1999/2000<br>£000 | Final Claim<br>Position<br>1999/2000<br>£000 |
| <b>Capital Expenditure</b>          |                                      |                           |                                    |                                       |  |  |                             |                                      |   |  |
| Urban Traffic Control               | 723.00                               | 32.00                     | 691.00                             | 700.00                                | -9.00                                      | 711.00                                 | 0.00                        | 711.00                               | 700.00                                  | 11.00  |
| Modernisation                       | 2,236.00                             | 11.00                     | 2,225.00                           | 2,428.00                              | -203.00                                    | 3,220.00                               | 0.00                        | 3,220.00                             | 3,198.00                                | 22.00  |
| Bus Priority                        | 1,733.00                             | 1,471.00                  | 262.00                             | 260.00                                | 2.00                                       | 4,201.00                               | 4,013.00                    | 188.00                               | 180.00                                  | 8.00   |
| Signal Schemes                      | 5,356.00                             | 2,737.00                  | 2,619.00                           | 2,695.00                              | -76.00                                     | 6,906.00                               | 4,140.00                    | 2,766.00                             | 2,817.00                                | -51.00                                       |
| Traffic Control and<br>Monitoring   | 2,003.00                             | 211.00                    | 1,792.00                           | 2,001.00                              | -209.00                                    | 2,161.00                               | 338.00                      | 1,823.00                             | 1,724.00                                | 99.00  |
| Total Capital Expenditure           | 12,051.00                            | 4,462.00                  | 7,589.00                           | 8,084.00                              | -495.00                                    | 17,199.00                              | 8,491.00                    | 8,708.00                             | 8,619.00                                | 89.00  |
| <b>Direct Revenue Expenditure</b>   |                                      |                           |                                    |                                       |  |  |                             |                                      |   |  |
| Central Systems                     | 2,256.00                             | 55.00                     | 2,201.00                           | 2,175.00                              | 26.00                                      | 2,460.00                               | 163.00                      | 2,296.00                             | 2,260.00                                | 36.00  |
| Traffic Signals                     | 5,868.00                             | 425.00                    | 5,443.00                           | 6,040.00                              | -597.00                                    | 6,552.00                               | 798.00                      | 5,754.00                             | 5,740.00                                | 14.00  |
| Monitoring                          | 520.00                               | 79.00                     | 441.00                             | 585.00                                | -144.00                                    | 550.00                                 | 27.00                       | 523.00                               | 631.00                                  | -108.00                                      |
| Total Direct Revenue<br>Expenditure | 8,644.00                             | 559.00                    | 8,085.00                           | 8,800.00                              | -715.00                                    | 9,562.00                               | 988.00                      | 8,573.00                             | 8,631.00                                | -58.00                                       |
| <b>Other Costs</b>                  |                                      |                           |                                    |                                       |  |  |                             |                                      |   |  |
| Staff                               | 5,488.00                             | 1,750.00                  | 3,738.00                           | 4,142.00                              | -404.00                                    | 6,119.00                               | 2,003.00                    | 4,116.00                             | 4,137.00                                | -21.00                                       |
| Support Services                    | 1,743.00                             | 716.00                    | 1,027.00                           | 1,585.00                              | -558.00                                    | 2,005.00                               | 768.00                      | 1,237.00                             | 1,559.00                                | -322.00                                      |
| Total Other Costs                   | 7,231.00                             | 2,466.00                  | 4,765.00                           | 5,727.00                              | -962.00                                    | 8,124.00                               | 2,771.00                    | 5,353.00                             | 5,696.00                                | -343.00                                      |
| Investment Interest Account         | 0.00                                 | 449.00                    | -449.00                            | 0.00                                  | -449.00                                    | 0.00                                   | 216.00                      | -216.00                              | 0.00                                    | -216.00                                      |
| Grand Total                         | 27,926.00                            | 7,936.00                  | 19,990.00                          | 22,611.00                             | -2,621.00                                  | 34,885.00                              | 12,466.0                    | 22,418.00                            | 22,946.00                               | -528.00                                      |



## Parking Appeal Outcomes 1999/2000

|                         | PCN's Issued<br>excluding<br>bus lanes | Vehicles<br>clamped | Vehicles<br>removed | Bus lane<br>enforce-<br>ments | Appeals<br>allowed | of which not<br>contested | Appeals<br>refused | of which<br>withdrawn | Total appeal<br>outcomes |
|-------------------------|--|---------------------|---------------------|-------------------------------|--------------------|---------------------------|--------------------|-----------------------|--------------------------|
| <b>Council</b>          |  |                     |                     |                               |                    |                           |                    |                       |                          |
| Barking and Dagenham    | 20452                                  | -                   | -                   | -                             | 187                | 80                        | 228                | 1                     | 415                      |
| Barnet                  | 100549                                 | -                   | -                   | -                             | 1007               | 277                       | 784                | 6                     | 1791                     |
| Bexley                  | 69825                                  | -                   | -                   | -                             | 260                | 93                        | 148                | 0                     | 408                      |
| Brent                   | 85925                                  | -                   | 3071                | -                             | 647                | 270                       | 694                | 6                     | 1341                     |
| Bromley                 | 62306                                  | -                   | -                   | -                             | 154                | 55                        | 192                | 3                     | 346                      |
| Camden                  | 316638                                 | 22358               | 9049                | -                             | 836                | 309                       | 699                | 37                    | 1535                     |
| Corporation of London   | 91434                                  | 2336                | 2082                | -                             | 411                | 92                        | 397                | 5                     | 808                      |
| Croydon                 | 111751                                 | 1341                | 6972                | 41715                         | 463                | 222                       | 239                | 25                    | 702                      |
| Ealing                  | 119640                                 | -                   | -                   | 3150                          | 953                | 669                       | 178                | 5                     | 1131                     |
| Enfield                 | 75775                                  | -                   | 1550*               | -                             | 89                 | 28                        | 192                | 1                     | 281                      |
| Greenwich               | 64637                                  | 780                 | 1058                | -                             | 363                | 176                       | 265                | 3                     | 628                      |
| Hackney                 | 86548                                  | 6439                | 1159                | -                             | 351                | 151                       | 318                | 0                     | 669                      |
| Hammersmith and Fulham  | 145446                                 | -                   | 3188                | 1000                          | 1011               | 248                       | 1092               | 4                     | 2103                     |
| Haringey                | 121040                                 | 12                  | 166                 | -                             | 1146               | 279                       | 467                | 8                     | 1613                     |
| Harrow                  | 82145                                  | -                   | -                   | -                             | 149                | 32                        | 318                | 4                     | 467                      |
| Havering                | 39000                                  | -                   | -                   | -                             | 181                | 67                        | 29                 | 0                     | 210                      |
| Hillingdon              | 59773                                  | -                   | -                   | -                             | 323                | 146                       | 189                | 0                     | 512                      |
| Hounslow                | 91871                                  | -                   | -                   | -                             | 194                | 91                        | 19                 | 1                     | 213                      |
| Islington               | 110825                                 | -                   | -                   | -                             | 434                | 115                       | 247                | 10                    | 681                      |
| Kensington and Chelsea  | 240077                                 | 18049               | 9795                | -                             | 1268               | 519                       | 716                | 9                     | 1984                     |
| Kingston Upon Thames    | 62844                                  | -                   | -                   | -                             | 110                | 36                        | 101                | 0                     | 211                      |
| Lambeth                 | 119954                                 | -                   | 5018                | -                             | 3074               | 759                       | 1207               | 16                    | 4281                     |
| Lewisham                | 51785                                  | -                   | -                   | -                             | 270                | 91                        | 251                | 1                     | 521                      |
| Merton                  | 33876                                  | -                   | -                   | -                             | 69                 | 4                         | 118                | 0                     | 187                      |
| Newham                  | 97642                                  | 1675                | 1838                | 6700                          | 883                | 106                       | 793                | 8                     | 1676                     |
| Redbridge               | 66020                                  | -                   | -                   | -                             | 89                 | 27                        | 110                | 1                     | 199                      |
| Richmond Upon Thames    | 95831                                  | -                   | -                   | -                             | 81                 | 57                        | 27                 | 1                     | 108                      |
| Southwark               | 145135                                 | 6013                | 3236                | -                             | 1202               | 223                       | 273                | 2                     | 1475                     |
| Sutton                  | 44445                                  | -                   | 28                  | -                             | 214                | 70                        | 178                | 3                     | 392                      |
| Tower Hamlets           | 111062                                 | 1441                | 1350                | -                             | 755                | 246                       | 731                | 8                     | 1486                     |
| Waltham Forest          | 110326                                 | -                   | 50                  | -                             | 265                | 89                        | 420                | 1                     | 685                      |
| Wandsworth              | 135005                                 | -                   | 5480                | -                             | 371                | 224                       | 220                | 4                     | 591                      |
| Westminster             | 897467                                 | 24633               | 16366               | -                             | 2260               | 1143                      | 1278               | 23                    | 3538                     |
| <b>Total for London</b> | <b>4050885</b>                         | <b>85077</b>        | <b>71532</b>        | <b>52565</b>                  | <b>20070</b>       | <b>6994</b>               | <b>13118</b>       | <b>196</b>            | <b>33188</b>             |

Note: The figures for Islington are estimated for quarters 3 and 4.

391 of the parking appeals decided were referred to the Adjudicators under paragraph 8 of schedule 6 to the Road Traffic Act following a statutory declaration made against an Order for Recovery.

The Adjudicators received 94 applications for costs under Regulation 12 of the Road Traffic (parking Adjudicators) (London) Regulations 1993. Costs were awarded in 29 of these cases to a sum total of £1580.24.

Adjudicator's decisions in 132 cases were reviewed under the procedures set out in Regulation 12 of the Road traffic (Parking Adjudicators) (London) Regulations 1993.

Quarter 4 for Hackney clamp and remove figure is estimated  
 Quarter 3 for Barking and Dagenham PCN figure is estimated  
 \*Enfield removals Q3 is estimated

## NVQ Level 2

The following table indicates the first full year statistical information provided by the joint awarding body for 1999/2000.

### Awarding Body—SITO/TCFL Parking Attendant Level 2—1999/2000

|                     |                                    |                       |                         |
|---------------------|------------------------------------|-----------------------|-------------------------|
| Approved Centres    | Pending Centres                    | Candidates Registered | Candidates Certificated |
| 39                  | 12                                 | 713                   | 54                      |
| External Verifiers* | Internal Verifiers and Assessors** |                       |                         |
|                     | 14                                 |                       | 317                     |

\*The role of the External Verifier is that of the official representative of the joint awarding body. They are responsible for ensuring that assessment within centres is valid and reliable and reporting to their awarding body on the performance of centres.

\*\*Internal Verifiers are the quality assurance link between the external verifier and the assessors within. Assessors are responsible for ensuring that only candidates who are able to provide sufficient evidence to meet the full requirements of the qualification gain a certificate.

## Hearing Information

### Cases Closed\*

|                     |             |
|---------------------|-------------|
| Total               | 33,950      |
| Within 5 weeks      | 7473 22.01% |
| Between 5 & 7 weeks | 7390 21.77% |

### Punctuality of Personal Hearings\*\*

|   |             |
|---|-------------|
| Total   | 4959        |
| Started within 15 minutes of scheduled time               | 4385 88.43% |
| Hearings started within 15 & 30 minutes of scheduled time | 474 9.56%   |

\*After receipt of appeal

\*\*Estimate based on part-year figures

## Lorry Ban Permit Issue 99/00

|   |                |          |
|---|----------------|----------|
| Number of permits issued—Short Term       | 1/4/99–31/3/00 | 6,616    |
| Number of permits issued—Short Term       | 1/4/00–31/5/00 | 1,038    |
| Short Term Permits Issued within 48 hours |                | 90%      |
| Number of Permits issued—Full Term        | 1/4/99–31/3/00 | 51,132   |
| Number of Permits issued—Full Term        | 1/4/00–31/5/00 | 2,897    |
| Full Term Permits Issued within 14 days   |                | 95%      |
| Number of Applications Refused            |                | 77 (15%) |
| Number of appeals                         |                | Zero     |

## Lorry Ban—General Statistics for Year 1/4/99–31/03/00

### New Applications

|                             |     |              |
|-----------------------------|-----|--------------|
| Information packs sent      | 909 |              |
| Completed application forms | 445 | 49% returned |
| Full permits issued to      |     | 72%          |
| Short term permit status    |     | 13%          |
| Refused                     |     | 15%          |

### Short Term Permit Issue

|                                |      |                     |
|--------------------------------|------|---------------------|
| Haulier with short term status | 1682 | 26% of total issued |
| Non-registered Hauliers        |      | 21% of total issued |
| Full permit holders            |      | 53% of total issued |

### Extra Vehicles Added

|                |       |   |
|----------------|-------|---|
| Forms received | 3885  |   |
| Vehicles added | 16295 | These are full term permits to full registered hauliers |



Lorry ban—total number of prosecutions (P) and convictions (C) initiated from 1 April 1999 to 31 March 2000

|                 | APR |     | MAY |     | JUN |     | JUL |     | AUG |     | SEP |     | OCT |    | NOV |     | DEC |     | JAN |     | FEB |     | MAR |     | TOTAL |      |     |
|-----------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|------|-----|
|                 | P   | C   | P   | C   | P   | C   | P   | C   | P   | C   | P   | C   | P   | C  | P   | C   | P   | C   | P   | C   | P   | C   | P   | C   | P     | C    |     |
| Borough         |     |     |     |     |     |     |     |     |     |     |     |     |     |    |     |     |     |     |     |     |     |     |     |     |       |      |     |
| Barking         |     |     |     |     | 4   | 4   |     | 1   |     | 5   |     |     | 1   |    |     |     |     |     | 4   | 1   | 1   |     | 2   | 2   | 13    | 12   |     |
| Barnet          |     | 1   | 1   |     |     |     |     |     |     |     |     |     |     |    |     |     |     |     |     |     |     | 2   |     | 3   | 1     |      |     |
| Bexley          | 2   | 1   |     |     | 1   | 2   |     |     |     | 1   | 4   |     |     |    | 3   |     | 1   | 2   |     | 8   | 4   | 3   |     | 22  | 10    |      |     |
| Brent           |     | 2   |     |     | 18  | 47  | 3   | 2   | 13  | 17  | 9   | 21  | 39  | 18 | 1   | 26  | 29  |     | 6   | 12  |     | 15  | 26  | 17  | 4     | 175  | 150 |
| Bromley         |     |     |     |     |     |     |     |     |     |     |     |     |     |    |     |     |     |     |     |     |     |     |     |     | 0     | 0    |     |
| Camden          |     | 4   | 22  | 10  | 36  | 19  | 4   | 40  | 4   | 4   | 19  | 8   | 12  | 2  | 16  | 9   |     | 27  | 24  | 2   | 20  | 12  | 19  | 1   | 176   | 138  |     |
| Corp. of London |     | 8   | 2   | 3   | 18  | 13  | 4   | 3   | 7   | 10  | 5   | 16  | 6   |    | 11  | 6   |     | 4   |     | 3   | 5   | 8   | 10  | 68  | 74    |      |     |
| Croydon         |     | 8   |     |     | 14  | 1   |     | 1   | 10  | 2   | 11  | 12  | 2   | 9  |     |     | 7   | 13  | 2   |     | 2   | 7   | 4   | 2   | 52    | 55   |     |
| Ealing          |     | 7   | 2   | 1   | 2   | 4   |     | 2   | 1   | 1   | 5   | 3   |     | 1  | 11  | 2   | 7   | 2   | 2   | 6   | 3   | 7   | 2   | 9   | 35    | 45   |     |
| Enfield         | 1   | 4   |     |     | 2   | 1   |     |     | 2   |     |     | 2   |     |    | 1   | 1   |     | 1   | 3   |     |     | 1   | 3   | 3   | 12    | 13   |     |
| Greenwich       | 6   | 19  | 10  | 5   | 29  | 22  | 2   | 12  | 11  | 17  | 2   | 11  | 1   | 6  | 4   | 4   | 5   | 2   | 4   | 2   | 8   | 6   | 5   | 5   | 87    | 111  |     |
| H/Smith         |     | 6   | 19  |     | 18  | 16  |     | 2   | 6   | 15  | 14  | 17  | 6   | 2  | 10  | 14  | 2   |     | 11  | 16  | 3   |     | 13  | 17  | 102   | 105  |     |
| Hackney         | 2   | 7   | 2   | 4   | 17  | 10  |     | 7   | 4   | 7   | 11  | 7   | 12  |    | 12  | 5   | 7   | 13  | 15  | 13  | 5   | 7   | 26  | 7   | 113   | 87   |     |
| Haringey        | 7   | 7   |     | 1   | 7   | 9   |     | 3   | 3   | 7   |     | 4   |     | 2  |     | 1   |     |     | 7   |     | 2   |     | 8   | 8   | 34    | 42   |     |
| Harrow          |     | 26  | 10  | 14  | 25  | 7   | 2   | 14  | 12  | 19  | 11  | 4   | 18  | 4  | 18  | 17  |     | 16  | 2   | 7   | 17  | 7   | 25  | 5   | 140   | 140  |     |
| HaVering        | 2   |     | 6   |     | 6   | 6   |     | 3   |     | 1   | 3   | 7   |     |    | 2   | 3   |     | 2   | 5   |     | 5   |     | 5   |     | 29    | 27   |     |
| Hill/Don        |     |     |     |     |     |     |     |     |     |     | 2   |     |     |    | 4   |     |     |     |     |     |     | 6   |     | 6   | 6     |      |     |
| Hounslow        |     | 13  | 4   |     | 6   | 9   |     | 2   |     | 3   | 3   | 4   | 3   | 1  | 4   | 5   | 8   | 4   | 3   | 3   | 7   | 6   | 10  | 7   | 48    | 57   |     |
| Islington       |     | 13  | 10  | 9   | 3   | 8   | 2   | 6   | 3   |     | 4   | 9   | 6   | 3  | 21  |     |     | 7   | 14  | 10  | 3   | 7   | 8   | 3   | 74    | 75   |     |
| Kensington      |     | 5   | 21  | 2   | 15  | 12  |     | 2   | 5   | 14  | 19  | 16  | 5   | 1  | 13  | 13  | 7   | 2   | 1   | 21  | 9   |     | 29  | 9   | 124   | 97   |     |
| Kingston        |     | 3   |     |     | 2   |     |     |     |     |     |     | 2   |     |    |     |     |     |     |     |     |     |     |     |     | 2     | 5    |     |
| Lambeth         | 3   | 3   | 3   | 8   | 14  | 15  |     | 3   | 6   | 5   | 3   | 8   | 6   |    |     | 6   | 9   | 3   | 8   |     | 2   | 5   | 5   | 11  | 59    | 67   |     |
| Lewisham        | 2   | 12  | 4   | 4   | 16  | 9   |     | 9   | 4   | 5   | 1   | 11  |     | 4  | 4   | 1   | 6   |     | 5   |     | 6   | 4   | 4   | 9   | 52    | 68   |     |
| Merton          |     | 1   |     | 5   | 20  | 10  |     | 9   | 12  | 7   | 10  | 2   | 3   | 11 |     | 12  | 12  | 3   | 2   | 5   | 11  | 7   | 6   | 4   | 76    | 76   |     |
| Newham          | 11  | 5   | 4   | 4   | 17  | 17  | 1   | 5   | 6   | 6   | 9   | 7   | 4   | 11 | 11  | 4   | 5   | 9   | 3   | 9   | 4   | 5   | 6   | 5   | 81    | 87   |     |
| Redbridge       |     |     |     |     |     |     |     |     |     |     |     |     |     |    |     |     |     |     |     |     |     |     |     |     | 0     | 0    |     |
| Richmond        |     | 4   | 17  | 1   | 4   | 4   |     | 3   | 3   | 12  | 13  | 2   | 4   | 2  | 13  | 12  | 4   | 4   | 2   | 2   | 2   | 10  | 10  | 6   | 72    | 62   |     |
| Southwark       |     | 8   | 8   |     | 14  | 10  |     | 15  | 7   | 7   | 4   | 4   | 5   | 5  |     | 2   | 12  | 8   | 6   |     | 7   | 6   | 18  | 6   | 81    | 71   |     |
| Sutton          |     | 2   |     |     | 15  | 9   |     | 7   | 11  | 5   | 20  | 2   | 5   | 1  |     | 20  | 4   | 6   | 1   |     | 14  | 7   | 15  |     | 85    | 59   |     |
| T/Hamlets       | 5   | 12  | 3   |     | 20  | 7   | 4   | 6   | 6   | 10  | 15  | 9   | 33  | 12 | 10  |     | 20  | 20  | 9   | 24  | 8   | 19  | 25  | 16  | 158   | 135  |     |
| W/Forest        | 1   | 21  | 6   | 1   | 23  | 6   | 1   |     | 8   | 9   | 8   | 9   | 5   | 13 | 12  | 8   |     | 4   | 6   | 1   | 5   | 15  | 9   | 6   | 84    | 93   |     |
| Wandsworth      | 1   | 2   |     | 6   | 6   | 3   |     | 2   | 10  | 1   | 9   | 2   | 5   | 4  |     | 8   | 2   | 7   | 3   |     | 11  | 1   | 13  | 5   | 60    | 41   |     |
| Westminster     |     | 3   | 15  | 2   | 12  | 2   |     | 13  | 6   | 11  | 12  | 1   | 2   |    | 8   | 12  | 3   | 10  | 15  |     | 12  | 10  | 20  | 20  | 105   | 84   |     |
| TOTAL           | 43  | 207 | 169 | 102 | 413 | 234 | 23  | 182 | 164 | 193 | 238 | 218 | 162 | 95 | 214 | 194 | 121 | 175 | 169 | 125 | 195 | 193 | 317 | 175 | 2228  | 2093 |     |

2228 Prosecutions for Financial Year 1 April 1999 to 31 March 2000 (April '98 to March 1999—2604)

2093 Convictions for Financial Year 1 April 1999 to 31 March 2000 (April '98 to March 1999—2283)

## Taxicard/Freedom Pass Number of Active Members

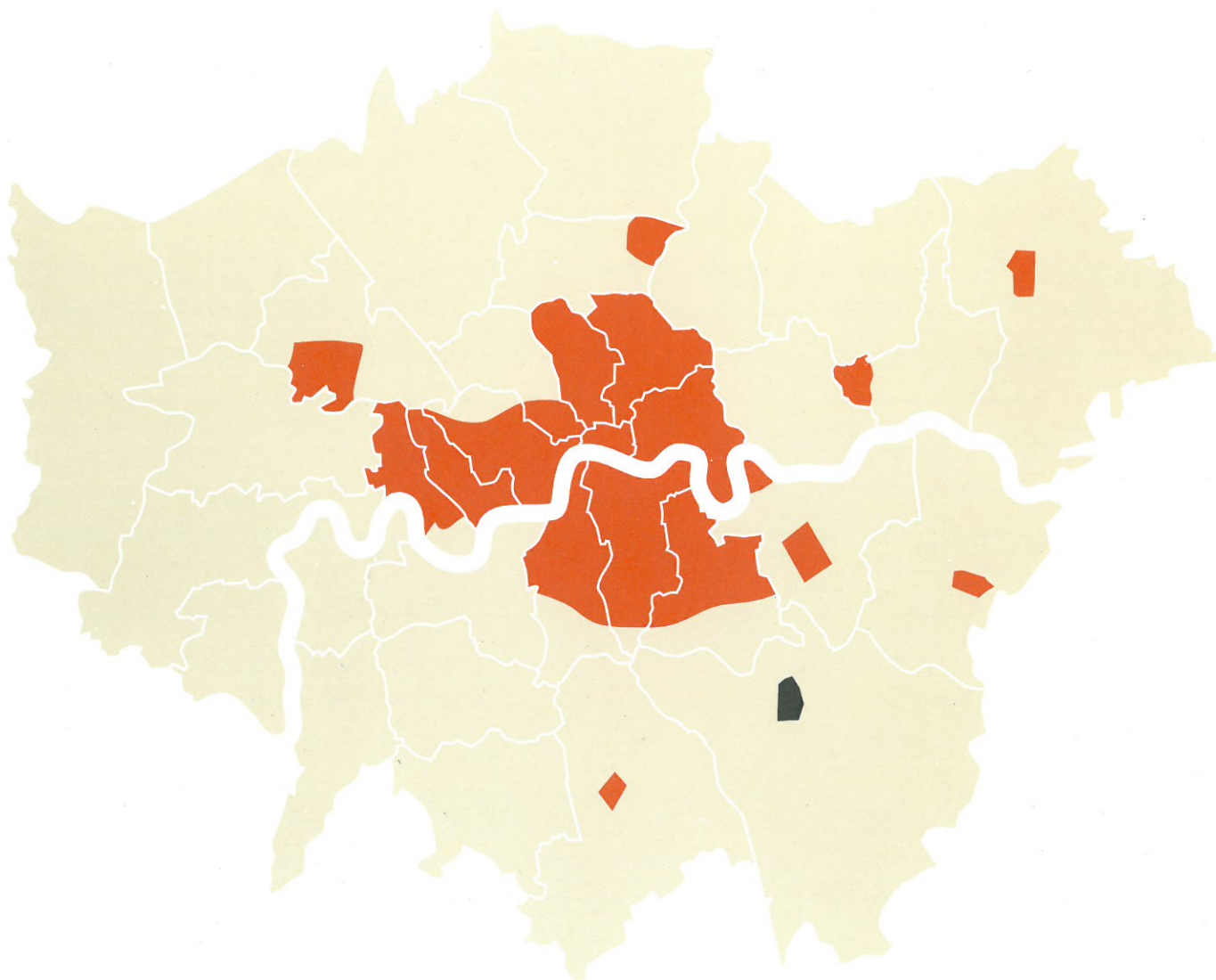
|                      |  | Taxicard<br>(30/9/99) | Freedom<br>Pass<br>(Feb- Sept 98) |
|----------------------|--|-----------------------|-----------------------------------|
| <b>Borough</b>       |  |                       |                                   |
| Barking & Dagenham   |  | 1,088                 | 23,486                            |
| Barnet               |  | n/a                   | 46,196                            |
| Bexley               |  | 627                   | 35,733                            |
| Brent                |  | 1,756                 | 32,530                            |
| Bromley              |  | 1,070                 | 49,283                            |
| Camden               |  | 3,379                 | 27,103                            |
| City of London       |  | 167                   | 1,206                             |
| Croydon              |  | 1,055                 | 44,737                            |
| Ealing               |  | 1,618                 | 38,680*                           |
| Enfield              |  | 75                    | 38,832                            |
| Greenwich            |  | n/a                   | 31,342                            |
| Hackney              |  | 2,363                 | 25,783                            |
| Hammersmith & Fulham |  | 1,995                 | 20,896                            |
| Haringey             |  | 1,980                 | 26,768                            |
| Harrow               |  | 3,442                 | 32,076                            |
| Havering             |  | 1,403                 | 39,244                            |
| Hillingdon           |  | 742                   | 36,562                            |
| Hounslow             |  | 1,460                 | 28,112*                           |
| Islington            |  | 2,106                 | 24,346                            |
| Kensington & Chelsea |  | 1,956                 | 18,758                            |
| Kingston upon Thames |  | 392                   | 20,060                            |
| Lambeth              |  | 1,211                 | 30,838                            |
| Lewisham             |  | 754                   | 34,358                            |
| Merton               |  | 1,589                 | 25,282                            |
| Newham               |  | 4,146                 | 27,883                            |
| Redbridge            |  | n/a                   | 33,738                            |
| Richmond             |  | 607                   | 25,000                            |
| Southwark            |  | 1,444                 | 30,116*                           |
| Sutton               |  | 339                   | 26,401                            |
| Tower Hamlets        |  | 2,114                 | 22,424                            |
| Waltham Forest       |  | 1,851                 | 29,492                            |
| Wandsworth           |  | 1,163                 | 36,138                            |
| Westminster          |  | n/a                   | 27,406*                           |
| <b>TOTALS</b>        |  | <b>43,892</b>         | <b>990,809</b>                    |

\*Corrected from last years annual report



Parking Penalties 1999/2000

- Band A £80 (£40 discounted)
- Band B £60 (£30 discounted)
- Band A/B



NB All bus lane penalties are Band A

**Members of the  
Transport Committee for London  
1999/2000**

|                          |   |
|--------------------------|---|
| Barking & Dagenham       | Cllr Roy Patient (Labour)               |
| Barnet                   | Cllr Arun Ghosh (Labour)                |
| Bexley                   | Cllr David Cammish (Conservative)       |
| Brent                    | Cllr Janice Long (Labour)               |
| Bromley                  | Cllr Steve Gosling (Liberal Democrat)   |
| Camden                   | Cllr John Thane (Labour)                |
| Corporation of London    | Mr Archibald Galloway CC                |
| Croydon                  | Cllr Michael Jewitt (Labour)            |
| Ealing                   | Cllr Joseph O'Neill (Labour)            |
| Enfield                  | Cllr Ivor Wiggett (Labour)              |
| Greenwich                | Cllr Christopher Roberts (Labour)       |
| Hackney                  | Cllr Jessica Crowe (Labour)             |
| Hammersmith & Fulham     | Cllr Sally Powell (Labour)              |
| Haringey                 | Cllr Gina Adamou (Labour)               |
| Harrow                   | Cllr Ray Frogley (Labour)               |
| Havering                 | Cllr Ann Roberts (Labour)               |
| Hillingdon               | Cllr Graham Horn (Conservative)         |
| Hounslow                 | Cllr Val Lamey (Labour)                 |
| Islington                | Cllr George Allan (Labour)              |
| Kensington & Chelsea     | Cllr L. A. Holt (Conservative)          |
| Kingston upon Thames     | Cllr Keith Witham (Conservative)        |
| Lambeth                  | Cllr Julie Minns (Labour)               |
| Lewisham                 | Cllr Gavin Moore (Labour)               |
| Merton                   | Cllr Russell Makin (Labour)             |
| Newham                   | Cllr Joseph Ejiofor (Labour)            |
| Redbridge                | Cllr Simon Green (Labour)               |
| Richmond upon Thames     | Cllr Martin Elengorn (Liberal Democrat) |
| Southwark                | Cllr Nick Dolezal (Labour)              |
| Sutton                   | Cllr Roy Bentley (Liberal Democrat)     |
| Tower Hamlets            | Cllr Mark Taylor (Labour)               |
| Waltham Forest           | Cllr Clyde W Loakes (Labour)            |
| Wandsworth               | Cllr Kathy Tracey (Conservative)        |
| Westminster City Council | Cllr Gillian Rees Mogg (Conservative)   |



**Joint Report of the  
Parking Adjudicators  
1999/2000**



# Chief Adjudicator's Foreword

This report is a first in two ways. It is the first Annual Report to be presented to the newly formed Association of London Government Transport and Environment Committee, which has assumed the responsibilities of the Transport Committee for London. It is also the first Annual Report I have had the pleasure of presenting, having taken up the post of Chief Adjudicator on 3 April 2000. I am delighted to have joined the Parking Appeals Service, an organisation at the forefront of providing efficient public service by innovative means.

Much of the credit for this must go to my predecessor, Caroline Sheppard. She was the first Chief Adjudicator following the decriminalisation of parking offences by the Road Traffic Act 1991 and this is an appropriate moment to mark her contribution. Caroline was appointed in 1992 with the responsibility for planning and establishing the new tribunal. Rather than take the safe course of employing traditional methods of adjudication, Caroline and her colleagues took the visionary step of commissioning a bespoke computer system, complete with imaged documents and incorporating integrated systems for adjudicator decision making, case management and an electronic register.

This imagination and boldness has been fully justified and rewarded. Whilst technical problems have from time to time caused operational difficulties, the system has been sufficiently resilient to cope with an increase in appeals from just under 5,000 in 1993/1994 to almost 40,000 last year. The service is also well placed to exploit the potential of the enhanced system, which is in the course of development, for the possibility of processing appeals in further innovative ways; perhaps, for example, by video conferencing.

In June last year, Caroline took up her new post as Chief Adjudicator for the National Parking Adjudication Service, which is responsible for the hearing of appeals in relation to decriminalised parking contraventions in England and Wales outside London. She leaves behind her the notable legacy of having played a leading role in creating the first auto-

mated tribunal. All her fellow Adjudicators wish to express their appreciation of her leadership and wish her every success in her new venture. For my part, I look forward to maintaining contact with her on matters of common interest.

The Adjudicators also wish to record their thanks to their colleague Richard Crabb for so ably filling the role of Acting Chief Adjudicator pending the appointment of a new Chief Adjudicator after Caroline's departure.

Looking now at the business of the service during the year, the number of parking appeals has continued to grow, although remaining steady at about 1% of Penalty Charge Notices issued. The creation of the National Parking Adjudication Service means that the Parking Appeals Service no longer hears appeals relating to areas outside London. On the other side of the coin, from June 1999 the service took on the responsibility for hearing appeals against Penalty Charge Notices issued under the London Local Authorities Act 1996 in relation to bus lane infringements. More will need to be said on this subject next year.

To meet the continued growth in the service's business and the need for operational flexibility, a further eleven Adjudicators were recruited in July, bringing the total to thirty-seven.

Two very successful training sessions were held for Adjudicators during the course of the year covering a wide range of legal and practical topics relevant to their work. These included: the law relating to loading and unloading; costs; review of cases previously decided; and training and information on the new IT system as it was introduced.

The Adjudicators would like to express their appreciation of the support they receive from all the administrative staff at the Parking Appeals Service whose sterling, and unfailingly cheerful, efforts are crucial to the smooth operation of this important public service.





# Introduction

In her foreword to last year's annual report, the Chief Adjudicator referred to the importance of the passing of the Human Rights Act 1998. The Act comes into force in England and Wales on 2 October 2000. However, as in other judicial proceedings, the Act has already had an impact on decision making by Adjudicators, as is apparent from the report of Sutton v Camden. Its influence will undoubtedly be felt more keenly after it is in force, and both Adjudicators and Councils need to be fully prepared to meet the novel challenges it will bring.

Whilst the Human Rights Act introduces a new and interesting element to the appeals regime, a number of hardy annuals again reappeared in one way or another to exercise the minds of the Adjudicators. We will come to these in a moment. We have provided a general commentary on these issues. The cases referred to are more fully reported in the Digest of Cases at the end of the report.

Before coming to these, however, there is one general point with which we should first deal. Despite the decriminalised regime having been in operation since 1994, some parties to appeals still seem to be uncertain about the status and role of the Adjudicators. This is not entirely surprising so far as individual appellants are concerned, but Councils could, perhaps, be expected to understand the position. We did deal with this matter in our 1994/95 annual report, but in view of the continuing misconceptions, we think it will be helpful to restate it.

The Adjudicators are judicial office holders. They are independent of both parties to the appeal, the appellant and the Council, each of whom is on an entirely even footing before the Adjudicator. The Adjudicator makes an independent and impartial decision on the evidence presented at the hearing of the appeal, having regard to the relevant burdens of proof (about which more later). The proceedings before the Adjudicator are deliberately informal: indeed, the Road Traffic (Parking

Adjudicators) (London) Regulations 1993 specifically enjoin the Adjudicator to 'so far as appears to him appropriate seek to avoid formality in the proceedings'. It should not, however, be lost sight of that the proceedings are judicial proceedings, just as before a court or other tribunal. The Adjudicators provide an independent judicial forum for determining whether the Council is entitled to impose a penalty on the appellant. They are not part of a single appeal process commencing with the Council's consideration of the owner's representations, as is sometimes believed. The consideration of representations is essentially an administrative process. The judicial appeal process is entirely separate and commences when the appellant lodges the notice of appeal with the Parking Appeals Service.



# Transparency and Accountability

## The Council's Duty to Consider Representations

As the Adjudicators have noted a number of times before, the Council is under a statutory duty to consider the representations made against the notice to owner and to serve on the person making the representations notice of their decision as to whether they accept that the ground on which the representations are based has been established. It is clearly important for the Council to address the points made in the representations and give cogent reasons for its decision. This is particularly so, of course, where the Council rejects the representations.

There are several reasons for this. It is inconsistent with principles of good administration for the Council not to provide a full and reasoned response to the representations. It is also just plain discourteous. Giving reasons also demonstrates that the decision is a rational and not an arbitrary one. Clearly the vehicle owner is entitled to be told precisely why his representations have been rejected. Indeed, the Adjudicators take the view that doing so is in the Council's own interests because it would, they believe, reduce the number of appeals for two reasons. First, it would concentrate the Council's own mind on properly considering whether the representations should be accepted or rejected. Secondly, it puts owners in a position to make a considered decision whether to appeal to an Adjudicator rather than simply appeal because they have not had explained what might be quite sound reasons for rejection.

Despite the benefits that this good practice would bring to all parties, it is regrettably still the case that it is not uncommon to see notices of rejection which fail to address adequately or, indeed, at all the points raised in the representations. This causes justifiable annoyance to owners.

## The Adequacy of Signs

Every year a good number of cases turn on the principle that the Council is under a duty to provide adequate and clear

signage of any restrictions, and failure to do so renders the restrictions unenforceable. In most appeals where this question arises, the issue is whether the signs in place were adequate or visible. *Roche v Kensington and Chelsea* was a typical case of confusing signing in a complex situation. However, *Grimwood v Croydon* shows that 'oversigning' can be equally objectionable. We would reiterate that the provision of adequate, clear signing is an important component of the Council's duty to act fairly.

## Giving Notice of New Restrictions

In a number of cases this year, Adjudicators have considered the Council's duty to give notice of the imposition of new restrictions. In the cases of *Burrows v Wandsworth*, *Reale v Tower Hamlets*, and *Grieves v Tower Hamlets*, which were heard together, the question arose in relation to temporary parking restrictions under section 9 of the London Local Authorities Act 1995. This empowers a Council to impose such restrictions in connection with special events. The *Burrows* case also raised the question of whether, and if so in what circumstances, a vehicle that is initially parked lawfully can subsequently become unlawfully parked by virtue of the imposition of such restrictions. The Adjudicator found that, provided the Council had complied with its legal obligations in relation to the imposition of the restrictions, it could. In addressing whether the Council had complied with its obligations, the Adjudicator again emphasised the Council's duty to exercise its powers fairly. The Adjudicator in *Owens v Hammersmith & Fulham* adopted a similar approach.

*Warner v Corporation of London* raised similar issues in relation to the suspension of a parking bay. The questions with which the Adjudicator was concerned were whether adequate notice of the suspension had been given and whether the motorist could be in contravention having parked before the suspension was operative. On the second point, the Adjudicator came to the conclusion that the particular wording

of the Traffic Management Order meant that the signs for the restriction had to be in place at the time the motorist parked.

The contrasting outcomes in *Burrows* and *Warner* are a reminder that the precise wording of the legislation and orders will on many occasions be crucial in determining the outcome of appeals.

## Traffic Orders

We have expressed concern before about the lack of availability and the multiplicity and diversity of provisions in traffic orders, and the prolixity and confusion of some of them. We did so at length in our 1997/98 report. An Adjudicator has recently seen an (Amendment No. 65) Order. Where an order shows there have been numerous previous amending orders, it is obvious that there is likely to be difficulty in discovering what the substantive provisions are. The situation is unsatisfactory. Whether or not the motorist has committed a contravention is dependent on the terms of the order he is alleged to have breached. *Warner v Corporation of London* is an example of a case where the precise wording of the order was crucial. Whilst the Adjudicators recognise that traffic orders do need to cater for local requirements, it is difficult to see any good reason for the existing range of diversity. On the other hand, the advantages in there being as great a measure of standardisation as possible are surely obvious. The Adjudicators repeat the recommendation in their 1997/98 report that the legal definitions of parking restrictions, requirements and exemptions should be drafted in a standard format, and used by each Council adopting the decriminalised parking enforcement powers.

## The Burden of Proof

The important issue of where the burden of proof lies, on appellant or Council, was considered in detail in 1997 in the consolidated cases of *Douglas v Brent* (PAS Case No. 1960031276) and *Reason v Camden* (PAS Case No. 196010062A). The Adjudicator hearing the reviews of those appeals found that, in line with general principles, the burden of proving

the prima facie contravention lies on the enforcing authority, the Council. This satisfies the principles that 'he who asserts must prove' and that the burden of proof should lie on the party who can more conveniently and easily cover the relevant evidence. Therefore, the Council must prove, first, that (subject to any exception, exemption or proviso that an appellant can claim) there was a contravention; and, secondly, that a Penalty Charge Notice and Notice to Owner were properly issued and served, and that the owner's representations were rejected by a proper Notice of Rejection.

However, the Adjudicator also decided that where an appellant claims the benefit of an exception, exemption or proviso, the burden of proving his entitlement falls on him. This, the Adjudicator said, is not only consistent with the principles outlined above, but is supported by direct judicial authority in a number of cases concerning the burden of proving exceptions. Two cases heard during the year concerning the appellant's burden of proof were *Francis v Merton* and *Rosen v Westminster*.

Councils do need to bear in mind that the essential burden of proving the contravention is on them. It must be remembered that the Adjudicator can act only on the basis of the evidence presented. Councils should ensure that they present a comprehensive case summary, supported by sufficient evidence to prove the necessary constituents of the particular contravention alleged. They should address any specific issues raised by the appellant. Failure to follow these steps frequently results in appeals being allowed because the Council has not discharged the burden of proving its case.

#### **Footway Parking**

In our 1997/98 annual report, we referred to the fact that section 15 of the Greater London Council (General Provisions) Act 1974 imposes a general ban on footway parking in London. The section does, however, provide for a number of exemptions from the ban. Two cases heard this

year, *Norell v Westminster* and *Eyres v Harrow* concerned the application of two such exemptions and again emphasise that the burden of proving an exemption is on the appellant.

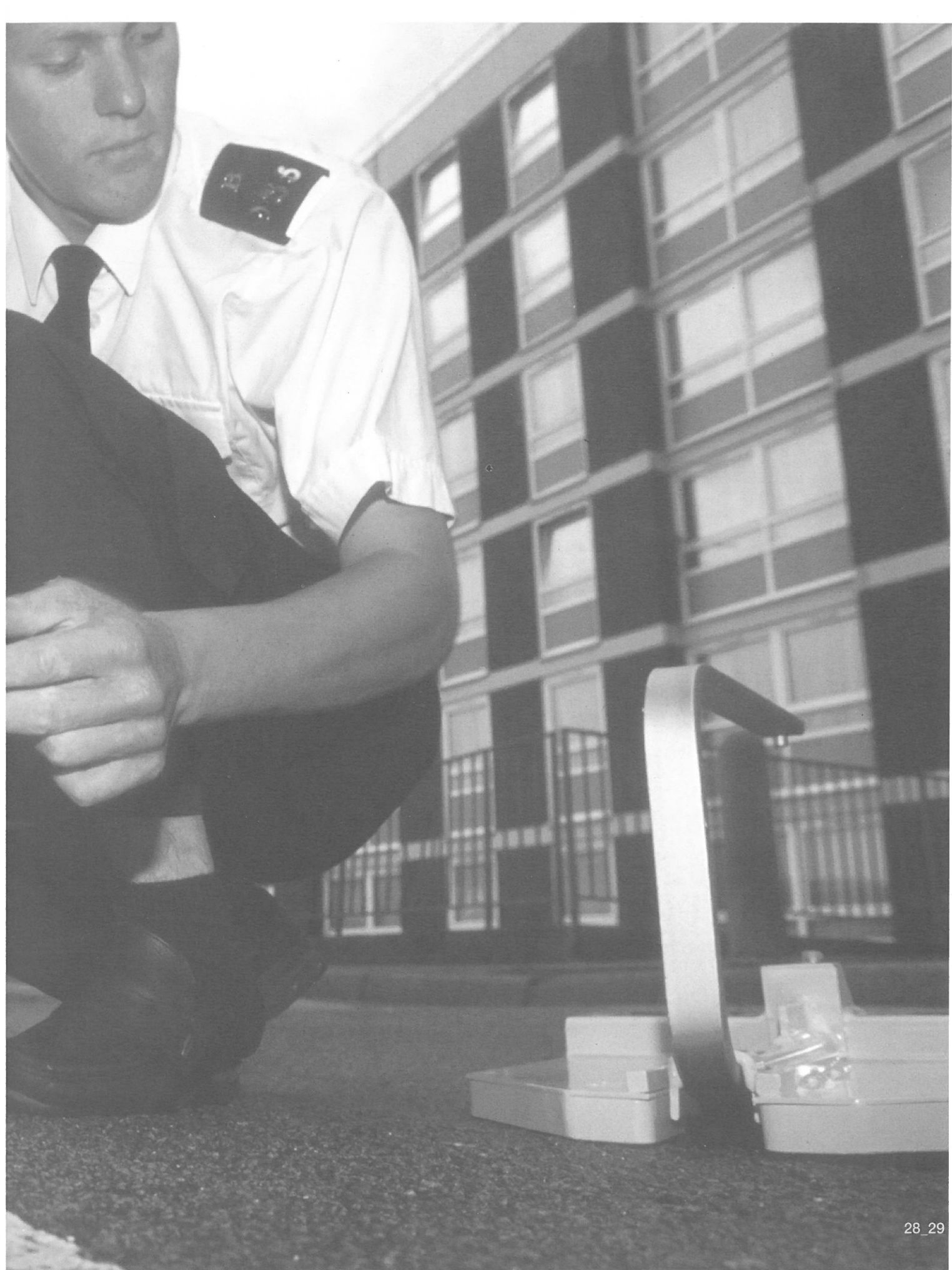
A third case, *Coppolino v Westminster*, illustrates that it is not always easy to determine the precise extent of the highway, and that to do so it may be necessary to apply general principles of property and highway law.

#### **Attendance of Witnesses**

Under regulation 6(1) of the 1993 Regulations, an Adjudicator may require the attendance of witnesses at the hearing of an appeal. The exercise of this discretion was considered in *Sutton v Camden*, in which the appellant applied under regulation 11 of the Regulations for review of the Adjudicator's decision at the original hearing of his appeal. The case is of particular interest because in support of his argument the appellant quoted article 6 of the European Convention on Human Rights, the right to a fair trial. It is therefore an early instance of the impact the enactment of the Human Rights Act 1998 may have on appeals. After considering the principles established by the European Court of Human Rights on the attendance of witnesses, the Adjudicator on the review concluded that the scheme prescribed by regulation 6 complied with the Convention. He also considered in detail the considerations an Adjudicator should take into account in exercising the power in the light of the overarching obligation to provide a fair trial.









# Digest of Cases

## Signing

*Roche v Kensington and Chelsea*  
(PAS Case No. 1990144872)

This case concerned the parking restrictions in force adjacent to a central reservation running down Queensgate. Bays had been designated on one side of the central reservation as pay and display bays and on the other as meter bays. Meters were positioned along the middle of the central reservation. There was adjacent to each meter a white arrow painted on the central reservation and pointing to the associated bay. Mr Roche's vehicle was parked on the side with pay and display bays. There was a sign adjacent to the parking place but some distance away indicating that the place comprised pay and display bays. At the time he parked it was obscured by a parked van. Nor did Mr Roche see the pay and display machine which was at the other end of the parking place. He believed he had parked in a meter bay and made a payment into the meter adjacent to the bay where he had parked.

The Adjudicator said that a reasonable motorist exercising reasonable care would be confused as to the exact status of the bays on either side of the central reservation. There were no signs warning motorists of the unusual characteristics of the parking restrictions in the location. This was a recipe for confusion and unfairness. The Council had therefore failed in its duty to sign the restrictions fairly and properly.

## Appeal allowed.

*Grimwood v Croydon* (PAS Case No. 199019516A)

Mr Grimwood parked his car in a bay that was marked along its length on the road surface "Solo Motor Cycles Only". He saw the legend on the road surface. However he also saw a timeplate adjacent to the bay which indicated an overnight parking ban for coaches and heavy lorries. He and his wife gave considerable thought to the implications of this combination of road markings and timeplate and concluded that it was safe to park a car there. They formed the view that the bay was not exclusive to motorcycles at the time, but could be occupied by vehicles of other classes, provided they did not fall into the categories identified on the timeplate. They reasoned that if all vehicles other than motorcycles were prohibited from parking there during the evening and overnight, the Council would not have installed the timeplate. The Council argued that the timeplate was irrelevant, and that the bay was properly marked to indicate that it was exclusively for motorcycles at any time.

The Adjudicator found that the conclusion Mr Grimwood reached was a tenable one. There was no need for an overnight lorry ban sign adjacent to a bay for motorcycles only at any time; it was otiose. By placing it there, the Council had caused the signing to become unclear, and Mr Grimwood was misled.

## Appeal allowed.

## Giving Notice of New Restrictions

*Burrows v Wandsworth* (PAS Case No. 1980226529)

*Reale v Tower Hamlets* (PAS Case No. 1990299314)

*Grieves v Tower Hamlets* (PAS Case No. 1990299303)

Mr Burrows had parked his car on 19th March in a road that was normally unrestricted for parking. On his return on the 21st he was surprised to find that a Penalty Charge Notice had been attached to his vehicle and that it was in the process of being removed. The reason for this was that on the 21st March a special temporary waiting prohibition ("STWP") was in force imposed under section 9 in connection with the annual Head of the River Race which was taking place on that day. The STWP was made by the Council on the 16th March; notices warning motorists of the impending prohibition had been erected on the 19th March; warning notices had been attached to vehicles parked in the vicinity on the 20th March; and yellow "no waiting" cones had been positioned on the 21st. However, as Mr Burrows had been away from home at the time he was unaware of any of this.

The Adjudicator said that, on the face of it, Mr Burrows's argument that having parked lawfully in a street at the time subject to no restriction he should not thereafter be penalised was an attractive one. If it were correct, however, it meant that once a motorist had parked in a place free of parking restrictions the vehicle could remain there with impunity indefinitely subject only to the Council's (or police) powers of removal. That could not be correct. The correct test was to ask whether the restriction was in force and whether it had been properly indicated by lines, plates, notices or whatever as required by law.

As to these requirements in relation to section 9, he said it is incumbent upon the Council to give at least reasonable notice of the exercise or proposed exercise of these powers. In addition when exercising its statutory powers with regard to signage the Council is under a duty to do so fairly. What is reasonable and fair will vary depending on the circumstances of the particular case.

Applying these principles, he found that the Council had failed to comply with its duty. This was a prohibition imposed in connection with a well known annual sporting event the date of which would be readily ascertainable months, if not years, in advance; and there was nothing to suggest the traffic difficulties the prohibition sought to alleviate would vary from year to year. There was no good reason why, in these circumstances, the period of notice should not be measured in weeks, rather than days or hours, and should be a period sufficient in the ordinary course of events to draw the restriction to the attention of both the public, and residents who might reasonably be going away for a week or two on holiday or on business. The Council

had not supplied any convincing reason why only two or three days notice was given and, in the absence of any emergency situation, the notice given was decidedly inadequate.

Mr Reale and Mr Grieves had parked their vehicles on the 18th April 1999 in Ferry Street, which was subject to a temporary prohibition in connection with the London Marathon. There was no dispute that at the time of the parking the restriction was in force and that, as they subsequently found out, a notice indicating the restriction was in place on a nearby post. The appellants persuaded a passing police officer to take a Polaroid photograph of the notice that was produced in evidence. It showed a notice wrapped tightly round the post with nothing at all to make it conspicuous or to suggest that it might be a notice affecting parking. The Adjudicator said that the positioning of the notice did not comply with section 9(4) in that it was neither "displayed" (which connotes making the notice clear for all to see) nor located in a "prominent place". Although subsection (6) allows the Council to make use of lampposts to display notices, the fact that a lamppost was used was of itself insufficient to meet the requirements of subsection (4). It followed that the restriction was not properly indicated and the absence of any cones or other traffic signs merely added to the unsatisfactory and confusing absence of proper signing.

## Appeals allowed.

*Owens v Hammersmith & Fulham*  
(PAS Case NO. 1990252172)

On 15 February 1999 Miss Owens parked in a resident's bay without displaying a resident's permit. She contested her liability to a penalty on the grounds that the scheme requiring residents' permits in that particular road was a new one and that she had received no notice whatever that the new scheme was about to come into force. The 15th was in fact the first day of the scheme. The issue therefore was whether the Council gave proper notice of the scheme and, if so, whether Miss Owens' ignorance of the scheme protected her from the normal consequences of unlawful parking. Publication of the new proposals took place in the Hammersmith Fulham and Shepherds Bush Gazette and in the London Gazette on the 4th September 1998. Street notices were posted, and notices (in the form of an application pack) were sent by post to local addresses. The Adjudicator found that the Council had complied with the requirements of regulation 7 of the Local Authorities Traffic Orders (Procedure) Regulations 1989 concerning the giving of notice of a new scheme. The restriction was therefore lawfully in force and binding on Miss Owens even in the absence of actual knowledge of it.

## Appeal refused.



*Warner v Corporation of London*  
(PAS Case No. 1990259229)

It was undisputed that on Saturday 12th June Mr Warner's motorcycle was parked in an area marked out as a bay, whilst there was present on an adjacent post a sign indicating that the bay was suspended. Mr Warner appealed on the basis that he had no notice of this suspension. He had parked the motorcycle on 10th June when no suspension notice nor any warning notices were present. An order for suspension of the bay had been made on 12th June and the only signs placed were portable signs placed at 2am on the morning of 12th June. The Adjudicator said that clearly no advance warning of the suspension was given. Whilst on occasion it is necessary to suspend bays at short notice, where emergencies occur, in this case the reason for the suspension was for a crane lifting operation involved in the renovation of the Great Eastern Hotel. There was no evidence to suggest that this constituted an emergency, nor that the suspension was on short notice. Accordingly, adequate notice of the suspension was not given. In any event, the particular wording of the relevant Traffic Management Order prohibited causing or permitting a vehicle to wait where a sign indicating a prohibition was erected. The key phrase 'cause or permit a vehicle to wait' required the sign to be in place at the time the motorist leaves the vehicle.

**Appeal allowed.**

**The Appellant's Burden of Proving Entitlement to Exemptions**

*Francis v Merton* (PAS Case No. 1990178218)

Miss Francis appealed on the ground that her vehicle was being used by her son without her consent. She claimed the benefit of the exemption applying where the contravention is committed by a person in control of the vehicle without the consent of the owner. The Adjudicator rejected the Council's contention that the exemption applies only when a vehicle has been stolen or used by a person unknown to the owner. He noted that the exemption does not relate to a vehicle being 'taken'. However, he found that Miss Francis had not produced sufficient evidence to support her claim that the vehicle was being used without her consent.

**Appeal refused.**

*Rosen v Westminster* (PAS Case No. 1980293118)

Mr Rosen claimed to be entitled to the benefit of the frequently claimed exemption for loading and unloading. His car was parked in Jermyn Street, at a meter showing twenty-nine minutes of penalty time. A parking attendant issued a Penalty Charge Notice. At the hearing of his appeal, Mr Rosen claimed that he was engaged in loading his vehicle. He gave evidence that he was collecting a pair of displays that he had bought from Simpsons in Piccadilly. He said that an

employee of Simpsons had given him a handwritten note from a book, to enable him to collect the displays from Simpsons' back door in Jermyn Street. However, he was unable to produce it at the hearing. On trying to put one display panel in his car, he realised he could not get it in without risking damage. He telephoned from an office on the ground floor of Simpsons to say that he could not collect the displays. He said it was whilst making this call that he was issued with the Penalty Charge Notice. The Adjudicator was not satisfied that Mr Rosen had discharged his burden of proof and dismissed the appeal.

Mr Rosen then applied for a review of this decision. At the review, he was able to produce both the missing collection note, which he said had turned up in an unexpected place, and a statement from the employee of Simpsons, broadly confirming his version of events.

The Adjudicator considered carefully whether he should allow Mr Rosen to adduce the note in evidence at this late stage, given that it was in his possession at all relevant times. He said that the Courts have repeatedly stressed the importance of the principle of finality when considering the decisions of tribunals against which there is no right of appeal. Bearing this in mind, he would re-open a factual issue only with reluctance. However, he accepted that it was not Mr Rosen's fault that he had not found it before, and took into account that at the original hearing the question of allowing him an adjournment to get evidence from Simpsons was left unresolved. Therefore, although he considered it 'a finely balanced matter', he considered he should be allowed to rely on the new evidence. In the light of this evidence, the Adjudicator found that Mr Rosen was entitled to the exemption.

**Appeal allowed.**

**Footway Parking**

*Norell v Westminster* (PAS Case Nos. 1980279955 and 1980313827)

Mr Norell, a dealer in carpets, was twice visiting a well-known department store for the purpose of removing unsold carpets and replacing them with others. Building works prevented him from parking in the normal delivery area, so he parked in a nearby street with two wheels on the footway. On each occasion a Penalty Charge Notice was issued to his vehicle. In each case, he claimed the benefit of the following exemption in the Greater London Council (General Provisions) Act 1974:

**Section 15(3)...**

(d) for the purpose of loading or unloading goods, and—

- (i) the loading or unloading of the vehicle could not have been satisfactorily performed had it not been so parked; and
- (ii) the vehicle was not left unattended at any time while it was so parked.

The Adjudicator stated that it was for Mr Norell to satisfy him that he fell within the exemption. He found that the activity that took place on each occasion did amount to loading and unloading goods. On the issue of whether the activity could have been otherwise 'satisfactorily performed', Mr Norell argued that it could not because if he had parked wholly on the carriageway he would have caused an obstruction. The Adjudicator rejected this argument and said that a restrictive construction was to be preferred. To adopt the meaning for which Mr Norell contended would create a very extensive exception since virtually every motorist who parks on a footway to load/unload in London's congested streets does so to avoid causing an obstruction. Section 15(3)(d)(i) is confined to situations where there would otherwise be a real problem—perhaps for physical or geographical reasons peculiar to a particular load or location—in moving the goods to or from the vehicle.

On the question of whether the vehicle was left unattended, it was common ground that on each occasion Mr Norell was away from his vehicle for a matter of several minutes whilst he went up to the third floor carpet department, and that during this time the vehicle was not within his sight. Mr Norell argued that in the context "unattended" had to be given a broader meaning, taking into account that the vehicle was not causing an obstruction; and he submitted that in any event the vehicle does not have to be in view to be "attended" and that intermittent attendance would be sufficient. Having considered a number of judicial authorities on the meaning of the term in other contexts, the Adjudicator said that important matters to be considered in deciding, in a particular case, whether a vehicle was left unattended are the question of distance from the vehicle, whether it could be seen, and whether the driver was in a position to exercise any control over it. In the context the test is whether the driver would be in a position to move the vehicle should it be necessary to answer any questions from police or attendants as to, for example, the reason for its being on the footway and the likely duration of the loading/unloading. Applying these principles, it was impossible to say that Mr Norell was in any sense in attendance on his vehicle. Intermittent attendance could not satisfy the requirements of the Act that the vehicle is not to be left unattended 'at any time'. It was irrelevant that the vehicle was not causing an obstruction.

**Appeals refused.**



*Eyres v Harrow (PAS Case No. 2000140582)*

The parking attendant issued a Penalty Charge Notice to Mr Eyres' car two minutes after it was first seen parked on the footway. Mr Eyres said that he was a plumber and gas fitter and had gone to attend to a gas leak at a care home. He treated this as an emergency, bearing in mind the safety of the residents. He was unable to park safely on the road outside or in the immediate vicinity of the home because of its proximity to a dangerous junction, so he parked on the footway. His main concern was to deal with the reported leak as soon as possible, and this would not have been possible if he had had to park some distance away and carry a heavy bag of tools back to the property. He entered the premises, smelt gas, and identified the source of the leak. He turned off the gas supply and opened the windows to ventilate the building. He returned to his car to find the Penalty Charge Notice, and moved the car to a parking place off the footway.

Mr Eyres' employer gave supporting evidence that his firm dealt with many such emergencies, and stressed the risk to life and limb if they are not dealt with immediately.

The Adjudicator found, on the evidence, that Mr Eyres was attending an emergency and that he moved his vehicle once he had dealt with it, and returned to the home to complete the repairs. Accordingly, Mr Eyres was entitled to the exemption in section 15 of the Greater London Council (General Provisions) Act 1974 'for the purpose of saving life or extinguishing a fire or meeting any other emergency'. He stressed that this is a very specific and narrow exemption, and that a vehicle may only park for as long as is necessary to deal with what might be described as the emergency element of a call out. He pointed out that completing the repairs would not have fallen into the category of an emergency once the immediate danger had been dealt with. He emphasised that on each occasion when an exemption is argued, the burden falls on the appellant to show that the activity fell within its terms.

**Appeal allowed.**

*Coppolino v Westminster (PAS Case No. 1990095926)*

The issue was whether the area on which Mr Coppolino's motorcycle was parked was footway for the purposes of s.15 of the Greater London Council (General Provisions) Act 1974, which defined a footway as 'a way comprised in an urban road which also comprises a carriageway, being a way over which the public have a right of way on foot only'. He had left the motorcycle outside Debenham's store in Vere Street. It was parked next to windows forming part of the store on an area where glass bricks or skylight windows were set into the pavement. The Adjudicator took

judicial notice of the fact that there had been a user by the public of this area for at least the last thirty years. He therefore found that it was part of the highway over which the public had a right of way on foot.

**Appeal refused.**

**Attendance of Witnesses**

*Sutton v Camden (PAS Case No. 1990203734)*

This case concerned regulation 6(1) of the Road Traffic (Parking Adjudicators) (London) Regulations 1993, under which an Adjudicator has the power to require the attendance of witnesses at the hearing of an appeal and require them to answer any questions or produce any documents in their custody or control which relate to any matter in the proceedings. The appellant argued that at the original hearing of his appeal the Adjudicator wrongly exercised her discretion in admitting and taking into account hearsay evidence from two parking attendants, and failing to order their attendance in person. He applied under regulation 11 of the regulations for a review of the original decision. The evidence in question was the parking attendants' contemporaneous records of the location of the appellant's vehicle. In support of his argument, the appellant relied on both the common law doctrine of natural justice and article 6 of the European Convention on Human Rights, the right to a fair trial.

The Adjudicator, on the review, said that whether the power is exercised in a particular case is a matter of discretion for the adjudicator. He or she must exercise that discretion judicially, taking account of all relevant matters. These will include the extent to which the witness is likely to be able to assist; the extent to which other evidence, including documents, may assist the adjudicator in any event; the costs of requiring the presence of a witness, compared with the amounts of money involved in the specific case; and the delay that may be caused by requiring a witness to be present. The Adjudicator had correctly identified her "overriding obligation" to the appellant, namely to provide him with a fair hearing. She had taken the view that the calling of the witnesses would not further that end because their evidence was contemporaneously recorded. Its content was such that, given the number of cars seen and notes made by a parking attendant, the passage of time meant she could not expect them to recall the details of the vehicle or of its location but would have to rely on their notes. In the Adjudicator's view, that was a conclusion which the original Adjudicator was perfectly entitled to reach. Her admission of the parking attendants' notes as evidence fell well within her discretion on evidential matters.

As to Article 6 of the ECHR, the Adjudicator, on the review, said that as matters of principle, the European Court of Human Rights has found that:

(i) As a general rule, it is for the national courts to assess the evidence before them, as well as the relevance of evidence which a party seeks to adduce: and, specifically, whether it is appropriate to call witnesses. Article 6 does not require the attendance and examination of every witness. The question is whether the proceedings in issue, considered as a whole, are fair. Where a domestic tribunal, having exercised its discretion, does not consider it necessary to call a witness, in the absence of "exceptional circumstances", that will not constitute a breach of Article 6, if the Court explains why it has not thought fit to have the witness called.

(ii) Where a person does not appear as a witness, it may be a breach of Article 6 for a statement made by him to be admitted as evidence without the "accused" having had the opportunity to confront him where the statement is the only (or, possibly, the main) evidence against the accused

(iii) A Court must give the reasons for which it decides not to summon those witnesses whose examination has been expressly requested

He concluded that there is nothing contrary to the Convention in the scheme of the 1993 Regulations in so far as the calling of witnesses is concerned. It is very unusual (although, certainly, not unknown) for a parking attendant to be called as a witness: indeed, requests for a parking attendant to attend a hearing are themselves very rare. But, an adjudicator can require the attendance of a parking attendant: and, as in this case, a party can make an application for such a direction. There is consequently a mechanism by which witnesses can be called, although subject to the exercise of the tribunal's discretion.

So far as this specific case was concerned the Council did not submit a statement or report from the parking attendants, but merely contemporaneous notes from them. The Adjudicator found that, had the attendants been called, it was likely that they could not have recalled anything other than what was set out in their contemporaneous notes. She set out her reasons for not calling the attendants. Accordingly, he considered the manner in which the Adjudicator dealt with the application to require the attendance of the parking attendants not only complied with the rules of natural justice, but also with the requirements of Article 6 of the Convention.

**Decision to refuse appeal confirmed.**



**Chief Adjudicator**

Martin Wood

**Adjudicators**

|                          |                           |
|--------------------------|---------------------------|
| Robin Allen              | (appointed December 1996) |
| Michel Aslangul          | (appointed December 1996) |
| Teresa Brennan           | (appointed July 1999)     |
| Michael Burke            | (appointed July 1999)     |
| Hugh Cooper              | (appointed December 1995) |
| Richard Crabb            | (appointed December 1994) |
| Neeti Dhanani            | (appointed December 1996) |
| Susan Elson              | (appointed July 1999)     |
| Henry Michael Greenslade | (appointed December 1994) |
| Usha Gupta               | (appointed July 1993)     |
| Caroline Hamilton        | (appointed December 1996) |
| Monica Hillen            | (appointed July 1993)     |
| Edward Houghton          | (appointed December 1994) |
| Verity Jones             | (appointed December 1996) |
| Anju Kaler               | (appointed July 1999)     |
| Andrew Keenan            | (appointed July 1993)     |
| Paul Mallender           | (appointed July 1999)     |
| Alastair McFarlane       | (appointed July 1999)     |
| Barbara Mensah           | (appointed December 1994) |
| Ronald Norman            | (appointed December 1996) |
| Neena Rach               | (appointed December 1994) |
| Kathleen Scott           | (appointed December 1996) |
| Jennifer Shepherd        | (appointed December 1994) |
| Caroline Sheppard        | (appointed December 1999) |
| Sean Stanton-Dunne       | (appointed April 1997)    |
| Gerald Styles            | (appointed December 1994) |
| Timothy Thorne           | (appointed December 1996) |
| Susan Turquet            | (appointed December 1994) |
| Andrew Wallis            | (appointed July 1999)     |
| Austin Wilkinson         | (appointed July 1999)     |
| Diana Witts              | (appointed December 1996) |
| Paul Wright              | (appointed December 1994) |



