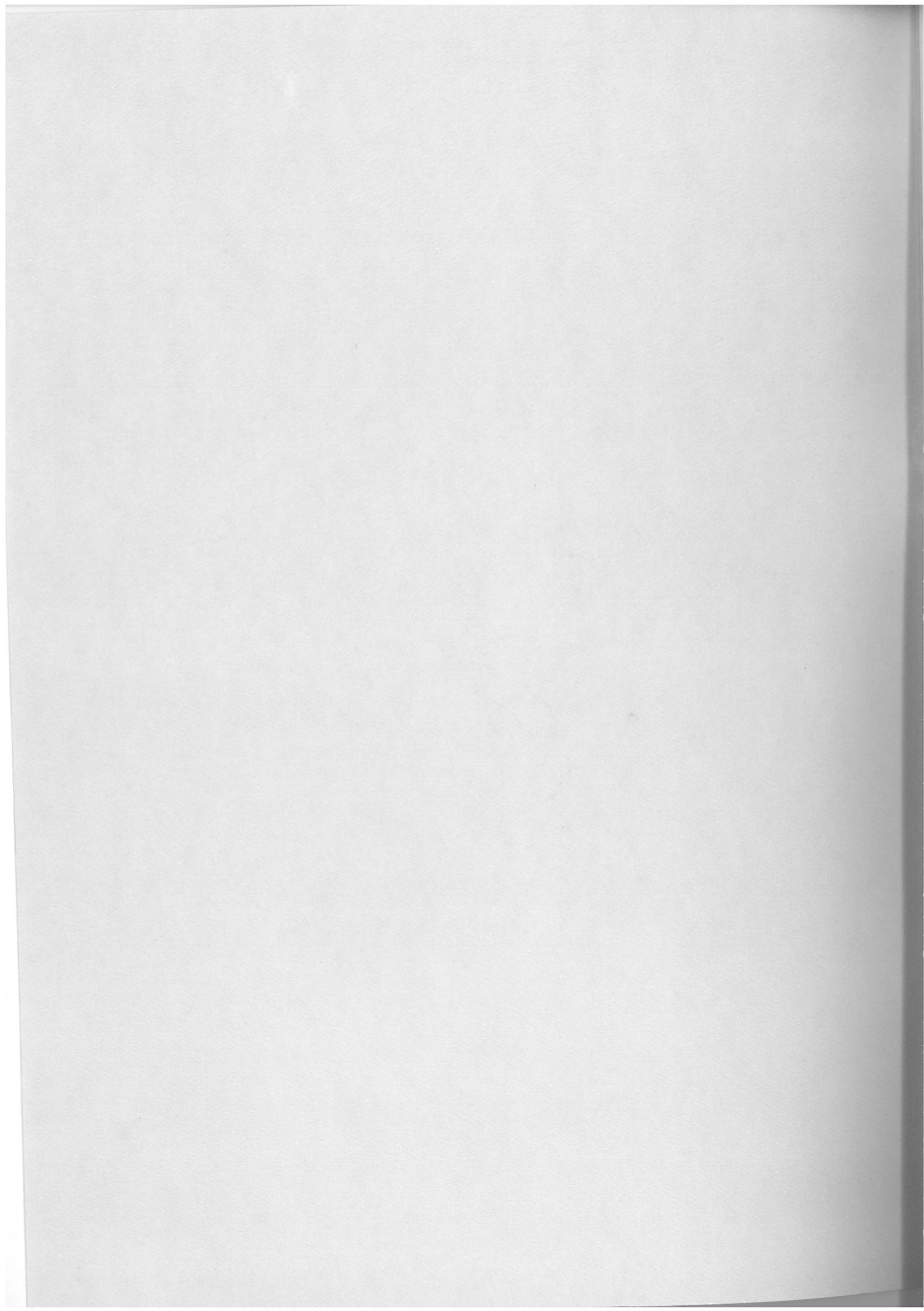


Annual report & accounts

nineteen ninety-three/nineteen ninety-four





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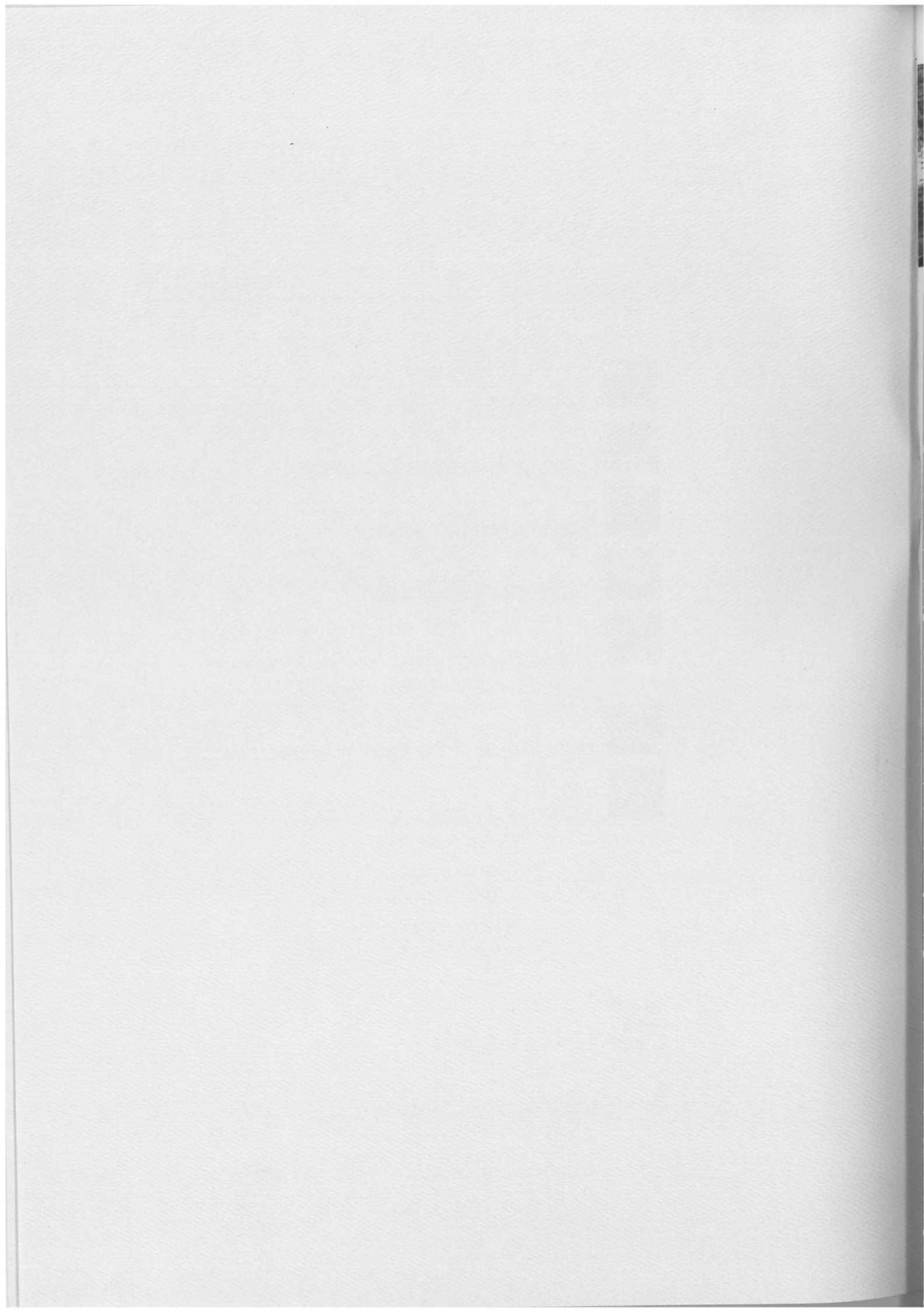
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Introduction

1993 has been a very important year for the Committee as we started to deliver services to all the London boroughs.

I believe that one of the most important tasks of the Parking Committee is to convince Londoners that a fair and effective parking enforcement service is being delivered and that this will bring major benefits for all of us who live, work and drive in Greater London.

Good enforcement of yellow lines will reduce congestion and road accidents and the prevention of obstructive footway parking will make life easier and safer for pedestrians, especially the elderly, families with small children and people with disabilities.

The role of the Parking Committee is to pursue consistency and ensure fairness by providing an independent Parking Appeals Service and I am confident that a very high standard of service will continue to be provided as the parking operations extend in scale in 1994 and thereafter.

Borough elections in May 1994 meant that many members of the Committee who were in office during the period covered by this report retired and I should like to thank them for all their work during the year.

I should also like to commend the work of all the officers at the Parking Committee for London who supported the Committee during the year and also extend my thanks to the Officers Advisory Panel and all those officers in each of the individual boroughs who have contributed to this first year of operations.

Councillor Sally Powell
Chair, Parking Committee for London



Parking Committee for London

Background and functions of the Committee

The 1991 Road Traffic Act (RTA) provided for the transfer of responsibility for enforcing most parking regulations in London from the police and traffic wardens to London's 33 boroughs. The Act also provided for a joint committee of all 33 boroughs – the Parking Committee for London (PCfL). The Committee was established in November 1991 with initial administrative and staff support provided by the Association of London Authorities (ALA) and the London Boroughs Association (LBA). It now has a small secretariat, with the Corporation of London acting as lead borough for 'pay and rations' purposes.

The statutory functions of the Committee are to set additional parking charges for boroughs to use in decriminalised parking enforcement and to establish and operate an appeals service where motorists believe that a parking ticket has been issued improperly. In addition to its statutory functions, the Committee has also agreed to provide a range of services to the boroughs to aid their enforcement function. These services are described in full later in this text. The Secretary of State for Transport has also asked the PCfL to act as a forum for the co-ordination of boroughs' parking enforcement operations, ensuring that enforcement is carried out consistently throughout the capital.

The transfer of enforcement responsibilities to the London boroughs represents a major change in the whole way in which parking enforcement is operated. Not only is enforcement decriminalised, with a new approach to dispute resolution, but it is transferred from, largely, a single organisation – the Metropolitan Police – to 33 individual authorities, each with their own priorities

and styles of operation. It is also transferred into an environment of substantial pressure to involve the private sector in service provision.

Put together, these functions have meant that the PCfL's role has been crucial in helping put together an enforcement scheme which is both fair – and seen to be fair – but also consistent across London. The different London boroughs have a very clear idea of where their own boundaries lie, but motorists, particularly in central London, have no such clear picture. The need for consistency and co-ordination has been a major feature of the Committee's activities and the lack of it has been presented as a major potential problem by the general public.

The other main facet of the context within which PCfL works has been financial. Every London borough has had to be careful about how they pay for the operation of parking enforcement, and for many, the cost of starting operations have been found only at the expense of other desirable expenditure. It is to their credit that so much has been achieved in these difficult financial circumstances. At the same time, parking enforcement does have a revenue stream associated with it and one of the major concerns expressed by the public is that local authorities see maximising revenue as the main objectives of parking enforcement. This is not only not true, but the lack of truth has had to be demonstrated.

Activities 1993-94

While 1992/93 was essentially a preparatory year for the Committee, with the first staff coming into post in July 1992, 1993/94 saw major work on preparation for enforcement under the 1991 Road Traffic Act and also the first boroughs implement the new scheme. It was, therefore, a



transitional year covering both preparations and operations.

In terms of preparation, PCfL's major activities during the year fell into three broad categories: publication of the Code of Practice; work on training standards; and the establishment of the IT services on which the Committee's activities are based.

The Code of Practice

The Code of Practice on Parking Enforcement was initially sponsored by the Association of London Authorities and the London Boroughs Association before the PCfL was established. Even at that early stage there was seen to be a need both for clearly defined standards of operation and a consistent approach to parking enforcement by all the boroughs. Following its establishment, responsibility for the Code was taken over by PCfL.

Preparation of the Code was delegated to the Association of London Borough Engineers and Surveyors working party, chaired by Peter Morley, Borough Engineer for the L B Bexley. Officers from a number of boroughs worked on drafting the Code and their help is greatly appreciated.

The first edition of the Code was published by Shaw and Sons on behalf of PCfL in spring 1993. The Code details the practical and policy implications of starting and operating an enforcement operation. The publication was a success (it has recently sold out) and has been used by London boroughs, out-of-London councils, private contractors and others. This has meant that the financial outlay by the Committee on publication has been limited.

As might be expected, practical operational experience has shown where the Code might be improved and an updated edition will be published in 1994/5.

Training standards

An important element of ensuring consistency of enforcement - and ensuring high standards of enforcement - lies with good training of parking attendants. While responsibility for undertaking training must rest with individual boroughs and their contractors, PCfL has made arrangements to set consistent training standards for parking attendants and supervisors employed by the boroughs or by private contractors. This has resulted in a series of accredited training centres and certificates for attendants and supervisors who had successfully completed and accredited course.

Admiral Training Ltd were appointed to prepare these standards and to evaluate training courses. They have produced a modular training scheme based on competencies which will be suitable for NVQ accreditation in the future. Modules covered include both 'core' modules, identical across London, covering such issues as identification of contraventions, and 'local' modules, covering issues which are specific to each borough. By early 1994, Admiral had begun the task of evaluating all the London boroughs' training programmes with a view to formal accreditation by all relevant training centres in time for the July 4 start of London-wide borough enforcement.

Both borough and private sector organisations are involved in training parking attendants, and all have co-operated with the training standards scheme fully.

IT related services

A large part of the PCfL's services will be dependent on information technology (IT), supported by trained staff. During 1992, the Committee agreed that it would be more cost effective in the short term to contract out most of the provision of these services rather than carry them out in-house. This was a response to the considerable demand that might otherwise have existed for capital funding for PCfL and the need for significant numbers of qualified staff to work on preparations. Touche Ross were retained by the Committee to advise on the best course for this. During the spring, summer and autumn of 1993, therefore, a major procurement exercise was undertaken for a contractor to provide the following services:

- Administrative support for the Parking Appeals Service (PAS)
- A telephone enquiry service for drivers of removed and clamped vehicles (TRACE)
- Co-ordinated links from the boroughs to the Foreign and Commonwealth Office for unpaid parking tickets issued to members of diplomatic missions (FCO link), the DVLA, for keeper information (DVLA link) and the County Court Parking Enforcement Centre for registration of charge certificates (PEC link)
- The development of a persistent evader database (PED)
- The operation of a clearing house for information on payments sent by error to the wrong borough (PIE)

Following a successful competition, a contract to provide these services until July 1999 was awarded to EDS Ltd in November 1993. The contract arrangements provided for PCfL to pay EDS for services provided once the operations had been successfully established. The target date for

commencement of operations was set at 14th May 1994 for boroughs already providing enforcement and at 4th July 1994 for all other boroughs.

Part of the EDS contract also covered management of PCfL's premises - a large part of which would be occupied by EDS staff in any case - and also the preparation of these. Again, this was to avoid the need for PCfL to employ specialist staff for a short time and to take advantage of the cost benefits of using high calibre specialists from EDS.

Operations

Setting additional parking charges (penalty charges and other parking related fees) is an important statutory duty of the Committee. These were first set in December 1992 (set out in table two) and the levels have not been amended this year. They will be reviewed in 1994 in the light of experience from all the boroughs. The level of PCNs must be high enough to ensure compliance with parking rules; other charges must cover the costs of, for instance, towing away and wheelclamping. In future if the charges are insufficient the PCfL may increase them, if they represent an excessive margin over what is needed may be reduced.

Prior to the operational start of the EDS based service, the Committee did start operating a manual Parking Appeals Service (PAS) to deal with disputes arising between boroughs and motorists for the boroughs that had started operations. This service is described in the report of the Appeals Service.



Borough progress

While PCfL was making its preparations all of London's boroughs were undertaking the same activity with a view to starting enforcement operations no later than 4th July 1994. For most boroughs 1993/94 was a year just of preparation, however some boroughs started enforcement during the year as listed below. The activities in these boroughs provided valuable experience for every other borough and PCfL has worked closely with these leading boroughs to ensure their experiences have helped the remaining boroughs.

Started July 1993

L B Wandsworth	Clapham Junction and Putney
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Started October 1993

L B Bromley	Borough wide
L B Hammersmith & Fulham	Borough wide with removals
L B Lewisham	Borough wide

Started December 1993

L B Camden	Borough wide with clamping and removals
L B Hackney	Borough wide with clamping and removals
L B Hounslow	Borough wide

Started February 1994

L B Richmond	Borough wide
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The experiences of these early boroughs has been very valuable, and a number of lessons have been learnt. These include the importance of the review of parking regulations called for in the Secretary of State's *Traffic Management and Parking Guidance*. While the Police and traffic wardens were responsible for enforcing

yellow lines, inadequate feedback (and split responsibility), together with limited enforcement meant that there was insufficient incentive for boroughs to remove unwanted yellow lines and no great point in introducing new regulations if there was no realistic prospect of full enforcement. Brining enforcement under the same roof as regulation making has meant that boroughs have had to ensure that only those regulations they really mean are in place and unwanted restrictions are removed. This has had the double effect of demonstrating to the public that those remaining restrictions really are needed and increasing public support for enforcement generally.

The second main lesson from the early boroughs has been the importance of good positive information and publicity. This has been needed both to warn motorists that heightened enforcement will take place but also to remind them of both the regulations governing parking and the existence and location of legal parking. Signs regulations made by the Department of Transport could also be improved to make regulations clearer for motorists.

The third lesson has been that almost all previous forecasts have underestimated the volume of correspondence that parking enforcement brings. Motorists frequently object to parking enforcement, rightly or wrongly, and expect full and prompt replies to their concerns.

Where boroughs have been able to deliver this, and to deliver a higher quality of service generally, through things like telephone payments by credit card, they have been rewarded by fewer appeals and more parking tickets paid.

A major area of concern was that the importance of good IT has been critical to the success of parking enforcement, yet few of the commercial software houses

producing programmes for enforcement under the 1991 Road Traffic Act had their products ready, or written appropriately and many problems were caused by this deficiency.

Finally, and most important, there is already evidence, albeit as yet unquantified, that better enforcement is leading to greater compliance with regulations, which, in turn, leads to better road safety, less congestion and better conditions for all road users.

PCfL has organised a succession of seminars for borough officers, both to assist those that have already begun enforcement under the terms of the RTA and those that have not. A variety of subjects have been covered, including dealing with correspondence & appeals, wheelclamping & removals and information on coach parking. PCfL officers have also visited all the London boroughs individually to liaise and assist with problems and questions that arise from the RTA, and act as an informal information exchange between borough officers. The London Parking Director has also addressed borough committees in a number of cases.

External liaison

PCfL has actively maintained contact with others involved in parking enforcement, particularly the Department of Transport. The Committee expressed concern, during the year, about the early implementation of compulsory competitive tendering (CCT) in parking enforcement. The timetable was felt to be too fast partly because the market did not seem to be ready and partly because many boroughs would not have enough experience to contract out to best effect. It is pleasing to report that the Government responded by deferring implementation of CCT by six months.

Continued contact has also been with other relevant government departments,

particularly the Lord Chancellor's Department, the Home Office and agencies such as the Council on Tribunals, the latter having a supervisory role over the Parking Appeals Service.

Liaison with the Metropolitan and City police forces continues, as good relationships with the police and traffic wardens are critical during the transition period to local authority enforcement. It is already apparent that both the police and the local authorities will discover more issues, previously carried out by traffic wardens, where decisions will be needed as to their future, during the early operational stage.

The Committee also maintains a users' panel, which brings together representatives from the main road user organisations. This forum has been valuable in ensuring that the needs of road users are taken fully into account during the preparation of enforcement plans. This has been particularly important for the Parking Appeals Service. Membership of the panel includes the RAC, AA, Freight Transport Association, Road Haulage Association, Environmental Transport Association and the National Consumers Council.

Continued liaison takes place with other organisations with an interest in parking enforcement, such as the Royal Parks, DVLA, the County Court responsible and the Traffic Director for London. There has also been increasing interest in London's decriminalised enforcement plans both from authorities and agencies from elsewhere in the United Kingdom but also elsewhere in Europe.

Public relations and publicity

Parking enforcement is a very emotive subject and it is hardly surprising, therefore, that the impact of publicity has been very



important. The issues are wide and frequently expressed in a number of different forms.

The concerns expressed include, most frequently: that parking attendants and boroughs have income as their main objective and that parking attendants have individual quotas to meet or get commission on parking tickets issued; lack of information and inadequate signing of parking restrictions; enforcement of contraventions that have not been enforced in the past; and the impact of proper enforcement upon traders.

These issues are being addressed, and in many cases, for example, the allegation of parking attendants on commission, the Committee's focus has been on giving accurate information to counter myths.

PCfL receives a significant number of general public enquiries every day, and aims to respond to all of them within 3 working days. The majority are dealt with on the day they are received, and, where appropriate, referred to the relevant borough. The number of public enquiries is anticipated to rise substantially in 1994/95.

To help keep motorists informed of the changes, over 500,000 copies of the PCfL *Parking in London* leaflet have been distributed through boroughs and other sources in the last twelve months. Further specialised information leaflets are planned for publication, to assist motorists in avoiding parking tickets and to improve their understanding of parking regulations. The PCfL has also engaged advertising agents to devise a campaign to ensure motorists are reminded of the need to obey parking rules and heightening awareness of the changes that will take place after July.

PCfL has endorsed the principle of parking guides for London and has given advice on parking rules to the Clever Map Company

and Path Media Communications for inclusion in their guides.

There has been a significant amount of press coverage of the new enforcement system, mainly in the London regional and local press. PCfL has supported this by issuing informative releases with the launch of new SPAs and at other 'milestone' points, ensuring officers are available for interview and answering direct press enquiries immediately whenever possible.

Most of the coverage has been supportive, with appearances including *ES Magazine*, which featured a long and largely very sympathetic article on the work of Lewisham's enforcement operation. *The Evening Standard* has generally covered parking enforcement widely, and not always sympathetically, with other major coverage in the *Daily Mail* and *The Observer*. Nick Lester, London Parking Director, appeared as a guest on *The Frost Programme* on Carlton Television to discuss parking enforcement generally and both radio and television stations have also been interested in the subject.

Much of the press interest has concentrated on the Parking Appeals Service. Caroline Sheppard, the Chief Adjudicator, was interviewed on BBC Radio Four's *Woman's Hour* and in the *Daily Express*, and the *Sunday Telegraph* and the *Evening Standard* have featured prominent and sympathetic features.



Parking Appeals Service

1993/94 is a significant year since it marked the determination of the first cases under the new decriminalised provisions for parking contained in the Road Traffic Act 1991. The Chief Adjudicator was appointed in 1992 to devise the new tribunal and the other three Parking adjudicators were appointed in July 1993 in anticipation of the first cases arising from the enforcement activities of the first London boroughs to implement the new procedures.

The first applications for parking appeals arrived in December 1993. Initially they were all requests for postal decisions and the first personal hearings did not appear until March 1994. Because the Parking Appeals Centre had not opened these were heard at the Coroner's Court in Bagleys Lane. The Chief Adjudicator dealt with most of the cases during the period of this Annual Report, although one session and a number of postal applications were undertaken by one of the panel members. Details of the cases are contained in Tables on page 14 to this report. These cases were processed and dealt with a manual caseload system pending the implementation of the computer system in May 1994.

Planning the service

Leading up to the first cases, the Committee had to decide how to organise the service. It set the objective of creating a service which is accessible, simple, timely and cost-effective for the public and councils alike. Above all, it had to be, and be seen by the public to be, truly independent of the councils. Both the London Parking Director and the Chief Adjudicator had visited cities in America where administrative adjudication for parking appeals has already been introduced and gained some insight into the issues involved. The approaches in different cities in the USA vary from one to another.

Whilst the Committee saw some useful examples, particularly in the use of information technology, it had to bear in mind that the background in London is very different not only because of the thirty three authorities involved, but also because of the legal context in which the service operates. The American experience proved invaluable in setting the context for simple procedure and informal hearings, principles which were embodied in the adjudicators' procedural regulations.

Adjudicators' regulations

The London Parking Director and the Chief Adjudicator were extremely fortunate to have been included in discussions at the Department of Transport concerning the drafting of the regulations for Adjudicators. The Road Traffic (Parking Adjudicators) (London) Regulations 1993 came into force on 1 July 1993. This enabled the Committee to create a streamlined procedure for parking appeals, made provision for service of documents by fax and electronic data transfer and allows us to hold the official register electronically in a non-visible format.

The regulations provide the procedure when the adjudicators' office receive an Appeal Application Form (Notice of Appeal form), but we needed to decide how people wishing to appeal should obtain the necessary form. It was determined that the boroughs should enclose an Appeal Application Form with the letter rejecting their representations from the boroughs. This ensures that all motorists considering an appeal are informed fully and consistently about their statutory right to appeal. It also enables the Parking Appeals Service to process an appeal in a timely manner.

The Appeal Application Form sets out clearly and in plain English information



about how to appeal to a Parking Adjudicator, the right to a personal hearing or a postal decision, the statutory grounds of appeal, the adjudicator's powers, the likely time it takes to complete the case. It also gives examples of reasons that a motorist may put forward for a parking contravention which the adjudicator cannot take into account.

Hearing centres

Hearing parking appeals in council offices would compromise the public perception of the adjudicators' independence but because of the difficulty in predicting the likely volume of parking appeals the Committee decided to set up one hearing centre in central London initially, with a commitment to opening satellite centres in outer London when trends in the demand could be assessed properly. Every effort has been made, however, to ensure that it is as convenient as possible for any person to have a hearing with an adjudicator by offering hearing appointments from 8.00 am to 8.00 pm on weekdays and 8.00 am to 1.00 pm on Saturdays.

Choice of decision for appellant

The regulations provide for an appellant to select either a personal hearing with the adjudicator or to receive a postal decision. They are asked to send in all their evidence with their appeal application which is copied to the council to enable them to respond. On the whole the evidence for either side falls into similar and predictable categories. The information provided for motorists on the Appeal Application Form explains the standard evidence that the council will provide to the adjudicator. The advantage of having adjudicators who are lawyers is that if they consider that in a

particular case there are unusual or additional points of fact or law involved which ought to be addressed by the motorist or council they will adjourn the case to give the opportunity for either or both parties to be heard on the point.

The procedural regulations state that an appellant should be given four weeks' notice of a hearing which is a standard provision in tribunals. In the light of this the Committee has set an objective that the majority of cases shall be determined finally within five weeks of receiving the Notice of Appeal. There is a further objective that appellants attending for a personal hearing shall not be kept waiting for more than fifteen minutes.

Procedure at hearings

The atmosphere and procedure at a personal hearing is informal as befits the matter of adjudication. It is, however, important to ensure that neither side is disadvantaged by relaxing the traditional rules. A full explanation is given to an appellant at the hearing informing them of the nature of the proceedings and that in spite of their informality they are nevertheless legal proceedings. What follows appears to the appellant to be a conversation but in fact mirrors any procedure that applies within a court or tribunal. The adjudicator opens the case by introducing the information on the Penalty Charge Notice. The appellant then has an opportunity to present his or her case. The adjudicator effectively cross-examines the appellant and then goes through the council's case with the appellant. The appellant then can comment on the case generally and add anything further before the adjudicator gives a decision and reasons for the decision.

The computerised casefile and register developed for the Committee will enable an appellant to collect a written result,

including the adjudicator's reasons on the way out of the Parking Appeals Centre.

Evidence

A key decision that was made was that every effort should be made for the parking attendants not to have to appear before the adjudicators. Given the use by most boroughs of handheld computers to issue Penalty Charge Notices and the admissibility of computer evidence, as in the American system, it has been universally determined that the Penalty Charge Notice should in itself form the *prima facie* case for the council. Other evidence would be submitted in document form including copies of relevant extracts from the parking attendant's written notes, copies of any correspondence and any relevant reports relating to road signs, markings, meter maintenance, etc.

Adjudicators

The Committee has decided to create a panel of part-time adjudicators rather than make any full time appointments in addition to the Chief Adjudicator's. The benefits of this approach are that it enables the Parking Appeals Service to be responsive to the number of cases to be dealt with and it brings a broad experience from a wide variety of lawyers with different types of practices. This broad experience is demonstrated in the appointment of the first three panel adjudicators: Usha Gupta, being a practising barrister; Monica Hillen, being a Magistrates' Clerk and Andrew Keenan, being a practising solicitor.

Steps are being taken to enlarge the panel of adjudicators, particularly to ensure that there are sufficient numbers who can sit during the early mornings, lunch times and the evenings. Advertisements will be placed in

legal journals with a view of making new appointments over the next year.

Conclusion

There has been an extremely favourable response to the parking appeals that have been heard and a number of letters from appellants thanking us for the way in which the cases were handled and endorsing the new informal system as being a welcome and successful method of dealing with parking disputes, have already been received. These letters have included some from people whose appeals were not successful. The Committee looks forward to developing the system further in the next year.

In accordance with section 73(17) of the Road Traffic Act, the adjudicators must submit an annual report to the Committee on their activities. This report has been received and has been adopted to form the major part of this section. The joint report of the adjudicators on their hearing of cases has been included on page 16.



Committee Organisation

Committee activities

The Parking Committee has met twice in 1993/4, on July 27th and December 14th, while the sub-Committee met more frequently, on 27th April 1993, 29th June 1993, 27th July 1993, 7th September 1993, 12th October 1993, 9th November 1993, 19th January 1994 and 15th March 1994. A list of the members of the Committee and Sub-Committee is included in Members on page 28.

Accommodation and staffing

The PCfL was, until early 1994, housed in short-term temporary accommodation at 14, Buckingham Palace Road in Belgravia. During the early spring of 1994, new accommodation was secured on the first floor of New Zealand House, Haymarket, near Trafalgar Square. The accommodation consists of a small office suite for PCfL staff, a substantial area for the staff and equipment of PCfL's prime contractor EDS, and four hearing rooms and a waiting area for the Parking Appeals Service. The office move took place on the 9th April 1994.

During 1993/94, PCfL's core staff grew from five to seven with the Communications Officer and an administrative assistant starting work during the year. By the end of the year only one post remained to be filled from the initial staffing plan, that of Clerk to the Parking Appeals Service. Recruitment for this post was due to start in April 1994.

As a consequence of the contracting to EDS of the administrative support for PAS and most of the IT services for the boroughs and the public it is not anticipated that the PCfL's core staff will significantly rise in the foreseeable future, even as the level of parking enforcement activity by London boroughs rises dramatically (a summary of PCfL's current staffing is contained in Staff Members on page 30).

The Committee has also been advised ably by an Officers' Advisory Panel, bringing together borough officers from a variety of disciplines, and their help and advice is greatly appreciated. The Officers' Advisory Panel is chaired by Andrew Colvin, Comptroller and City Solicitor for the Corporation of London.

Financial statement/audited accounts 1993/94

PCfL's accounts for 1993/94 are appended and show that there was an underspend over the year' as a whole, mainly due to recruitment of staff taking place later than originally planned. Not surprisingly, there was a substantial growth in expenditure for 1993/94 over 1992/93 as a consequence of more operations starting up. This will also be the case in 1994/95.



Tables

Levels of Borough activity at March 31, 1994

Borough	RTA Enforcement	PCNs	Wheelclamps	Removals
Bromley	4th October '93	37,000	n/a	n/a
Camden	6th December '93	57,233	3,364	1,599
Hackney	6th December '93	25,319	1,392	198
Hammersmith & Fulham	4th October '93	29,717	n/a	1,306
Hounslow	6th December '93	17,722	n/a	n/a
Lewisham	4th October '93	27,332	n/a	n/a
Richmond	31st January '94	8,487	n/a	n/a
Wandsworth	4th July '93	52,530	n/a	49

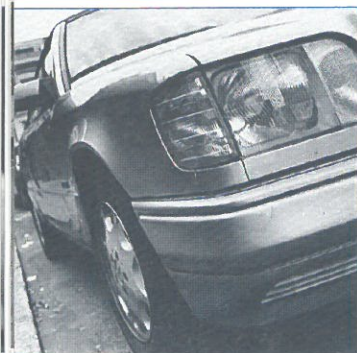
Summary of appeals received before 31st March 1994, and outcomes

Type of appeal	Granted	Refused	Not contested	Adjourned	Total
Personal	36	20	12	0	68
Postal	100	42	16	1	159
Total	136	62	28	1	227



Additional parking charges

Type	Discounted amount	Full charge
PCN (Band A)	£30	£60
PCN (Band B)	£20	£40
PCN (Band C)	£15	£30
Tow-away release fee	n/a	£105
De-clamping fee	n/a	£38
Daily storage fee at pound	n/a	£12
Disposal fee	n/a	£50



Joint Report of the Parking Adjudicators

This report for the period 1993/94 is jointly presented to the Parking Committee for London by the four Parking Adjudicators appointed by the Committee.

Issues emerging from appeals

It must be emphasised that only a very small percentage of Penalty Charge Notices give rise to an appeal to the Parking Adjudicators. However in the appeals that were determined in early 1994 cases a number of issues have emerged which merit attention.

● Ownership of the vehicle

This has already become a problem area for the new scheme. The difficulties mainly arise from DVLA procedure on the sale of vehicles not being followed. Typical examples are where:

- old or damaged vehicles are sold for scrap and the vendor is not anticipating any further 'use' of the vehicle;
- vendors receiving cash payments are persuaded by the purchaser to hand over the whole DVLA registration document claiming they will undertake the task of completing the details of sale and sending it to the DVLA; and
- dealers accepting vehicles in part exchange demand the whole registration document on the grounds that it will be re-registered in the name of the next purchaser.

Incorrect vehicle registration has an impact beyond liability for Penalty Charge Notices under the Road Traffic Act.

We recommend that these issues are taken up with the Department of Transport, the DVLA and other concerned organisations as a matter of urgency.

● Photographs

A significant number of appellants have taken the opportunity of submitting

photographs to the Adjudicator. On the whole this is helpful providing they have a clear indication that they are of the site in question. Many recent appeals which we have heard against vehicle removals have turned on the straight dispute as to where the vehicle was parked. The issue would have been resolved by a photograph of the vehicle in the position in which it was parked before it was removed.

We recommend that all vehicles to be removed are photographed in situ first.

Procedural problems created by the Road Traffic Act 1991

It has become apparent that the procedure contained in the Road Traffic Act 1991 creates a number of difficulties:

- The strict rule of owner liability has given rise to situations where leasing companies frequently pay the full penalty charge on receipt of a Notice to Owner and claim the charge back from the keeper of the vehicle, together with an additional administration fee. This gives rise to an inequitable situation where the keeper of the vehicle wishes to challenge the original Penalty Charge Notice.

We recommend that the leasing companies should establish, before payment of the Penalty Charge Notice, whether there is a dispute about the Penalty Charge Notice and, in those circumstances the Notice to Owner be returned to the council naming the keeper of the vehicle to whom a second Notice to Owner may be sent under the provisions of Section 82(2) of the Act.

- The introduction of the discounted penalty charge whereby 50% accepted if it is received within 14 days of the issue of the Penalty Charge Notice puts motorists wishing to challenge parking tickets into a dilemma and effectively requires them to



take a 'double or quits' risk. A significant number of members of the public have expressed a desire to pay the discount rate as a deposit and simultaneously follow the representations and appeals procedure contained within the Act.

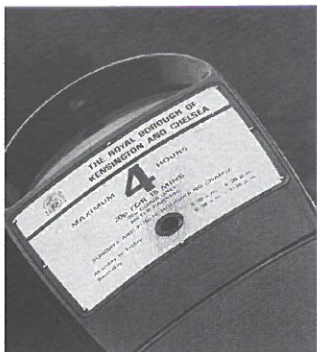
In addition, private owners of vehicles who were not responsible for the parking contravention, have expressed a sense of injustice that the first they hear of the penalty charge is after the period allowed for payment of the discount rate has elapsed.

We recommend that, in the interests of justice, councils should make every effort to adopt a flexible procedure.

- The procedure contained in Schedule 6 of the Act, whereby representations are only formally considered after the issue of the Notice to Owner, aggravates those members of the public who have written on receipt of the Penalty Charge Notice and have to repeat their matter of complaint after they have been served with the form. The provision currently contained in the London Local Authorities (No 2) Bill comes some way to ease this bureaucratic procedure, but the Department of Transport may have to consider a fuller amendment to the Act in the future.

Chief Adjudicator
Caroline Sheppard

Parking Adjudicators
Usha Gupta
Monica Hillen
Andrew Keenan



Report and Accounts

Report of the Chair of the Parking Committee for London to the consortium members

The Chair of the Parking Committee for London (the Committee) has pleasure in presenting the financial statements for 1993/94, the second full year of operation of the Committee.

Responsibilities of the Committee

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

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

Principle activities

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

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

The following are the agreed services carried out by the Committee:

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

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

Committee support during 1993/94

The Committee and its Sub-Committee are advised and supported by a management team, the London Parking Director, Chief Adjudicator, Administration and Finance Manager and a small core support team which includes a Communications/Publicity Officer who was appointed during the year.

The full Committee met three times during the financial year and the Sub-Committee met eight times.



Accounts for 1993/94

The activities of the Committee and of the support team were intensive during the year. Major areas of activity included; in mid November the procurement and award of a contract for Information Technology Systems and their related administration, the setting up of training standards for Parking Attendants, and preparation work for the commencement of enforcement operations for the first wave boroughs and for the majority of remaining boroughs from 4 July 1994.

Another significant activity was the negotiation, leasing and fitting out of our new offices at New Zealand House, SW1 to accommodate the support team and the IT Services contractors.

There were predicted underspends on salaries and staff expenses, consultancy and initial adjudication costs and predicted overspends on office expenses, resulting in an overall underspend.

In general a conscious effort was made to contain expenditure in order to build an operational surplus to assist in providing the cash flow required for the early months of 1994/95.

There were no outstanding annual levy payments from boroughs.

Looking forward to 1994/95

In 1994/95 the remaining 25 London boroughs will take over their responsibilities for enforcing parking regulations. This will be a major enterprise and result in considerably enhanced activities for the Committee.

In line with previous decisions much of the enhanced activity will be carried out by the Committee's contractors and consultants.

The approved estimated budget for 1994/95 has dramatically increased to £3.8m, from the 1993/94 budget of £525,000, to take into account the expected costs of the first year of the boroughs having full enforcement powers and of the Committee providing the full range of services related to them.

The 1994/95 budget is divided into two elements; core income and expenditure which is required to fund the Committee and pay its contractual commitments and estimated variable income and expenditure which comprises the bulk of the budget related to the use of services by the boroughs. The Committee will consider the need for a trading account budget for 1995/96.

The Clerk to the Parking Appeals Service was recruited in July 1994. Councillor Ronnie Barden served as Chairman of the Committee throughout the year to 31 March 1994. He did not stand for re-election to the Committee on 21 June 1994 and Councillor Sally Powell was elected Chair on the same date.

Councillor Sally Powell
Chair, Parking Committee for London

20 September 1994

Auditors' report to the consortium members of the Parking Committee for London

We have audited the financial statements on pages 21 to 27.

Respective responsibilities of the Committee and Auditors

As described in the Chairman's report on page 18, the Committee is responsible for the preparation of financial statements. It is our responsibility to form an independent opinion, based on our audit, on those statements and to report our opinion to you.

Basis of opinion

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

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

Opinion

In our opinion the financial statements give a true and fair view of the state of affairs of the Parking Committee for London as at 31 March 1994 and of its result for the year then ended.

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

20 September 1994



Income and expenditure account

(year ended 31 March 1994)

	Notes	1994	1993
Income	2	586,105	410,412
Expenditure			
Accommodation		65,821	23,849
Staffing costs		191,535	121,874
Computer costs		7,273	7,459
Overheads		272,507	62,632
		537,136	215,814
Operating result		48,969	194,598
Interest receivable		20,532	24,145
Retained surplus for the year		69,501	218,743
Balance brought forward		259,746	41,003
Retained surplus carried forward		£329,247	£259,746

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

Balance sheet
(31 March 1994)

	Notes	1994	1993
Fixed assets			
Tangible fixed assets	3	457,140	23,075
Current assets			
Debtors and repayments	4	65,725	34,244
Cash at bank and in hand		278,300	244,667
		<u>344,025</u>	<u>278,911</u>
Creditors:			
Amounts due within one year	5	<u>299,212</u>	<u>42,240</u>
Net current assets		<u>44,813</u>	<u>236,671</u>
		<u>501,953</u>	<u>259,746</u>
Creditors:			
Amounts falling due in more than one year	6	<u>172,706</u>	<u>-</u>
		<u>£329,247</u>	<u>£259,746</u>
Financed by			
Income and expenditure account		<u>£329,247</u>	<u>£259,746</u>



Notes to the financial statements

(year ended 31 March 1994)

1 Accounting policies

The Committee has adopted the following accounting policies which should be read in conjunction with the financial statements set out on page 22 to 27 which have been prepared under the historical cost convention.

i) Income and expenditure

Income is recognised in the period to which it relates, and expenditure is charged in the period in which it is incurred.

ii) Fixed assets and depreciation

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

Furniture and fittings – 10% on cost

Computer, communications and security equipment – 25% on cost

Leasehold improvements – over the term of the lease

iii) Leased assets and obligations

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

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

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

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

2 Income

	1994	1993
Borough levies for the period	524,700	409,992
Other income – publication sales	–	420
– training levies	61,405	–
	£586,105	£410,412

Notes to the financial statements *continued*
(year ended 31 March 1994)

3 Tangible fixed assets

	Leasehold improvements	Computer, communications and security equipment	Furniture and fittings	Total
Cost				
Brought forward	—	16,828	11,616	28,444
Additions	259,209	66,201	115,498	440,908
	<u>259,209</u>	<u>83,029</u>	<u>127,114</u>	<u>469,352</u>
Depreciation				
Brought forward	—	4,207	1,162	5,369
Charge in year	1,440	4,207	1,196	6,843
	<u>1,440</u>	<u>8,414</u>	<u>2,358</u>	<u>12,212</u>
Net Book Value				
31 March 1994	<u>£257,769</u>	<u>£74,615</u>	<u>£124,756</u>	<u>£457,140</u>
31 March 1993	<u>£—</u>	<u>£12,621</u>	<u>£10,454</u>	<u>£23,075</u>

1994 1993

4 Debtors and prepayments

Levies receivable	39,340	2,275
Sundry debtors and repayments	26,385	31,969
	<u>£65,725</u>	<u>£34,244</u>

5 Creditors

Amounts due within one year:		
Association of London Authorities	—	31,971
Electronic Data Services Limited	269,488	—
Other creditors and accruals	29,724	10,269
	<u>£299,212</u>	<u>£42,240</u>



6 Creditors

Amounts falling due in more than one year:
Electronic Data Services Limited

<u>1994</u>	<u>1993</u>
<u>£172,706</u>	<u>£-</u>

The amounts included above shown as due to Electronic Data Services Limited are in respect of the fitting out contract for the Parking Committee for London at New Zealand House. The amounts due are repayable by instalments over a period of 2 years from the balance sheet date.

7 Taxation

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

8 Lease commitments

Annual commitments under operating leases at 31 March 1994 are:
Land and Buildings

<u>£150,000</u>	<u>£-</u>
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Detailed income and expenditure account
(year ended 31 March 1994)

	1994	1993	
Income			
Borough levies	524,700	409,992	
Interest receivable	20,532	24,145	
Other income	61,405	420	
	606,637		434,557
Expenditure			
Adjudication costs:	7,119	-	
Accommodation costs:			
Rent	22,000	19,085	
Rates	13,690	906	
Gas	-	36	
Electricity	216	45	
Insurance	350	525	
Service charge	18,883	2,984	
Hygiene disposal service	493	268	
Office moving costs	1,630	-	
Depreciation- leasehold improvements	1,440	-	
	65,821	23,849	
Staffing costs:			
Director	54,620	42,120	
Office administration	132,186	70,405	
Temporary staff	-	7,843	
Recruitment charges	320	1,506	
Payroll administration costs	4,409	-	
	191,535	121,874	
Computer costs:			
Printer rental	-	900	
Supplies	3,066	2,352	
Depreciation- computer equipment	4,207	4,207	
	7,273	7,459	
Carried forward	264,629	606,637	153,182
			434,557



	1994		1993	
Brought forward	264,629	606,637	153,182	434,557
Expenditure (continued)				
Overheads:				
Maintenance	-		312	
Photocopying	11,885		10,537	
Telephone	3,473		2,969	
Postage	3,185		3,414	
Meeting expenses	3,742		3,526	
Advertising	11,916		1,330	
Travel expenses	3,395		1,693	
Stationery	6,148		5,728	
Audit and accountancy	3,425		3,400	
Consultancy	216,879		19,325	
Legal and professional	-		7,312	
Bank interest and charges	4,836		1,652	
Subscriptions	240		492	
Depreciation - furniture	1,196		1,162	
Sundry	2,187		853	
Pre VAT registration input tax recovered	-		(1,073)	
	<u>272,507</u>		<u>62,632</u>	
Total		<u>537,136</u>		<u>215,814</u>
Surplus for the period		<u>£69,501</u>		<u>£218,743</u>



Members

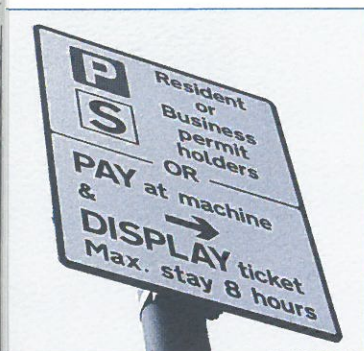
Members 1993/94

Member	Borough	
Cllr Royston Patient	Barking and Dagenham	
Cllr Fred Poole*	Barnet	<i>retired April 1994</i>
Cllr Nicholas Kissen		<i>appointed May 1994</i>
Cllr Joan Stewart	Bexley	<i>retired April 1994</i>
Cllr B Brand		<i>appointed May 1994</i>
Cllr Edward Lazarus	Brent	
Cllr Anthony Owen	Bromley	<i>retired April 1994</i>
Cllr Malcolm Hyland		<i>appointed May 1994</i>
Cllr Peter Brayshaw	Camden	<i>retired April 1994</i>
Mrs Barbara Keep C C*	City of London	
Cllr Brian Woodrow		<i>appointed May 1994</i>
Cllr Alan Carey	Croydon	<i>retired April 1994</i>
Cllr Charlie Burling		<i>appointed May 1994</i>
Cllr Charles Richards	Ealing	<i>retired April 1994</i>
Cllr Keith Fraser		<i>appointed May 1994</i>
Cllr Terence Neville*	Enfield	<i>retired April 1994</i>
Cllr V Horridge		<i>appointed May 1994</i>
Cllr Jim Coughlan	Greenwich	<i>retired April 1994</i>
Cllr Skhdev Sanghara		<i>appointed May 1994</i>
Cllr Brian Marsh*	Hackney	
Cllr Sally Powell*	Hammersmith & Fulham	
Cllr M Dewar*	Haringey	
Cllr J Lemon	Harrow	<i>retired April 1994</i>
Cllr S Giles-Medhurst		<i>appointed May 1994</i>
Cllr R S Kilbey	Havering	
Cllr David Payne	Hillingdon	<i>retired September 1993</i>
Cllr Christine Saunders		<i>appointed September 1993</i>
Cllr Anthony Louki	Hounslow	
Cllr Andrew Bosi	Islington	
Cllr Patrick Gillford	Kensington & Chelsea	<i>retired April 1994</i>
Cllr J Corbet-Singleton		<i>appointed May 1994</i>

**Member****Borough**

Cllr Dennis Doe	Kingston upon Thames	<i>retired April 1994</i>
Cllr David Twigg		<i>appointed May 1994</i>
Cllr Janet Crook	Lambeth	<i>retired April 1994</i>
Cllr Cathy Ashley		<i>appointed May 1994</i>
Cllr Ian Arnold	Lewisham	<i>retired April 1994</i>
Cllr L Curran		<i>appointed May 1994</i>
Cllr Michael Brunt*	Merton	
Cllr Carol Knights	Newham	
Cllr Ronald Barden*	Redbridge	<i>retired April 1994</i>
Cllr Dr Noor		<i>appointed May 1994</i>
Cllr Raymond Hart*	Richmond upon Thames	
Cllr David Fryer	Southwark	<i>retired April 1994</i>
Cllr Tony Ritchie		<i>appointed May 1994</i>
Cllr Mike Cooper	Sutton	
Cllr Barry Blandford	Tower Hamlets	<i>retired April 1994</i>
Cllr Belle Harris		<i>appointed May 1994</i>
Cllr H Morgan Thomas	Waltham Forest	<i>retired April 1994</i>
Cllr Tony Buckley		<i>appointed May 1994</i>
Cllr Ravi Govindia	Wandsworth	
Cllr Robert Davis*	Westminster City Council	

*Members of the Sub-Committee



Staff Members

Staff members 1993/94

Nick Lester

Caroline Sheppard

Barry Hornett

Gary Law

Mike Allaway

Margaret Brown

Theresa Duyile

London Parking Director

Chief Adjudicator

Administration and Finance Manager

Communications Officer

PA to Parking Director (*retired February 1994*)

PA to Chief Adjudicator

Administration Assistant (*appointed January 1994*)

Adjudicators



Adjudicators 1993/94

Usha Gupta (*appointed July 1993*)

Monica Hillen (*appointed July 1993*)

Andrew Keenan (*appointed July 1993*)



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