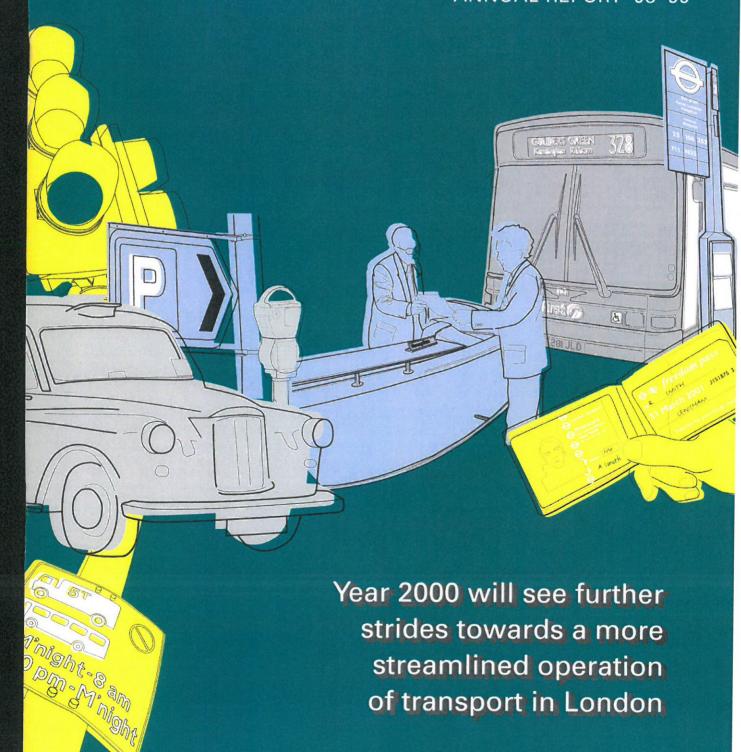


ANNUAL REPORT '98 '99





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Chair's Foreword



Sally Powell (Chair)

The future for London's government is bright, and significant improvements to London's transport is now an achievable goal

This has been a busy year for the new Transport Committee for London. Central government produced its proposals on 'Best Value' in July. This complements our agenda to promote and adopt best practice, whilst increasing co-operation and co-ordination between London's councils. We are listening to users with a view to delivering high quality services and improving transport conditions in London for the whole community.

This year we have been delighted to be working closely with central government and parliamentarians on the implementation of the new Greater London Authority. Preparing for the Mayor has not distracted us from our core tasks, and this year has seen considerable achievements. For instance, all London's councils are now signed up to the London wide lorry ban again, and we have been re-tendering our largest support contract with a view to future enhancements to the service we deliver to the public. Furthermore, we have embarked on a major review of door-to-door services for people with disabilities, again with a view to improving service and efficiency. Last year's merger reduced TCfL's costs and should give us scope in the future to improve service and nurture innovation yet further - both in TCfL itself and individual boroughs.

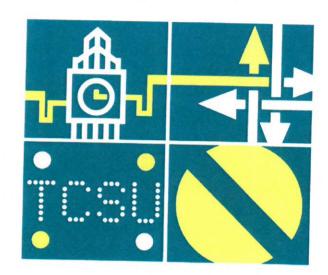
In all of this the level of commitment and co-operation from every council in London has been outstanding, and I take this opportunity to thank the members of the committee for their hard work in the last year. The future for London's government is bright, and significant improvements to London's transport are now an achievable goal.

Sally Powell, Chair, TCfL

Chief Executive's Introduction



Nick Lester (Chief Executive)



1998/99 was
the first full
year of
operations for
TCfL and it has
been a year
characterised
by great
change.

As an organisation which has primary roles in delivering services to Londoners, maintaining and enhancing these services has been at the heart of all our activities. I have put great emphasis on the need to ensure that our activities are customer focussed, whether the customer is a driver, an elderly person, someone with disabilities or a London borough.

Issues surrounding the creation of the Greater London Authority have dominated much of the year. The White Paper, which set out Government policy on this, was published in March 1998, following a series of discussions about the role of the Authority and the Mayor. This White Paper marked the decision that while the Traffic Control Systems Unit (TCSU - currently part of TCfL) would transfer to the Mayor's transport agency, Transport for London (TfL), the rest of TCfL's activities would remain with the boroughs. The White Paper also held that Taxicard should be transferred from the boroughs to TfL in due course.

The White Paper, however, merely set out the skeleton of the future arrangements, and between its publication and the publication of the Bill in November, a series of discussions were held with ministers and the Government Office for London over the details of the proposals.

The issues that needed discussion included

- arrangements for TCSU to operate traffic signals on borough roads
- new arrangements for concessionary fares (Freedom Pass)
- arrangements for the continued operation of Taxicard
- arrangements for operating parking appeals and setting parking penalties on the new Greater London Road Network (GRN)
- demarcation between borough roads and the GRN
- arrangements for TfL to be represented on TCfL.

Not only have we had to deal with the changing external world, but also ensure TCfL is functioning properly as an organisation - starting the changes needed to develop services with the benefits of a single organisation

During the start of the year the Bill progressed into Commons committee, where we put in considerable effort to briefing members of all parties and, as the year progressed, into the House of Lords. Throughout this complex procedure, the degree of co-operation that took place between TCfL and the Government Office for London was notable in terms of getting the details of the Bill right. It is likely that this Bill will go down as one of the largest and most complex in recent Parliamentary history.

These, together with a host of more detailed issues took a considerable time to resolve and the formation of the GLA and TfL in 2000 will certainly expose other detailed areas where further clarification of responsibilities is needed.

Issues of the GLA Bill dominated activity in 1998/99, but during 1999 the emphasis will switch to implementation of the new arrangements and establishing liaison between TCfL and the new Transport for London.

Other major issues for TCfL this year included the establishment of the Commission on Accessible Transport (CAT), representing all funding bodies for door to door transport. CAT's preliminary findings prefigure a range of pilot projects designed to test how co-ordination can produce better integrated and more efficient services for people with disabilities.

The outcome of these pilot projects will set the basic principles of the way doorto-door transport will operate in London in the future.

During 1998 all the London boroughs agreed to participate in the night time and weekend lorry ban and this prompted a major review of its operations. This has highlighted the need for a number of important changes:

- a review of signing to ensure the all signs are properly in place
- a review of the excluded route network
- a review of enforcement arrangements

The outcome of these reviews will be implemented during 1999/2000.

Internally, we have taken steps to create a single body out of the predecessors. By October, all members of staff (except for TCSU) were part of a single organisation and economies of scale have enabled us to undertake work more effectively and efficiently while reducing costs to the borough councils.

1999/2000 will see further strides towards a more streamlined operation of transport in London both as a result of the coming of the GLA and the Mayor but also as a result of further improvements in co-ordination between the boroughs.

The scale of their investment in both the London Taxicard and Concessionary Fares Schemes exemplifies the commitment of London's councils to older and disabled Londoners. The schemes are managed by TCfL on

London's concessionary fares scheme is implemented through the issue of the Freedom Pass to eligible Londoners. All 33 London councils pay for the scheme, to a tune of £146 million. This means that over a million older, disabled and blind people can travel on London's public transport network free of charge. They can use the London bus and tube services as well as those provided by the national train operators. This year saw us negotiate with operators to ensure Freedom Pass holders will be able to use the new Jubilee Line extension, Croydon Tramlink, and the Docklands Light Railway's Lewisham branch when they open.

It is easily the most comprehensive concessionary travel service in the country and, being free to users, one of the best in the world.

behalf of the participating councils.

The London Taxicard scheme subsidises travel for eligible disabled people resident in 29 London boroughs. It provides door-to-door transportation for many people who cannot always use public transport. Members are provided with a scheme membership card and a telephone number to make trip bookings. The scheme is flexible and popular with users. One serious limitation is in some suburban areas where the supply of scheme taxis is not adequate.

This is an issue that both TCfL and its contractor are continuing to address. Equally the Commission on Accessible Transport (CAT) report will seek to improve overall door-to-door provision and this will include enhancing Taxicard.

This year saw the foundation by TCfL of the CAT, looking at all door-to-door transport provision for mobility impaired Londoners, including Taxicard Its remit is to look at the future of door-to-door services with a view to improving co-ordination between the various agencies funding and providing them. Members include representatives of health authorities, social services departments and education departments as well as LT and government departments.

The Commission is expected to report later in 1999.



Parking Appeals

The Parking Appeals Service administers the work of the Parking Adjudicators, a statutory tribunal established under Section 73 of the Road Traffic Act 1991, to consider appeals against liability for penalty charges issued by local authorities.





The Adjudicators are required to make a report annually to the Transport Committee for London on the discharge of their functions. Their report for this year can be found on page 13. Appeals are lodged against about 1% of parking tickets (penalty charge notices or PCNs) issued in London. This year saw a total of 38,424 appeals lodged (a rise of 4,000 on last year matching the rising trend in the number of PCNs issued). On seeing the evidence motorists submitted to the independent adjudicator, the issuing local authority decided not to contest the appeal in 24% of these cases. Overall and including these, 58% of the appeals processed this year were decided in the motorist's favour. In addition to these appeals, PAS must consider certain cases that arise after statutory declarations have been made to the county court. There were 1,581 cases of this kind.

The London Adjudicators also considered 439 appeals against Penalty Charge Notices issued under the Road Traffic Act 1991 by authorities outside London. The authorities concerned are High Wycombe, Maidstone, Oxford, Watford and Winchester. This is a service the London Adjudicators agreed to provide until July 1999, when authorities outside London take responsibility for establishing their own appeals system.

User feedback has shown us that the possibility of selecting a preferred hearing time is seen very positively. In particular, the availability of hearing times out of office hours, including Saturday mornings, is very popular with appellants. We have therefore increased the appointments available during the evening and on Saturdays and continue to review our arrangements and procedures in order to provide an accessible and effective service.

Traffic Enforcement



This year saw 48,398 permits issued to lorries to work in London on a permanent basis at night, and 6,780 temporary ones. Every application is scrutinised to ensure that only essential lorry movements are authorised.



To protect London's environment from unwarrented lorry noise, we have a night time and weekend ban on unnecessary movements by vehicles over 17.5 tonnes. This year has been the first in recent history when all the London boroughs have participated in the lorry ban - two years ago only 19 were in membership. With 100% membership TCfL's traffic enforcement team can concentrate on delivering its key services for London's residents and lorry operators at a reasonable cost to all boroughs.

In addition, we have begun a review of those roads currently excluded from the ban to ensure that this reflects our priorities of minimising lorry noise to residents whilst not unduly inconveniencing lorry drivers. We have secured £750,000 of government support for new signs around the capital marking the extent of the lorry ban and are looking at ways to enhance the enforcement effort. 2,604 prosecutions were launched this year with 88% successful.

In addition to work on lorry control we have also been visiting the offices of all London's parking enforcement departments, in an effort to ensure they receive the services they require from us both now and in years to come.

In addition TCfL operates the TRACE service, helping drivers locate vehicles which have been stolen or towed away.

During 1998 a major review was made of the levels of parking penalty in London and other additional parking charges, such as the clamping fee. These have now been adjusted, in the case of parking penalties to ensure adequate deterrence, and in the case of other charges to ensure councils have their costs fully met by offending motorists. The Transport Committee is given the power to set these charges, with the consent of the Secretary of State, under the Road Traffic Act 1991. From April 1999 they are:

	from April '99	previou charge
Band A PCN	£ 80	£60
Band B PCN	£ 60	£40
Band C PCN	£ 50	£30
Release from wheelclamp	£ 45	£38
Release from pound	£ 125	£105
Daily storage at pound	£ 15	£12
Disposal fee	£ 60	£50

It is anticipated that these increased charges will result in improved compliance with parking regulations.

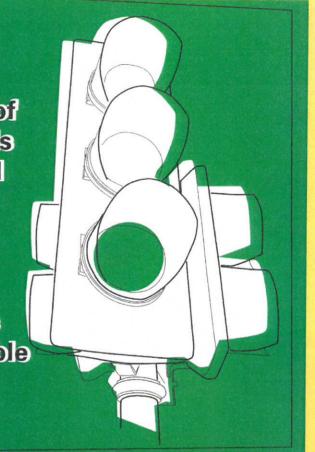
Parking enforcement is a major undertaking for London's councils and it is likely that TCfL will continue to play a key role in IT and policy support in the future



Traffic Signals and Surveillance

Automatic detection of faults on traffic signals enables us to respond quickly to failures; usually before a complaint is made.

Consequently, signals were over 96% available during 1998/9.



The Traffic Control Systems Unit (TCSU) keeps London's traffic lights, pedestrian crossings, traffic surveillance and enforcement cameras working across London 24 hours a day. This is not a policy making function - decisions on where to place signals and cameras are made by boroughs and central government agencies - but the engineering task is huge.

42,000 maintenance callouts occurred this year, a leap of 10% on last year. The increase cannot be attributed to less reliable equipment, however - the sheer numbers of traffic signals, and in particular cameras, is rising significantly at this time and damage to equipment by vandalism, excavations by statutory undertakers and road traffic accidents is also widespread.

One of this year's innovations was the adaptation of conventional CCTV cameras used for traffic surveillance for a new purpose - enforcement of bus lane regulations. Although the technology had not been used at year end we have high hopes for its usefulness in future.

The year saw over 75 new enforcement cameras installed (covering both red light and speeding offences) and 29 new CCTV cameras. 207 junction or pelican crossing signals were replaced, refurbished or re-ducted; and a further 171 sets of traffic signals installed at

In order to keep vehicle detection systems, controllers, cameras, computers and fault detection systems in constant communication large numbers of data transmission circuits along the streets are required. Overall availability of these systems last year was in excess of 99%.

In addition to London, TCSU provides services to the rest of the UK, and other parts of the world, on a consultancy basis. This year saw advice or software licensing to highway authorities in Iceland, Cape Town, Durban, Toronto, Cheshire and Northampton as well as several private contractors.

One of this year's innovations was the adaptation of CCTV cameras for bus lane enforcement

Revenue Accounts

for the year ending 31 March 1999

Mobility

	1998/99 £000	1998/97 £000
Expenditure		
Employee costs	234	417
Premises	2	45
Supplies and services	264	66
Agency payments	0	47
Transfer payments	0	0
Payments to transport operators	144,578	137,119
Survey/Reissue costs	9	225
Central/Technical support	23	0
Total Expenditure	145,110	137,919
Income		
Borough levies	144,822	138,094
Transfer from reserves	886	0.00,004
Interest earnings	194	296
LT secretarial contributions	30	30
Other income	0	45
Total income	145,932	138,465
Transfer to reserves	822	546

Parking/Central unit

	1998/99 £000	1998/97 £000
Expenditure		
	200	
Employee costs	388	349
Premises	489	410
Supplies and services	2,514	29
Agency payments	0	0
EDS services	2,278	2,050
Adjudication	351	294
Transfer payments	0	0
Central/Technical suport	18	Ö
Total Expenditure	6,038	3,132
Income		
Borough levies	4,776	2,995
Transfer from reserves	693	2,993
Interest	53	
Other Income	3	77 29
Total income	5,525	3,101
Total from reserves	513	31
	213	3

Traffic Enforcement

	1998/99 £000	1997/98 £000
Expenditure		
Employee costs	386	358
Premises	110	77
Transport	11	22
Supplies and services	232	77
Agency payments	48	183
Transfer payments	0	0
Central/Technical support services	15	130
Total expenditure	802	847
Income		
Borough levies	650	692
Transfer from reserves	67	0
Court fees and other income	157	166
Interest	28	18
Total Income	902	876
Transfer to reserves	100	29

Consolidated Balance Sheet as at 31st March '99

	£000	€000
Tangible Fixed Assets		
Leasehold Improvements		171
Current Assets	8,749	
Debtors	11,466	
Cash in hand and at bank		20,215
Total Assets		20,386
Current Liabilities		
Creditors		-18,127
Total Assets Less Current Liabilities		2,259
Provisions		-66
Total Assets Less Liabilities		2,193
Reserves		
Transfers from predecessor bodies		
- Revenue Reserves	3,365	
- Capital Contributions Unapplied	64	
		3,429
Less transfer to Revenue Account		-1,645
Surplus for the year		409
		2,193

Traffic Control Systems Unit 1998/99

1998/99 £000

	Gross expenditure	Income	Net expenditure	Grant from DETR	Final claim position
Capital Expenditure					
Urban traffic control	723	32	691	700	-9
Modernisation	2,236	11	2.225	2.428	-203
Bus priority	1,733	1,471	262	260	
Signal schemes	5,356	2,737	2.619	2.695	2
Traffic control and monitoring	2,003	211	1,792	2,001	-76 -209
Total capital expenditure	12,051	4,462	7,589	8.084	-495
Direct revenue					
Central systems	2,256	55	2,201	2,175	26
Traffic signals	5.868	425	5.443	6.040	-597
Monitoring	520	79	441	585	-144
Total direct revenue	8,644	559	8,085	8.800	-715
Other costs					
Staff	5,488	1.750	3.738	4.142	-404
Support services	1,743	716	1,027	1,585	-558
Total other costs	7,231	2,466	4,765	5,727	-962
Investment Interest account	_	449	-449		-449
Grand total	27,926	7,936	19,990	22,611	-2,621

1997/98

1997/98 £000

	Gross expenditure	Income	Net expenditure	Grant from DETR	Final claim position
Capital Expenditure					
Urban traffic control	959	185	774	770	4
Modernisation	2,581	0	2,581	2.577	4
Bus priority	671	473	198	200	-2
Signal schemes	5,651	2,481	3,170	3,164	6
Traffic control and monitoring	2,124	298	1,826	1,844	-18
Total capital expenditure	11,986	3,437	8,549	8,555	-6
Direct revenue					
Central systems	2,092	226	1,866	1,995	-129
Traffic signals	6,431	325	6,106	6,160	-54
Monitoring	983	210	773	800	-27
Total direct revenue	9,506	761	8,745	8,955	-210
Other costs					
Staff	5.397	1,505	3,892	4.074	-182
Support services	1,741	415	1,326	1,393	-67
Total other costs	7,138	1,920	5,218	5,467	-249
nvestment Interest account	_	182	-182	_	-182
Grand total	28,630	6,300	22,330	22,977	-647

Accounting Practices recommended by the General Purposes Sub-Committee for the accounts for 1998-99 and thereafter.

- General accountancy principles recommended by the Chartered Institute of Public Finance and Accounting.
- Income and expenditure to be on an accruals basis except for court charges which would be delt with on a cash basis.
- The leasehold improvement to New Zealand House to be regarded as a fixed asset depreciated over the life of the lease.
- All other existing fixed assets to be regarded as of a specialist nature for which no general market exists. They would be valued on a depreciated replacement cost basis which was considered to be nil.
- Future purchases should be subject to a "de minimus" level of £20,000 for capital accountancy purposes.
- A consolidated TCfL revenue balance and a TCfL capital balance should be held by the Committee on the 31st March 1999 on behalf of all the borough members.

Statistics

Parking Appeal Outcomes

				1998	8/99			
	PCN's Issued	Vehicles clamped	Vehicles removed	Appeals		Appeals		Total
Council								appeals
Barking and Dagenham	19,459							
Barnet	97,169	_	-	208	68	213		421
Bexley	76,911			993		879		
/ Brent	97,336	-	-	173		175		1,872
Bromley		-	4,198	790		961	8	348
Camden	62,306	-	48	271		280	3	1,751
Corporation of London	320,979	22,941	7,661	1,603		1,273		551
Croydon	110,902	2,493	2,227	675	176	673		2,876
Ealing	107,726	-	3,094	395		267		1.348
Enfield	126,008	-	-	863		12/02		662
Greenwich	89,515	-		168		247		1,110
Hackney	77,347	-	-	448		355		523
	83,507	8,919	869	591		360		808
Hammersmith and Fulham	154,634	-	2,995	1,060	440	296		887
Haringey	106,907	55	250	1,183		1,329	37	2.389
Harrow	80,235	_	2.30	197	443	621		1,804
Havering	39,035	182	57	234		302		499
Hillingdon	52,351		37		83	148		382
Hounslow	84,317		_	333	152	198		531
Islington	101,973			97	48	8		105
Kensington and Chelsea	219,610	16,910	9,022	580	183	315		895
Kingston Upon Thames	60,146	10,510		1,308	583	776		2.084
Lambeth	75,191	_	-	72	28	62	1	134
Lewisham	66,325	-	-	1,312	297	361		1.673
Merton	40,473	-	-	295	120	250		545
Newham	82,976	-	-	87		134		221
Redbridge	71,723	-		1,582	241	1,499	18	
Richmond Upon Thames	93,927	-	-	99	40	119		3,081
Southwark		-	-	208		170		218
Sutton	115,783	6,187	3,465	605		346		378
Tower Hamlets	54,248	-	-	398		257		951
Waltham Forest	102,556	-	-	1.917	1.091	963	4	655
Wandsworth	110,804	-	-	348		367		2,880
Westminster	121,238	-	4,261	362		347	4	715
Meztillitztei	792,267	~	_	2,709	1.562			709
Total/August for to t				~,.05	1,302	1,709		4.418
Total/Average for London	3.895.884	57.687	38,147	22,164		16.260	34	38,424

Includes appeals outcomes for PCN's, clamps, removals, statutory declarations and reviews, excludes cases closed because they were submitted out of time, and Statutory Declaration cases closed at the preview stage.

Lorry ban prosecutions and convictions 1998/99

	Prosecutions	Convictions
Borough		
Barking	10	5
Barnet	1	0
Bexley	9	8
Brent	168	142
Bromley	0	0
Camden	139	111
Corporation of London	90	77
Croydon	15	4
Ealing	18	2
Enfield	5	1
Greenwich	139	128
Hackney	129	134
Hammersmith and Fulham	104	91
Haringey	91	87
Harrow	100	45
Havering	27	21
Hillingdon	0	0
Hounslow	106	103
Islington	159	124
Kensington and Chelsea	122	113
Kingston Upon Thames	3	0
Lambeth	90	79
Lewisham	125	100
Merton	169	157
Newham	137	131
Redbridge	0	0
Richmond Upon Thames	80	92
Southwark	93	86
Sutton	128	148
Tower Hamlets	141	131
Waltham Forest	173	153
Wandsworth	20	9
Westminster	13	1
Total	2604	2283



Initiated/decided from 1st April 1998 to 31st March 1999

Freedom Pass and Taxicard Statistics



Fower Hamlets 22,424 1,823 Waltham Forest 29,492 2,427 Wandsworth 36,138 1,656 Westminster 27,408 n/a		Freedom Pass Total Issued 30/9/98	Taxicard: No of Members	
Barking 23,486 1,296 Barnet 46,196 n/a Barnet 46,196 n/a Bexeley 35,733 546 Bromley 49,283 906 Camden 27,103 2,836 Corporation of London 1,206 155 Croydon 44,737 1,254 Ealing 58,680 1,544 Enfield 38,832 1,020 Greenwich 31,342 n/a Hackney 25,783 3,252 Harmersmith and Fulham 20,896 1,911 Haringey 26,768 1,688 Harrow 32,076 2,980 Havering 39,244 1,639 Hourslow 29,112 1,275 Hourslow 29,112 1,275 Kensington and Chelsea 18,758 2,376 Kingston Upon Thames 20,060 381 Lewisham 34,358 716 Merton 25,282 1,475	Borough			
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Joint Report of the Parking Adjudicators '99

Chief Adjudicator's Foreword

London Annual Report

Introduction: Transparency and Accountability

Representations: Giving Reasons

Other Issues

Outside London Appeals

Annex A

Annex B

Each year a theme for our annual report emerges.

Taking into account that London Councils have had five years experience of decriminalised parking enforcement the theme of this report is transparency and accountability.

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Annex B

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Band B £40 (£20 discounted

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figures correct until 31/3/99

Each year a theme for our annual report emerges.

Taking into account that London Councils have had five years experience of decriminalised parking enforcement the theme of this report is transparency and accountability.



Chief Adjudicator's Foreword

This is the 6th and last Annual Report that I present on behalf of the Parking Adjudicators to the Traffic Committee for London. It has given me an opportunity to reflect back from the beginning of the scheme to the well established position that both the councils and the Parking Appeals Service are in today. The number of appeals for this year again increased and raised issues with which Adjudicators are now so familiar. Many of the issues have been discussed and commented upon with recommendations made by the Adjudicators in the previous 5 Annual Reports. We have therefore gone back to those reports and examined some of those issues to see how our recommendations have been implemented.

Last year the theme of our report was the duty to act fairly. By this we meant judicial fairness within the context of administrative justice. In this area of public life, of great importance was the passing of the Human Rights Act 1998. This will come into force in October 2000 and may have a considerable impact on the decriminalised parking enforcement scheme. For the purposes of the Act each local authority is a "public authority" and, therefore, bound to abide by the principles of the Act. Adjudicators may find Human Rights points raised in their appeals and in particular in respect of the right to call witnesses. The Adjudicators over the next year will be undergoing training on the impact of the Act and the Judicial Studies Board has helpfully included Parking Adjudicators amongst those tribunals where it will be offering guidance and support.

We have covered in earlier Annual Reports our work determining appeals for the first 5 authorities outside London to adopt decriminalised parking enforcement. The Transport Committee for London had always considered this to be a temporary arrangement and in December 1997 it decided that 4th July 1999 was the appropriate date to end this service.

In the circumstances, on the 18th February 1999, the National Parking Adjudication Service Joint Committee was set up by Kent, Hampshire, Winchester and Manchester to fulfil the need for independent adjudication within those areas and others outside London coming into the scheme. That Committee has made it clear that its remit is limited to adjudication and it is not intended that it should have a wider transportation or parking role. That Committee, after an advertisement and a full recruitment process, offered me the post of Chief Adjudicator for England and Wales which I have been honoured to accept.

I have found my work in London setting up the Parking Appeals Service both stimulating and challenging. The Parking Committee for London (as it then was) and now the Transport Committee for London (TCfL), has always taken an enlightened view of a new tribunal, in particular by implementing a fully automated case management system. The Parking Appeals Service has led the way for tribunals in the UK. The original contract for the company which provided the automatic system is now drawing to a close and at the end of the year covered by this report the TCfL had embarked upon a procurement process to reconsider the contract.

Since this is my last Annual Report for London I would like to take this opportunity of thanking my staff and fellow Adjudicators of the Parking Appeals Service, Councillor Sally Powell who has Chaired the Committee from its Inception, and Nick Lester the Chief Executive, all of whom have shared and implemented a vision that has led to a new form of justice.

Caroline Sheppard Chief Parking Adjudicator

Annual Report

Introduction: Transparency and Accountability

A case which raised these issues and attracted considerable publicity was that of Letts v Lambeth. In that case Mr Letts' vehicle had been issued with a Penalty Charge Notice for not being correctly parked within the markings of the bay. On the day that the Penalty Charge Notice was issued the appellant complained to Lambeth Council that the bay was not large enough to contain his car (which was a Saab). On the day of the issue of the Penalty Charge Notice Lambeth sent a supervisor to the site. Subsequently, the dispute went to representation stage and, at some point, Lambeth said they had also sent a traffic engineer to the site who had confirmed to them that the bay was of the required size. Mr Letts appealed to the Parking Adjudicator and, in preparing his case, instructed a surveyor and appeared at a hearing represented by counsel. The Adjudicator accepted his submission that the Traffic Signs and General Directions Regulations 1994 provides that the minimum width of a designated parking bay shall be 180cm and the maximum shall be 270cm. The Adjudicator found, on the evidence, that the width of the bay was less than a minimum of 180cm for more than half its length and allowed the appeal. She commented in her reasons that Lambeth had failed to provide any evidence from the supervisor who had visited the site on the day that the Penalty Charge Notice was issued or of the Traffic Engineer who was supposed to have inspected the bay.

Mr Letts subsequently made an application for costs on the grounds that Lambeth were wholly unreasonable in resisting his appeal. He prayed in aid the fact that they had not disclosed evidence to him which had, therefore, forced him into instructing an independent surveyor to make an inspection. Although his actual costs were in excess of a \$1,000 the Adjudicator made an award of costs against Lambeth in the sum of \$500.

The case highlights two issues that Adjudicators have commented upon before:

1) Councils' duties in respect of signs and lines

Adjudicators first commented on Councils' duties in respect of signs and lines and some of the problems contained in The Traffic Signs Regulations and General Directions 1994 in our annual report of 1994/95. We took up that theme again in our annual report last year when we commented upon Bladon v the City of Westminster which highlighted the duty of fairness in respect of reasonable signing of restrictions. Mr Letts' case again emphasises the principle that local authorities must abide by regulations just as motorists are obliged to abide by regulations imposed upon them.



Letts v Lambeth Adjudicator's comments cont'd.

2) Disclosure of Council Evidence

Lambeth's difficulties in the Letts case largely arose from their failure to disclose their evidence to Mr Letts at an appropriate time in the proceedings. Adjudicators commented on the need for disclosure in their annual report of 1996/97. We reported the case of <u>Chase -v- Westminster City Council</u>, which turned on the disclosure of the tax disc number which the Parking Attendant recorded at the time that the Penalty Charge Notice was issued. The Adjudicator in that case reminded all councils of their duty to disclose relevant evidence in their possession to the appellant.

Councils have always been under a duty to disclose their evidence to the appellant. From October 2000, councils as "public authorities" will also have to apply the principles of the Human Rights Act 1998 which will then have come into force.

Subsequent to his appeal John Letts wrote a number of articles for the national and London press. In some of them he voiced views which Adjudicators often hear from other appellants. They express a scepticism about the principles which councils apply both in enforcement and when considering representations. Some members of the public believe that the council's financial interests in the scheme may influence their decisions and policies in this respect. Adjudicators would emphasise that they have no reason to share these views. However, it is crucial to the success of decriminalised parking that the public has confidence in the scheme and the way councils exercise their powers. They must be made clear that the objective of the scheme is traffic management.

These public concerns about the Scheme cannot be addressed in the adjudication process. They must be addressed through open reporting and public information. Just as some authorities are reluctant to disclose evidence, most have also been reluctant to publish reports on their enforcement processes. In this respect they are not following their own Code of Practice.

Adjudicators have noted that in the Secretary of State's Guidance on Decriminalised Parking Enforcement Outside London (Local Authority Circular 1/95), at paragraphs 11.14 to 11.16, advice is given concerning reporting the results of enforcement, issuing codes of practice and published standards of performance. These paragraphs are reproduced at Annex A. Similar provisions do not appear in the Secretary of State's Traffic Management and Parking Guidance for London which was recently re-issued in February 1998, although similar considerations are included in the Code of Practice of Parking Enforcement which was published by the former Parking Committee for London in 1993. The Adjudicators believe it is right that these should be published. See Annex A.

The Adjudicators are concerned that not all councils are publishing reports about their parking enforcement operations. Each council should publish its own annual report setting out its objectives for parking enforcement and giving full details of enforcement action that has taken place during the year. Such a report could also include details of performance monitoring, including compliance monitoring which has been recommended to councils in previous years.

Adjudicators cannot emphasise too strongly that natural justice must form the core of all consideration of representations.

Adjudicators therefore recommend that the Transport Committee for London confirms its previous advice that councils produce an annual report on their parking enforcement operations and we further recommend that the Transport Committee for London collates these reports and produces a single annual report covering parking enforcement throughout London.

Adjudicators believe that, by these actions, greater transparency and accountability for Council enforcement powers and activities will be achieved.

Representations - Giving Reasons

Adjudicators first commented on Councils' statutory duty to give reasons in their annual report in 1994/95. We dealt with the subject more fully in our annual report of 1996/97, in which we also emphasise the need for disclosure. Again, the coming into force of the Human Rights Act 1998 will give greater force to councils' duties to consider representations impartially, on their own merits, and give appropriate reasons. Adjudicators have noted in this area too, that the Secretary of State's Guidance on Decriminalised Parking Enforcement Outside London gives much stronger advice concerning the consideration of representations than in his guidance to the London authorities although, here again, these issues are covered in the Code of Practice in Parking Enforcement referred to above. This is set out in Annex B

Other Issues

1) Hire Agreements

We commented about the difficulties that have arisen concerning hire agreements in our annual report of 1996/97. Last year we commented that the situation was no better. We made a firm recommendation that the Home Office issue fresh regulations concerning hired vehicles. A draft set of regulations were prepared but Adjudicators regret that at the time of writing this report they have still not been issued.

Again, we strongly recommend that new and appropriate regulations are issued as a matter of urgency. The government will be aware that they will encounter considerable difficulties with their proposals for congestion charging if they have not dealt with this area of liability.

2) DVLA

Councils still report difficulties in obtaining timely and accurate information concerning the registered keeper of vehicles from the DVLA. The DVLA register will again form a crucial part of any future government policy in respect of congestion charging. Therefore, steps should be taken at this stage to put right any difficulties which are still occurring.

Outside London Appeals

We continued to deal with appeals from Winchester, Oxford, High Wycombe, Maidstone and Watford throughout this year. The volumes of cases are not sufficiently large so as to be able to draw conclusions or observe trends from the issues raised. However, last year in our Annual Report we referred to difficulties arising from the disparity of the various Traffic Regulation Orders. This continues to be a matter of concern and will need to be addressed by those authorities.

Annex A

Extract from "Guidance on Decriminalised Parking Enforcement Outside London"

Reporting the Results of Enforcement, Codes of Practice and Published Standards of Performance.

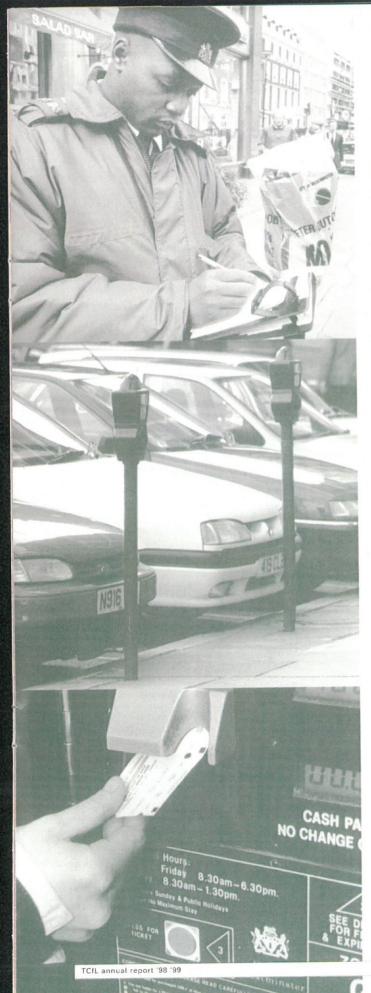
11.14. It would be good practice for local authorities to report annually on their enforcement activities during the year (e.g. number of parking attendants deployed, PCNs issued, representations, appeals, removals and clampings). Local authorities may also wish to set out in a published eode of practice the standards they expect of parking attendants (and other parking enforcement staff) working in their areas. This approach may help to improve the standard of service provided to motorists, and it can also be the means by which the results of decriminalised parking enforcement can be reported to local people.

11.15. Local authorities could also consider setting targets for activities where the results directly affect members of the public. Depending on the scale of the authority's operations, these might include:

- (a) The reduction in the number and duration of parking acts which contravene controls.
- (b) The reduction in public transport journey times across a SPA.
- (c) The percentage of occasions when the minimum number of attendant visits to a street is (or is not) achieved in a given period.
- (d) The percentage of vehicles declamped within a specified time of the declamping fee being paid (e.g. one hour).
- (e) The percentage of representations and other correspondence answered within a specified period (e.g. two weeks).

11.16. The actual performance against these targets could be publicised periodically in the local press, and the information should be made available to anyone who requests it.





Annex B

Extract from "Guidance on Decriminalised Parking Enforcement Outside London"

Representations

14.19. Local authorities must decide what constitutes "satisfactory evidence" in these cases. It would be reasonable to give a motorist the benefit of the doubt on a first representation but to be stricter on any subsequent occasions.

14.20. Local authorities cannot contract out their statutory function of considering representations from recipients of NtOs. They should therefore ensure that they have sufficient authorised officers available to deal with statutory representations. These officers should be familiar with all aspects of decriminalised parking enforcement, so that they can judge whether or not a representation falls within the statutory grounds under the RTA 1991 or within the authority's own guidelines for exceptional cases. Fair and efficient systems for earrying out this work should ensure that the number of cases going to an adjudicator is minimised without allowing motorists who have committed a contravention to evade the appropriate penalty.

14.21. Where PCN processing is undertaken "in-house" local authorities may wish to consider whether the staff dealing with representations should be involved in the issuing of PCNs and the collection of unpaid penalty charges. Motorists may be more inclined to accept a local authority's decisions if they know that the staff considering representations, whilst perhaps working within the authority's parking department, have no involvement in either PCN issuing or processing. On the other hand motorists may be sceptical of the value of such "Chinese walls", and local authorities may be able to provide a satisfactory service more efficiently using staff who work directly on enforcement operations to consider representations.

Given the semi-judicial role of the representation process, local authority members should play no part in deciding on individual representations.

14.22. There is no statutory requirements for local authorities to reach decisions on representations within a specified period of their receipt. However, local authorities may wish to consider setting a target for dealing with all representations within, for example, 14 or 28 days.

Annex B cont'd.

14.23. Where a representation has been accepted by an authority, it should inform the person concerned that the NtO has been cancelled and refund any moneys already paid, including any towing away or wheel clamping charges. A specimen letter is at ANNEX 14.3. In most cases, the PCN should also be cancelled, although not where the recipient of the NtO proved not to have been the owner of the vehicle at the time of the alleged contravention, or was a vehicle hire company. These two cases, the local authority should attempt to serve a NtO on the owner of the vehicle at the time of the alleged contravention, or on the hirer of the vehicle respectively.

14.24. Where an authority rejects a representation, it must issue a "notice of rejection". The notice of rejection must:

- (a) State that a charge certificate may be served unless, within a further 28 days, the penalty charge is paid, or the person on whom the notice is served appeals to a parking adjudicator against the penalty charge.
- (b) Indicate the nature of the parking adjudicator's power to award costs against any person appealing to him.
- (e) Describe in general terms the form and manner in which an appeal to a parking adjudicator must be made.

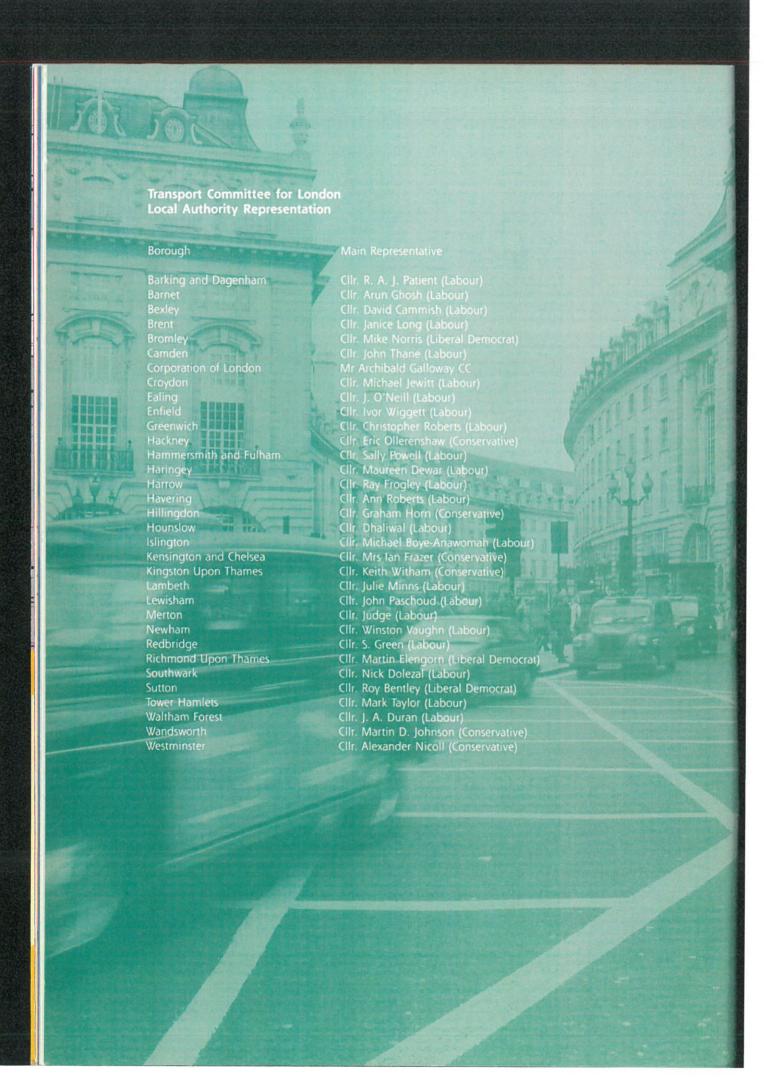
14.25. The notice of rejection should also contain the authority's reasons for rejecting the representation. This is not just a courtesy to the motorist. Experience in London suggests that it also reduces the number of cases taken to adjudication by frustrated motorists. Moreover, where disputes do go to an adjudicator, the local authority's case will rely to quite a large extent on the notice of rejection, so it is in the authority's own interests to set out in sufficient detail its reasons for rejecting a motorist's representations. Local authorities should include within the notice of rejection an appeal form on which the recipient can make his or her appeal. A specimen notice of rejection is at ANNEX 14.4.

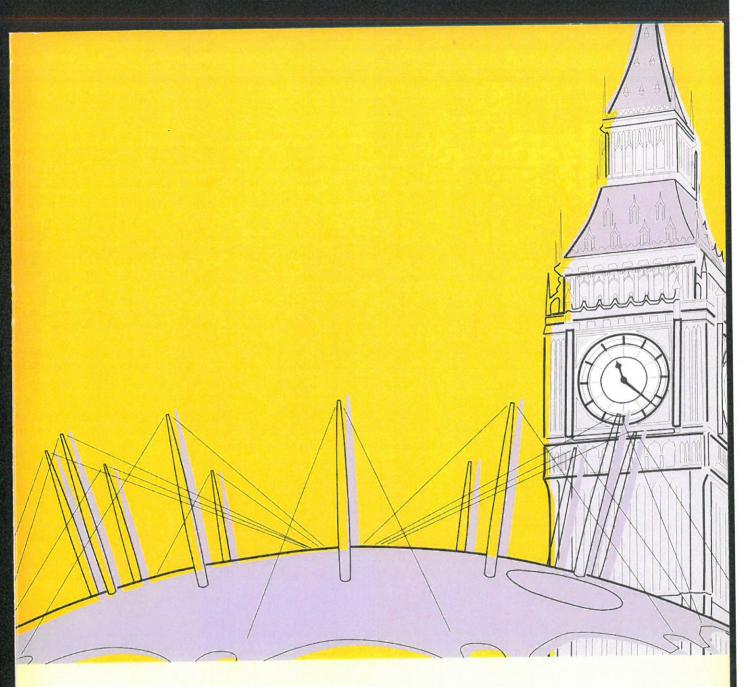
Adjudicators therefore recommend that the guidance the Secretary of State set out in his guidance for outside London is adopted and issued in his guidance for the London authorities.

Other Objections and Complaints from Motorists

14.26. Statutory representations cannot be made until a NtO has been served, although many motorists are likely to write to local authorities before then. Although there is no legal requirement to do so, the local authority staff considering statutory representations should also consider these objections, taking into account the grounds for making representations and the authority's own guidelines for dealing with extenuating circumstances. As with statutory representations, it is advisable that motorists wishing to complain in person about a penalty charge are asked to make their case in writing. Local authorities could provide a form similar to the NtO for this purpose on which a motorist could indicate the ground for making an objection and give supporting evidence.

14.27. If an authority believes an objection is justified it should cancel the PCN, inform the person concerned and refund any moneys already paid. The situation becomes more complicated of the authority rejects an objection. It should write to the person concerned explaining its decision and stating that it will be issuing a NtO, which will enable the owner of the vehicle to make a formal representation against the penalty charge. The letter should also explain that the authority is obliged to consider any representations made, even where it has previously concluded that the evidence presented is not such that it considers it should cancel the PCN. The letter should also note that if the authority rejects the owner's formal representation he or she will then be able to appeal to an independent parking adjudicator, who will be able to consider whether the motorist's case falls within any of the statutory grounds for the appeal to be accepted. Finally, the motorist should be informed that, for legal reasons, it is not possible to appeal to a parking adjudicator unless the owner of the vehicle first makes a statutory representation to the local authority.





The future for London's government is bright, and significant improvements to London's transport is now an achievable goal

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