


**GUIDANCE ON
DECRIMINALISED
PARKING ENFORCEMENT
OUTSIDE LONDON**



LOCAL AUTHORITY CIRCULAR 1/95

WELSH OFFICE CIRCULAR 26/95

**GUIDANCE ON
DECRIMINALISED
PARKING
ENFORCEMENT
OUTSIDE LONDON**

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Explanatory Note

Sections of this Guidance highlighted in *bold italics* refer to certain minimum or common standards with which the Secretary of State expects all local authorities enforcing decriminalised parking to comply. The remainder of the Guidance is intended to assist local authorities and encourage a similarity of approach, whilst at the same time allowing sufficient flexibility to cater for differing local circumstances.

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Abbreviations

DVLA – Driver and Vehicle Licensing Agency
FPN – Fixed Penalty Notice
HHC – hand held computer
NtO – Notice to Owner
PCN – Penalty Charge Notice
PEC – Parking Enforcement Centre, Cardiff
PPA – Permitted Parking Area
RTA 1991 – Road Traffic Act 1991
RTRA 1984 – Road Traffic Regulation Act 1984
Secretary of State – Secretary of State for Transport (in England) or Secretary of State for Wales
SPA – Special Parking Area
SPA/PPA – a combined Special Parking Area and Permitted Parking Area
TRO – any type of traffic regulation order, designated parking place order, off-street parking place order, etc.
VED – vehicle excise duty

Chapter

1

Introduction

Introduction

1.1. This Guidance has three main objectives:

- (a) To inform local authorities outside London about the scope for them to set up and operate a decriminalised parking enforcement regime under the provisions of the Road Traffic Act 1991 (RTA 1991).
- (b) To advise them on how to apply to the Secretary of State for the necessary powers. (In this Guidance, “the Secretary of State” means the Secretary of State for Transport in England, and the Secretary of State for Wales in Wales.)
- (c) To advise them on how to set up and operate an effective and efficient decriminalised enforcement regime.

1.2. In order to gain public respect and confidence, local authorities wishing to introduce decriminalised parking enforcement in their area will need to do so in a careful and well planned way. There are certain minimum or common standards with which the Secretary of State expects all local authorities enforcing decriminalised parking to comply. These sections of the Guidance are highlighted in ***bold italics***. The remainder of the Guidance is intended to assist local authorities and encourage a similarity of approach, whilst at the same time allowing sufficient flexibility to cater for differing local circumstances.

1.3. The Guidance is applicable only to authorities in England and Wales. Scottish local authorities interested in enforcing decriminalised parking should contact the Scottish Office Industry Department, Room 3/85A, New St Andrews House, Edinburgh EH1 3TG (Tel. 0131 244 5282).

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1.4. PART I of the Guidance explains the powers which are available and puts them in context.

1.5. PART II advises on the steps local authorities will need to take when preparing their applications, including the need for a thorough assessment of

all the likely impacts of the chosen “package” of measures for enforcing decriminalised parking. It also deals with the financial aspects of taking on the new powers (including the Secretary of State’s guidance on the level of penalty and other charges); exemptions, waivers and dispensations for special categories of motorist and special circumstances; and consultation requirements.

1.6. PART III explains what resources local authorities will need in order to enforce decriminalised parking, including requirements for parking attendants and for wheelclamping and vehicle removals services where these are to be introduced, for establishing an independent adjudication service to consider appeals from motorists and for discharging the statutory and other functions which will remain with the local authority (including publicity).

1.7. PART IV describes the procedure for collecting payment of a penalty charge, from the issue of a Penalty Charge Notice (PCN), through the issue of a Notice to Owner (NtO), to representations, adjudications and then the registration of a parking charge as a civil debt and the collection of the debt.

1.8. PART V sets out the requirements for designation order applications and describes the arrangements for processing applications.

1.9. PART VI discusses the types of contract which authorities might use and explains the relevant compulsory competitive tendering (CCT) requirements.

Chapter

2

Summary of Decriminalised Parking Enforcement Arrangements

Introduction

2.1. The RTA 1991 provides for the decriminalisation of most non-endorsable on-street parking offences in London, and it permits similar arrangements to be introduced elsewhere.

2.2. The essence of the new arrangements is that local traffic authorities may apply to the Secretary of State for orders decriminalising the offences within particular geographical areas. Then, as the offences are no longer criminal in those areas:

- (a) Enforcement ceases to be the responsibility of the police and becomes the responsibility of the local traffic authority.
- (b) Parking attendants place PCNs on vehicles contravening parking regulations and can, in appropriate cases, authorise the towing away or wheelclamping of the vehicles.
- (c) The penalty charges are civil debts, due to the local authority and enforceable through a streamlined version of the normal civil debt recovery processes.
- (d) Motorists wishing to contest liability for a penalty charge may make representations to the local authority and, if these are rejected, they may have grounds to appeal to independent adjudicators, whose decision is final (ie. there is no right of further appeal through the courts).
- (e) The local traffic authority retains the proceeds from the penalty charges, which are used to finance the enforcement and adjudication systems. (Any surpluses must be used for certain other, quite closely drawn, traffic management purposes – see section 55 of the Road Traffic Regulation Act 1984).

2.3. Other points to note about the new arrangements are:

- (a) The system of “initial” and “excess” charges for paid parking will end, and local authorities will be able to operate a more rational, flexible and commercial system of parking charges.

**The advantages of
decriminalised
parking enforcement**

- (b) *Endorsable* parking offences (broadly those involving dangerous or obstructive parking) and some other parking offences will remain criminal and can only be enforced in the traditional manner (ie. by the police, through the courts, with the fines accruing to the Exchequer).
 - (c) Outside the areas where local authorities are enforcing decriminalised parking all parking offences will remain subject to the criminal law.
 - (d) The provision and management of parking attendants, wheelclamping and vehicle removal services will become subject to compulsory competitive tendering (see CHAPTER 18).
- 2.4. The main advantages of decriminalised parking enforcement by local authorities are:

- (a) Local authorities will be able to ensure that their parking policies are implemented effectively, with consequent benefits through improved traffic flow, better management of overall traffic levels, fewer accidents, a fairer distribution of available parking places and a more pleasant environment.
- (b) The integration of enforcement and parking policy responsibilities should provide better monitoring of the effectiveness and value of parking controls, so that parking provision becomes more responsive to the public's needs.
- (c) Local authorities will be able to use the revenue they receive from penalty charges to fund their enforcement activities. Any surpluses can be used to improve off-street parking facilities in their area, or, where this is unnecessary or undesirable, for certain other transport-related purposes. (At present, Fixed Penalty Notice fines for parking offences are collected by the police and the courts and accrue to the Exchequer.)

Experience in London

2.5. Decriminalised parking enforcement has already been introduced in London. Most of the London local authorities have only been enforcing decriminalised parking since July 1994, but a number have been doing so for a longer period. The initial indications are that the new arrangements are working well, and the Government would now like to enable local authorities elsewhere to take advantage of the same opportunities as soon as is reasonably practicable.

**Permitted Parking
Areas and Special
Parking Areas**

2.6. Section 43 of, and Schedule 3 to, the RTA 1991 enable eligible local authorities outside London to apply to the Secretary of State for orders creating "Permitted Parking Areas" (PPAs) and "Special Parking Areas" (SPAs).

2.7. Within a PPA, contraventions of orders designating permitted on-street parking places, such as meter bays, residents' and disabled persons' bays and free parking bays, will no longer be criminal offences and will become subject to the new enforcement arrangements.

2.8. Within a SPA most other non-endorsable parking offences will be decriminalised and enforced by the local authority. The offences in question are:

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- (a) Contraventions of permanent, experimental and temporary traffic regulation orders under sections 5, 11 and 16 of the Road Traffic Regulation Act 1984 (RTRA 1984) prohibiting or restricting waiting or relating to loading or unloading or delivery or collections.
 - (b) Contraventions of section 19 of the Road Traffic Act 1988 prohibiting the parking of heavy commercial vehicles on verges, central reservations and footways, etc..
 - (c) Contraventions of section 21 of the Road Traffic Act 1988 prohibiting parking on cycle tracks.
 - (d) Contraventions of or non-compliance with an order under section 35(1), RTRA 1984 in relation to local authority off-street parking places (see section 35A(1), RTRA 1984).
 - (e) Contraventions of a designation order having effect by virtue of section 53(1)(a), RTRA 1984, or contraventions of or non-compliance with a designation order having effect by virtue of section 53(1)(b), RTRA 1984 (see section 53(5) and (6), RTRA 1984).
 - (f) Contraventions of off-street loading area orders under section 61, RTRA 1984 prohibiting the parking of unauthorised vehicles.

2.9. There is nothing to prevent a PPA and SPA overlapping or having the same boundaries. Indeed, this will usually be essential if enforcement is to be effective.

Local authorities eligible to apply

2.10. For a PPA, the authorities eligible to apply for designation orders are: county councils, metropolitan district councils (either singly or jointly) and the Council of the Isles of Scilly (ie. the traffic authorities for local roads). In Wales, district councils can apply when acting with the consent of their county council, otherwise the county must first consult the districts lying wholly or partly within the area to which the application relates. County councils, Welsh district councils and the Council of the Isles of Scilly can apply for orders covering all or any part of their area. Metropolitan district councils must apply for orders covering the whole of their area (or their areas, in the case of joint applications). *Where a metropolitan district would like to enforce permitted parking in only a part of its area, it should contact the Department at the earliest possible stage to discuss what might be done.*

2.11. For a SPA, only traffic authorities for local roads are eligible to apply (ie. county councils, metropolitan district councils and the Council of the Isles of Scilly). Welsh counties must first consult the districts lying wholly or partly within the area to which the application relates. Authorities can apply for designation orders covering the whole or any part of their area.

2.12. Where unitary authorities are created as a result of local government reorganisation and those authorities become the traffic authority for local roads in their areas, they will be able to apply for the new powers.

Cooperation between
non-metropolitan
districts and their
county

2.13. Non-metropolitan district councils in England will not be able to apply for designation orders (and their Welsh counterparts are limited in the circumstances in which they can apply, see above). However, it is important that there should still be very close cooperation between districts and their county, perhaps with the district taking the lead in preparing an application and, under an agency agreement, carrying out on-street enforcement on behalf of the county.

2.14. The decriminalisation of off-street parking offences within SPAs reinforces the need for cooperation. The Secretary of State is aware that, in most places with two tiers of local government, district councils own and operate most local authority off-street car parks themselves. Where these districts also act as agent for their county in enforcing on-street parking, there should be significant efficiency gains in having a unified, decriminalised parking enforcement operation.

2.15. In some cases on-street parking enforcement is carried out directly by the county council and off-street parking is provided and enforced by its districts. This approach seems likely to be less efficient than having one enforcing authority, and the county councils concerned may wish to consider allowing their districts to carry out on-street enforcement under agency agreements. If no suitable agreement can be reached and a district council wishes to retain the present system of off-street enforcement, the Secretary of State may be prepared to draw a SPA's boundaries so that the district council's off-street car parks are outside the SPA.

2.16. District councils in England which would like to enforce decriminalised parking should therefore approach their county council as soon as possible to check that the county would be willing to apply for orders in respect of the district. District councils in Wales will also need to work closely with their county council in drawing up their applications for designation orders. All district councils will need to check that their county council would also be prepared to enter into an agency agreement enabling the district council to operate the new powers.

The continuing role
of the police

2.17. Even where a PPA or SPA has been created there will be a continuing role for the police, who will retain responsibility within the PPA or SPA for:

- (a) Enforcing other parking offences, principally endorsable offences such as dangerous parking, obstruction, failure to comply with police "no parking" signs placed in emergencies, and parking offences at pedestrian crossings and street playgrounds.
- (b) Enforcing the full range of moving traffic offences.
- (c) Taking action against any vehicle where security or other traffic policing issues are involved, including the need to close roads or set up diversions.

Formulating and reviewing parking policies

3.1. Parking policies are an essential part of a local authority's overall traffic management policy. Before applying for orders creating SPAs/PPAs it is very important that local authorities undertake a thorough review of their parking policies and the way those policies are being implemented, in order to see which traffic management objectives are being met and where improvements are needed. Unless parking policies have been kept under regular review, this will be a major task and sufficient time and resources need to be allocated to it if its results are to be of value. However, experience in London shows that this work is vital in helping to avoid subsequent accusations that an authority is enforcing parking controls which are out-dated and only intended to make money for the authority.

3.2. If they have not already done so, local authorities should develop parking policies which are consistent with and contribute to their overall transport policies having regard particularly to:

- (a) The need to maintain and, where possible, improve the flow of traffic.*
- (b) The need to improve safety and environmental conditions.*
- (c) Improving the quality and accessibility of public transport, including discouraging car use where road conditions and public transport facilities justify it.*
- (d) The needs of local residents, shops and businesses, including drivers making deliveries or collecting goods.*
- (e) The particular needs of people with disabilities, bearing in mind that in some cases people with disabilities are unable to use public transport and are entirely dependent on the use of a car.*
- (f) The need for coach parking, especially in areas where there is a high concentration of tourist attractions and hotels, and for parking facilities for motorcyclists.*

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- (g) *The needs of pedal cyclists, especially where parking controls are being used to discourage car use and where an increase in cycling may result or is being actively encouraged.*

3.3. *Where local authorities have already formulated their parking policies, these should be reviewed, taking account of the guidance above. This review should cover:*

- (a) *Existing and predicted levels of demand for parking places.*
- (b) *The availability and pricing of on- and off-street parking places.*
- (c) *The nature and extent of on-street parking restrictions.*
- (d) *The adequacy, accuracy and quality of existing signs and plates, including zonal signing (see CHAPTER 11).*
- (e) *The levels of compliance which the authority considers to be acceptable and the levels of enforcement necessary to secure their achievement.*
- (f) *The views of the police, who will continue to have responsibilities for traffic management, and whose experience of parking enforcement is likely to be very valuable, for example, in reviewing TROs (see CHAPTER 6).*

3.4. *The Secretary of State recommends that a local authority's policies, including its enforcement priorities, should be published. Publication makes the authority more accountable to its residents and should also help it to counter accusations that enforcement is being carried out in an arbitrary or unfair way.*

3.5. *In conducting a review the local authority should consider the scope of all existing TROs and what changes to them would be required to meet the authority's parking policy objectives. (Local authorities should also note that parking controls which are not backed by valid TROs cannot be enforced). In some cases it may be desirable to extend the application of controls beyond the normal working day, or at weekends, in the light of local needs and circumstances. For example, some London Boroughs found that their parking restrictions on Sundays and bank holidays were often inadequate, and that new restrictions, properly enforced, would produce significant benefits. Local authorities should also consider whether some existing parking controls should be relaxed or removed because they are no longer appropriate or necessary. Experience in London has been that such restrictions are very quickly highlighted under the new decriminalised regime, and that it is far better for a local authority to deal with them in advance rather than after adverse publicity and complaints from aggrieved motorists. Some London authorities, for example, concluded that parking restrictions outside schools and out-of-town shopping parades were sometimes too harsh and that some additional short-stay parking was needed. Some London authorities also found that various overnight parking prohibitions were unnecessary and, in practice, had not been enforced by the police. Such restrictions should be removed.*

3.6. Local authorities may also wish to consider placing all their TROs on a graphical information system so that, for example, accurate, up-to-date maps can be supplied to contractors.

Reviewing the need for other changes to TROs as a consequence of the coming into force of the new powers under the Road Traffic Act 1991

3.7. As part of their review of TROs, local authorities should also identify the technical changes which would be needed solely as a consequence of the coming into force of the new powers under the RTA 1991. For example, amendments will be needed to reflect the switch from traffic offence provisions to the new system of penalty charges and civil liabilities. In addition, existing on-street and off-street parking orders will need to be amended to reflect the removal of "initial" and "excess" parking periods. In order to allow time for the relevant parking meters to be converted to the new system of penalty charges (ie. by dispensing with the obsolete "excess charge" indication), local authorities should include a provision, valid for no more than six months from the introduction of decriminalised parking enforcement, to enable parking attendants to impose a penalty charge when the excess charge flag or display is showing. Similar provision may be needed in off-street car park orders. It would also be expedient for TROs to retain a provision relating to "anything done with the permission or at the direction of a police constable in uniform" in order to cover emergency situations.

3.8. Where changes are needed solely as a consequence of the coming into force of the new powers under the RTA 1991, local authorities can follow the procedures set out in Schedule 5, paragraph 8A(c) to the Local Authorities' Traffic Orders (Procedures) (England and Wales) Regulations 1989. Local authorities should note that the simplified procedure for varying an existing TRO under this provision of the Regulations does not apply to substantive changes in the content of TROs, such as the extension of yellow line restrictions or the creation of new on-street permitted parking bays.

"Pavement parking"

3.9. As indicated in CHAPTER 2, parking a heavy goods vehicle (HGV) on the footway of a road in contravention of section 19 of the Road Traffic Act 1988 is an offence which will be decriminalised in SPAs. In one or two areas parking other kinds of vehicle on the pavement is also an offence, under a local Act of Parliament. Where that is the case, this offence will be decriminalised in any SPAs created in that area.

3.10. In most cases, however, parking vehicles other than HGVs on the pavement is not an offence in its own right, although it is an offence where the vehicle is parked in contravention of the terms of a TRO. In reviewing their parking policies, local authorities should consider whether pavement parking is a problem in any part of their area. If it is, and it is not already covered by the terms of their existing TROs, they should consider amending their TROs, or making new ones, accordingly. (In this connection, attention is drawn to the scope afforded by sections 2(3) and 126 of the RTRA 1984 for making TROs in respect of any part of the width of a road.) Then, once a SPA is created in this area, parking on the pavement within the SPA, in contravention of a TRO, will become a decriminalised offence enforceable by the local authority.

Choosing the most appropriate package of enforcement measures

3.11. Having reviewed its parking policies and existing parking capacity, controls, usage and enforcement in its area, the local authority should decide whether its parking policies need to be adjusted and what changes are required in order to achieve its policy objectives. In particular, it will need to consider what type of enforcement regime should be employed in order to achieve a level of compliance which it considers acceptable. The type of enforcement regime available to local authorities can be varied according to local circumstances, and it is important to consider which combination of measures will produce the best results. Guidance on the key components of the enforcement "package" is given below.

Application for Permitted Parking Area powers, Special Parking Area powers, or both

3.12. In almost all cases permitted on-street parking places will be in close proximity to restricted parking places and local authority off-street car parks. Local authority enforcement of permitted on-street parking alone is therefore unlikely to be effective or efficient. In contrast, enforcement by the local authority of permitted and restricted parking and parking at local authority off-street car parks in the same locality should:

- (a) Eliminate potential problems caused by different levels of enforcement by the authority on the one hand and the police or traffic wardens on the other.
- (b) Make the new arrangements easier for the public to understand.
- (c) Make parking enforcement more cost-effective by unifying restricted, permitted and off-street enforcement operations in the same area.

3.13. Therefore, the Secretary of State believes that, other than in exceptional cases, a local authority should only enforce on-street permitted parking controls if restricted parking and local authority off-street parking are decriminalised over the same or a wider area. In other words, except in areas where there is no permitted on-street parking, PPAs and SPAs should generally be coterminous or overlapping, rather than on their own or covering separate geographical areas.

Size of the area in which the new powers are to be enforced

3.14. From the review of the authority's existing parking problems the size of the area where the new powers are to be enforced may appear self-evident. However, it is important to consider the possible impacts elsewhere when a SPA/PPA is created, particularly the implications for surrounding areas. For example, where residents see improved enforcement in another part of the authority's area, they may ask why their area should not benefit in the same way. This may be particularly true in areas close to a SPA/PPA which do not have an existing parking problem but which experience a significant increase in parked vehicles as their drivers seek an alternative parking place. Such areas could be subject to controls enforced by the police and traffic wardens, or they could be areas without parking controls but where local people would be unhappy at an increase in parking. Tougher enforcement or new restrictions may be justified in these areas as well, either immediately or as demand for parking places increases.

3.15. The Secretary of State therefore considers that, if a local authority is not to enforce decriminalised parking throughout its area, applications for

orders should generally be in respect of one or more parts of an authority's area which comprise discrete and complete units in themselves. For example, a county council's application could be in respect of one or more of its constituent districts, or one or more town centres and their outskirts. The boundaries of a SPA/PPA should be as "natural" as possible (eg. where yellow line restrictions end, or at the edge of a built up area) and boundaries at the centre line of a road should be avoided wherever possible.

3.16. Local authorities contemplating applications in respect of smaller areas, such as Controlled Parking Zones, should discuss their ideas with the Department of Transport (or the Welsh Office) at a very early stage. Whilst preferring applications in respect of larger areas, the Secretary of State may be prepared to grant such applications provided that the proposal has been agreed with the police and forms part of a phased introduction of decriminalised parking enforcement over a wider area.

3.17. It will also be in local authorities' interests to request boundaries which, where possible, anticipate likely future parking problems. (Local authority development plans should indicate likely traffic-generating developments which may give rise to an increased demand for on-street parking.) This approach will help ensure that, when TROs are made for roads where parking controls do not currently apply, the authority will not need to make a further application to extend the boundaries of the SPA/PPA.

Enforcement on trunk roads

3.18. The RTA 1991 does not preclude a local authority from enforcing decriminalised parking on a trunk road within a SPA (or PPA), even though the traffic authority for the trunk road is the Secretary of State. Indeed, in some cases, it will be sensible for parking enforcement on both the trunk road and surrounding roads to be decriminalised; in other cases, it will not, and the SPA/PPA boundary will need to be drawn around the trunk road. A suitable case for decriminalised enforcement might be an unimproved trunk road through a town or city centre where a SPA was to be created on all surrounding roads and streets. Enforcement by one organisation, the local authority, would be simpler to operate, easier for the public to understand and more cost-effective. An unsuitable case might be a new dual carriageway trunk road where traffic speeds were high, parking was not a problem and enforcement of traffic regulations generally was best carried out by mobile traffic police.

3.19. Where a local authority is considering applying for orders creating a SPA (or PPA) in which there would be any part of one or more trunk roads, the appropriate regional office of the Highways Agency should be consulted at an early stage on the most suitable means of parking enforcement, so that appropriate arrangements can be put in place.

Level of enforcement

3.20. Generally, appropriate levels of enforcement will vary depending on the seriousness of parking problems in different parts of the authority's area. In order to minimise accusations of favouritism, the relative levels of enforcement throughout the SPA/PPA should be based clearly on the authority's policy objectives. For example, in order to improve traffic flow a local authority may decide to target particular roads where parking problems frequently occur, or in order to improve the amenity of pedestrians it may decide to target footway parking (where this is prohibited by a TRO).

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- Wheelclamping and removals** 3.21. The local authority will have to decide whether it wishes to reinforce the patrols of parking attendants by introducing wheelclamping, vehicle removals, or both. Clamping and removals can play a very important part in improving compliance with parking controls, and further information about them is given in CHAPTERS 8 and 9.
- Level of charges** 3.22. Advice on levels of parking, penalty and other charges is contained in CHAPTER 4.
- Assessment of the chosen enforcement package** 3.23. *Once the most suitable enforcement package has been chosen, it should be assessed against the authority's parking policy objectives. The assessment should cover both the proposed enforcement package itself and any complementary changes (for example, to TROs or to off-street parking tariffs).* The key questions to address are:
- (a) Will the enforcement package and associated changes achieve a level of compliance with parking controls which the authority finds acceptable?
 - (b) Where will motorists who previously offended park in future?
 - (c) Will parking problems in one area be displaced to another?
 - (d) Will the enforcement package and its consequences be acceptable to the public, and, in particular, to motorists, local businesses and local residents? (See CHAPTER 6).
 - (e) What will be the effects on users of public transport, pedestrians and cyclists?
 - (f) Is adequate provision made for special categories of motorist, such as disabled people, drivers making deliveries or collecting goods, doctors on duty, or drivers of statutory undertakers' vehicles? (See CHAPTER 5).
 - (g) What are the expected financial results? (See CHAPTER 4).
- 3.24. Where necessary, the enforcement package should be adapted to address any weaknesses which the assessment has revealed.

Chapter

4

The Financial Objectives of Decriminalised Parking Enforcement; Financial Assessment and the Level of Penalty and other Charges

Overall financial objectives of decriminalised parking enforcement

4.1. Each local authority operating the new system of decriminalised parking enforcement should ensure that it is run efficiently and economically. Each authority should also aim to make the new system overall at least self-financing as soon as practicable. In assessing its performance against this objective, a local authority may take into account costs and revenues from its off-street parking operations. However, the attainment of this objective should not be at the expense of the safety and traffic management objectives of decriminalised parking enforcement, or be achieved by setting unreasonable levels of penalty and other charges.

Financial assessment

4.2. In preparing its application for orders creating SPAs/PPAs, a local authority should complete a thorough assessment of the expected costs and revenues associated with the new system, drawing on in-house or outside expertise, as necessary. The assessment should consider both direct and indirect financial implications: for example, whilst income from restricted parking enforcement may not cover its costs, it should increase income from paid on-street and off-street parking. The financial assessment should be undertaken in conjunction with the policy assessment described in CHAPTER 3.

Assessment of expenditure

4.3. An assessment of costs should be made, taking account of both start-up costs and running costs once decriminalised parking enforcement is under way. As with all types of financial assessment, it is vital that the estimated figures are as realistic as possible.

4.4. It is impossible in this Guidance to give more than an approximate indication of enforcement costs, as these will vary greatly from authority to authority, according to local circumstances. For example, contractors may offer significant discounts for operations encompassing more than one enforcement activity, and overheads are likely to be a comparatively large proportion of total costs where the number of PCNs to be issued is relatively small. As a guide, information is provided below about costs incurred by some of the London Boroughs on various aspects of decriminalised parking enforcement. Further

information is provided at ANNEX 4.1. Whilst this information may be helpful in checking that cost assessments are realistic, the figures provided should not be taken as definitive. More details of the activities themselves are contained in the relevant Chapters in PARTS III and IV of this Guidance.

Client management, publicity and policy review – the cost of these activities will depend to some extent on the enforcement package chosen by the authority and how many functions are contracted out (see CHAPTER 18). However, the authority will always remain responsible for monitoring the effectiveness of decriminalised parking enforcement, and it will need to ensure that sufficient resources are devoted to maintaining and improving quality of service and value for money.

Parking attendants – the cost of providing a parking attendant in London is generally in the range £11–16k per annum. The number of PCNs which an attendant can issue will depend on a wide variety of factors, but experience in London suggests that between 12 and 20 a day are reasonable figures, although some attendants can consistently issue 40 PCNs a day.

Off-setting savings can be made where local authorities already use parking attendants to issue Excess Charge Notices. Efficiency savings should also be possible where attendants can be used to enforce on-street and off-street parking under the new decriminalised system.

Wheelclamping/removals operations – clamping and removal fees should be set at levels which result in these operations covering their costs, rather than making a surplus or incurring a deficit (see below). As such, these operations should not directly affect the financial performance of a local authority's enforcement regime. However, by increasing the deterrent effect of parking enforcement and improving compliance, clamping and removals may decrease an authority's penalty charge income below what would otherwise be the case. There may also be scope for some off-setting reduction in the number of parking attendants required. These indirect financial effects should not be overlooked.

Dealing with representations – no accurate information is yet available on the volume of representations in London and there appear to be variations between Boroughs. However, the Parking Committee for London estimate that up to half of all PCNs can generate some form of correspondence or telephone call, and that around a third of Notices to Owners result in representations (with a higher percentage following clamping or removal of a vehicle).

Cases going to adjudication – around 1–2% of all PCNs issued in London are expected to go to adjudication, with approximately one personal hearing for every two postal appeals. It is impossible to give an accurate assessment of the cost per case going to adjudication outside London, as this will depend very much on the volume of such cases. However, the Parking Committee for London are estimating that the cost for a local authority in London of dealing with a case taken to adjudication will be around £20. The cost of an adjudicator is approximately £30 per hour, in which time he or she can handle around six postal appeals or four personal hearings.

PCN processing – this activity can be contracted out or undertaken in-house. If undertaken in-house, investment in new computers and software may be

necessary. The average cost in London of processing a PCN up to the point, where necessary, of producing a warrant of execution, is in the range £4 to £5.

Other costs – the assessment should include the costs of other parking-related activities, such as the provision of new signing, plating and road markings (or the maintenance of existing ones) and the cost of maintaining and collecting cash from parking meters or pay and display machines,

4.5. Experience in London suggests that the start-up costs of introducing decriminalised parking enforcement are not large compared with on-going costs and revenues once the new system is established (see ANNEX 4.1). The principal costs are incurred in reviewing existing parking controls and the need to change them or add new ones, and making the administrative arrangements to introduce the new enforcement regime. The London Boroughs have not generally felt it necessary to amortise these costs over the first few years of the new regime. Where functions such as PCN processing are to be carried out in-house, the authority may also need to buy suitable computers and software. In some cases, the London Boroughs have decided that these costs are sufficiently substantial for them to be amortised over several years in their parking accounts. However, such start-up costs can be avoided if the function is contracted out.

4.6. Local authorities should also take account of impacts on cash flow: experience in London has been that, for a period of about six months extending either side of the introduction of decriminalised enforcement, expenditure exceeds revenue.

4.7. The County Surveyors' Society is currently carrying out a desk study of the transport, financial and staffing implications of parking decriminalisation in three relatively small towns outside the London area. The study should be completed and the results published by April 1995. Local authorities might find it helpful to consult this report when carrying out their financial assessment.

Assessment of income

4.8. The assessment of income from decriminalised parking enforcement should cover:

- (a) Income from permitted on-street parking charges.
- (b) Income from local authority owned off-street parking.
- (c) Income from PCNs.

Income from wheelclamping and vehicle removal, storage and disposal activities should be assessed separately, as these activities should not make a surplus to cross-subsidise an authority's general parking enforcement activities (see CHAPTER 4.23 to 4.25, below).

On-street parking charges

4.9. The setting of on-street permitted parking charges is primarily a matter for individual local authorities exercising their responsibilities in accordance with the provisions of the RTRA 1984, rather than for the Secretary of State. However, the Secretary of State recommends that charges should be set at levels which are consistent with the aim of ensuring that the

new system of decriminalised parking enforcement becomes at least self-financing in each local authority area and with securing the local authority's safety and traffic management objectives. Local authorities should avoid using parking charges as a means of raising additional revenue or as a means of local taxation.

4.10. There are a number of factors to which local authorities should have regard when setting charges:

- (a) Parking charges can be set at levels which help to control demand for parking spaces and discourage undesirable car journeys, particularly car commuting, where there is adequate public transport or where walking or cycling are realistic alternatives.
- (b) Charges can reflect the value of kerbspace, encouraging all but short-term parking to take place in nearby off-street car parks where available. This implies a hierarchy of charges within a local authority area, so that charges at a prime parking space in a busy town centre would normally be higher than those either at nearby off-street car parks or at designated places in more distant residential areas. Such hierarchies should be as simple as practicable and be applied consistently so that charge levels are readily understandable and acceptable to both regular and occasional users.
- (c) If charges are set too high they could encourage drivers to risk non-compliance or to park in unsuitable areas, possibly in contravention of parking restrictions. In certain cases they could encourage motorists to park in a neighbouring local authority area which may not have the capacity to handle the extra vehicles.
- (d) If charges are set too low they could attract higher levels of traffic than are desirable. They could discourage the use of off-street car parks and cause the demand for parking spaces to exceed supply so that drivers have to spend longer finding a vacant space or decide to park in contravention of parking controls.

4.11. Local authorities in London are aiming to achieve occupancy rates of 90% for paid on-street parking spaces: higher occupancy rates are likely to increase congestion as vehicles search for available spaces, whilst lower occupancy rates will result in a less efficient use of available on-street parking spaces.

4.12. Charges should be reviewed periodically and account should be taken of their effectiveness in meeting their policy objectives and the criteria in the foregoing paragraphs. Local authorities can now vary their parking charges using a simplified procedure of public notices under the Local Authorities' Traffic Orders (Procedure) (England and Wales) (Amendment) Regulations 1993.

Off-street parking charges

4.13. Local authorities should take into account the guidance given above in respect of on-street parking charges when setting levels of parking charges in their off-street car parks.

4.14. Where on-street parking is currently enforced by a county council and off-street parking by a district, the two authorities should consider

whether a single enforcing authority would be more efficient. In all areas with two tiers of local government, the authorities concerned should consider from an early stage how to share the costs and revenues from decriminalised parking enforcement.

Income from penalty charges

4.15. In assessing income from penalty charges, local authorities will need to take account of the time at which PCNs are paid and the success with which non-payment can be minimised. Experience to date in London suggests that there are significant variations between authorities. However, the average figures in Table 4.1, below, should provide a useful basis for estimating PCN income (updated figures will be published by the Parking Committee for London from time to time).

Table 4.1. Percentage of PCNs paid at different times and at different rates

Penalty Charge Paid	Percentage
Within 14 days ¹	45%
After 14 days but before service of a charge certificate ²	15%
After service of a charge certificate ³	5%
Not paid ⁴	35%

1. Authority receives 50% of penalty charge (see CHAPTER 4.18).

2. Authority receives 100% of penalty charge.

3. Authority receives 150% of penalty charge (see CHAPTER 16; after service of a charge certificate the amount owed is increased by 50%).

4. Around 10% of PCNs are cancelled (eg. following successful representations or appeals). The proportion which are unpaid should fall as more unpaid penalty charges are registered as civil debts and cases are ultimately passed to bailiffs (see CHAPTER 16).

Level of penalty charges

4.16. Penalty charges should be set at levels which will achieve a high degree of compliance with parking controls. They should also be readily accepted and understood by regular and occasional users. This will encourage payment and minimise the cost of recovering unpaid penalty charges. It will also help to meet the objective that the new system of decriminalised parking enforcement should become at least self-financing as soon as practicable.

4.17. The Secretary of State considers that a wide range of penalty charge levels, either between authorities or within an individual authority's area, would not be appropriate, particularly at this early stage when only motorists in London have any experience of decriminalised parking enforcement. In most cases, it will be more effective to tailor an authority's level of enforcement according to the seriousness of non-compliance with parking controls (for example, by introducing more frequent patrols, wheelclamping or removals), rather than to use variable levels of penalty charges. In general, therefore, the Secretary of State would expect uniform penalty charge levels throughout an authority's area, unless a local authority could show that there was good reason to have different levels of penalty charge (eg. between permitted and restricted parking, on-street and off-street parking or between different parts of its area). Where there are different levels of penalty charge within an authority's area it is important that the reason for the variation can be easily understood and accepted by motorists. Differences which appear to be arbitrary (eg. along the centre line of a road) may well attract criticism.

4.18. Section 66 of the RTA 1991 requires the Parking Committee for London to determine the level of discount which a motorist committing a parking contravention in London will receive if he or she pays the penalty charge due within 14 days of issue of the relevant PCN. The level has been set at 50%, and experience to date indicates that this level of discount is successful in encouraging motorists to pay penalty charges promptly, thereby minimising local authorities' collection costs. In order to make corresponding provision outside London, the Secretary of State intends to include in designation orders a requirement that all authorities outside London apply a 50% discount.

4.19. The Secretary of State considers that, in broad terms and taking account of the 50% discount for payment within 14 days, the level of penalty charges should correspond with the level of the fixed penalty for non-endorsable parking offences outside London (currently £20). The Secretary of State has reservations about a PCN level below £20 (or £10 after discount). In particular, the lower the level of PCN, the less effective it is likely to be in securing compliance, and the less likely it is to ensure that a local authority's overall parking enforcement operation becomes at least self-financing. The lowest realistic level for a penalty charge is therefore probably £20 (before discount). The Secretary of State also has reservations about a penalty charge level above £40 (or £20 after discount). Generally, such a level appears to be too high to secure public acceptability – particularly in relation to a fixed penalty of £20. In most cases, parking problems outside London are unlikely to be so severe over such an area as they are in central London, where higher penalty charges and fixed penalties will generally be necessary to ensure a high degree of compliance.

4.20. The Secretary of State therefore believes that local authorities should choose the lowest of the three specified bands – £20, £30 or £40 – which is consistent with securing a high level of compliance and with attempting to meet the objective of producing a system of decriminalised parking enforcement which becomes self-financing as soon as practicable.

4.21. To summarise the Secretary of State's guidance on penalty charge levels Table 4.2, below, shows what a motorist would pay, according to the time within which he paid, for a FPN of £20 and for PCNs of £20, £30 and £40 with a standard discount of 50% for payment within 14 days.

Table 4.2. Amounts payable by a motorist issued with a Fixed Penalty Notice (FPN) or a PCN

Level of FPN/ PCN	Paid within 14 days	Paid between 15 days and service of notice to owner	Paid between issue of Notice to Owner and service of charge certificate	Paid after service of charge certificate
FPN £20	£20	£20	£30	£30
PCN £20	£10	£20	£20	£30
PCN £30	£15	£30	£30	£45
PCN £40	£20	£40	£40	£60

VAT and penalty charge income

4.22. Customs and Excise advise that penalty charges fall outside the scope of VAT, whether the PCN is issued for a contravention on-street or off-street.

Income from wheelclamping and vehicle removal, storage and disposal, and level of charges

4.23. *Wheelclamping, removal, storage and disposal charges should reflect the cost to the local authority of providing the service. Local authorities should not seek to include any punitive or deterrent element, or seek to make a surplus on such activities. In order to show that these operations are not producing a surplus, local authorities should ensure that a separate account of income and expenditure is kept within the overall parking enforcement account.*

4.24. *Geographic differences and differences in the availability of facilities for vehicle pounds between authorities will affect local authority costs, so the Secretary of State will not expect all authorities to charge the same fee for these activities. However, he will expect authorities to set charges at levels no higher than those prescribed by the Home Secretary for similar police activities, and levels should be significantly lower where local circumstances permit. Proposed charge levels should be included in an authority's application for designation orders.*

4.25. Since April 1993, the following levels of charges have been prescribed by the Home Secretary:

Wheelclamping	£38
Vehicle removal	£105
Vehicle storage	£12 for each 24 hours, or part thereof, that the vehicle is impounded.
Disposal of unclaimed vehicle	£50

4.26. *The practice of the London local authorities is not to apply any storage charge for a removed vehicle until midnight on the day following removal, as a storage charge would be a harsh additional penalty for motorists who recover their vehicles quickly. The Secretary of State recommends other authorities introducing a removals service adopt the same policy.*

Changes to a local authority's level of penalty and other charges

4.27. *The Secretary of State intends to include in designation orders a provision enabling local authorities to change the level of their penalty charge (and charges for clamping, removals, etc.) without seeking his further approval. However, the new charge level will still have to be one which is specified by the Secretary of State. Initially, local authorities will therefore be able to adjust their level of penalty charge between the three bands £20, £30 and £40. For clamping, removals, etc., local authorities will be able to adjust charges levels to any figure up to the maximum figure prescribed for corresponding police activities, although levels should not be set so as to make a surplus on these operations.*

Review of specified levels of penalty and other charges

4.28. The specified levels of penalty and other charges which local authorities can impose will be reviewed from time to time, and the Secretary of State will consult interested parties when considering changes. The cycle for reviewing penalty charges will have regard to the two year cycle followed by the Home Secretary for reviewing fixed penalties, and the cycle for reviewing specified charges for clamping, removals, etc. will have regard to the Home Secretary's cycle for reviewing corresponding police charges.

Publication of the level of penalty and other charges

4.29. It is important that, before the new system of decriminalised parking enforcement is introduced by a local authority, the level of penalty charges and, where applicable, charges relating to wheelclamping and vehicle removal, are properly publicised. When making SPA/PPA designation orders, the Secretary of State therefore intends to require local authorities to publish in at least one local newspaper circulating in the locality concerned notice of the charges it plans to impose. Such notices will need to be published at least 14 days before the charges are due to come into force. A list of the intended charges will also need to be placed on deposit at council offices in the area concerned. The same requirements will apply when charges are revised, or if new charges (eg. for wheelclamping) are introduced. Local authorities should note that the Secretary of State will be imposing a minimum legal requirement, and that other means of publicity should also be considered in order to ensure that motorists are made aware of the levels of penalty and other charges.

Annex 4.1. *Examples of the cost of decriminalised parking enforcement in various London Boroughs*

Borough 1

Has contracted out every service they can in one main contract. They do not undertake clamping or removals but expect to issue 90,000 PCNs during 1995/96. They estimate their preparation time before introducing decriminalised enforcement was between two and two and a half person years spread over about 18 months, plus a further person year for the review of signing and marking. In-house costs for preparation, apart from staff time, are hard to identify and include mainly normal office overheads. The Borough expect to pay their contractor about £1¼m a year, with in-house costs of about £50,000 a year. They expect to make a surplus on their parking account.

Borough 2

Carry out almost all their services in-house, although they lease hardware and software. They carry out removals and estimate their PCN issue rate in 1995/96 to be 90,000. They estimate their setting up costs at about £100,000 in staff and office expenses and think it could now be done in 6 months to a year. This figure does not include any allowance for a review of regulations as this is in the council's work programme in any case. They estimate that the purchase price for the software would be around £80–100,000, although this is, in fact, leased. They also lease their hardware (including hand-held computers and removal truck communications equipment) for about £250,000 a year. If capitalised this might be in the order of £700,000. Their radio net for parking attendants costs them about £25,000 a year. They estimate they will make a surplus on their parking account this year.

Borough 3

Undertook all their development activity in-house, including writing their own software. They undertake clamping and removals and issue around 180,000 PCNs a year. They estimate their total development cost (which was fully capitalised) as just over £1m. They do not expect to make a surplus during 1994/95 on their parking account, partly because of this capitalisation and partly because their levels of activity are well down on their forecasts.

Chapter

5

Parking Exemptions, Waivers and Dispensations

5.1. In preparing its application for orders creating a SPA/PPA, a local authority should consider its policies with respect to parking exemptions, waivers and dispensations for special categories of vehicle user, or vehicle users in special circumstances. In some cases, exemptions are statutory and the local authority will be bound to honour them, but in other cases there is some scope for authorities to adopt policies to suit local circumstances. Guidance on the various exemptions, waivers and dispensations is given below.

Disabled person's Orange Badge holders

5.2. The Secretary of State attaches particular importance to catering for the growing sector of the population who are frail, elderly or who have disabilities, and he believes that their needs should be fully taken into account. Around 10% of the adult population has some form of disability, and when other factors are taken into account the proportion of people who are mobility handicapped in some way is much greater. It is therefore an important part of Government policy that people with disabilities and others with mobility problems should be able to move around with the minimum of difficulty. *Local authorities should follow both the statutory requirements and advice on good practice set out in this section of the Guidance.*

5.3. The concessions at present available to disabled person's Orange Badge holders will apply automatically when the new system of decriminalised parking enforcement is introduced. These concessions are contained in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986 (SI 1986/178) as amended by the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) (Amendment) Regulations 1991 (SI 1991/2709). They require that TROs should include exemptions for Orange Badge holders which will enable them to park:

- (a) Free of charge and without time limit at on-street parking meters and pay-and-display spaces.
- (b) As long as they wish where others may park only for a limited time.
- (c) On single or double yellow lines for up to three hours except where there is a ban on loading and unloading.

Further information about the Orange Badge scheme is contained in "The Orange Badge Scheme of Parking Concessions for Disabled and Blind People" (Local Authority Circular 3/91, DoT; Circular 67/91, Welsh Office).

5.4. Section 70 of the RTA 1991 provides that vehicles displaying a current disabled person's Orange Badge must not be wheelclamped in PPAs in London. This is in recognition of the difficulties which many disabled people would have in getting to a payments centre and the risk of injury or undue suffering if forced to wait for their vehicle to be released. The Secretary of State therefore intends to replicate this prohibition in any designation orders for local authorities outside London, and to extend the prohibition so that vehicles displaying a current Orange Badge must not be wheelclamped when parked in contravention of parking restrictions in a SPA, including contraventions at local authority off-street car parks. In the same way, the Secretary of State intends to replicate the offence of misusing an Orange Badge, as set out in section 70(2) of the RTA 1991.

5.5. Holders of a current disabled person's Orange Badge will enjoy no similar statutory exemption from removal action. However, current Metropolitan police removal policy, adopted by those London Boroughs which are operating a vehicle removal service, recognises that people with disabilities are frequently heavily or completely reliant upon their vehicles and that removal of the vehicles can cause them great distress. The police do not therefore remove vehicles displaying a current Orange Badge unless there are emergency, security or ceremonial reasons, or the vehicles are causing a serious safety hazard or obstruction. If removal action is absolutely necessary, and the driver of the vehicle cannot be located within a reasonable time, the police remove the vehicle to a better position nearby where there is no hazard or obstruction. Whenever possible, they leave a message for the driver indicating where the vehicle is located. Only as a last resort, and where there is no better position nearby, do the police remove the vehicle to a pound. In that case they make special recovery arrangements and normally waive the recovery fee.

5.6. As local authorities do not have the same responsibilities for emergencies, security and ceremonies as the police, they generally should not remove Orange Badge vehicles. If, very exceptionally, the vehicles create a serious hazard or obstruction and removal action is absolutely necessary, then the authorities should follow similar procedures to the police, as described in the preceding paragraph.

Reciprocal
arrangements for
disabled drivers from
other countries

5.7. The United Kingdom and a number of other European countries have established reciprocal arrangements so that disabled visitors from participating countries can take advantage of the concessions provided in the host country by displaying the disabled person's badge under their own national scheme. The police and traffic wardens in this country therefore treat vehicles displaying a disabled person's badge of a participating country as if it were displaying an Orange Badge. Details of the scheme are contained in leaflets published by the Department of Transport, which are circulated to local authorities to help them administer the Orange Badge scheme. The Secretary of State recommends that local authorities and their parking attendants should continue to uphold these arrangements.

Diplomatic registered
vehicles

5.8. Special arrangements apply to diplomatic registered vehicles. Although the number of such vehicles in areas outside London is likely to be small, it

is important that local authorities are aware of the procedures and follow them accurately. The arrangements are described at ANNEX 5.1. Where a parking attendant comes across a diplomatically registered vehicle parked in contravention of a decriminalised parking control, it is advisable that he or she contacts a manager or supervisor who should then check ANNEX 5.1 for guidance on the procedure to be followed.

**Application to Crown
and visiting forces**

5.9. The Secretary of State intends to disapply in designation orders the provisions of Part II of the RTA 1991 in respect of certain vehicles. Those vehicles are ones which at the relevant time are being used or appropriated for use by Crown or visiting armed forces, and ones in the public service which are not required to be registered under regulations under the Vehicle Excise and Registration Act 1992 (see section 79 of the RTA 1991, section 12 of the Visiting Forces Act 1952 and section 22 of and Schedule 2 to the Vehicle Excise and Registration Act 1994).

5.10. The effect of such provisions will be that vehicles used by Her Majesty's army, navy and air force, or vehicles used by visiting armed forces, will not be subject to decriminalised parking controls in PPAs or SPAs. Equally, the relevant designation orders will not apply to vehicles in the public service which do not pay vehicle excise duty.

Waivers

5.11. The police and traffic wardens currently issue permits to allow vehicles to park, where parking restrictions apply, on specified stretches of road for specified periods. These permits are issued, for example, to persons in charge of removal vehicles or shop fitting vehicles. Local authorities will need to establish their own procedures for granting such waivers, balancing the importance to businesses of accessible parking in special circumstances, with the need to ensure that the use of waivers is not excessive. A specimen form is at ANNEX 5.2.

**Dispensations for
holders of British
Medical Association
badges and members
of similar schemes**

5.12. For many years the British Medical Association (BMA) and the Metropolitan Police, with the support of the Government, operated a car badge scheme to enable vehicles to be readily identified by the police and traffic wardens when they were being used by doctors, nurses and midwives on emergency visits to patients at their homes. An example of the BMA badge is at ANNEX 5.3. In recognition of the introduction of decriminalised parking enforcement in London, the Parking Committee for London has now also become a party to the agreement. The scheme itself is unchanged.

5.13. The BMA badge scheme carries no legal exemption from parking controls, but the police and traffic wardens (and now also local authority parking attendants) recognise the scheme and show discretion when badge holders are forced to park illegally in the course of their work. The main dispensations under the scheme are:

- (a) A vehicle displaying a BMA badge will not normally be clamped (previously only applicable in central London), removed or ticketed without an attempt being made to contact the driver at the address shown on the badge.
- (b) A BMA badge holder may park on a metered bay for an extra 30 minutes after the time paid for has expired.

5.14. There are a number of conditions to ensure that the scheme is not abused. The badge must only be used when the badge holder is away from his or her base and directly involved in patient care, and where there are no legal parking places available. The badge should be correctly displayed (ie. showing where the badge holder is working at the time). If no address is shown, or misuse of the badge is suspected, the vehicle may be clamped or removed. Dispensations do not apply if the vehicle is causing a serious obstruction, has been left for an excessive time in the same position, or is regularly seen in the same place.

5.15. Although the scheme is based on an original agreement between the BMA and the Metropolitan Police, it has been used as a model for similar agreements between doctors or local health authorities and other police forces in England and Wales.

5.16. The Secretary of State recommends that local authorities enforcing decriminalised parking should recognise schemes such as the BMA badge scheme where they already exist, and should ensure that doctors, nurses and midwives in their areas are made aware of this before decriminalised parking enforcement begins. Local authorities in areas where no such scheme is in place should look favourably on proposals to introduce such schemes in future.

Exemptions where parking places are suspended

5.17. Parking places may be suspended for a number of reasons and TROs may permit certain vehicles to park in such suspended places (eg. cranes and lorries where a bay is suspended for building work or highway maintenance; vans for furniture removals; hearses for funerals). However, it is important that suspended and reserved parking bays are clearly signed, so that motorists can easily see whether or not they are permitted to park their vehicle and under what, if any, conditions.

Miscellaneous exemptions

5.18. TROs invariably exempt vehicles being used for fire brigade, ambulance or police purposes, or being used to remove an obstruction (eg. attending to a broken down vehicle). TROs usually also exempt service vehicles, but only when they are being used to carry out certain activities (eg. telecommunications vehicles when laying lines, or Royal Mail liveried vehicles engaged in the collection and/or delivery of letters in accordance with the statutory duty of the Post Office for the provision of services for the conveyance of letters). These are not general exemptions for vehicles of a certain type, irrespective of use. Persons in charge of vehicles benefitting from such exemptions should already be familiar with the degree to which they are exempt from existing parking controls, but it is important that parking attendants are also familiar with these exemptions.

Annex 5.1. *Diplomatic registered vehicles*

1. *Local authorities should make special arrangements for the application of the new system of decriminalised parking enforcement to diplomatic registered vehicles, following similar procedures to those currently used by the police. These procedures are described below.*

2. Diplomatic registered vehicles will have one of three types of plate:

(a) D Registration Plates

These plates (eg. 123D321) may be carried by vehicles belonging to diplomats, members of the administrative and technical staff of Missions and certain senior staff of international organisations. They may also be carried by official vehicles of Diplomatic Missions. They indicate that the owners of the vehicles are entitled to diplomatic immunity.

(b) Personalised Diplomatic Registration Plates

These plates, which may, for example, indicate a country's initials or an abbreviation of its full name, are sometimes issued for the official cars of Heads of Diplomatic Missions, who have full diplomatic immunity.

(c) X Registration Plates

These plates (eg. 987X789) may be carried by certain consular staff and certain staff of international organisations. They indicate that the owner is entitled to limited diplomatic immunity.

3. Local authority parking attendants enforcing the new system of decriminalised parking will be able to issue PCNs in respect of vehicles carrying these plates in the same way as the police and traffic wardens are able to issue FPNs, and these will need to be paid. But special arrangements will apply to wheelclamping and removing such vehicles, as they do now in the case of police and traffic warden enforcement. These are described below.

**Exemptions from
wheelclamping and
removal**

4. Article 31.1 of the Vienna Convention on Diplomatic Relations, to which the UK is a party, gives accredited diplomats immunity from the criminal jurisdiction of the host nation's law. The Article is given the force of law in the United Kingdom by section 2 of, and Schedule 1 to, the Diplomatic Privileges Act 1964. The issuing of parking tickets, whether FPNs or PCNs, is not considered to be an exercise of criminal jurisdiction within the terms of Article 31.1 of the Convention, nor is the removal of diplomatic vehicles where the action can be justified *as a last resort* to relieve obstruction or danger and the driver cannot be located quickly. However, wheelclamping and removing those vehicles in other circumstances is considered to be an exercise of such jurisdiction and is therefore ruled out. The White Paper on Diplomatic Immunities and Privileges (Cmnd 9497, April 1985) commits the Government to ensuring that these principles are followed by agencies enforcing parking controls.

5. Although the RTA 1991 provides for permitted parking at designated on-street parking places to be decriminalised and for this system to be applied to

certain non-endorsable parking offences in SPAs, wheelclamping and removal action associated with the enforcement of these controls will still constitute the exercise of criminal jurisdiction within the meaning of the Vienna Convention; and the provisions of the Diplomatic Privileges Act 1964 will continue to provide exemptions for diplomatic vehicles in the following way:

(a) Wheelclamping

Vehicles carrying D registration plates or personalised registration plates should not be wheelclamped anywhere on public roads. Vehicles carrying X registration plates may be wheelclamped in the same way as vehicles without diplomatic immunity and owners or persons in charge of such vehicles should be required to pay the PCN and declamping charge at the time the vehicles are released. But Metropolitan Police practice, which has worked well and is recommended to local authorities, has been to treat X-plated vehicles as D-plated vehicles in all but the most extreme cases.

(b) Removal

Vehicles carrying D registration plates or personalised registration plates should only be removed as a last resort when removal action is necessary to relieve obstruction or danger to other road users and where the driver cannot be located quickly. In these cases, the vehicle should be removed to a more suitable location within the immediate vicinity and, where possible, a message should be left indicating where the vehicle can be found. Removal to a car pound should be avoided. No removal charges should be made; and if there is no alternative other than to remove the vehicle to a car pound, storage charges should be waived. As with wheelclamping, vehicles carrying X registration plates may be removed in the same way as vehicles without any diplomatic immunity, and they should be required to pay the PCN and any associated removal, storage and disposal charges.

**Recovery of unpaid
PCNs**

6. Although the owners of diplomatic registered vehicles are required to pay PCNs, they should not be issued with a NtO if the payment is not made within 28 days. The issue of such a Notice would trigger the procedures which could ultimately lead to action in a county court to recover the unpaid debt. Many diplomats are not subject to civil jurisdiction and there is no practical method for local authorities to distinguish between those who are and those who are not. Local authorities should therefore arrange to follow existing police practice and, instead of issuing a NtO, should send to the Foreign and Commonwealth Office (FCO) a copy of the unpaid PCN annotated with the name, address and phone number of the person dealing with the matter for the authority or its contractor.

7. The FCO will then ask the Mission to pay the outstanding penalties voluntarily to the authority concerned and may ask for diplomats who persistently disregard the controls and refuse to pay the penalties to be withdrawn from duty in the United Kingdom. The FCO will also report once a year to Parliament on the number of outstanding PCNs issued in respect of diplomatically registered vehicles and provide a breakdown by country.

8. To ensure that the FCO is able to monitor progress on all outstanding penalties, local authorities should ensure that it is informed promptly when any outstanding penalty charge is paid or cancelled in respect of diplomatically registered vehicles (a suitably annotated copy of the PCN

will suffice). All correspondence should be sent to the Foreign and Commonwealth Office, Immunities Section, Protocol Department, Room G46, Old Admiralty Building, London SW1A 2AH (telephone 0171 210 6385).

Annex 5.2. *Specimen waiver*

Borough of

Waiting and Loading and Designated Parking Places Orders

WAIVER – CONSENT TO PARK AND CONDITIONS IMPOSED



All entries to be in ink.

This form is only valid as shown below; it is not a general dispensation. It must be placed on or behind the windscreen of the vehicle so that it can be clearly seen from the outside.

Consent is given for of
(full address)

to

using a vehicle:

registration mark type

outside or near the premises of

at (address)

between the hours of

..... and on.....

..... and on.....

..... and on.....

..... and on.....

..... and on.....

The vehicle must be moved on the instructions of a police officer, traffic warden or Council parking attendant.

Materials or goods must not be deposited on the footway or carriageway (except immediately at the rear of the vehicle) nor passed across any part of the

footway or carriageway in such a way as to interfere with other vehicles or pedestrians.

Signed Name (block caps).

I am fully conversant with the conditions of this notice.

Signature of applicant: Date:
Name (block caps).

Annex 5.3 *Specimen BMA badge*



Chapter

6

Consultation with the Police and other Local Authorities and Informing the Public

Consultation with the police

6.1. Where local authorities introduce decriminalised parking enforcement the police will retain responsibility for:

- (a) Enforcing other parking offences, principally endorsable offences such as dangerous parking, obstruction, failure to comply with police “no parking” signs placed in emergencies, and parking offences at pedestrian crossings and street playgrounds.
- (b) Enforcing the full range of moving traffic offences.
- (c) Taking action against any vehicle where security or other traffic policing issues are involved, including the need to close roads or set up diversions.
- (d) Enforcing all parking restrictions on roads outside SPAs/PPAs.

6.2. In addition, the Secretary of State is under a statutory duty to consult the appropriate chief officer of police before making any designation orders to create PPAs or SPAs outside London.

6.3. It is therefore important that local authorities consult the police at an early stage about their proposals to introduce decriminalised parking enforcement. They should indicate when they would like their proposals to come into effect, which areas they propose to include and the type of enforcement regime which will be introduced (eg. whether it will include a wheelclamping or removals operation, or both). They should also liaise with the police to ensure a smooth and orderly transfer of responsibilities. Thereafter they should continue to liaise with the police so that the two systems can operate effectively side-by-side. Local authorities should, for example, approach the police with a view to: establishing procedures so that the police can deal quickly with endorsable parking offences identified by parking attendants; exchanging information about removed vehicles, in order to help deal with inquiries from the public; using a common telephone number to deal with public enquiries about removed or clamped vehicles; exchanging information about persistent offenders, in order to improve

compliance; and generally co-ordinating enforcement action, in order to make the best use of police and local authority resources.

6.4. Where the local authority intends to introduce a wheelclamping service, the Secretary of State should be asked to make an order under section 106 of the RTRA 1984 enabling the police and traffic wardens to exercise their powers to wheelclamp throughout the local authority's area (see CHAPTER 8). The local police should be consulted before such an application is made. Before consulting the local police force, it is advisable that the local authority's members on the police authority be informed of the proposals.

Consultation with other local authorities

6.5. In areas where there is continuous development along the boundary of two authorities and heavy traffic across it, potential difficulties can arise. Improved enforcement by one authority, but not by its neighbour, could result in the transfer of a parking problem from one authority to another. The London Boroughs went to some lengths to avoid the inevitable public criticism which would have occurred if there had been differences in penalty charge levels between authorities enforcing parking on different sides or at different ends of a road. They also tried to avoid cases where the police were enforcing one side of a boundary road whilst the local authority was enforcing the other side. Problems can also occur where neighbouring CPZs have different controlled hours: harmonised hours reduce the scope for confusion.

6.6. In addition, where authorities in the same immediate locality or wider region are planning to enforce decriminalised parking, cooperation may result in significant efficiency gains. Possible areas of cooperation are:

- (a) A unified system for processing PCNs and collecting unpaid penalty charges. This could be substantially less expensive than two or more separate systems (see PART IV).
- (b) Shared electronic links to the DVLA, for information on registered keepers, and to the Parking Enforcement Centre, for registering charge certificates and requesting authorisation of bailiff warrants. Where penalty charge processing operations are not unified, it may still be cheaper for authorities in the same locality to use shared electronic links than to use separate lines, or other means of communication (see CHAPTERS 14 and 16).
- (c) Systems for dealing with misdirected payments and single payments for contraventions carried out in several areas. Such systems may be valuable in conurbations, where motorists are more likely to mistake the authority in whose area they were parked and to incur penalty charges in several neighbouring authorities (see CHAPTER 13).
- (d) Shared removal lorries or vehicle pounds (see CHAPTER 9).
- (e) A combined public information service on removed and clamped vehicles. For local authorities in conurbations, this may improve the service to motorists and be more cost-effective for the authorities than a number of separate information services (see CHAPTER 9). Such a service has already been established in London.

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- (f) A shared database of information about motorists who persistently evade paying their penalty charges. "Persistent evaders" can be targeted for wheelclamping and removal in order to encourage them to pay outstanding penalty charges (see CHAPTER 8). Cooperation in this sphere is likely to be most useful to authorities in the same conurbation.

6.7. A number of the areas where there is potential for cooperation involve information technology and, if the full benefits of cooperation are to be realised, will require authorities to use computer systems which allow data to be readily transferred from one system to another. It is important that, when they set up their own enforcement arrangements, local authorities should not pre-empt future cooperation with authorities in the same immediate locality or wider region.

6.8. The Secretary of State therefore expects local authorities applying for designation orders to have first consulted other authorities likely to be affected, particularly about proposed levels of penalty charges. They should also consult any other authorities with which cooperation, in the form of shared facilities or services, might be desirable, whether immediately or in the longer term. In the case of a county council applying in respect of one or more of its districts, the adjacent district councils within the county should be consulted, as well as any adjacent authorities outside the county likely to be affected or with which cooperation might be desirable.

6.9. As noted in CHAPTER 2, in areas where there are two tiers of local government there will need to be close cooperation between county and district councils, including early agreement on which authority will be carrying out enforcement. In exceptional cases, a district council may wish to retain the present system of off-street parking enforcement, and the county council will need to indicate this in their application for designation orders.

6.10. Welsh authorities will note the special statutory arrangements for consultations between county and district and applications by district councils in Wales (see CHAPTER 2).

Informing local people

6.11. Local authorities will wish to consider how best to publicise and explain their proposals for introducing decriminalised parking enforcement. Local people will already have been consulted before TROs introducing traffic controls were made. There is no similar legal requirement for consultation before a local authority applies for SPA/PPA designation orders, as such orders only concern the enforcement of parking controls, not their nature or extent.

6.12. However, providing information to the public is not only right in itself, but should also result in a better understanding of what the authority is trying to achieve and therefore greater compliance with parking controls. Informing the public in advance is particularly important where a local authority proposes to introduce wheelclamping or vehicle removal operations. People may not be aware of the benefits that clamping and removals can bring to road users as a whole by penalising and deterring the selfish, anti-social minority, so the rationale behind the authority's proposals should be explained. If details of an authority's proposals are publicised in good time – and especially if comments

on them are explicitly sought – public reaction can also help shape an authority’s choice on clamping and removal priorities, on relative levels of enforcement generally across an authority’s area and on revisions to the authority’s TROs.

6.13. Where there are parish, town or community councils in an authority’s area, the authority may find it helpful to explain its proposals and the reasons for them to representatives of those councils.

6.14. CHAPTER 11 gives advice about means of informing the public when decriminalised parking enforcement is about to begin.

Chapter

7

Parking Attendants

Introduction

7.1. As parking attendants will carry out the everyday operation of decriminalised parking enforcement, the manner in which they perform their duties, maintain relations with the public and conduct themselves generally will be very important to the success of the new enforcement regime. They will therefore need to present a professional and efficient public image, sometimes in difficult circumstances. They will also need to have qualities of firmness, sensitivity and tact coupled with common sense and patience and will need to be able to think clearly and react sensibly under pressure. The Secretary of State will expect local authorities to have regard to these criteria when employing parking attendants directly or when contracting out.

7.2. Under the RTA 1991 local authorities are responsible for receiving and considering any representations from drivers and owners against the actions of parking attendants, whether employed by the authority or by contractors. They should aim to minimise these representations by ensuring that standards of enforcement are high and consistent. They should make it clear that the attendants' overriding objective is to enforce the controls fairly with a view to achieving high levels of compliance. In order to achieve this, local authorities will need to ensure, through their own management and procedures and through the conditions of any contracts they may let, that all parking attendants are good quality personnel, that their day-to-day supervision and their overall management are effective, and that they are given proper training, clear instructions about their conduct and guidance on their operations, including how and when to exercise discretion.

Parking attendants' duties

7.3. Parking attendants' duties will be wide-ranging. They will include the following:

- (a) Enforcing decriminalised parking by issuing PCNs where vehicles are parked in contravention of the relevant controls. PCNs may be issued by hand or using a hand-held computer (HHC) (see CHAPTER 7.21 to 7.25, below). Besides the information which must be recorded on the PCN, it is important that attendants use their HHC or a separate pocket book to take notes of any other*

relevant information, as this may be needed when considering representations and appeals (see CHAPTER 12).

- (b) Assisting the public and acting as the first point of contact on minor parking enquiries and enforcement matters.
- (c) Inspecting parking meters and pay-and-display machines to ensure that they are working prior to PCN issue. Where there is a minor fault, the attendant may be able to rectify it, otherwise an “out of order” notice must be put on the meter or machine and the fault must be reported.
- (d) Checking and reporting on signs and markings to ensure that any PCNs issued are not invalidated due to incorrect or missing signs or markings. Local authorities and their contractors should ensure that there is a recognised system for reporting and maintaining defective signs and markings and remedying any defects.
- (e) Providing a witness statement for consideration by a parking adjudicator when deciding on a written appeal from a motorist. Such statements will only be needed in exceptional circumstances.
- (f) Appearing before a parking adjudicator as necessary. Appearances are not expected to be a normal or frequent part of a parking attendant’s duties.

7.4. In addition, parking attendants may be asked to carry out some or all of the following duties:

- (g) Informing the police of criminal parking activity (eg. parking on a pedestrian crossing, or causing an obstruction).
- (h) Reporting suspected abandoned vehicles (see CHAPTER 9).
- (i) Checking tax disks and reporting vehicles without a valid disk, in order to ensure that the records of the Driver and Vehicle Licensing Agency are kept up to date (see CHAPTER 14).
- (j) Posting notices to give advance warning of suspensions, suspending parking places and taking records of vehicle index numbers when suspensions begin (this may be needed for consideration of later cancellation of any PCNs or the refund of clamping or removal charges). Parking attendants may also be asked to remove notices when suspensions are lifted.
- (k) Issuing information leaflets or warning notices (eg. if a local authority wishes to have a brief “honeymoon period” before decriminalised parking enforcement proper begins, or if a local authority wishes to allow a period of grace for local residents to renew expired parking permits).
- (l) Reporting on changes in parking patterns to complement any monitoring surveys or other assessments which an authority may conduct. Such reports could form part of regular reviews of enforcement/compliance, and support policy changes.

(m) Checking that shops selling parking vouchers have sufficient stocks and providing further vouchers where necessary.

(n) Assisting in on-street enforcement surveys.

7.5. Where a local authority is operating a wheelclamping or removal service, parking attendants will also be responsible for *recommending* vehicles suitable for clamping or removal. However, the task of *authorising* the clamping or removal should be undertaken by a parking attendant with appropriate additional training (see CHAPTER 7.10 and CHAPTER 9).

Training

7.6. Local authorities should ensure that all parking attendants, including supervisors and managers, have the training necessary to provide accurate, fair and consistent enforcement. This requirement applies whether the parking attendants are employed by the local authority or by a contractor.

7.7. Parking attendants should be trained in both *general* parking enforcement procedures and in the *special requirements* of the authority (although both types of training could be included in the same course). This is the approach being taken in London, where parking attendant training comprises a number of “core” and “local” modules. Not all aspects of general (or “core”) training will be relevant to all authorities (eg. some authorities may not use parking vouchers or meters), but the great majority will be.

7.8. General training for a parking attendant (as opposed to a senior attendant or supervisor, who will require more extensive training) should cover the following subjects:

- (a) An introduction to the role and duties of parking attendants.
- (b) An understanding of the objectives of decriminalised parking enforcement and how the system works in practice.
- (c) The types of permitted and restricted parking, including signing, road markings, parking meters, pay-and-display machines, vouchers, residents’ permits, free parking bays, off-street parking, etc.. Parking attendants should become familiar with how to operate different types of parking meter and pay-and-display machine.
- (d) The types of decriminalised parking contraventions (including reference to parking offences which are still enforced by the police).
- (e) Special cases, including waivers, exemptions and dispensations.
- (f) The vehicle registration system, including foreign and diplomatic registrations.
- (g) The PCN, including the information it must contain, standard offence codes and additional details for use by the authority if a penalty charge is disputed.
- (h) Use of pocket books, including use of standard characters and how to deal with erasures, lost pages, crossings out, etc..

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- (i) Use of hand-held computers (HHCs), including daily test routines and how to rectify common breakdowns.
 - (j) The adjudication service, including the preparation of witness statements.
 - (k) Patrol methods, including both general principles and specific advice on enforcing different types of parking control (eg. loading only restrictions, permitted parking at parking meters).
 - (l) Using radios, including the phonetic alphabet and how to rectify common breakdowns.
 - (m) Requirements concerning attendants' uniforms.
 - (n) Health and safety matters, including personal injuries at work.
 - (o) Ways to deal with the general public, including how to deal with aggressive motorists and an awareness of the problems faced by disabled people. The latter subject will include an understanding of how the Orange Badge scheme works, the reciprocal arrangements for disabled drivers from outside the United Kingdom, and the needs of people with disabilities.
 - (p) Emergency procedures, including parking attendant responsibilities, use of the radio, personal security and basic first aid.
 - (q) Practical, on-street training in the techniques learned during the course.

7.9. Training in the special requirements of the individual authority should include, as applicable, the following subjects:

- (a) The local authority's policies on discretionary exemptions, waivers and dispensations (see CHAPTER 5).
- (b) Any other special exemptions which the authority wishes to employ (eg. any period of grace between permitted parking time elapsing and issue of a PCN).
- (c) The authority's policy for dealing with "mitigating circumstances" and other matters which require judgement to be exercised (eg. motorist claiming to be going for change when PCN issued; nearest pay-and-display machine out of order, but another machine close by; claim that meter out of order when PCN issued; motorist claims that voucher, permit, etc. was valid when attendant considers it was not; explanatory note left in vehicle, etc.).
- (d) Procedures for liaising with other parts of the enforcement operation (eg. clamping or removals teams, or the PCN processing unit).
- (e) Procedures for liaising with the police and traffic wardens to deal with vehicles which are parked illegally (eg. on a pedestrian crossing).

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- (f) Details of any other aspects of parking enforcement operations which are specific to the authority (eg. type of HHC used (if applicable); performance standards expected of parking attendants; types of voucher, parking meter, pay-and-display machine, etc. used in authority's area).

7.10. Where a local authority is operating a wheelclamping or vehicle removal service, further training for parking attendants will be needed. This should deal with the criteria to be used and procedures to be followed when a parking attendant *recommends* suitable vehicles for clamping or removal. Additional training will be needed for the senior parking attendants, or other selected parking attendants, who will *authorise* clamping or removals. Advice on the procedures for recommending and authorising clamping or removal is contained in CHAPTER 9.

7.11. Experience in London suggests that training should take place over a period of two to three weeks. Representatives from disabled persons' organisations, freight hauliers, etc. may be happy to contribute to sections of a course in which they have a special interest (eg. the Orange Badge scheme, or loading and unloading restrictions). Following the successful completion of a training course, it is advisable that a parking attendant should also serve a probationary period before gaining accreditation. (In London, the probationary period is three months.) Probationers may need to accompany experienced parking attendants for a period, but this is an inefficient use of resources and should be kept to a minimum. Refresher training will probably also be needed.

7.12. Parking attendants should not undertake their enforcement duties until they have been assessed as having achieved to the authority's satisfaction the required level of competence.

7.13. There are at present no nationally recognised qualifications for parking attendants. However, the Parking Committee for London is currently accrediting courses for parking attendants, on behalf of the London authorities, with a view to securing accreditation for such courses from the National Council for Vocational Qualifications. The Parking Committee for London is also willing to accredit training courses provided at training centres elsewhere in England and Wales which may be more conveniently situated for prospective parking attendants and more senior staff wishing to work outside London. The Secretary of State supports the work of the Parking Committee for London in establishing common training standards and believes that other local authorities should use parking attendants who have qualified at a training centre accredited by the Committee.

**Parking attendant's
handbook**

7.14. The Parking Committee for London has produced a handbook for parking attendants which explains the different types of parking contravention and recommends observation procedures before issuing a PCN. There are likely to be advantages in local authorities elsewhere producing similar handbooks for use by parking attendants working in their area. The handbook could be used in training parking attendants in specific aspects of enforcement in the authority's area and, if in a suitable format, as a source of reference where an attendant on duty was in doubt about the correct procedure to follow.

7.15. An authority could prepare a handbook in conjunction with the specification for tenderers wishing to provide parking attendant services. Alternatively, an authority could require the contractor to provide a suitable handbook to all parking attendants. In the latter case, the authority should ensure that it is satisfied with the contents of the handbook before copies are given to parking attendants.

Uniforms

7.16. Section 63A(4) of the RTRA 1984 requires parking attendants in London to wear such uniforms (a) as may be determined by the Secretary of State; and (b) to do so when carrying out "prescribed" functions.

7.17. The Secretary of State has determined that London parking attendants' uniforms must be readily distinguishable from those worn by the police and traffic warden services, and that they must include the following distinguishing features:

- (a) Clear identification that the wearer is a parking attendant.
- (b) Clear identification of the local authority on whose behalf the parking attendant is acting.
- (c) A personalised number to identify the parking attendant, which may contain letters as well as numerals.

7.18. The "prescribed" functions to which the requirement to wear a uniform applies are the issuing of PCNs and the authorising or carrying out of wheelclamping or the removal of vehicles within either a PPA or SPA (see the Parking Attendants (Wearing of Uniforms) (London) Regulations 1993 [SI 1993/1450]). Where the actual clamping or removal of a vehicle is carried out by someone acting under the direction of a parking attendant, that other person is not subject to any requirements as to his or her uniform.

7.19. The Secretary of State believes that corresponding requirements concerning the wearing of uniforms by parking attendants should apply outside London and he intends to give statutory backing to such requirements when making PPA/SPA designation orders for non-London authorities.

7.20. The Secretary of State also recommends that parking attendants carry a photo-identity card, showing their identification number and the name of their employer. To protect the safety of staff, it may be advisable not to include the parking attendant's name on the identity badge.

Experience in London suggests that parking attendants should wear suitable headgear, so that they can be easily recognised by members of the public.

Hand held computers

7.21. An alternative to writing PCNs by hand is to use hand held computers (HHCs). HHCs have been used to issue parking tickets for a number of years and their use is increasing. In London, 32 of the 33 authorities are using HHCs to enforce decriminalised parking. HHCs have a number of advantages over the traditional approach of writing parking tickets by hand:

- (a) Contravention details are recorded electronically, so information can be transferred quickly and cheaply to other computers for further processing or storage.

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- (b) The number of abandoned PCNs can be reduced by eliminating cancellations caused by a parking attendant's illegible handwriting. HHCs can also reduce the issue of incorrect PCNs because they can be programmed to correct mistakes such as the inputting of the wrong contravention code, street name or attendant identification number.
 - (c) HHCs can also be programmed to prevent PCNs being issued "too early". This facility can ensure that attendants comply with a local authority's policies (eg. where a "period of grace" is allowed after the end of the paid parking period), and that disputed cases are less likely to be lost by an authority (eg. by ensuring that a PCN is not issued immediately for a prohibited parking contravention when loading and unloading are allowed.).
 - (d) Information relating to a PCN, such as details of a conversation with a motorist, can be input to the HHC, instead of being noted in a separate log book. This facilitates the later consideration of representations and appeals by ensuring that all relevant information is readily available in one place.
 - (e) Vehicles used by persistent offenders or non-payers, or vehicles with cancelled permits, should be easier to identify as this information can be downloaded from a central database to an individual HHC at the start of a parking attendant's shift. In some cases, when a parking attendant inputs the name of the street he or she is entering, the HHC can display information on, for example, repeat offenders or non-payers who frequently park in that street.
 - (f) Information about the number and location of different sorts of parking contravention and the performance of different parking attendants can be collected quickly and cheaply. Analysis of this information should enable on-street enforcement to be made more efficient. Some London authorities are using bar codes on street furniture to help parking attendants carry out their duties and to monitor their movements.
 - (g) Some HHCs also enable information to be transmitted directly between attendants and their base, thus eliminating the need for a separate radio (see CHAPTER 7.26, below).

7.22. If output from HHCs cannot be transferred automatically into the host processing computer, many of their main advantages will be lost or greatly reduced. It is therefore important that, if local authorities and their contractors decide to use HHCs, they choose a type of HHC which enables data to be readily transferred to and from other systems used elsewhere in the enforcement process – including, where necessary, systems used by other authorities, where information is to be exchanged.

7.23. Where HHCs are to be used, it is essential that attendants produce a test PCN at the start of each shift to ensure that the machine is working correctly. This should be retained for record purposes, as it may need to be produced to demonstrate to an adjudicator that the HHC was working properly on the day in question.

7.24. Locations of permitted parking places can be identified by meter number or pay-and-display machine number and typed into the HHC. For other parking contraventions, it is important that the location can be clearly and unambiguously described using the HHC. For example, describing the location in terms of the street only may be inadequate if there is permitted and prohibited parking along the street.

7.25. HHCs can vary significantly in price and performance. Initial costs, maintenance and the cost of “consumables” (ribbon, paper rolls, etc.) all need to be taken into account if a local authority proposes to buy or lease its own HHCs. But the most important consideration is that the HHC should have a memory with sufficient capacity to cater for the whole of the SPA/PPA street index.

Other equipment

7.26. There are advantages in issuing parking attendants with radios or mobile telephones. The authority or contractor will have greater control over the movement of parking attendants in mid-shift, so that, for example, complaints from the public can be dealt with more quickly. Parking attendants will be able to contact senior staff for advice, or to request assistance (for example, if their personal security is threatened). Radios or mobile telephones will also facilitate the rapid transmission of information to the police about parking offences which have not been decriminalised, or about other matters where a police presence may be needed. Direct communication between attendants and the despatch controller will also be highly desirable – if not essential – where wheelclamping and vehicle removals are to be undertaken (see CHAPTER 9).

7.27. Polaroid cameras may be a useful means of collecting evidence to settle disputes in cases where, for example, a vehicle is not parked correctly within a parking bay, or where one set of a vehicle’s wheels is parked contrary to a parking restriction. However, such photographs are not *necessary* to prove that a contravention occurred. Given the greater cost and inconvenience of removal, the London parking adjudicators, in their first annual report, have recommended that all vehicles to be removed are photographed first so that any later dispute about the position of a vehicle can be resolved. Local authorities operating vehicle removals should consider issuing polaroid cameras for this purpose to parking attendants authorising removals, or to the removal contractors (see CHAPTER 9).

Transport for parking attendants

7.28. An Audit Commission report on the activities of traffic wardens noted that a high proportion of wardens’ time was spent unproductively, walking to and from beats at the start and end of shifts and to the police station for lunch and tea breaks. The Metropolitan Police had found that as much of 45% of traffic wardens’ time could be lost in this way, and the Commission had observed provincial forces where the proportion was even higher. Local authorities and contractors may be able to use parking attendants’ time more effectively by providing them with transport. For example, a car or van could be used to take attendants to and from their base, or some or all attendants could be provided with motorbikes, mopeds or bicycles.

Chapter

8

Wheelclamping and Removals: Policy Aspects

Wheelclamping and removals

8.1. The Metropolitan Police have found wheelclamping action to be the most effective deterrent against illegal parking in central London. A “before and after” study of wheelclamping in central London, conducted by the Transport Research Laboratory, found that, following the introduction of wheelclamping, the time taken up by illegal parking on yellow lines fell by 40%, and that the proportion of illegal parking acts at residents’ bays fell by about a third, whilst there were significant improvements in traffic flow. So the deterrent effect of wheelclamping greatly outweighs the loss of a particular space for other parking acts. Wheelclamping can also be used to improve compliance by targeting motorists who persistently ignore parking controls or who refuse to pay penalty charges (see CHAPTER 8.14 and 8.15, below).

8.2. A vehicle removals operation can deal with fewer vehicles than a clamping operation with similar resources, so there is a smaller probability of a motorist being caught. Its deterrent effect is also lessened because a removed vehicle, unlike a clamped one, is no longer visible to other drivers. However, wheelclamping is not a suitable method of enforcement where vehicles are causing an obstruction or hazard to road users. In these cases, the vehicle in question needs to be removed to a vehicle pound or a more suitable parking place in the vicinity. Equally, vehicles which have been clamped on street and are not claimed by their owner can undermine the effectiveness of wheelclamping if they are not removed within a certain period.

8.3. This Chapter considers wheelclamping and vehicle removal activities separately, but in practice they should not be looked upon as free-standing activities. Clamping and towing away serve different purposes, but the effectiveness of each will usually be increased when they are operated together.

Wheelclamping: Legal Powers

8.4. The RTA 1991 gives the London local authorities new powers in relation to wheelclamping. Section 69 of the Act empowers the authorities’ parking attendants to wheelclamp vehicles which they believe have infringed a designated parking place order in London; and section 77 of the Act empowers the attendants to wheelclamp vehicles which have contravened a decriminalised parking control in a SPA. In each case, owners of wheelclamped vehicles are required to pay the penalty charge they have incurred as well as the

declamping fee, before their vehicle is released from the wheelclamp. Corresponding powers can be given to local authorities outside London in their SPA/PPA designation orders. Authorities should note that this includes the power to wheelclamp at local authority off-street car parks within SPAs.

8.5. The Secretary of State believes that wheelclamping can play an important part in improving compliance with parking controls. Sometimes there may be an over-riding need to introduce wheelclamping from the outset, but in most cases the Secretary of State recommends that a local authority should not make a decision for or against doing so until its new decriminalised parking enforcement regime has been in place for some months. This will enable improved compliance under the new regime to be taken into account when deciding whether wheelclamping is necessary and, if it is, what level of clamping operation is needed.

8.6. The Secretary of State believes it would be prudent for all authorities applying to enforce decriminalised parking to request the legal powers to wheelclamp, even where they have no plans to introduce wheelclamping in the immediate future. This approach would obviate the need for an authority to apply for a further designation order if, after some experience of the new system, it decided that it would, after all, like to introduce wheelclamping. Where an authority has no plans to introduce wheelclamping in the short term, the Secretary of State will require it to confirm in its application for designation orders that it will aim to comply with his recommendations for wheelclamping operations if it does introduce such an operation in future (see CHAPTER 17).

8.7. In order to ensure that local authorities and the police in the same area have corresponding powers to wheelclamp, the Secretary of State also recommends that a local authority includes with its application for a designation order, a request for an order under section 106, RTRA 1984 giving police officers and traffic wardens the power to clamp vehicles throughout the local authority's area.

**Wheelclamping:
Exemptions**

8.8. In any designation order made in respect of a non-London local authority, the Secretary of State intends to include a provision broadly equivalent to section 70 of the RTA 1991. The intention is to ensure that a vehicle displaying a current disabled person's Orange Badge will be exempt from wheelclamping when parked in contravention of any decriminalised parking control, including those at local authority off-street car parks. The Secretary of State also wishes to ensure that no vehicle can be wheelclamped where its driver overstays for fewer than 15 minutes. This exemption will apply at local authority off-street car parks within a SPA and will also include situations where a vehicle has been parked at a meter during unexpired time paid for by the driver of another vehicle. Whilst there will be no similar provision providing a statutory "period of grace" from wheelclamping for other decriminalised parking contraventions, local authorities should consider allowing a "period of grace" in other cases as a matter of policy.

8.9. As a matter of policy, it is recommended that vehicles which have been declamped and are still in the same location awaiting the return of their owner should not be clamped or removed within one hour of declamping.

**Wheelclamping:
Policy Guidelines**

8.10. Advice on other exemptions is included in CHAPTER 5.

8.11. As its deterrent effect greatly outweighs the temporary loss of a particular space for other motorists to use, wheelclamping would be a suitable sanction against most on-street and off-street permitted parking contraventions.

8.12. Wheelclamping action would also be appropriate for restricted parking contraventions where the vehicle in question did not create a hazard or an obstruction to traffic. However, a clamp can turn a short term obstruction into a long term one, or even perpetuate a dangerous obstruction. For example, wheelclamping would not be appropriate in any of the following cases:

- (a) A vehicle causing a major obstruction to traffic or a danger to pedestrians or other road users.*
- (b) A vehicle parked on an operative bus lane, cycle lane, bus stop clearway or taxi rank.*
- (c) A vehicle parked adjacent to a fire exit, across an access used by emergency services or across an entry to private property.*
- (d) A vehicle parked on the footway in contravention of a TRO and causing a serious obstruction to pedestrians.*
- (e) A vehicle parked in a specially designated reserved parking place (eg. for doctors or disabled people), although clamping may be appropriate for parking contraventions at residents' parking bays.*
- (f) A vehicle parked in a suspended parking place.*
- (g) A vehicle parked in a loading bay or loading gap.*

8.13. A clamp applied to a stolen or abandoned vehicle, or to a vehicle whose owner may have gone on holiday, can also quickly become an object of derision, particularly if the vehicle is vandalised. To deal with such cases, the Metropolitan Police have a policy of removing any clamped vehicle not reclaimed within 24 hours. Local authorities should consider formulating a similar guideline.

8.14. Besides increasing the general deterrent effect of parking enforcement, wheelclamping can also be used to discourage motorists for whom the normal PCN system is an insufficient deterrent. For example, a local authority can target wheelclamping at motorists who persistently commit parking contraventions, or motorists who persistently seek to avoid payment. If such motorists are informed that they will remain targets for clamping for as long as they continue to ignore parking controls (or until they have paid outstanding penalty charges owed to the authority), they will be more likely to reform their behaviour.

8.15. In all cases, however, a vehicle can only be wheelclamped when it is actually parked in contravention of a relevant parking control. A vehicle

cannot be wheelclamped simply because its driver has frequently ignored parking controls in the past, or has not paid previously issued PCNs. Moreover, where a vehicle has been clamped, its owner need only pay the charge for declamping and the related PCN in order to secure the release of the vehicle. He or she cannot be required to pay any other outstanding PCNs, although the local authority may be able to obtain details from the person reclaiming a clamped vehicle, such as proof of the owner's name and address, which could help in actions to recover earlier outstanding debts by court action.

8.16. Local authorities undertaking wheelclamping should devise guidelines for when clamping may be carried out and the priority to be accorded different types of parking contravention when deciding the order in which vehicles should be clamped (see ANNEX 8.1). It is important that the guidelines can command public support by making the level of enforcement proportionate to the seriousness of the contravention. Wheelclamping may be brought into disrepute if a local authority permits it for what the public may regard as relatively unimportant contraventions. For the less serious contraventions, local authorities should therefore consider whether wheelclamping should only be undertaken in certain cases (for example, where the motorist has repeatedly committed the same contravention, or the vehicle has been parked in contravention of a parking control for more than a certain amount of time).

8.17. It is important that motorists who have paid their declamping charge and associated penalty charge should be able to use their vehicle as soon as reasonably possible. The punishment of wheelclamping should be the cost of the release fee, not the time and inconvenience in arranging and waiting for the vehicle to be declamped. Local authorities should therefore set and publish a maximum time for releasing vehicles from wheelclamps once the appropriate charges have been paid.

Removals: Legal Powers

8.18. Parking attendants acting on behalf of local authorities outside London will automatically have the power to remove vehicles which are parked or broken down in contravention of parking controls in SPAs/PPAs (under regulation 5A of the Removal and Disposal of Vehicles Regulations 1986). Local authorities already have the legal powers to charge motorists where a vehicle is towed away, stored or disposed of by the authority (see section 102, RTRA 1984).

8.19. In many cases, it will not be enough to rely solely on the removal powers of the police and traffic wardens, and local authorities will need to make use of their powers to operate a vehicle removals service. The removal powers of the police and traffic wardens in PPAs and SPAs will extend, broadly speaking, only to vehicles causing an obstruction or likely to cause a danger to road users. A vehicle overstaying in a *permitted* parking place is highly unlikely to be causing a hazard or obstruction, so a police officer or traffic warden would have no powers to remove the vehicle. Where a vehicle is parked in contravention of a *restricted* parking control and is causing an obstruction to road users but not a hazard, a police officer or traffic warden might not be able to give the removal of the vehicle such a high priority as could the local authority.

8.20. The Secretary of State therefore considers that there should be a presumption that local authorities should include a vehicle removals service

as part of their decriminalised parking enforcement operations. As with wheelclamping, it may be sensible for a local authority to delay the introduction of vehicle removals until decriminalised enforcement has been in operation for some months, so that improved compliance can be taken into account when determining the scale of towing away operations.

8.21. The Secretary of State also believes that it would be prudent for all authorities wishing to introduce decriminalised parking enforcement to request designation orders to apply section 67 of the RTA 1991, with appropriate modifications, even where they have no plans to introduce a vehicle removal service in the immediate future. Such a provision would be needed to enable local authorities to refuse to return a removed vehicle until the owner had paid the relevant penalty charge, as well as the associated removal, storage or disposal charges.

8.22. Where a local authority does not wish to carry out vehicle removals as part of its enforcement regime, either immediately or in the foreseeable future, it should set out its reasons in its application for designation orders. These may be cases where the level of parking problems is such that the cost of even a minimal vehicle removals service is prohibitively expensive, compared with the benefits to be had. In such cases, the authority's application for designation orders should indicate whether it has considered the practicability of cooperation with the police or neighbouring authorities (eg. in the use of removal trucks or vehicle pounds – see CHAPTER 9) and whether the police are content with the authority's decision.

8.23. For many parking contraventions in a SPA, a vehicle may be liable for removal by either parking attendants or the police because it is both breaking a relevant decriminalised parking control and causing a hazard or obstruction. In other cases, a vehicle may be parked dangerously or obstructively in a SPA but in a place or at a time where parking is not restricted by a TRO. In the latter case, the motorist is committing a criminal offence, rather than a decriminalised contravention, so no PCN can be issued and responsibility for removing the vehicle will rest with the police.

8.24. It is therefore particularly important that local authorities always consult the police about their plans for vehicle removals following the introduction of decriminalised parking enforcement. The aim should be to establish agreed procedures so as to prevent confusion and unnecessary duplication of effort.

Removals: Exemptions

8.25. As with wheelclamping, no vehicle can legally be removed by a parking attendant from a designated on-street parking place for 15 minutes from the end of the period of time that has been paid for (see regulation 5A of the Removal and Disposal of Vehicles Regulations 1986). This includes situations where a vehicle has been parked at a meter during unexpired time paid for by the driver of another vehicle. This limitation does not apply where a vehicle is removed otherwise than pursuant to regulation 5A. For example, where a vehicle is causing an obstruction or a likely danger a police officer or traffic warden can authorise the removal of the vehicle under regulations 3 or 4A.

8.26. Local authorities should also note that people with disabilities are frequently heavily reliant on their vehicles and that removal of their vehicles

can cause them great distress. Local authorities should not remove vehicles displaying a current disabled person's Orange Badge. Advice on this and other exemptions is contained in CHAPTER 5.

Removals: Policy Guidelines

8.27. Removal action would be appropriate in cases where parked vehicles are causing an obstruction or a hazard to other road users, where they are obstructing a restricted stopping or waiting place, such as a bus stop, cab rank or loading bay, or where the local authority has suspended the operation of a designated parking bay. Removal action from designated parking places would also be appropriate in some cases – for example, where a vehicle is parked across more than one meter bay or is parked in a loading, doctor's or residents' bay without authorisation. Vehicle removal would also be appropriate where a vehicle has been clamped for some time (for example, 24 or 48 hours) without any action being taken by its owner to pay for its release (see CHAPTER 8.13, above).

8.28. Removals should not be carried out in an ad hoc fashion. Local authorities should consider, in consultation with the police, devising a list showing the priority to be accorded different types of parking contravention when deciding the order in which vehicles should be removed. As with wheelclamping, it is important to ensure that vehicle removals are only undertaken where the seriousness of the contravention warrants this level of enforcement. Inappropriate use of removals may bring an authority's enforcement activities into disrepute. A suggested list of priorities for removals is at ANNEX 8.2.

Abandoned Vehicles

8.29. Special arrangements apply to the removal and disposal of abandoned vehicles (see sections 3 to 5 of the Refuse Disposal (Amenity) Act 1978 and also the Removal and Disposal of Vehicles Regulations 1986). Local authorities will be familiar with their duty to remove *motor vehicles* which appear to have been abandoned on the carriageway of a highway (see section 3 of the 1978 Act). They will also be familiar with their power to remove vehicles to which this duty does not apply – for example, pedal cycles, horse drawn vehicles, or hand-carts – under regulation 5 of the 1986 Regulations.

8.30. Local authorities wishing to include a vehicle removal service as part of their overall decriminalised parking enforcement operations will want to consider the scope for integrating this new activity with existing arrangements for removing, storing and disposing of abandoned vehicles. For example, there may be scope for sharing removal trucks or vehicle pounds. For cases where the two types of removal activity are not integrated, arrangements for dealing with unclaimed vehicles which did not initially appear to have been abandoned are discussed in CHAPTER 9.

Use of towing away and clamping warning notices

8.31. If authorities wish to erect public notices to announce the introduction of new enforcement measures, such as wheelclamping or towing away, they should be careful to ensure that the extent of the area over which the new arrangements will apply is clear to road users. In addition, they should consider the effects of such notices on the enforcement of parking controls in neighbouring areas.

Annex 8.1 *Suggested priorities for wheelclamping based on guidelines used by London Boroughs*

High priority

- Vehicle identified as being used by a persistent evader or offender, when committing any contravention except one causing an obstruction or a safety hazard.
- Vehicle parked in a permitted on-street parking place in contravention and where it appears that a PCN would be difficult to enforce due to inadequate information on the DVLA record (eg. the vehicle was not displaying a valid tax disk). Motorists must by law be given 15 minutes from the end of the period paid for before their vehicle can be clamped.

Medium priority

- Parking in a permitted on-street parking place or off-street car park without putting the appropriate sum in the parking meter, or without displaying a valid ticket or voucher.
- "Feeding" (ie. making an additional payment to extend the stay beyond the time originally paid for).
- Parking at an out-of-order electronic meter in contravention of a TRO.

Low priority

- Overstaying at a parking meter beyond the 15 minutes during which a vehicle cannot be clamped, or overstaying at an off-street car park.
- Occupying a residents' bay without displaying a valid permit.
- Parking on a single yellow line and not causing, or likely to cause, an obstruction.
- Parking on the footway, verge or central reservation in contravention of a TRO (or in contravention of section 19, RTA 1988 in the case of heavy goods vehicles), but not causing an obstruction.
- Parking in a free parking bay for longer than the permitted period.
- Parking again within a hour (or other specified time) of leaving a bay in the same parking place.
- Not parking correctly within the markings of a bay.

Not to be clamped

- Vehicles overstaying for less than 15 minutes after the expiry of the period paid for at a parking meter, etc..
- Vehicles displaying a valid disabled person's Orange Badge.
- Vehicles causing, or likely to cause, a hazard or obstruction.
- Vehicles within one hour of being declamped.
- Diplomatic registered vehicles.
- Vehicles displaying a BMA scheme or similar badge.
- Vehicles parked in contravention in a diplomat's, doctor's or disabled person's bay, or in any suspended parking bay.
- Vehicles of the emergency services at any time and public service vehicles, furniture vans, construction vehicles, etc. whilst being used on duty.

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- Licensed cabs in a taxi rank.
 - Vehicles which appear to have been abandoned.

Annex 8.2 *Suggested priorities for vehicle removals based on guidelines used by London Boroughs*

Dangerous Position

- In a position likely to cause danger to other road users.

Serious Obstruction

- Preventing access by emergency vehicles.
- Causing a serious obstruction to traffic or pedestrian flow (including parking alongside a dropped kerb for the disabled in contravention of a TRO, and parking on the footway in contravention of an appropriately worded TRO and in a manner which causes a serious obstruction to pedestrians).
- In an operating bus or cycle lane.
- Parked at or near a junction.
- Preventing access to or from private property.

Serious Parking Contraventions

- On an urban clearway during peak periods.
- On a clearway where stopping is prohibited.
- On a bus stop marked subject to a restriction.
- On a cab rank marked subject to a restriction.
- In a restricted street subject to and during hours of a loading ban.
- In a suspended meter bay or parking place.
- Unauthorised vehicle in a disabled person's or doctor's parking place.

Parking Contraventions

- In a restricted street when no loading or unloading is apparently taking place.
- Unauthorised vehicle in an off-street loading area.
- Unauthorised vehicle in a residents' parking place.
- In a meter bay or pay and display parking place when:
 - the initial charge has not been paid;
 - the parking time paid for has expired;
 - the vehicle has been returned to the parking place within one hour of having left it;
 - meter feeding has taken place;
 - the meter or associated ticket machine is "out of order" and such parking has been made a contravention under the relevant traffic order.
- In a parking place when:
 - the vehicle is elsewhere than in a parking bay (loading gap);
 - the vehicle is incorrectly parked (ie. straddling two bays).
- On a footway, verge or central reservation in contravention of a TRO (or in contravention of section 19, RTA 1988 in the case of heavy goods vehicles). These contraventions can occur throughout the full 24 hours of each day in addition to any contravention of waiting restrictions or parking regulations which exist at the location. If waiting restrictions are in force, it would be usual for

the vehicle to be dealt with for the waiting contravention and for its priority for removal to be determined on the same basis. Where there are no waiting restrictions in force, it would not be usual to remove the vehicle unless it was causing a serious obstruction (for example, by parking on a dropped kerb, blocking a footway or obstructing sight lines at a junction) or unless the motorist persistently commits contraventions.

9

Wheelclamping and Removals: Operational Aspects

Vehicles

9.1. Clamping and declamping vans can be standard vehicles, but the name of the local authority and, if appropriate, the contractor, should be clearly identifiable. The vehicle should carry sufficient clamps for its tour of duty, including, where the local authority so decides, a few clamps large enough to immobilise coaches or lorries. *All clamps must be of a type approved by the Home Secretary (see section 82(1), RTA 1991 and section 104(9), RTRA 1984).* Where authorities are not planning a large wheelclamping operation, it may be cost-effective to provide space for wheelclamps in a removal truck, which could then be used for either activity.

9.2. Removal trucks are expensive, so where local authorities are planning to lease or buy their own trucks they may wish to consult the police and neighbouring authorities about the scope for sharing vehicles where this helps all parties to carry out their activities satisfactorily and in a more cost-effective manner. Local authorities do not generally have powers to enter vehicles, so “half-lift” trucks, which lift the driven wheels of a vehicle only, generally require more time for a removal to be completed than “total lift” trucks. Even where a local authority does have powers of entry, exercising those powers could lead to claims for damage to the vehicle or theft of its contents. Moreover, “half-lift” trucks cannot be used to remove automatic vehicles. These disadvantages may more than off-set the lower cost of a “half lift” vehicle. “Total lift” trucks are dearer (around £45,000 each), but give a better service. These trucks should be able to lift all vehicles over their side, and to lift small and medium-sized vehicles over their end. Removal trucks should generally be capable of removing vehicles of up to three tonnes. Special heavy removal vehicles would be needed to move large lorries and coaches. In most cases, there will probably be little need for such removals and it may be best to use such vehicles on an *ad hoc* basis, separate from the main removals activity.

Control and communications

9.3. All vehicles should be in contact with the despatch controller, who will control their movements using either a voice based radio, cellular telephone or mobile data system. The despatch controller will be the interface between parking attendants on patrol, clamping and declamping vans, removal trucks, payment centres and vehicle pounds. *It is vital that the despatch controller has full and up-to-date information on all vehicles which are candidates for*

clamping or removal, have been clamped, are being removed, are being stored at a vehicle pound or have recently been declamped or released.

9.4. *The despatch controller should also provide up-to-date information on removed vehicles to the police, so that they can deal with queries from motorists, who are likely to conclude that their vehicle has been stolen.* The arrangements for informing the police about removals will depend on the scale of the local authority's removals operation. Where removals are to be a regular part of an authority's enforcement activities, it is important that the whole removals operation is computerised and the police are linked to the computer system, so that they can immediately check whether a missing vehicle has been removed. Where removals are to be carried out on a limited scale (eg. only on selected days from time to time), less elaborate arrangements may suffice. ***Before introducing a removals operation, local authorities should consult the police about the proposed method of informing them about removals.***

9.5. Local authorities should also consider whether the despatch controller should be responsible for dealing with telephone calls from motorists about wheelclamping and removals. For removals, these will consist mainly of queries about the location of removed vehicles and the means by which a motorist can secure the release of his or her vehicle. For wheelclamping, calls will generally comprise requests for priority declamping and enquiries about when a vehicle will be declamped following payment of the relevant charges (the experience of the Metropolitan Police is that they receive on average one such enquiry per clamped vehicle). In most cases, it is likely that the despatch controller and colleagues will be able to give the most helpful and responsive service to the public, and in the most cost-effective manner.

9.6. Where the volume of activity leads an authority to establish a separate communications centre to deal with all public enquiries about parking enforcement, the centre will need to have immediate access to the same information as that available to the despatch controller, and there will need to be close liaison between the two. The Parking Committee for London, for example, is working on the basis that details of a removal should be available to telephone callers via the Committee's public information system within three minutes of the removal having been completed. This information is then updated when the removed vehicle reaches the vehicle pound and it if is subsequently taken to a decant pound (see CHAPTER 9.18(c)).

9.7. Where neighbouring authorities are each carrying out vehicle removals, particularly in metropolitan districts, a combined public information service on removed vehicles may be desirable (see CHAPTER 6). It will also be desirable for the local authority and the police to have a common telephone enquiry line for dealing with queries about removed (or wheelclamped) vehicles.

**Identifying vehicles
for wheelclamping or
removal**

9.8. Vehicles which are candidates for wheelclamping or removal will generally be identified by parking attendants on patrol. Where such a vehicle is identified, a PCN should be issued and the following information should be passed to the despatch controller:

- (a) Location.
- (b) Vehicle registration mark.
- (c) Colour.

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- (d) Make and model.
 - (e) PCN number and contravention code.
 - (f) Degree of priority (in line with the local authority's policy on priorities for clamping and removal).

The despatch controller should then allocate a vehicle to respond.

9.9. Where a vehicle appears to have been abandoned the parking attendant should pass on details of the vehicle and its location via the despatch controller to the section of the authority which deals with abandoned vehicles.

Authorisation

9.10. *Wheelclamping and vehicle removal put the motorists affected by them to a good deal of expense and inconvenience. The final decision to wheelclamp or remove a vehicle should therefore be taken by a parking attendant with appropriate training. Moreover, it is particularly important that the person responsible for authorisation (the "authorising officer") should be completely independent of the contractor carrying out the physical act of wheelclamping or removal, so as to avoid charges that wheelclamping or removals are being carried out unfairly or for private profit.*

9.11. The most efficient method of working is likely to involve the authorising officer travelling in the clamping van or removal vehicle with the person whose job it is to apply the clamps or undertake the removals. Once the authorising officer has arrived at the vehicle recommended for clamping or removal, he or she must decide whether such action is justified and, if it is, the clamping and removal procedures described below should be followed. It is advisable that the authorising officer should not take part in the act of wheelclamping or removing vehicles.

9.12. Alternatively, the authorising officer may be on patrol with other parking attendants, rather than travelling in the clamping van or removal truck. In these cases, the authorising officer ought to confirm that a vehicle should be clamped or removed before details of the vehicle are passed to the clamping or removals team via the despatch controller. The authorising officer should also attach a clamping or removals authorisation sticker to the vehicle, alongside the PCN (see ANNEXES 9.1 and 9.2).

Clamping and removal procedures

9.13. *Where a vehicle has been authorised for clamping but for some reason a PCN has not already been issued, the PCN must be issued before the padlock on the wheelclamp is closed. The time of clamping should also be recorded. An A4 size adhesive label, warning the driver not to remove the vehicle, must be placed on the vehicle's windscreen directly in the driver's line of vision. A declamping instruction card must also be affixed to the vehicle, giving details of the contravention and instructions on the courses of action open to the driver (including emergency/enquiry telephone numbers, location of payment centres, opening hours, charges payable, methods of payment, and out-of-hours arrangements). Specimen forms are at ANNEXES 9.3 and 9.4.*

9.14. *Local authorities should consider following the practice of the Metropolitan Police if the driver returns to his vehicle before the padlock is closed (ie. remove the clamp from the vehicle and direct the driver to*

remove the vehicle at once). If the driver returns after the padlock has been closed but whilst the clamping van is still in attendance, the clamp should not be removed unless the local authority has a policy of releasing vehicles in certain extenuating circumstances. It is advisable for the decision to remove the clamp to be made by the authorising officer or the despatch controller, not the person employed to apply the wheelclamp, and the decision should be recorded on the office copy of the PCN. Where a PCN has already been issued, it is not advisable to give the authorising officer or despatch controller authority to waive it as well, as any dispute can be dealt with as part of the representation and adjudication process. In all cases where wheelclamping is aborted, the despatch controller should be informed.

9.15. Where a vehicle has been authorised for removal but for some reason a PCN has not already been issued, a PCN must be issued before the vehicle is removed. The time of removal should also be recorded. Where the driver of a vehicle returns whilst a removal is being carried out, the Metropolitan Police have adopted the policy that the vehicle should be returned to its driver unless all the vehicle's wheels have left the original parking position. Local authorities should consider adopting the same guideline. They should also consider whether there are any extenuating circumstances in which either the authorising officer or the removal team (perhaps with the consent of the despatch controller), should agree to the release of a vehicle where its driver has returned before the removal vehicle has started to take it to the vehicle pound. In such circumstances, the office copy of the PCN should be marked accordingly, and the PCN itself will be enforced in the normal manner. In all cases where a removal is aborted the despatch controller should be informed.

9.16. For removals, any damage to the vehicle should be recorded on a vehicle removal and release record by the removal team before starting on the removal (see ANNEX 9.5). For wheelclamping, any damage to the relevant part of the vehicle should be recorded on, for example, the declamping instruction card and the clamping release fee receipt (see CHAPTER 13) before the clamp is applied. Confirmation of the damage by the authorising officer, where available, will help resolve any subsequent disputes about damage caused during or after removal. A polaroid camera could also be used to photograph any existing damage. Police experience in London emphasises the importance of thoroughness in recording damage to a vehicle so that false claims of damage caused during removal or clamping can be rebutted.

Pounds

9.17. Removed vehicles will be taken to a vehicle pound. A pound must be accessible for removal trucks as they go to and from their areas of operation, as well as for members of the public reclaiming their vehicles. Good public transport links are highly desirable. Secure access with good lighting is also important for members of the public, and pounds should also have good fencing and lighting to minimise the possibility of theft from or damage to vehicles. It would be prudent to provide capacity to handle 2.5 to three times the average daily intake.

9.18. Suitable sites may be difficult to find in some areas, especially where a local authority is not planning to undertake a large volume of removals. Local authorities could consider the following options:

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- (a) Sharing facilities with the police or neighbouring authorities where practicable and reasonably accessible.
 - (b) Using any pound already available for the storage of abandoned vehicles where practicable and reasonably accessible.
 - (c) Using a small centrally located pound to keep removed vehicles for a limited period, and a more distant and less expensive decant pound, perhaps shared by several neighbouring authorities, to store unclaimed vehicles.
 - (d) Using the services of a suitable garage or other premises where practicable and reasonably accessible. In these cases, the local authority will need to satisfy itself that the premises are secure and that they will be adequately staffed so that motorists can reclaim their vehicles (see CHAPTER 13).

9.19. Staff at pounds will receive removed vehicles and should carry out a thorough inventory of their condition and visible contents, comparing their findings with those recorded by the removal team before the vehicle was removed. They should also perform regular inventory checks, ensure that the pound is secure, release vehicles to their owners or drivers, and accept payments where the pound is also a payments centre. Where a vehicle is not secured and valuable items can be seen inside it, these should be removed and kept in a safe place until the vehicle is reclaimed.

**Arrangements for
declamping and
release from a vehicle
pound**

9.20. Where a vehicle has been removed or clamped, its driver will usually go direct to a payment centre to pay off the PCN and declamping or release charge (see CHAPTER 13 for advice on collecting these payments). Metropolitan police experience suggests that about 80% of vehicles are reclaimed from a pound within 24 hours, most other vehicles are reclaimed within a fortnight and only about 4% of vehicles remain unclaimed.

9.21. Reasonable proof of entitlement to the vehicle must be shown by the person claiming it. Details should be recorded on the appropriate clamp or removal form. It is important that a verified name and address are obtained, even where the charges have been paid, as this information can be useful in collecting previously unpaid penalty charges and in supplementing information on any "persistent evaders or offenders database" (see CHAPTER 8). It is advisable for a member of the pound staff to check the vehicle for damage with its driver prior to release. Any damage that has occurred, or is claimed to have occurred, during removal and storage should be noted on the vehicle removal and release record.

9.22. Some motorists whose vehicles have been wheelclamped will telephone the despatch controller (or communications centre) to ask for a priority declamp. Local authorities should formulate the criteria to be used in considering such requests (see CHAPTER 13 for advice on formulating similar guidelines for release of vehicles without immediate full payment).

9.23. Credit card payments by telephone (see CHAPTER 13) are the most secure means of accepting payment in the case of priority declamps. Local authorities will need to give careful thought to security questions where it is

proposed that staff undertaking priority declamping should collect cash and cheque payments from motorists. Even where cash or cheque payments are not to be collected from motorists, local authorities will need to consider whether there are any parts of their area where the likelihood of physical attack from aggrieved motorists or others means that it would be unsafe for declamping to take place at night, or without two or more people in the declamping van.

9.24. Once a driver has paid the outstanding charges, it is important that the information is transferred as soon as possible from the payment centre into the PCN collection system. This will avoid unnecessary work in following up payment of PCNs which have already been settled.

9.25. It is also particularly important in the case of clamped vehicles that notification of payment is passed immediately to the despatch controller, so that declamping can take place as soon as possible. The despatch controller should be aware of the location of clamped vehicles and the time they have been clamped since their declamping charges were paid.

9.26. Depending on the scale of the authority's clamping operation, it may be more efficient to have separate clamping and declamping vans in operation, as declamping will not require the presence of an authorising officer. Where a vehicle has been declamped without the presence of its driver, a declamp sticker should be put on the vehicle showing the time of declamping, so that it is not clamped again within the period allowed for the driver to return to his vehicle and remove it (see ANNEX 9.6).

Unclaimed vehicles

9.27. Local authorities will need to make arrangements for their staff or contractors to deal with vehicles which have been impounded, but which are not then claimed by their owners. The legal requirements for dealing with abandoned vehicles are set out in sections 101 and 102 of the RTRA 1984 and Part III of the Removal and Disposal of Vehicles Regulations 1986 and local authorities will already be familiar with them.

9.28. Police experience in London is that almost all vehicles which remain unclaimed are worth so little that they are ultimately disposed of for scrap. They therefore take particular care before disposing of a vehicle whose value would suggest that its owner should have reclaimed it. Where contractors are used, local authorities should ensure that it is their own officers who make the decisions about when a vehicle should be disposed of, and whether it should be destroyed or sold at auction. It is advisable that local authorities arrange for colour photographs of all four sides of an abandoned vehicle to be taken immediately before disposal, as evidence of the vehicle's condition. Such evidence may help resolve disputes about the vehicle's value should its owner subsequently claim that the disposal price was less than it should have been. Upon disposal, a V28 form should be completed and returned to the DVLA.

Efficiency of operations

9.29. A well managed removals operation with a suitably located vehicle pound should make about one removal for each hour a truck is operating. Equivalent figures for a wheelclamping unit are three clamps per hour of operation. Declamping can be carried out much more quickly – for example, the ratio of clamping vans to declamping vans in London is around three to one.

9.30. For wheelclamping and vehicle removal operations to function effectively and efficiently it is important that there is close coordination of the working

hours of parking attendants and of removals and clamping staff. The working hours of all staff should mirror the periods when most parking contraventions take place and, of course, removals and clamping staff should not start work before parking attendants have started to issue PCNs.

9.31. Police experience in London is that a high proportion of vehicles identified or authorised for clamping or removal by parking attendants on patrol are actually driven away by their owners before the clamping van or removal lorry arrives. It is therefore vital that information about the location of candidate vehicles is passed from the parking attendant to the despatch controller, and on to the driver of the clamping van or removal truck, as quickly as possible (eg. by providing parking attendants with a radio or mobile telephone). Where a vehicle has been driven away before the removal or clamping vehicle arrives, the despatch controller should be informed immediately. It is also desirable, where possible, for parking attendants to identify groups of candidate vehicles in close proximity. The despatch controller can then direct the removal or clamping team to the area with a greater likelihood that at least one vehicle will still be present for clamping or removal.

9.32. To cater for situations where a removal or clamping team temporarily has no work to do at all, local authorities might consider whether parking places should be set aside in areas of high enforcement for such vehicles to wait. This will enable the removal or clamping team to respond more quickly to new calls.

9.33. As a supplement to carrying out their normal duties, an effective means of enforcement can be a sweep by three or four removal trucks or clamping vans, accompanying a number of parking attendants.

Liaison with the police

9.34. Good liaison with the police is particularly important where vehicle removals are being carried out. The police and their contractors have been alerted to numerous other crimes by being vigilant when removing and impounding vehicles. The police should be informed immediately of any suspicious circumstances (eg. suspicious items seen in the vehicle, or a fraudulent VED disk being displayed). Police officers on the beat should also be allowed to enter the vehicle pound to check for any suspicious vehicles. The police should also be informed at once if a motorist creates a disturbance at a pound. A vehicle should not be released if the person claiming it appears to be drunk, and the police should be called to resolve any dispute.

Annex 9.1 *Clamping Authorisation Sticker*



BOROUGH OF ANYWHERE

ILLEGALLY PARKED

VEHICLE.....

HAS BEEN

**AUTHORISED
FOR CLAMPING**

DATE	TIME	PLACE
AUTHORISING OFFICER		EMPLOYEE NUMBER

Note: Supplementary Information. Size A5 – Black printing on peel off self adhesive bright orange waterproof paper. The reverse is blank.

Annex 9.2 *Removal Authorisation Sticker*



BOROUGH OF ANYWHERE

ILLEGALLY PARKED

VEHICLE.....

HAS BEEN

**AUTHORISED
FOR REMOVAL**

DATE	TIME	PLACE
AUTHORISING OFFICER		EMPLOYEE NUMBER

Note: Supplementary Information. Size A5 - Black printing on peel off self adhesive bright yellow waterproof paper. The reverse is blank.



BOROUGH OF ANYWHERE

RED PRINT **STOP!**

THIS ILLEGALLY PARKED VEHICLE HAS BEEN IMMOBILISED

**DO NOT ATTEMPT
TO MOVE IT!**

RED PRINT

IT IS AN OFFENCE TO INTERFERE WITH THE WHEELCLAMP

SEE LABEL ON WINDSCREEN WIPER FOR RELEASE INSTRUCTIONS
OR ON REVERSE OF THIS NOTICE
IT IS AN OFFENCE TO REMOVE THIS NOTICE



BOROUGH OF ANYWHERE

Your vehicle has been immobilised by a wheelclamp – **DO NOT** attempt to move it until you have obtained its official release.

To obtain the release of your vehicle:

1. Detach the red label from the windscreen and take it to one of the payment centres listed below:
 - (a)
 - (b)
 - (c)
2. A fee of £ must be paid before the clamp is removed. Cash, credit cards or cheques (supported by a valid cheque guarantee card) will be accepted.
3. You are advised to attend a payment centre as soon as possible as any delay may render your vehicle liable for removal, when a fee of £ will become payable.
4. In the case of an emergency telephone

Note: Supplementary Information. Size A4 – The front is black and red printing on peel off self adhesive white waterproof paper. The reverse is black printing on white. Note the adhesive used should be water proof and capable of allowing the notice to be removed at the time of declamping without leaving a residue on the windscreen.

Annex 9.4 *Declamping Instruction Card*



BOROUGH OF ANYWHERE

Information Card

Your vehicle has been immobilised by a wheelclamp.

DO NOT attempt to move it until you have obtained its official release. It is an additional offence for you to remove or to attempt to remove the clamp yourself.

To obtain the release of your vehicle:

1. Detach this label and take it to one of the payment centres listed below:
 - (a)
 - (b)
 - (c)
2. A fee of £ must be paid before the clamp is removed. Cash, credit cards or cheques (supported by a valid cheque guarantee card) will be accepted.
3. You are advised to attend the payment centre as soon as possible as any delay may render your vehicle liable for removal, when a fee of £ will become payable.
4. In the case of an emergency telephone 071 XXX YYYY.

Note: Supplementary Information. Size A5 – Both sides are black printing on light weight red card. Provision must be made for tying the label to the windscreen wiper of a vehicle by a string or an elastic similar to an airline suitcase label.

DECLAMPING INSTRUCTION CARD (reverse)



OFFICIAL USE ONLY

Date/time.....

VRM.....

Location.....

.....

PCN Contravention Code.....

Signature of Authorising Officer.....

Employee No.....

Annex 9.5 Vehicle Removal and Release Record

DOCUMENT 2.14

VEHICLE REMOVAL AND RELEASE RECORD

Borough of Anywhere

VEHICLE REMOVAL AND RELEASE RECORD

Crew details..... 2.....

PCN No. <input type="text"/>	Enter Y if Foreign Registered Vehicle <input type="checkbox"/>	Vehicle Registration Mark <input type="text"/>	
Code and Serial No. <input type="text"/> R	P.C.N. Code <input type="text"/>	Time Vehicle Removed <input type="text"/>	Date of Removal DAY MONTH YEAR <input type="text"/>
Precise location of vehicle <input type="text"/>			
Enter Y if previously clamped <input type="checkbox"/>	Date of Release DAY MONTH YEAR <input type="text"/>	Enter Paid = P Unpaid = U Fee Waive = F <input type="checkbox"/>	Waive Reason <input type="checkbox"/>
Amount O/S if unpaid <input type="text"/>			

Authorising Officer (if in attendance) :.....

Print Signature :.....

C.A.D. Ref.

Crew Call Sign.....

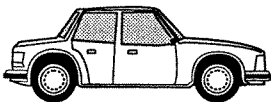
Vehicle Details

Make:..... Model:..... Colour:..... Type:.....


<input type="checkbox"/> Disabled badge	<input type="checkbox"/> Evidence of b'down	<input type="checkbox"/> Vehicle entered	<input type="checkbox"/> Auto gearbox
<input checked="" type="checkbox"/> boxes that apply	<input type="checkbox"/> B.M.A. badge	<input type="checkbox"/> Driven	<input type="checkbox"/> Handbrake off
<input type="checkbox"/> Resident's permit	<input type="checkbox"/> Emergency Removal	<input type="checkbox"/> Towed	<input type="checkbox"/> De-cant
<input type="checkbox"/> Diplomatic	<input type="checkbox"/> Visible property	<input type="checkbox"/> Lifted	<input type="checkbox"/> Street to Street
<input type="checkbox"/> Unlocked			

Vehicle Condition

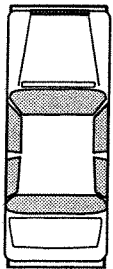
OFFSIDE



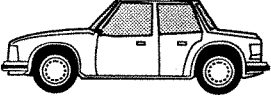
FRONT



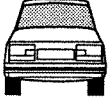
TOP



NEAR SIDE



REAR



Insert damage codes as applicable. Additional details to be shown below.
Any visible property to be detailed below.

Additional details/remarks (e.g., visible property, radio, etc.)

Person Removing Vehicle:	Person Completing Form:
Signature:.....	Signature:.....
Print surname:.....	Print surname:.....

Car Pound Reception Officer Confirmed vehicle handed over in above condition.

Signature:.....

Print surname:.....

Time

Pound.....
Bay No.....

NOTE: SUPPLEMENTARY INFORMATION

1. The form is 3 pages of self-copying paper, A4 width but twice A4 length.
 - Top copy to be passed to the central payment processing centre.
 - Page 2 to be retained by the local payment centre/pound.
 - Page 3 to be retained by the removal contractor after handover to the pound.
2. Form is to be started on board the removal vehicle and completed at the payment centre.
3. Each form should be given a unique number which may be pre-printed or entered from a sequence of numbers allocated to a particular removal contractor. The suffix R denotes a removal serial number.
4. Waive Reason – a standard list of reasons for waiving payment should be established and each reason coded for use on this form.
5. CAD Ref is a Computer Aided Dispatch Reference number.
6. Damage Codes:
 - All marks on a vehicle are to be shown on the diagram.
 - DO NOT rub or touch the vehicle to see if the mark is really a scratch as this could lead to a claim.

D = Dent S = Scratch R = Rust

Z = Stain C = Chip M = Missing

B = Broken

Annex 9.6 *Declamp Sticker*

DOCUMENT 2.11

DECLAMP STICKER



BOROUGH OF ANYWHERE

VEHICLE, (VRN).....

DECLAMPED AT.....Hours.....

DATE.....199.....

LOCATION.....

.....

WARNING: Vehicles which have been declamped will be committing a second offence if they are left in the same position for more than one hour. Such vehicles are liable to be clamped a second time or removed.

Note: Supplementary Information. Size A5 – Black printing on peel off self adhesive white waterproof paper. The reverse is blank.

Chapter
10

The Adjudication Service

**The adjudication
service outside
London**

10.1. Under the new system of decriminalised parking enforcement, motorists whose representations against penalty charges (and any other charges) are rejected by a local authority may be able to appeal to a parking adjudicator (see CHAPTERS 14 and 15). Parking adjudicators will be trained and experienced lawyers, independent of the local authorities whose disputes they will be adjudicating. The adjudicators will almost certainly be based locally and will consider appeals at locations convenient for the appellants and local authorities concerned.

10.2. In London, the RTA 1991 requires parking adjudicators to be appointed, employed and overseen by the Parking Committee for London, comprising the 33 London local authorities. *The Secretary of State will require suitable corresponding arrangements to have been established outside London before other local authorities can introduce decriminalised parking enforcement. The onus is on local authorities, perhaps in conjunction with their representative associations, to set up these new arrangements. This Chapter describes the framework within which the Secretary of State believes they should work.*

10.3. In the longer term, the Secretary of State envisages a series of regional joint committees, along the lines of the Parking Committee for London, running the adjudication service for authorities in their parts of the country. Like the Parking Committee for London, they could also coordinate other activities where inter-authority cooperation was desirable. The Secretary of State believes that in most cases at least four, and preferably more, local authorities enforcing or planning to introduce decriminalised parking enforcement will be needed to set up a satisfactory regional joint committee. For non-metropolitan districts a regional joint committee may not be perceived as sufficiently independent unless its members are also from at least two different counties. However, the size of a committee and the "region" it covers may vary from place to place, and the Secretary of State recognises that it will be important both to consider each case on its merits and to retain flexibility so that changes can be made over time.

10.4. Where several local authorities in the same part of the country introduce decriminalised parking enforcement at the same time, it may be

possible for them to establish a suitable regional joint committee at the outset. The Secretary of State would encourage this. However, before undertaking the work involved in establishing a regional joint committee, the local authorities concerned should contact the Department to discuss their proposals.

10.5. In many cases, local authorities may want to introduce decriminalised parking enforcement before enough other authorities in their part of the country are ready to participate in forming a regional joint committee. Unless other arrangements can be put in place, many local authorities may be not be able to begin operating the new powers as quickly as they would like, and in some cases the delay could be a long one. The Secretary of State has considered three main options for the transitional period where joint regional committees cannot be established from the outset.

(a) Adjudicators appointed and managed by individual local authorities.

This option would give a local authority complete independence to manage the adjudication system in its own area, subject to statutory requirements but irrespective of what neighbouring authorities might be doing. However, the Secretary of State believes that such arrangements would not satisfy motorists that the adjudication system was sufficiently independent of the authority concerned. To an aggrieved motorist, the authority would appear to be acting as prosecutor and judge in the same case. Moreover, this option would be relatively expensive to operate, with the multiplication of effort of many authorities establishing similar systems from scratch. It would also make it difficult to promote consistency between areas, as each authority would be autonomous.

(b) Extending the remit of the Parking Committee for London.

Under this option, local authorities would pay the Parking Committee for London for the use of its adjudication service (and possibly for other services which the Committee provides for its members). However, the non-London authorities would not become members of the Parking Committee, and would have no say in its direction.

This option would demonstrate that the adjudication system in any authority's area was clearly independent of that authority's enforcement activities. By building on the experience already gained in London, this option would also be relatively inexpensive and would encourage a consistency of interpretation across the country.

The Government understands that the Parking Committee for London would be prepared to allow authorities on the fringes of London to buy in their services, subject to any practical difficulties being overcome and there being no detriment to the services provided to the London authorities. However, it would not be practicable to extend the Parking Committee for London's services much beyond the environs of the capital.

Local authorities close to London which are proposing to use the Parking Committee for London's adjudication service should contact the Department of Transport at the earliest possible stage to discuss their proposals.

(c) A national joint committee.

A national joint committee would consist of all local authorities outside London which had introduced decriminalised parking enforcement, or were about to do so. The Secretary of State believes that this option would be more likely to be perceived as independent than if each of the member authorities ran its own adjudication service. Its visible independence would grow as more authorities joined. This option would also be particularly suitable for promoting consistent adjudication across the country. There could be some unnecessary duplication of effort as the national committee set about establishing from scratch an adjudication system almost identical to that already in place in London. However, this could be minimised if advice and services were bought in from the Parking Committee for London, as necessary, in such areas as the training of adjudicators, newsletters, guidance on procedures, etc.. The Government understands that the Parking Committee for London would be happy to provide such services.

10.6. The Secretary of State therefore believes that unless or until suitable regional joint committees can be formed, the adjudication service should be managed by a national joint committee comprising the local authorities outside London which are, or intend to begin, enforcing decriminalised parking. Local authorities on the fringes of London should be able to use the Parking Committee for London's adjudication service instead, subject to the Committee's agreement. There should also be freedom for regional joint committees to be formed at the outset, or to evolve from the national committee as more authorities introduce decriminalised parking enforcement, subject to the Secretary of State being satisfied that they could provide a fair and efficient adjudication service. In this respect, the Secretary of State would expect regional joint committees to become affiliate members of the national committee in order to encourage consistent interpretation by adjudicators in different areas.

**Objectives of a
national joint
committee**

10.7. The main task of the national joint committee would be to oversee the adjudication service outside London. It would need to ensure:

- (a) A fair service for appellants, including visible independence of adjudicators from the authorities in whose areas they were working.*
- (b) Consistency of adjudication across the service. (This would not prevent local authorities from giving effect to their own policies, via guidelines for parking attendants and the system of representations, where they wished to be more generous to the motorist than the law required – for example, a “period of grace” for motorists to return to vehicles overstaying at a parking meter).*
- (c) A cost-effective service for member authorities.*
- (d) Flexibility to deal with a wide range of local authorities, with varying levels of demand for adjudicators.*

Respective functions
of the national joint
committee and
member authorities

10.8. It will be largely for the local authorities concerned to decide on the division of functions between the national committee and its constituent members which will best achieve the committee's objectives. However, the Secretary of State will require the national joint committee to take responsibility for:

- (a) Appointing adjudicators.*
- (b) Reappointing and, in cases of gross misconduct, dismissing adjudicators, subject to consent from the Lord Chancellor. Adjudicators could be paid by the national joint committee, which could be reimbursed by the local authority concerned.*
- (c) Overseeing and making an annual report to the Secretary of State on the discharge by parking adjudicators of their functions.*

10.9. It will probably also be desirable for the national joint committee to be responsible for:

- (d) Training adjudicators.
- (e) Producing guidance on parking law, and updating this guidance in the light of experience with the new system.
- (f) Producing newsletters, organising seminars and taking other steps, as necessary, to promote good practice and consistency across the adjudication service.
- (g) Producing standard explanatory leaflets about the adjudication service for use by all participating authorities.

10.10. The Parking Committee for London has already done a great deal of work in many of the spheres for which the national joint committee would be responsible (for example, in developing training courses and in producing guidance on parking law). The national joint committee would be well advised to buy in expertise from the Parking Committee for London in a way which minimises its start-up costs.

10.11. Local authorities enforcing decriminalised parking would be best placed to provide members of staff who would work to the parking adjudicators in their area and organise the day-to-day running of the adjudication service by:

- (a) Providing suitable venues for hearings.
- (b) Receiving, registering and acknowledging appeals, and dealing with further representations from appellants and with applications for review of appeal decisions, etc. and ensuring that adjudicators were provided with all necessary papers.
- (c) Arranging dates and times of hearings, and informing appellants.
- (d) Recording an adjudicator's decisions in the register and writing to inform appellants of decisions.

-
- (e) Providing any other administrative support to an adjudicator, including assisting in the preparation of an annual report on the adjudicator's activities.

10.12. In order to ensure that these functions are carried out fairly, the national joint committee should issue a voluntary code of practice setting out minimum standards for member authorities (for example, to ensure that hearings are not arranged only during office hours and that appeals are not delayed through lack of administrative support for adjudicators).

Adjudicators

10.13. When making SPA/PPA designation orders the Secretary of State intends to include provisions corresponding to subsections (3) to (7) of section 73, RTA 1991. In summary, this will mean that a parking adjudicator will need to be a qualified lawyer of five years' standing, will need to be appointed with the consent of the Lord Chancellor, may not be appointed for a term of over five years, may be reappointed at the expiry of his or her term of appointment and may only be removed from office during the term of appointment on grounds of misconduct or unfitness to discharge his or her functions.

10.14. In London, adjudicators are part-time, work flexible hours and are paid for hours worked, without a retainer. The Parking Committee for London believes that this approach attracts lawyers with a wide range of experience who might not wish to give up a successful career for a full-time appointment and also provides better value for money than having full-time adjudicators. If part-time adjudicators are used outside London, each authority operating the new powers will need to have a panel of, say, three or four adjudicators who were locally based and could deal with cases in the authority's area. A coordinating adjudicator could be appointed who would organise the booking of adjudicators to deal with particular appeals. This approach should ensure that adjudicators are provided at the times and locations requested by local authorities, whilst minimising the risk that an authority could manipulate the system so that cases were tried by the adjudicator most likely to favour the authority. Coordinating adjudicators could also monitor their fellow adjudicators' performance and generally oversee the adjudication service in their area so as to maintain consistent, high standards.

Proceedings before adjudicators

10.15. The Secretary of State intends to make regulations concerning proceedings before parking adjudicators. These regulations will generally correspond to the regulations made for adjudicators in London (see the Road Traffic (Parking Adjudicators) (London) Regulations 1993 [SI 1993/1202]).

Non-adjudication functions of the national joint committee

10.16. Besides overseeing the adjudication service outside London, the national joint committee could play a role in encouraging inter-authority cooperation (for example, by spreading advice on good practice or encouraging the production of specimen contract documents). The national joint committee could also be an effective means of representing authorities' views to Government and others – for example, if authorities wanted to suggest changes to the recommended levels of penalty charges, or improvements to the enforcement system which would require legislation. However, many of the practical areas of collaboration between authorities – for example, databases of persistent evaders and shared electronic data links to DVLA – are probably best organised through regional joint committees.

Staff 10.17. The staffing requirements of the national joint committee will depend on the number of authorities enforcing decriminalised parking at any particular time. Initially at least, one full-time administrator, with clerical support, will probably be needed in order to help create the new adjudication service. A permanent full-time appointment might become unnecessary if many of the committee's tasks were subsequently delegated to coordinating adjudicators. However, some central staff would be needed to carry out such day-to-day functions as interviewing potential adjudicators and paying adjudicators. If a lead authority was chosen, its staff could perhaps do this work part-time, recovering the costs from the other member authorities. Staffing requirements would clearly be greater if the national joint committee wanted to expand its non-adjudication functions.

Funding *10.18. Section 73(8) of the RTA 1991 makes provision for defraying the expenses of the Parking Committee for London. In brief, the member authorities must decide for themselves how costs are to be apportioned. If there is a dispute, the decision will be taken by an arbitrator nominated by the Chartered Institute of Arbitrators. Similar arrangements will be needed for a national joint committee, or regional joint committees, outside London.*

10.19. There are a number of ways of meeting the costs of a joint committee – for example, a “joining fee” or lump sum payments from all member authorities, charges based on authorities’ use of adjudicators, or charges based on the number of penalty charge notices issued by an authority. It will be important for local authorities to devise a system which ensures that the initial outlay by founder members of a joint committee is shared fairly, over time, by new members.

Setting up the national joint committee *10.20. The national joint committee will need to be in place some months before the first non-London local authorities introduce decriminalised parking enforcement. The Secretary of State therefore expects local authorities which would like to apply for the new powers as soon as possible to assist in setting up a national joint committee at an early stage. Especially at the outset, the Government would be prepared to provide help and advice, perhaps through one or more ex officio representatives on the committee, but the bulk of the work would need to be done by the local authorities concerned, perhaps with support from their representative associations or with one authority acting as the lead authority.*

*Other Aspects of
Decriminalised Parking
Enforcement*

Reviewing signing,
plating and road
markings

11.1. Besides issuing and processing PCNs and, where appropriate, operating wheelclamping and removal services, there is a miscellany of other functions for which local authorities enforcing decriminalised parking will be responsible.

11.2. Before applying for the new powers, as part of their review of existing TROs (see CHAPTER 3), local authorities should ensure that the relevant signing, plating and road markings are present and in a good state of repair and that their meaning will be clear to visitors to the area as well as local people. Not only is this important in itself, but it should also help to minimise claims from motorists that they committed a parking contravention unknowingly due to the absence, illegibility or imprecision of signing, plating or road markings.

11.3. The signing of CPZs can lead to complaints from motorists if the area covered by the zone is too large. CPZs are intended to rely solely on the zone entry signs to give times of operation and to remove the need for time plates within the zone, except on lengths of road where the restrictions apply at different times from the rest of the zone (see Direction 23(2) and (3) in the Traffic Signs Regulations and General Directions 1994). It is unrealistic to expect drivers to remember the times of operation of the zone when they come to park several miles after passing a zone entry sign. The area of a zone should therefore be restricted to, for example, a town centre shopping area. To have one zone covering a whole town, or suburb of a conurbation, would be much too large. Conventional time plate signing (without zone entry signs) should accompany the yellow line markings where large areas have waiting restrictions.

11.4. Where CPZ signing is to be used, care should be taken in siting the zone entry signs to ensure that they are clearly visible to drivers. They should not be sited close to junctions on busy roads, where drivers are likely to be concentrating on direction signs, traffic lights and other directional manoeuvring. Locations where the zone entry signs are likely to be obscured by large vehicles (eg. delivery vans, or buses at bus stops) should also be avoided.

**Indicating the
boundary of a Special
Parking Area**

11.5. The London Boroughs have marked the boundaries of SPAs with small white triangles on the kerb edge. The main purpose is to indicate the respective jurisdictions of traffic wardens and police officers on the one hand and parking attendants on the other, particularly on side streets off “red routes”, where enforcement for a number of metres up the street will remain a police responsibility. Outside London, the Secretary of State does not generally envisage parking attendants and traffic wardens carrying out parking enforcement in such close proximity (see CHAPTER 3), so there should not usually be a need to mark SPA or PPA boundaries.

11.6. However, where there may be confusion between traffic wardens and parking attendants, or between attendants from neighbouring authorities along an authority boundary, local authorities should consider using boundary markings. The practice in London may provide a suitable model (ie. a small white triangle pointing *towards* the SPA or PPA and painted on the kerb edge so as not to touch or be in close proximity to waiting restriction markings). As these markings are not provided to give information to motorists, they do not require formal signs authorisation from the Secretary of State for use on roads.

Parking meters

11.7. Local authorities enforcing decriminalised parking will no longer be using the system of “initial” and “excess” parking charges. The obsolete “excess charge” indication will therefore need to be removed from parking meters in PPAs. This change cannot be made overnight on the introduction of decriminalised parking enforcement, but the Secretary of State believes that the conversion of all affected meters should be completed within six months of the commencement of the new penalty charge system in a local authority’s area. In the interim period, a notice should be affixed to unconverted meters indicating that the authority can impose a penalty charge when the excess charge flag or display is showing. These changes will need to be provided for in the relevant TROs (see CHAPTER 3).

**On-going
maintenance of signs,
meters, etc.**

11.8. It is suggested in CHAPTER 7 that parking attendants should be given the task of checking and reporting on the state of signs, plating, markings, parking meters, pay-and-display machines, etc., as one of their patrol duties. It may also be appropriate for attendants to carry out certain minor repairs to meters and pay-and-display machines. However, it will be for the authority concerned to arrange for any major defects to be quickly rectified, either by its own staff or a contractor.

Suspensions

11.9. Where suspensions of parking bays, meters, etc. are to be carried out by a parking attendant on enforcement duty, a minimum amount of standard equipment will be required. It is suggested that all cones, tape, bags for meters or pay-and-display signs, and “cover over” signs for bay signs should identify the authority (and the contractor if appropriate).

Public relations

11.10. The provision of information to the public whilst a local authority’s decriminalised parking enforcement plans are being developed can be very valuable (see CHAPTER 6). However, whilst people become accustomed to the new enforcement regime, there is likely to be a relatively large number of queries or complaints. Authorities should be prepared to deal with these – for example, by ensuring that sufficient people are available to answer calls from the public and to reply promptly to correspondence. These tasks can be carried out by the local authority staff dealing with representations from motorists (see CHAPTER 14).

**Reporting the results
of enforcement, codes
of practice and
published standards
of performance**

11.11. To pre-empt queries and complaints, in the final weeks of police and traffic warden enforcement leaflets can be distributed to local people, or attached to parked vehicles in the areas where decriminalised parking enforcement is to be introduced. Local authorities can also use other means of publicising the new arrangements in advance of their introduction, such as articles in the local press and in the authority's own free newspaper or magazine, interviews on local radio, and posters and leaflets in local libraries and council offices. Where there are parish, town or community councils in an authority's area, the authority may find it helpful to deposit a supply of leaflets with the relevant council clerks for distribution to local people.

11.12. Experience in London suggests that it is important that information provided to motorists emphasises the places where they *can* park, both on-street and off-street. Information on wheelclamping and removals, where they are to be introduced, is also important. It may be worthwhile having a "honeymoon" period of one or two weeks immediately after decriminalised parking enforcement is introduced, during which time parking attendants generally only issue warnings and give explanatory leaflets, rather than issue PCNs. In such cases it is important to ensure that the concession is not abused.

11.13. Local authorities may also wish to consider following the example of the Parking Committee for London by setting up their own "user group", comprising representatives of motoring organisations, local residents and traders, disabled people and others with an interest in parking enforcement.

11.14. It would be good practice for local authorities to report annually on their enforcement activities during the year (eg. number of parking attendants deployed, PCNs issued, representations, appeals, removals and clampings). Local authorities may also wish to set out in a published code 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 (eg. one hour).
- (e) The percentage of representations and other correspondence answered within a specified period (eg. 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.

11.17. Where services are contracted out, it is very important that the contract should provide sufficient incentives for the contractor to achieve the targets set out in the code of practice.

11.18. Given that motorists will not be pleased to pay penalty or other charges as a result of improved parking enforcement, the benefits of efficient enforcement are unlikely to be greatly valued by them. Some care may be needed in presenting a code of practice in order not to antagonise people. It may help to pre-empt criticism if the following points are made:

- (a) The authority recognises the public's right to good quality public services.
- (b) Its code of practice is intended to ensure high quality parking enforcement.
- (c) The authority also accepts that motorists who have just received a parking ticket will not be appeased by a code of practice.
- (d) But parking restrictions are there for good reasons (to improve safety, prevent congestion, ensure an equitable distribution of parking spaces, etc.).
- (e) If parking restrictions are to be enforced, it must be right that the task is performed efficiently, fairly and with proper regard to the rights of motorists.

Contract management

Reviewing the effectiveness of decriminalised parking enforcement

11.19. Contractual issues are considered in detail in CHAPTER 18.

11.20. Beyond the day-to-day management of in-house staff or contractors responsible for enforcing decriminalised parking, local authority officers will still be responsible for reviewing the effectiveness of their authority's parking policies as a whole and making recommendations for improvement to members.

Continued consultation with the police and neighbouring authorities

11.21. Continued consultation with the police and neighbouring authorities will be an important means of maintaining and improving the efficiency of a local authority's decriminalised parking enforcement operations. In particular, for local authorities in conurbations practical experience in operating the new powers may indicate areas of activity where shared services or facilities could cut costs or improve the quality of service provided. Continued liaison with any parish, town or community councils may also be useful.

Financial reporting

11.22. The Secretary of State intends to include in designation orders a provision amending section 55, RTRA 1984 so that the on-street parking account of a local authority enforcing decriminalised parking will no longer be limited only to permitted parking income and expenditure. The on-street parking account will also include income and expenditure relating to the enforcement of restricted parking contraventions within a SPA. It will be any surplus on this on-street parking account which will be subject to the restrictions on the spending of any surplus set out in section 55. There will also be a new requirement that a local authority enforcing decriminalised parking must report to the Secretary of State annually on any action taken by it in respect of any deficit or surplus on the parking account.

11.23. *The annual report must include the following information:*

- (a) *Total income and total expenditure on the authority's on-street parking account.*
- (b) *The total surplus or deficit on the on-street parking account.*
- (c) *Any action taken with respect to the surplus or deficit (ie. amounts transferred to or from the on-street parking account and where transferred to or from). This information should enable the Secretary of State to see to which of the purposes provided for in section 55 any surplus has been put.*

11.24. *Local authorities will note that income and expenditure from decriminalised parking enforcement off-street should not be included when drawing up this return. Local authorities should be able readily to distinguish between income from off-street and on-street penalty charges, but will need to devise a means of allocating costs between the two aspects of enforcement.*

11.25. Local authorities may find it helpful to follow the guidance in "A Guide to Car Parking Management" (Association of Chief Technical Officers, 1986), even though it refers to the preparation of parking accounts for off-street car parks only.

Statistics

11.26. At present statistics on motoring offences, including parking offences, are collected and published by the Home Office, using information provided by the police. There are obvious benefits in ensuring that comparable statistics are collected and published where local authorities are enforcing decriminalised parking. In particular, a comparison of statistics from different authorities will show which authorities have the best record of collecting penalty charges and may help to spread examples of "best practice" which can improve collection rates generally.

11.27. *The Secretary of State therefore recommends that all local authorities which introduce decriminalised parking enforcement should supply a certain minimum amount of information to the Home Office. This should take the form of an annual return showing the number of PCNs issued for on-street contraventions in the preceding calendar year and the action taken in respect of them, whether in the same quarter or subsequently. Information is not needed about PCNs issued for parking contraventions at local authority off-street car parks or at off-street loading areas. The categories of information required are:*

- (a) *Number of PCNs issued for on-street parking contraventions.*
- (b) *Number of PCNs paid within 14 days.*
- (c) *Number of PCNs paid after 14 days but before service of charge certificate.*
- (d) *Number of PCNs paid after charge certificate served.*
- (e) *Number of cases going to adjudication.*

-
- (f) Number of charge certificates registered.*
 - (g) Number of cases where no further action is taken (eg. where PCN is written off because motorist cannot be traced or is cancelled due to parking attendant error or successful representation).*
 - (h) Number of vehicles wheelclamped on-street.*
 - (i) Number of vehicles removed from on-street.*

11.28. A suitable pro forma is at ANNEX 11.1. In order to allow sufficient time for the completion of most actions in respect of PCNs issued late in the calendar year, the annual return should be submitted by the end of June in the following year showing the position at the end of May. Returns should be sent to the Home Office Data Collection Unit, Room 1832, Lunar House, 40 Wellesley Road, Croydon, CR9 2WZ.

11.29. There are likely to be benefits to local authorities from collecting and comparing management information on other aspects of decriminalised parking enforcement operations. The Parking Committee for London, for example, is collecting statistics from the London local authorities on such matters as the number of PCNs resulting in representations, the results of representations, the grounds on which representations and appeals are made, the number of parking attendants used, the average number of PCNs issued per attendant and the length of permitted and restricted parking within the SPA/PPA. Local authorities elsewhere may wish to collect such information and share it with, for example, neighbouring authorities which have introduced decriminalised parking enforcement.

STATISTICAL RETURN OF LOCAL AUTHORITY DECriminalISED PARKING ENFORCEMENT (EXCLUDING OFF-STREET OFFENCES)	
Local Authority	
Calendar Year	
Number of Penalty Charge Notices issued for parking contraventions	
Number of Penalty Charge Notices paid within 14 days	
Number of Penalty Charge Notices paid after 14 days but before service of charge certificate	
Number of Penalty Charge Notices paid after charge certificate served	
Number of cases going to adjudication	
Number of charge certificates registered	
Number of cases where no further action is taken ⁽¹⁾	
Number of vehicles wheelclamped	
Number of vehicles removed	
<small>(1) Eg, where PCN is written off because motorist cannot be traced or is cancelled due to parking attendant error or successful representation.</small>	
Signed	Date
Telephone	

This return should be submitted by 30 June following the year to which it refers, giving figures as at 31 May. Please return this form to : Home Office, Data Collection Unit, Room 1832, Lunar House, 40 Wellesley Road, Croydon, CR9 2WZ. Home Office contact point : Telephone 0181-760 1649

Chapter

12

Penalty Charge Notices

The Penalty Charge Notice

12.1. A PCN has two basic components: a section recording the details of the contravention which has been committed (which must be completed by the parking attendant issuing the PCN), and a section informing the motorist of the steps to be taken to pay the penalty charge due. A specimen PCN is at ANNEX 12.1, and all authorities introducing decriminalised parking enforcement should use PCNs modelled on this one.

12.2. In order to avoid confusion all PCNs will need to be uniquely numbered, including PCNs issued by different authorities. Local authorities should follow the procedures described in ANNEX 12.2 when numbering their PCNs.

Standard information to be collected when issuing a Penalty Charge Notice

12.3. To ensure the collection of all information required for a PCN to be enforced, including the need to satisfy the adjudicator where a case goes to adjudication, it is recommended that the following details be recorded on the PCN:

- (a) Vehicle registration number.*
- (b) Make of vehicle.*
- (c) Colour of vehicle.*
- (d) Detailed location of vehicle (eg. meter bay number, residents' bay number, name of car park, or other description of parking place; street name, side of street, outside or opposite a particular address).*
- (e) Contravention code and description of contravention. (Further details on contravention codes are given below. However, if only a contravention code number is recorded, it is vital that the PCN includes a pre-printed description of what each contravention code means).*
- (f) Time or times (eg. time of issue and penalty time, for overstaying at a meter).*
- (g) Date.*
- (h) PCN number.*
- (i) Attendant's number.*
- (j) Attendant's signature.*

12.4. Further information to enable validation checks to be made and disputes to be resolved should be collected on the parking attendant's copy of the PCN where appropriate. Examples of the sort of additional information which it may be prudent to note are:

General validation

- (a) Vehicle excise licence number (to validate vehicle registration number) – parking adjudicators in London have found this information to be invaluable where a motorist claims not to have been in the area at the time of the alleged contravention.
- (b) Postcode of street (if more than one street with the same name in an area).
- (c) Confirmation that PCN affixed to vehicle or handed to motorist (this information may be useful in case a motorist subsequently denies knowledge of the PCN).
- (d) Numbers of any other PCNs (to prevent more than one PCN being issued where this is not allowed – for example, where parking is prohibited during the day, a vehicle could attract one PCN each day it was parked in contravention of the prohibition, but it could not attract two PCNs on the same day).
- (e) Any permit, badge, voucher or pay-and-display ticket displayed.
- (f) Pocket book reference number (not applicable where hand-held computers are being used).

Loading or unloading

- (g) Loading or unloading seen (for example, if loading seen earlier in day, but not taking place when PCN issued).
- (h) Observation period (constant or casual).

Returning to park within prohibited time

- (i) Parked with or against direction of traffic flow.
- (j) Tyre valve positions.

Foreign or diplomatic plates

- (k) Foreign or diplomatic plates (to highlight any special enforcement measures – for example, there are special procedures for processing diplomats' PCNs).

Conversation with motorist, breakdowns, etc.

- (l) Driver seen (time and other details).
- (m) Conversation with driver (time and other details).
- (n) Details of any note displayed on windscreen.
- (o) Evidence of any breakdown.

Permitted parking

- (p) Expiry time of pay and display ticket or voucher (if appropriate).
- (q) Whether feeding detected and details.
- (r) If meter or machine out of order.
- (s) Details of any suspension.

Inadequate markings or signs

- (t) Details of any inadequacies in road markings.
- (u) Details of any damage to kerbside plates which affects their legibility.

Standard information
for the motorist about
what he or she should
do next

12.5. *The following information should be pre-printed on the PCN so that motorists can see how they can go about paying the penalty charge due:*

- (a) *Name of the authority.*
- (b) *Powers under which the PCN issued.*
- (c) *Amount of the penalty charge.*
- (d) *Amount and terms of reduction for prompt payment.*
- (e) *Methods of payment (eg. cash, cheque, credit card, etc.).*
- (f) *Addresses (and telephone numbers) for payment.*
- (g) *Period during which payment should be made (ie. 28 days from date of issue).*
- (h) *What happens if payment is not made within the time allowed (ie. service of NtO).*
- (i) *Requirement that the penalty charge must be paid before a vehicle which has been clamped or impounded will be released.*

Some of the information listed above could be incorporated in a payment slip within the PCN. This is likely to reduce the number of payments received for which the PCN number is not known. In order to encourage prompt payment of penalty charges, some London Boroughs have also incorporated within the PCN a prepaid envelope addressed to the local authority payments centre.

12.6. The PCN should also state that a motorist has the right to make representations to the local authority against the issue of the PCN, and may be able to appeal to an independent adjudicator if the representations are not accepted. If space permits, a brief description of the mechanism for making representations and appeals should be included on the PCN. However, in all cases the PCN should give the address and telephone number of the staff working for the local authority who can explain how representations can be made and how the appeals system operates.

Standard
contraventions and
associated code
numbers

12.7. There are advantages in having a single, nationwide list of contraventions and associated code numbers. In particular, such an approach will enable statistics on the operation of the new powers in different authorities' areas to be collected on a consistent basis. It should also make the new system more easily understandable for motorists who commit contraventions in more than one area, and should facilitate cooperation between authorities using common systems. For example, where a parking adjudicator is dealing with cases from two or more neighbouring authorities standard descriptions of contraventions and associated codes will make life far more simple than different descriptions and codes.

12.8. All the London Boroughs have been using the contravention descriptions and codes listed at ANNEX 12.3. The Secretary of State recommends that all non-London authorities enforcing decriminalised parking should do the same and will expect their applications for designation orders to confirm that they will do so. Authorities should exclude from the list those codes which are not relevant to their area (for example, because there are no free parking bays, or if a particular contravention is not covered by any order in the authority's area). However, the remaining contravention numbers should not be changed.

**Other points about
the Penalty Charge
Notice**

12.9. Two copies of the PCN need to be produced, one issued to the motorist and the other retained by the authority for use in monitoring payment and dealing with representations, including any which result in cases going before an adjudicator. Where PCNs are issued by hand-held computer, details can be transferred electronically to a central database, so a second printed copy will not be necessary. Details recorded in this way will be admissible in proceedings before an adjudicator.

12.10. The copy of the PCN issued to the motorist should be capable of being fixed to the windscreen, so it must be weatherproof or able to fit into a weatherproof envelope.

“Drive-aways”

12.11. Some motorists will inevitably arrive back at their vehicle as the parking attendant is writing out the PCN and will drive away before it can be issued. The Secretary of State’s view, shared by the parking adjudicators in London, is that local authorities cannot post these PCNs to the motorist and take steps to recover penalty charges. PCNs must be issued by a parking attendant either attaching one to a vehicle or giving one to the person appearing to the attendant to be the vehicle’s owner (see section 66(1), RTA 1991). PCNs posted to a motorist are invalid and cannot be enforced.

Annex 12.1 *Specimen Penalty Charge Notice*

It is an offence for an unauthorised person to remove or interfere with this Notice

PENALTY CHARGE NOTICE

(ROAD TRAFFIC ACT 1991, Section 66 and Schedule 6)

Notice No.: _____ Date of issue.: _____
Time.: _____

The Motor vehicle with Registration Number:

E.L.No.:

Make: _____ Colour: _____

was seen in:

at location:

by Parking Attendant number:
signature/initials:

who had reasonable cause to believe that the following parking
contravention had occurred:

YOU ARE THEREFORE REQUIRED TO PAY A PENALTY OF _____ WITHIN 28 DAYS

THE CHARGE WILL BE REDUCED TO _____ IF PAYMENT IS RECEIVED WITHIN 14 DAYS

FOR INSTRUCTIONS ON PAYMENT SEE OVERLEAF.

Detach here  DO NOT PAY THE PARKING ATTENDANT.  Detach here

Payment Slip _____ Amount due: _____

Notice No.: _____ Veh. Reg.: _____

Date: _____ Time: _____

Please detach this slip, complete the details on the reverse and return it
with your payment, to the address shown overleaf.

INSTRUCTIONS FOR PAYMENT

Payment of this Penalty Charge Notice must be received within 28 days of the date of issue.
If payment is received within 14 days of date of issue, the reduced charge shown overleaf will be accepted as settlement.

1) BY POST

Payment may be made by crossed cheque or postal order made payable to the
write the Notice Number
and your address on the reverse of the cheque/postal order.
Payment may also be made by credit card (Access, Visa, Delta or Switch)
Send your payment, together with the completed payment slip to:-

2) BY TELEPHONE

Credit card payment may be made by telephone on 071-976-0606 (Monday to Friday 9am - 5.30pm)

3) IN PERSON

Payment may be made in person at the Parking Shop located at:-

Open 9am - 5.30pm Mon-Sat, excluding Public & Bank Holidays

4) ENQUIRIES

If you want to enquire about this Penalty Charge Notice, you should quote the Penalty Notice number and write to:

If payment is not made within 28 days, the registered keeper or the person who the Borough believes to be the owner of the vehicle may receive a Notice to Owner asking for payment. THAT NOTICE WILL ALSO DESCRIBE HOW THE OWNER MAY MAKE FORMAL REPRESENTATIONS OBJECTING TO THE ISSUE OF THE PENALTY CHARGE NOTICE.

Detach here  -----  Detach here

Please complete below before returning this slip with your payment:

Name: Mr/Mrs/Miss/Ms.....

Address.....

.....

.....

CREDIT CARD PAYMENT

PLEASE COMPLETE THESE DETAILS
TYPE OF CARD - ACCESS/VISA/DELTA/SWITCH etc...

CARD No.

NAME ON CARD.....

VALID FROM.....

EXPIRY DATE.....

SIGNATURE.....

A receipt will not be issued unless a stamped addressed envelope is supplied.

Annex 12.2 *How to ensure a unique number for all Penalty Charge Notices*

1. All PCN numbers must have *ten* characters and all numbers must be unique.
2. To avoid the same number being used by different authorities, the *first two characters* of each number should be unique to a particular authority. The local authority should select a two letter prefix and contact the manager of the Parking Enforcement Centre, Cardiff County Court at an early stage to check that the prefix has not already been allocated (see CHAPTER 16 for the Centre's address and a description of its role).
3. The *next seven digits* uniquely identify the PCN within a particular authority's area. This means that each authority can have up to 9,999,999 unique numbers before having to start again.
4. The *final character* of each PCN number will be a check digit designed to validate the PCN number (for example, by detecting typing errors when PCN numbers are being processed). The Parking Enforcement Centre can advise on the formula the local authority should use to calculate the check digit.

Annex 12.3 *Standard Penalty Charge Notice codes*

The standard contravention codes are numbers (01, 02, etc.). Gaps have been left at the end of each category to enable further contraventions to be added. Optional suffixes (b, d, p, etc.) can be used to clarify the nature of the contravention, depending, for example, on the types of parking bays used by an authority. This Annex lists the different codes and the possible suffixes which can be used with each, and then describes the suffixes.

Restricted Streets (yellow markings)

01 oq Parked in a restricted street during prescribed hours.¹

02 o Waiting, loading or unloading when prohibited.²

03 Parking, loading or unloading contrary to regulations.³

¹ This code applies where parking is prohibited, but where loading and unloading are permitted. An observation period will therefore be needed.

² This code applies where parking, loading and unloading are all prohibited. No observation period will be needed.

³ For example, parked with engine running where this is contrary to a local TRO.

Paid for Bays

04 ms Parked on a meter where penalty time is indicated.

05 psv Parked after the expiry of paid for time (pay-and-display and voucher parking).

06 psv Parked without displaying a valid ticket or voucher.

07 mpsv Parked with additional payment made to extend the stay beyond expiry of the time initially purchased (eg. meter feeding).

08 Parked in an out-of-order meter bay during controlled hours (electronic parking meters only).

Permit Parking Bays

15 twxyz Parked in a residents' bay without displaying a valid residents' parking permit.

16 bdht Parked in a permit bay without displaying a valid parking permit.

All Parking Bays

20 Parked in a loading gap marked by a yellow line.

21 bdfhm Parked in all or part of a suspended bay.
prsv

22 fmpsv Re-parked within one hour (or other specified time) of leaving bay in the same parking place.

23 bdfgh Parked in a parking place not designated for the class of vehicle.
mprsv

24 bdfhm Not parked correctly within the markings of the bay.
prsv

Free Parking Bays

30 o Parked in a free parking bay for longer than the maximum period.

Other Parking Bays

40 Parked in a designated disabled persons' parking bay without displaying a valid disabled persons' parking badge.

41 Parked in a parking bay designated for diplomatic vehicles.

42 Parked in a parking bay designated for police vehicles.

Special Infringements

45 Parked on a cab rank.

46 Parked on a rural clearway where stopping by vehicles was prohibited.

47 Parked on a restricted bus stop.

48 Parked on a restricted area outside a school during term time.

49 Parked wholly or partly on a cycle track.

Footways

60 124c Parked with one or more wheels resting on a footway, land between two carriageways or grass verge in contravention of a TRO or local Act of Parliament.

61 124c A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways

Off-street parking

70 Parked in contravention of car park regulations.

71 Parked in an off-street loading area.

OPTIONAL SUFFIXES

b	business bay	t	invalid voucher/pay and display ticket in permit bay
c	on vehicle crossover	v	voucher bay
d	doctor's bay	w	wrong parking zone
f	free parking bay	x	incorrect registration number
g	motor cycle bay	y	obscured or illegible
h	hospital bay	z	out of date permit
m	parking meter bay		
o	Orange Badge holder	1	one wheel on footway
p	pay and display bay	2	two wheels on footway
q	temporary restriction	4	four wheels on footway
r	residents' bays		
s	shared use bay		

13

Payment of Penalty and Other Charges

13.1. Good facilities for motorists to pay outstanding penalty and other charges will be important if decriminalised parking enforcement is to be introduced successfully. Whilst motorists will not like paying penalty charges, they are more likely to accept a system where payments can be made quickly and conveniently and, in the case of removals and clamping, where their vehicle can be returned to them as soon as possible. From the local authority's point of view, an efficient and secure system for collecting charge revenue will improve the financial performance of their operations by minimising bad debts and the time-consuming and costly actions needed to collect them.

13.2. It is vital that payments centres are an integral part of the system for processing PCNs, so that the payment of penalty and other charges can be recorded immediately and further action cancelled. One option is to use on-line cash registers linked to the PCN processing system. Using this method, when a penalty charge is paid and the PCN number is keyed into the cash register (or the bar code on the PCN is read by a magnetic stripe reader), the processing system is updated instantly. This saves time inputting data and, in the case of clamped vehicles, can reduce the time taken to declamp them.

Methods of payment

13.3. The choice of payment methods for settling outstanding penalty and other charges needs to balance ease of settlement for the motorist with security of payment and cost-effectiveness for the authority. The range of payment methods should reflect the scale of each authority's enforcement operations, including both the number of penalty charges to be collected and the payments arising from any wheelclamping or vehicle removal operations.

13.4. Where an authority is not operating clamping or removals a convenient method of payment for the motorist will be by an unsupported cheque (ie. a cheque which is not guaranteed by a cheque guarantee card) paid through the post, or a supported cheque paid at a payments centre. (Local authorities should note that the cheque guarantee card scheme does not apply to cheques drawn on limited company accounts.) Some motorists may prefer to pay by cash at a payments centre. Credit or debit card payment facilities will increase the convenience of payment for some motorists, but are not essential where wheelclamping or vehicle removals are not being undertaken.

13.5. *As a minimum, a local authority will therefore need to provide payment facilities which can accept:*

- (a) *Cash by cashier.*
- (b) *Personal and company cheques by cashier or post.*
- (c) *Sterling travellers' cheques by cashier or post (except where there are no significant numbers of foreign visitors).*

13.6. Some cheques received through the post will inevitably be made out in error to the wrong payee (for example, to a neighbouring authority). Cheques endorsed "A/C Payee Only" and "Not Negotiable", which are invariably pre-printed on company cheques and often pre-printed on personal cheques, cannot be made over by the payee to other parties. A cheque endorsed in this way could be returned to the drawer – either directly, if the address is known, or via the drawer's bank – with an instruction that it be made payable to the right payee. Alternatively, the authority could arrange to transfer the cheque to the payee named on the cheque, in return for a corresponding cheque made payable to it. It is important that any misdirected cheque is dealt with promptly and that its drawer is sent a letter of acknowledgement explaining how his or her cheque has been handled and why. (Unsecured cheques should not be acknowledged until they have cleared.) Local authorities will also need to establish procedures for dealing with overpayments and underpayments.

13.7. Where a local authority is operating wheelclamping and removals more sophisticated payment arrangements will be required. The amount which a motorist will need to pay, allowing for the outstanding penalty charge, will, in most cases, exceed the £50 limit of many cheque guarantee cards. The conditions governing the use of cheque guarantee cards state that a bank "guarantees in any single transaction the payment of only one cheque" up to the card limit. The practice of accepting a series of cheques up to the card limit is considered to be fraudulent use of the card, and the banks could return the second and subsequent cheques unpaid. A more secure payment method than a partially secured cheque will therefore minimise the creation of bad debts. Moreover, motorists should not be deprived of the use of their vehicles, where they have been clamped or impounded, because an authority only accepts payments in cash or by cheque.

13.8. The ability to accept payment by on-line debit and credit cards combines a convenient method of payment for many motorists with security for local authorities because the electronic card readers automatically seek authorisation for values previously agreed by the card holder and the card company and "blacklisted" cards are automatically barred. In 1991 over 60% of payments made at Metropolitan Police and National Car Park payment centres were by credit cards. Auditors also favour the use of on-line debit and credit cards as a means of avoiding the creation of bad debts and minimising collection costs. *Where clamping or removals are to be undertaken as part of an authority's enforcement operations, therefore, facilities should be available to enable motorists to pay by the major credit or debit cards using electronic terminals, in addition to being able to pay by cheque or cash.*

13.9. Payment of a penalty charge by credit or debit card can be made with authority to debit the account being obtained from the card holder by telephone, subject to the agreement of the credit or debit card companies

concerned. Where this facility has been introduced in London it has proved to be very effective for collecting release fees for clamped vehicles and also penalty charges for vehicles only issued with a PCN. *Local authorities which introduce wheelclamping should seriously consider allowing credit and debit card payments by telephone as a quick and convenient means by which a motorist can secure the release of his or her vehicle.*

13.10. Where a local authority has no in-house expertise in accepting payments by credit or debit card it should consider using a specialist contractor to advise, for example, on equipment requirements and negotiations with the credit and debit card companies over transaction charges.

13.11. Where there is a significant number of foreign visitors and the local authority is operating a clamping or removals operation, it may wish to follow the Metropolitan Police practice of allowing payment in foreign currency, using a bureau de change to quote the day's exchange rate.

Location of payment centres and opening hours

13.12. It is essential that payment centres are readily accessible and safe for members of the public to use, so that payments can be made with the minimum of inconvenience.

13.13. Where clamping and removals are not part of an authority's enforcement effort, most payments are likely to be made by post. For the minority of cases where motorists wish to pay in person it may be most efficient to provide payments facilities at a town hall or civic centre where other payments to the local authority are made. Alternatively, where an outside contractor is being used, it may be possible to use a building in which parking attendant operations are based. Enforcement without clamping or vehicle removals will not deprive a motorist of the use of his or her vehicle, so there is no need for payment centres to be open outside normal office hours, although local authorities may wish to consider extending opening hours if this is likely to encourage prompt payment.

13.14. Where vehicle removal or clamping activities are being undertaken, better payment facilities will be necessary. For removals, a payment centre should be an integral part of the vehicle pound, so that motorists can pay the charges outstanding and reclaim their vehicle at the same time. For wheelclamping, if the vehicle pound is inconveniently situated, one or more payment centres should be provided in or near the areas where clamping commonly occurs.

13.15. The vehicle pound payment centre (and any payment centre sited primarily for paying declamping charges) should be open between 8am and midnight, Monday to Saturday, and between 9am and 5pm on Sundays (and on public holidays if relevant). Longer opening hours may be necessary in some cases (for example, during summer weekends and bank holidays at seaside resorts). There should also be an "out of hours" emergency service so that motorists can pay for their vehicles to be declamped or released from a vehicle pound at any time. Payment and release procedures will need to be coordinated to ensure that vehicles can always be released within a reasonable time after payment (see CHAPTER 9).

13.16. In London unsuccessful appellants to a parking adjudicator often decide to make immediate settlement after their case has been heard and

rejected. Where there are a large number of hearings before an adjudicator a local authority may wish to consider providing payment facilities at adjudication centres to encourage prompt payment following a hearing. The wider the range of payment methods available, the more likely the motorist is to pay the outstanding charges.

13.17. An adjudicator may also find in favour of an appellant and require the local authority to refund the relevant penalty charge (and any other charges), perhaps with costs. Local authorities may wish to consider providing a facility to reimburse such motorists at the adjudication centre.

Temporary waiving of payments

13.18. There will be circumstances where a motorist will be unable to pay the charges necessary to release his or her vehicle from a wheelclamp or pound, but where there are strong compassionate grounds why the vehicle should be released (for example, the person reclaiming a vehicle is an unaccompanied woman and it is after dark, particularly if it is also late at night). Local authorities should formulate policies for the release of vehicles in such circumstances. One approach is to allocate points to motorists who fall into particular categories, and to allow the release of a vehicle without immediate payment where a motorist totals at least a minimum number of points. For example, points could be awarded if a person was reclaiming a vehicle after dark, after 10pm, or after midnight; if there were extreme weather conditions, or the vehicle was clamped in an area of high crime; if the person was an unaccompanied female or an elderly person; or if the claimant could show a good medical reason or that there were high value contents in the vehicle. Before a vehicle is released in these circumstances, the motorist should be asked to sign a promissory note to pay the outstanding debt.

13.19. The temporary waiving of payment for removal, storage or declamping creates a civil debt which cannot be pursued using the new procedures for dealing with unpaid penalty charges. Instead, the normal procedures for recovering a civil debt through the county court will apply, and recovery costs will be higher.

13.20. One way to minimise bad debts where vehicles are being released on compassionate grounds may be to accept part payments where the motorist is able to pay some of the money outstanding on the spot. It is arguable that the acceptance of part payments would make the recovery of small debts uneconomic, and that the practice would therefore become established as an “unofficial discount” by default. On the other hand, whilst the recovery of debts through the county court is unlikely to prove economic if viewed in isolation, the deterrent effect of instigating proceedings to recover all bad debts may keep non-payment levels down and outweigh the cost of proceedings. Local authorities will need to consider these arguments when deciding their policy on part payments.

13.21. Where local authorities do decide to accept part payments there is an obvious advantage in ensuring that part payment is made first in respect of clamping, removal, storage or disposal charges. Unlike these charges, unpaid penalty charges can be recovered using the new and less expensive procedures under the RTA 1991.

13.22. In cases of hardship local authorities may wish to consider allowing a motorist who requests it to pay outstanding penalty or other charges in instalments.

**Payments for release
of a vehicle from a
wheelclamp or a
vehicle pound**

13.23. It is important that, after full or part payment or the waiving of the appropriate charges, the release of a vehicle from a wheelclamp or vehicle pound is properly documented. Specimen clamping and removal release fee receipts are at ANNEXES 13.1 and 13.2.

13.24. As noted in CHAPTER 9, some motorists whose vehicles have been wheelclamped will request a priority declamp by telephone, without going to a payments centre. Local authorities will therefore need to establish procedures for handling payments where the motorist does not visit a payments centre, if these are to be collected, in full or in part, before a vehicle is declamped.

Annex 13.1 Clamping Release Fee Receipt

Borough of Anywhere
CLAMPING RELEASE FEE RECEIPT

PCN No. <input style="width: 100%; height: 15px;" type="text"/> Code and Serial No. <input style="width: 90%; height: 15px;" type="text"/> C	Enter Y if Foreign Registered Vehicle <input style="width: 15px; height: 15px;" type="checkbox"/> P.C.N. Contravention Code <input style="width: 30px; height: 15px;" type="text"/>	Vehicle Registration Mark <input style="width: 100%; height: 15px;" type="text"/> Immobilisation Date <input style="width: 30px; height: 15px;" type="text"/> <input style="width: 30px; height: 15px;" type="text"/> <input style="width: 30px; height: 15px;" type="text"/>	
Precise location of vehicle <input style="width: 100%; height: 30px;" type="text"/>			
Date <input style="width: 30px; height: 15px;" type="text"/> <input style="width: 30px; height: 15px;" type="text"/> <input style="width: 30px; height: 15px;" type="text"/>	Time <input style="width: 30px; height: 15px;" type="text"/>	Enter Paid = P Unpaid = U Fee Waive = F <input style="width: 15px; height: 15px;" type="checkbox"/>	Waive Reason <input style="width: 15px; height: 15px;" type="checkbox"/> Amount O/S if unpaid <input style="width: 30px; height: 15px;" type="text"/>
V.E.L. expiry date.....		Clamping Zone.....	

Received from: (A) Surname..... Forenames(s)..... Address.....	CHARGES PCN Fee £..... Release Fee £..... Total amount £.....
(B) Driver's Name..... Address..... (if not as (A)).....	METHOD OF PAYMENT <input type="checkbox"/> CASH Amount Change Given <input type="checkbox"/> CHEQUE Cheque No. Bank Sorting Code Chq. Card No. <input type="checkbox"/> CREDIT CARD Type Card No. Expiry Date
(C) Owner's Name..... Address..... (if not as (A) or (B))..... Notes: (Verifications of owner's/claimant's details, etc.)	
Receiving Officer's Signature..... Print Surname.....	Till Receipt
Passed To CCC Time Out <input style="width: 30px; height: 15px;" type="text"/>	Sender Received by
Remarks	

NOTICE TO MOTORISTS

You are advised to return to your vehicle and wait for the clamp to be removed. This will be done as soon as possible but no specific time can be given and delays of up to 4 hours may occasionally occur if you paid your release fee during peak hours.

Your vehicle may be released in your absence, but it must be removed from its position as soon as possible, otherwise it is liable to be clamped a second time or removed.

OBJECTION PROCEDURE

Under the provisions of the Road Traffic Act 1991, you are required to pay the cost of the Penalty Charge Notice (PCN), as well as the release fee before your vehicle can be declamped. You do, however, have the right to object provided you make your representations within 28 days of the date of this receipt. The only grounds for representations which may be considered are:

- (a) that there were no reasonable grounds for the parking attendant to believe that the alleged parking contravention had occurred;
- (b) that the vehicle had been parked by a person who was in control of the vehicle without the consent of the owner (you should supply evidence such as a police crime report number or an insurance claim for a stolen vehicle);
- (c) that the parking restriction in question was illegal or invalid.
- (d) That under the terms of the Act, the vehicle was an exempt vehicle at the time in question, e.g. a current disabled persons badge was displayed on the vehicle, or a minimum of 15 minutes had not elapsed since the end of paid time on a parking meter.
- (e) that the penalty or other charge in question exceeded the amount applicable in the circumstances.

If any of these grounds apply, you should make representations to the Borough of Anywhere either on the form provided or by letter, quoting the Penalty Charge Notice number. They will consider your representations and if they do not accept them, you can appeal against their decision to a Parking Adjudicator, who acts independently of the Council. The reply to your representations will tell you how to appeal to the Adjudicator if you should feel this is necessary.

Please address your representations to:

NOTE: SUPPLEMENTARY INFORMATION

1. The form is 3 pages of A4 self-copying paper.
 - Top copy to be handed to the motorist
 - Page 2 to be retained by the local payment centre (layout same as top copy)
 - Page 3 to be passed to the central payment processing centre.
2. The reverse of the top copy is used to notify motorists of the declamping procedure and of their rights of appeal against the issue of the Penalty Charge Notice (PCN) after they have paid the release fee and the cost of the PCN.
3. Form is to be completed at the payment centre.
4. Each payment centre should be given a unique three letter code.
5. The Serial Number may be pre-printed or entered from a sequence of numbers allocated to a particular payment centre. The suffix C denotes a clamping serial number.
6. Waive Reason – a standard list of reasons for waiving payments should be established and each reason coded for use on this form.
7. CCC is the Central Communications Centre to which details of the vehicles should be passed for release from clamp.
8. Remarks space should be used to note any additional details passed to the control centre, e.g. request for priority declamp, etc.
9. The Objection Procedure mentioned on the reverse of the form is likely to be amended in any Special Parking Area order.

Annex 13.2 Removal Release Fee Receipt

Borough of Anywhere
REMOVAL RELEASE FEE RECEIPT

PCN No. <input style="width: 100%; height: 15px;" type="text"/>	Enter Y if Foreign Registered Vehicle <input type="checkbox"/>	Vehicle Registration Mark <input style="width: 100%; height: 15px;" type="text"/>								
Code and Serial No. <input style="width: 90%; height: 15px;" type="text"/> R	P.C.N. Offence Code <input style="width: 30px; height: 15px;" type="text"/>	Enter Paid = P <input type="checkbox"/> Unpaid = U <input type="checkbox"/> Fee Waive = F <input type="checkbox"/>								
Date Attended Pound <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; height: 15px;"><input type="text"/></td> <td style="width: 25%; height: 15px;"><input type="text"/></td> <td style="width: 25%; height: 15px;"><input type="text"/></td> <td style="width: 25%; height: 15px;"><input type="text"/></td> </tr> <tr> <td style="font-size: 8px;">DAY</td> <td style="font-size: 8px;">MONTH</td> <td style="font-size: 8px;">YEAR</td> <td></td> </tr> </table>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	DAY	MONTH	YEAR		Time <input style="width: 40px; height: 15px;" type="text"/>	Waive Reason <input type="checkbox"/> Amount O/S if unpaid <input style="width: 40px; height: 15px;" type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>							
DAY	MONTH	YEAR								

Received from: (A) Surname..... Forenames(s)..... Address..... <hr/> (B) Driver's Name..... Address..... (if not as (A))..... <hr/> (C) Owner's Name..... Address..... (if not as (A) or (B))..... <hr/> Notes: (Verifications of owner's/claimant's details, etc.) <hr/> Receiving Officer's Signature..... Print Surname..... <hr/> Remarks	CHARGES PCN Fee £..... Removal Fee £..... Days Storage at £..... per day £..... <hr/> Total amount £..... <hr/> METHOD OF PAYMENT <input type="checkbox"/> CASH Amount Change Given <input type="checkbox"/> CHEQUE Cheque No. Bank Sorting Code Chq. Card No. <input type="checkbox"/> CREDIT CARD Type Card No. Expiry Date <hr/> Till Receipt
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PLEASE REFER TO THE IMPORTANT NOTICE TO MOTORISTS OVERLEAF

OBJECTION PROCEDURE

Under the provisions of the Road Traffic Act 1991, you are required to pay the cost of the Penalty Charge Notice (PCN), as well as the release fee **before** your vehicle can be released. You do, however, have the right to object provided you make your representations within 28 days of the date of this receipt. The only grounds for representations which may be considered are:

- (a) that there were no reasonable grounds for the parking attendant to believe that the alleged parking contravention had occurred;
- (b) that the vehicle had been parked by a person who was in control of the vehicle without the consent of the owner (you should supply evidence such as a police crime report number or an insurance claim for a stolen vehicle);
- (c) that the parking restriction in question was illegal or invalid.
- (d) That under the terms of the Act, the vehicle was an exempt vehicle at the time in question, e.g. a current disabled persons badge was displayed on the vehicle, or a minimum of 15 minutes had not elapsed since the end of paid time on a parking meter.
- (e) that the penalty or other charge in question exceeded the amount applicable in the circumstances.

If any of these grounds apply, you should make representations to the Borough of Anywhere either on the form provided or by letter, quoting the Penalty Charge Notice number. They will consider your representations and if they do not accept them, you can appeal against their decision to a Parking Adjudicator, who acts independently of the Council. Your reply to the representations will tell you how to appeal to the Adjudicator if you should feel this is necessary.

Please address your representations to:

NOTE: SUPPLEMENTARY INFORMATION

1. The form is 3 pages of A4 self-copying paper.
 - Top copy to be handed to the motorist
 - Page 2 to be retained by the local payment centre (layout same as top copy)
 - Page 3 to be passed to the central payment processing centre.
2. The reverse of the top copy is used to notify motorists of their rights of appeal against the issue of the Penalty Charge Notice (PCN) after they have paid the release and storage fees and the cost of the PCN.
3. Form is to be completed at the payment centre.
4. Each payment centre should be given a unique three letter prefix code.
5. The Serial Number may be pre-printed or entered from a sequence of numbers allocated to a particular payment centre. The suffix R denotes a removal serial number.
6. Waive Reason – a standard list of reasons for waiving payment should be established and each reason coded for use on this form.

Chapter

14

Notices to Owners, Representations and Appeals

14.1. If a penalty charge is not paid within 28 days of issue, the local authority can serve a NtO on the person who appears to it to have been the owner of the vehicle at the time the alleged contravention occurred. This and subsequent procedures are described and illustrated at ANNEX 14.1. The NtO has three purposes:

- (a) To remind the motorist of the unpaid penalty charge.
- (b) To warn him or her that if the charge is not paid within a further 28 days it may be increased by 50%.
- (c) To give the motorist an opportunity to make representations against the penalty charge.

14.2. For the purposes of decriminalised parking enforcement, the owner of a vehicle is taken to be the person by whom the vehicle is kept (see RTA 1991, section 82(2)). There is a presumption that this will be the registered keeper of the vehicle, under the Vehicle Excise and Registration Act 1994, unless it can be shown that some other person is, in fact, the keeper of the vehicle. For example, a vehicle leasing company may be the registered keeper of a vehicle, but the person leasing the vehicle may have accepted liability for such matters as parking fines and penalty charges, or the person registered as the keeper of a vehicle may have evidence to show that he or she had sold the vehicle by the time the parking contravention in question took place.

**Information from the
Driver and Vehicle
Licensing Agency
about the registered
keeper**

14.3. In order to issue a NtO, the local authority will therefore need to know the name and address of the person who was the registered keeper of the vehicle at the time the unpaid PCN was issued. This information can be obtained from the Driver and Vehicle Policy Group, Driver and Vehicle Licensing Agency (DVLA), D9 South, Longview Road, Swansea SA6 7JL. *Local authorities preparing their applications to enforce decriminalised parking should contact DVLA at an early stage to discuss methods of transmitting data and other technical requirements.*

14.4. A NtO cannot be served until at least 28 days after the unpaid PCN was issued. There is no maximum period within which a NtO must be served

(except that a debt “dies” after six years), but the later it is done, the longer the authority is likely to have to wait before payment is received and the less likely it is to receive payment. In order to be in a position to serve a NtO on or soon after the twenty-eighth day the request for the name and address of the registered keeper should be sent to DVLA around 21 days after issue of the unpaid PCN.

14.5. For each unpaid PCN, the local authority needs to provide DVLA with the vehicle registration number and the date of the contravention. The information can be transmitted using a magnetic tape, cartridge or electronic link. In the near future, DVLA may also be able to offer direct links between a local authority’s or contractor’s computer and the DVLA computers. Requests on paper are not acceptable.

14.6. DVLA will endeavour to process data received on tape or cartridge during the night following receipt. Data sent by electronic link will generally also be processed during the following night if received before 2pm. Requests processed during the night will usually be returned to the local authority concerned on the following day.

14.7. The information returned to a local authority in response to each request will comprise:

- (a) Vehicle registration mark (ie. numberplate).
- (b) Name and address of the registered keeper.
- (c) Date of the contravention.

14.8. The information received from DVLA will need to be checked in order to identify vehicles which are registered in the name of a body corporate. For a NtO to be served correctly in these cases, it will need to be sent specifically to the secretary or clerk of the body corporate, and this will not be included in the information provided by DVLA. Where a vehicle is registered in the name of a partnership, the NtO can be given to any one of the partners who habitually acts in the business of the partnership. A NtO should be sent to the address at which the firm carries on business. A sole trader is in the same position as any individual, whether or not he or she carries on business under a business name or in his or her own name, and the NtO should therefore be sent to the person’s home or business address.

Cases where the DVLA record is incomplete

14.9. Where requests for information from DVLA are unsuccessful it may be that the vehicle is a new one and has still to be registered (the vehicle registration number will indicate whether this is likely), or that a new owner of a used vehicle has not yet notified DVLA of the change of registered keeper. Where a request has been unsuccessful the local authority should check that the correct vehicle details were sent to DVLA and that the request had been properly processed and should then make a further request a few weeks later. If this enquiry is still unsuccessful, details of the vehicle and contravention should be added to a list of “untraceable drivers”. This list could be used to target the vehicle for wheelclamping when a PCN is next issued to it (see CHAPTER 8).

14.10. DVLA and the Parking Committee for London have concluded an agreement which should reduce the number of cases where there is inadequate information to trace a vehicle owner issued with a PCN in London. The initial

information returned to a Borough following a request to DVLA will be taken from DVLA's vehicle record, but will include a marker to indicate cases where there is an enforcement history file which may contain a more recent address. Where the vehicle record data does not enable a vehicle owner to be traced, the authority will then be able to request name and address details from the enforcement history file. For their part, the London Boroughs have agreed to provide DVLA with information about vehicles without a valid VED disk which have been issued with a PCN, thus helping DVLA to track down VED evaders and improve the accuracy of their records. *DVLA are prepared to establish similar relations with local authorities outside London, and authorities preparing to introduce decriminalised parking enforcement should contact the Enforcement Strategy Group, DVLA, well in advance for more details.*

14.11. DVLA are also taking other steps to improve the accuracy of their records, which, when introduced, should help reduce the proportion of PCNs which have to be waived because the vehicle owner cannot be traced. DVLA intend to introduce a system of joint notification when a vehicle changes hands, followed by a move to continuous licensing of vehicles. Joint notification will mean that buyers and sellers of vehicles will be required jointly to notify DVLA so that ownership records can be immediately updated. Continuous licensing will mean that vehicles which do not enjoy an exemption will need to be licensed at all times, regardless of whether or not they are in use, thus eliminating the scope for breaks in the record which can occur at present when vehicles are taken off the road.

**Content of the Notice
to Owner**

14.12. The NtO must include:

- (a) The amount of the penalty charge payable.
- (b) The grounds on which the PCN was issued.
- (c) Notice that the penalty charge must be paid within 28 days, beginning with the date on which the NtO is served (ie, received by the owner of the vehicle).
- (d) A statement that if it is not paid within 28 days, the charge may be increased by 50%. (A local authority has a discretion whether to impose the increased charge – for example, because the NtO arrived when the owner was abroad, on holiday or ill in hospital).
- (e) The amount of the increased charge.
- (f) A statement of the right to make representations to the authority issuing the NtO.
- (g) A statement of recipient's right to appeal to a parking adjudicator if the authority rejects his or her representations.

14.13. A specimen NtO is at ANNEX 14.2 and local authority legal advisers are recommended to use this as a model when preparing NtOs for their authorities.

**Representations from
motorists**

14.14. The Secretary of State intends to include in designation orders a provision that any representations against a NtO must be made in writing.

The specimen NtO at ANNEX 14.2 includes a section which sets out the grounds for representations and the evidence a local authority will require when recipients make representations. The Secretary of State recommends that local authorities incorporate such a section in their own NtOs and encourage motorists to use this when making representations. However, letters or faxed messages will also be allowed to count as representations.

14.15. The Secretary of State believes that the problems in allowing motorists to make their representations *in person* are such that only written representations should be allowed. If a representation in person is rejected it may be more difficult to assemble satisfactory case papers for adjudication, and if such a representation is accepted it may be more difficult to detect any fraudulent cancelling of penalty charges.

14.16. Representations may be disregarded by an authority if made more than 28 days after service of the NtO has been effected (ie. more than 28 days after a NtO posted to the recipient would be delivered in the ordinary course of post). Local authorities should consider adopting the practice of the London Boroughs in allowing an additional seven days for service by post. This means that representations will always be considered by a London authority if they arrive within 35 days of the date the NtO was posted. Authorities have the discretion to consider later representations if they choose.

14.17. The grounds on which a recipient of a NtO can make statutory representations to a local authority are set out in Schedule 6, paragraph 2(4) to the RTA 1991:

(a) That the recipient:

- (i) never was the owner of the vehicle in question;
- (ii) had ceased to be its owner before the date on which the alleged contravention occurred; or
- (iii) became its owner after that date.

Where a recipient makes representations under (ii) or (iii) above, he or she is legally obliged to include a statement of the name and address of the person to whom the vehicle was disposed of (or from whom it was acquired, as the case may be), if that information is in the recipient's possession.

(b) That the alleged contravention did not occur.

This is likely to be the most common ground for representations. It includes cases where a vehicle was allegedly loading or unloading in accordance with a TRO, where a PCN was allegedly issued too early by the parking attendant, or where a vehicle was allegedly displaying a valid permit, ticket, voucher, badge, etc..

(c) That the vehicle had been permitted to remain at rest in contravention of decriminalised parking controls by a person who was in control of the vehicle without the consent of the owner.

This ground for representations covers stolen vehicles and vehicles used without the owner's consent but which were not stolen. The latter category could apply, for example, to a vehicle taken by "joy

riders". It may also apply where a vehicle was being used by a member of the owner's family without the owner's express consent. It will ultimately be for an adjudicator to decide whether explicit or implicit "consent" was given to the use of the vehicle in any particular case.

(d) That the relevant TRO is invalid.

This ground for representations includes cases where a TRO is not properly signed, or where the parking restriction in question goes beyond what is provided for in the TRO. It is therefore important that local authorities conduct a thorough review of all TROs before introducing decriminalised parking enforcement.

(e) That the recipient is a vehicle-hire firm and:

- (i) the vehicle in question was at the material time hired from that firm under a vehicle hiring agreement; and
- (ii) the person hiring it had signed a statement of liability acknowledging his liability in respect of any PCN fixed to the vehicle during the currency of the hiring agreement.

The specimen NtO requests the hire-firm to supply the name and address of the person hiring the vehicle at the material time. This information should be used to issue a second NtO, on the person hiring the vehicle (who shall be deemed to be the owner of the vehicle for the purposes of processing the PCN).

(f) That the penalty charge exceeded the amount applicable in the circumstances of the case.

14.18. There are no grounds for making representations where the recipient of the NtO acknowledges that a contravention occurred but argues that there were extenuating circumstances. However, local authorities should consider such cases on their merits. In order to ensure consistency of treatment local authorities should establish their own guidelines for dealing with such cases, balancing the need to show flexibility in dealing with exceptional cases against the need to enforce parking controls firmly in the wider public interest. Besides cancelling PCNs where there is satisfactory evidence to support a motorist's case on the statutory grounds set out above, authorities should consider cancelling PCNs in the following circumstances:

- (a) The parking meter or all nearby pay-and-display machines were faulty (except where the relevant TRO makes parking in such circumstances a contravention).*
- (b) The information on the PCN is inadequate or incorrect, due to an error by the parking attendant.*
- (c) There is satisfactory evidence that the vehicle was broken down at the material time and that reasonable steps were being taken to move it as soon as possible.*
- (d) There is satisfactory evidence that the penalty charge should be waived on well defined compassionate grounds.*

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 carrying 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 requirement 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.

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 wheelclamping 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. In 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.

-
- (c) 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.

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 if 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.

14.28. Where a motorist objects to a PCN before receiving the NtO he or she may miss the opportunity to pay at the discounted rate because more than 14 days have elapsed between issue of the PCN and receipt of the letter from the authority rejecting the objection. In such cases, local authorities may wish to consider allowing a further 14 days from the dispatch of the letter of rejection during which the motorist can pay at the discounted rate. Where such a concession is made local authorities should emphasise that they have complete discretion to withdraw it in the case of motorists suspected of abusing the system.

14.29. The London parking adjudicators have noticed that leasing companies generally pay the full penalty charge on receipt of a NtO and then claim the

charge back from the keeper of the vehicle, along with an administration fee. This can be inequitable, as the keeper of the vehicle may have wished to challenge the PCN. The London parking adjudicators have recommended that the leasing companies should establish whether a motorist wishes to challenge a PCN before they make a payment. If the motorist does wish to make representations, the leasing company would then return the NtO with the keeper's details and a second NtO would be served on him or her. Unless or until this recommendation is taken up by vehicle leasing companies, local authorities may wish to exercise discretion and treat objections from motorists in these circumstances as if they had made statutory representations.

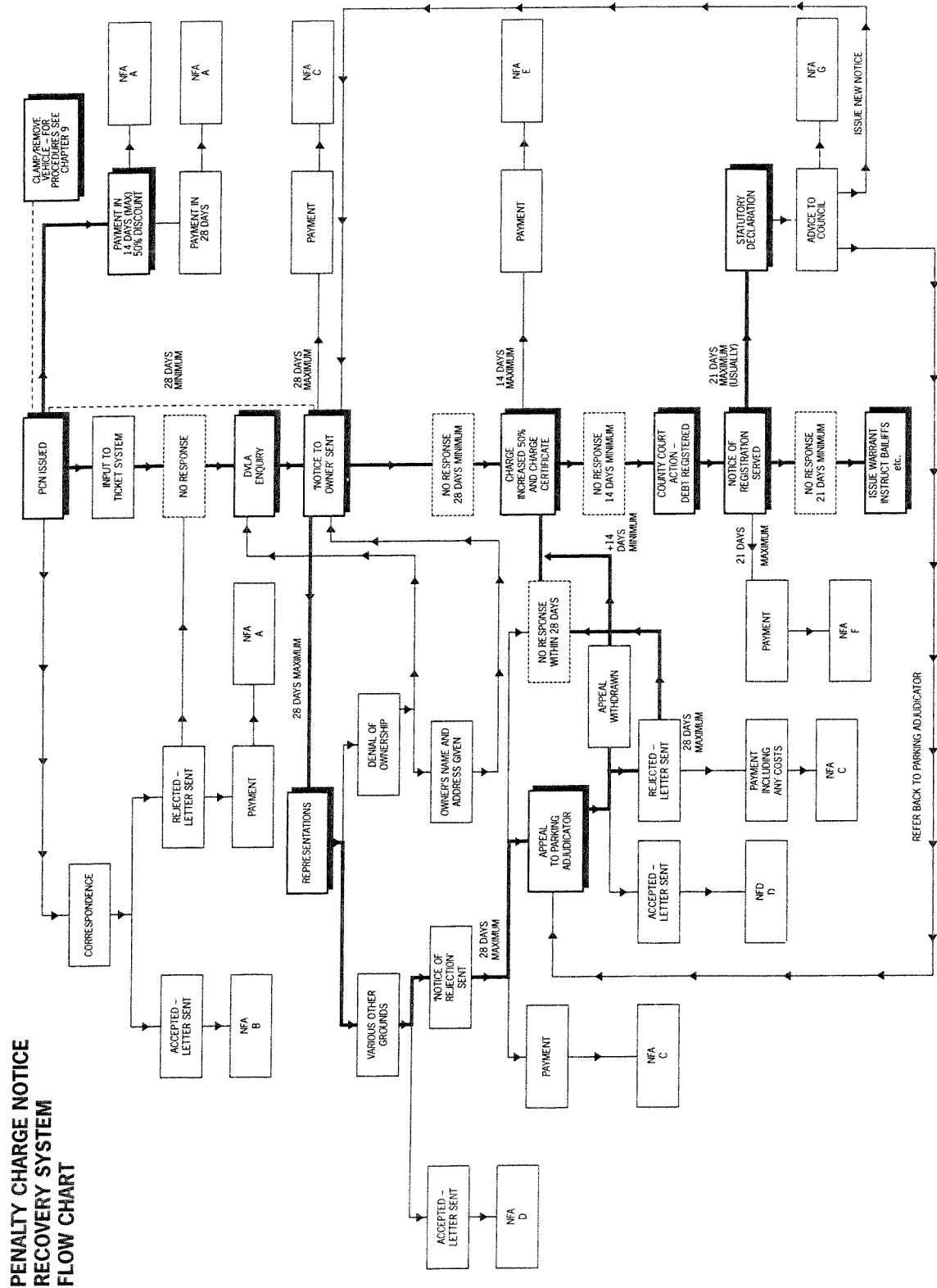
**Appeals to parking
adjudicators**

14.30. Procedures for dealing with appeals will need to be decided before local authorities outside London can introduce decriminalised parking enforcement (see CHAPTER 10). However, the procedures are likely to correspond quite closely to those established in London by the Road Traffic (Parking Adjudicators) (London) Regulations 1993 (SI 1993/1202).

**Giving false
information**

14.31. A person who recklessly or knowingly makes a representation to the authority or an adjudicator which is false in a material particular is guilty of an offence, and on conviction may be liable to a fine not exceeding level 5 on the standard scale (currently £5,000).

Annex 14.1 Penalty Charge Notice Recovery System Flow Chart



Note to ANNEX 14.1

“NFA” means “no further action” is required.

NFA – A PCN paid, file closed.

NFA – B PCN cancelled, file closed.

NFA – C PCN paid, NtO cancelled, file closed.

NFA – D PCN and NtO cancelled, file closed.

NFA – E PCN paid, charge certificate cancelled, file closed.

NFA – F PCN paid, notice of registration cancelled, file closed.

NFA – G Charge certificate cancelled, court action revoked, possible cancellation of NtO, PCN not cancelled at this juncture.

Annex 14.2 Specimen Notice to Owner

SECTION 1

NOTICE TO OWNER

TO:

NOTICE TO OWNER / KEEPER / HIRER
OF VEHICLE NUMBER

PENALTY CHARGE
NOTICE NUMBER

PCN ISSUE DATE

ROAD TRAFFIC ACT 1991 — SECTIONS 66, 76 and SCHEDULE 6.
(as amended)

Liability for the penalty charge lies with you, the owner/keeper/hirer

On VEHICLE REGISTRATION MARK you were the registered owner/keeper/hirer of:

when PENALTY CHARGE NOTICE number was issued because the vehicle was allegedly involved
in the following parking contravention: (contravention):

in (place): at (time):

The penalty charge has not been paid

The penalty charge is £

To date you have paid £

Payment now due is £

(Please see SECTION 4
Note 2 overleaf)

Within 28 days of the day of delivery of this notice you must EITHER:-

- make PAYMENT IN FULL (See Section 2 below).
- OR return the Pink Sheet with your REPRESENTATIONS (See Section 3)

YOU MUST NOT IGNORE THIS NOTICE. If by you have failed to pay or make representations to the Council a Charge Certificate will be served on you increasing the penalty by 50% to . Failure to pay the increased amount may result in a county court order against you and a warrant being issued to bailiffs.

PLEASE READ NOTES OVERLEAF (SECTION 4) BEFORE COMPLETING ANY PART OF THIS NOTICE

DATE OF ISSUE OF THIS NOTICE

OBJECTION ENQUIRIES:

PAYMENT ENQUIRIES:

OBJECTION ENQUIRIES:

SECTION 2

PAYMENT

FROM:

NOTICE TO OWNER / KEEPER / HIRER
OF VEHICLE NUMBER

PENALTY CHARGE
NOTICE NUMBER

PCN ISSUE DATE

I enclose a cheque/postal order for the full amount due. Please enclose this form and your cheque/postal order for \$ made payable to

in the envelope provided.

Payment may be made by credit or debit card by completing the details on the reverse and returning the form in the envelope provided. Acceptable cards are Access, Visa, Delta, Switch, etc.

RETURN ADDRESS

TO:

N.B. Please write PCN No. on reverse of your cheque.

A RECEIPT WILL NOT BE ISSUED UNLESS REQUESTED. PLEASE PROVIDE A STAMPED ADDRESSED ENVELOPE FOR YOUR REPLY.

115

REPRESENTATIONS

SECTION 3

TO MAKE "REPRESENTATIONS" AGAINST THE NOTICE TO OWNER PLEASE SEE BELOW.

ISSUED TO:

DO NOT IGNORE THIS NOTICE

If you feel you should not pay this Parking Ticket (PCN), indicate below by ticking the appropriate box why you believe you are not liable. Give all relevant details overleaf, sign the form and return it to us within 28 days. (Please read notes in Section 4 overleaf).

NOTICE TO OWNER / KEEPER / HIRER
OF VEHICLE NUMBER

PENALTY CHARGE
NOTICE NUMBER

PCN ISSUE DATE

PCN = Penalty Charge Notice

NB: The Road Traffic Act 1991 Sections 66, 76 and Schedule 6 (as amended) sets out six grounds only on which you may make representations.

The Council is not required to consider any other circumstances.

THE PARKING TICKET (PCN) WAS INCORRECTLY ISSUED BECAUSE:

(Tick one of the following:)

The contravention did not occur
Tick this box if the contravention described on the Parking Ticket (PCN) did not happen - for instance if the Parking Ticket (PCN) is for overstaying on a meter and the time had not expired, or if the Parking Ticket (PCN) is for parking on a yellow line when you were in fact legally loading. When returning this form you should enclose any relevant details (eg delivery note).

The penalty exceeded the relevant amount
Tick this box if the Parking Ticket (PCN) asked you to pay more than you are legally liable to. Penalty charges applicable will be on public display in the Borough.

The traffic order was invalid
Tick this box if you believe the parking restriction in question was invalid or illegal. This applies, for instance, if the Council had not followed the correct procedure for passing the traffic order. When returning this form you should enclose any relevant details.

Unacceptable excuses include:
"I could not find anywhere else to park"
"I went to get change for the meter"
"I only stopped for a minute or two"
"I thought I was legally parked but I made a mistake"

I AM NOT LIABLE TO PAY THE PARKING TICKET (PCN) BECAUSE

(Tick one of the following:)

I was not the owner/keeper of the vehicle at the time of the contravention
Tick this box if you did not own the vehicle when the Parking Ticket (PCN) was issued. When returning this form please enclose details - such as a receipt of sale/purchase or a copy of the DVLA registration form. You must give the name and address of the person who bought/sold the car and the date of sale/purchase in the box overleaf.

The vehicle had been taken without my consent
Tick this box if the vehicle had been stolen when the Parking Ticket (PCN) was issued. When returning this form you should enclose evidence such as a police crime report number or insurance claim.

We are a hire firm and have supplied the name of the hirer
Tick this box if you are a hire company and the hirer has signed a formal agreement accepting liability for Parking Tickets (PCN's). You must enclose the name and address of the hirer and a copy of the statement they signed.

Unacceptable reasons for avoiding liability include:
"I lent the car to a friend and he will not pay the ticket"
"This is too much money to ask for a parking offence"
"There was no need for a yellow line anyway"
"I am not the owner/keeper because I hired/leased the vehicle"

Please return this form
IN ENVELOPE PROVIDED
FOLDING TO ENSURE
ADDRESS AT LEFT FALLS
IN WINDOW POSITION.

DETAILS OF REPRESENTATIONS

TICK "X" RELEVANT BOX

I was not the owner/keeper of the vehicle when the Parking Ticket (PCN) was issued because:

- I had sold the vehicle before that date to:
- I bought the vehicle after that date from:
(You must supply proof of selling or buying the vehicle e.g. copy of the receipt or DVLA notification)
- I never owned the vehicle.
N.B. Appropriate enquiries will be made if this box is ticked.

Other Representations:

NAME AND ADDRESS OF BUYER/SELLER/HIRER

NAME _____

ADDRESS _____

_____ POSTCODE _____

DATE OF PURCHASE/SALE _____

DECLARATION

This must be signed in order for your representations to be considered.

I confirm the details of my representations are correct to the best of my knowledge, I realise that making a false statement may result in prosecution and a fine upon conviction of up to level five on the standard scale (currently £5,000)

_____ (signature) _____ (date)

_____ (name in block capitals)

_____ (position in company if relevant)

NOTES FOR COMPLETION

SECTION 4

1. This "Notice to Owner" has been sent to you, as the registered owner/keeper/hirer of the vehicle because a Parking Ticket (PCN) was issued to the vehicle on the date shown overleaf and to date full payment has not been received.
2. The driver was allowed 14 days to pay a discounted sum. Any sum already paid, as shown overleaf, was received outside the discount period.
3. As the registered owner/keeper of the vehicle (or the person who was hiring the vehicle at the time the Parking Ticket (PCN) was issued), you are legally liable for the penalty charge **even if you were not the driver at the time.**
4. It is now **too late** to pay the 50% discounted rate, therefore you have two options:

5. a) **PAY**

Pay the Penalty Charge in full

Complete Section 2 entitled "Payment". Make a cheque/postal order payable as instructed for the full amount and return both in the envelope provided.

PAY / CHALLENGE

b) **CHALLENGE**

Make Representations to the Council. (see section 3)

There are **six grounds** on which you may make representations which are set out overleaf. If you think that one or more of the listed grounds applies to your case, complete the form and return it to the Council in the envelope provided. The Council will consider your representations and, if you have sufficient grounds, the Council will cancel the Penalty Charge Notice. If the Council reject your representations, you can appeal against the decision to the Parking Adjudicator, who acts independently. The letter you are sent if your representations are unsuccessful will explain how to appeal.

NB: The **Road Traffic Act 1991** Sections 66, 76 and Schedule 6 (as amended) sets out six grounds only on which you may make representations. (see section 3)

The Council is not required to consider any other circumstances.

If neither **payment** nor **representations** have been received within 28 days of you receiving this "Notice to Owner", a **Charge Certificate** will be sent to you which **increases the amount of the Penalty Charge by a further 50%**. If the Charge Certificate is not paid, the increased amount will be registered as a debt at the **County Court** and a **warrant** may be issued against you for bailiffs to recover the debt.

(PCN = Penalty Charge Notice)

N.B. A false declaration on section 3 may result in prosecution and a fine upon conviction of up to level 5 on the standard scale, currently £5,000.

PLEASE COMPLETE THE DETAILS REQUESTED BELOW FOR PAYMENT BY CREDIT / DEBIT CARD

Tick the type of card you wish to use to make the payment

- ACCESS
- MASTERCARD
- VISA
- DELTA
- SWITCH

No others are acceptable

Card Number

[Grid for Card Number]

Card Valid From

___/___/___

Card Expiry Date

___/___/___

Name on Card

(Block Capitals Please)

Signature (of the Card Holder)

Cardholder address if different to the address

[Address lines]

Annex 14.3 *Specimen Letter of Acceptance*

Anytown Borough Council
123 High Street
Anytown AB1 2CD

Tel. 000 111 2222

Mr A B Smith
99 Any Street
Hightown
AT6 7RS

1 April 1995

Dear

Road Traffic Act 1991
Penalty Charge Notice No. XXXXXXXX
Date Issued. XXXXXX
Location of contravention. XXXXXXXX

ACCEPTANCE OF REPRESENTATIONS

I refer to the representations made by you on [ADD DATE] in connection with the issue of the above Penalty Charge Notice.

I am pleased to inform you that your representations have been accepted and the [Penalty Charge Notice and] Notice to Owner [has/have] been cancelled.

[FOR CLAMPING/REMOVAL APPEALS: I am enclosing a cheque for £XX, which is the amount paid by you in connection with this Penalty Charge Notice, including the [clamping/removal] release fee.]

Yours sincerely

A N OTHER
Head of Parking Operations.

Annex 14.4 *Specimen notice of rejection*

Anytown Borough Council
123 High Street
Anytown AB1 2CD

Tel. 000 111 2222

Mr A B Smith
99 Any Street
Hightown
AT6 7RS

1 April 1995

Dear

Road Traffic Act 1991
Penalty Charge Notice No. XXXXXXXX
Date Issued. XXXXX
Location of contravention. XXXXXXX

NOTICE OF REJECTION OF REPRESENTATIONS

I refer to the representations made by you on [ADD DATE] in connection with the issue of the above Penalty Charge Notice.

I have noted your comments and would advise you that [ADD REASONS FOR REJECTION. FOR EXAMPLE.... a Penalty Charge Notice was issued because your vehicle was parked on a yellow line in Oakhill Road. It was first observed at 11.17am and the Notice was issued at 11.24am. Being the holder of a resident's parking permit does not entitle you to park on yellow lines during the restricted hours. The parking attendant's notes show that the Notice was fixed to the windscreen of your vehicle.]

In the circumstances I must advise you that grounds for representation against the Penalty Charge Notice have not been established and this letter is issued as a formal Notice of Rejection under Schedule 6 of the Road Traffic Act 1991.

You now have 28 days to pay the penalty charge or to appeal to an independent parking adjudicator (see below).

Failure to pay the penalty charge of £XX within 28 days will result in the issue of a Charge Certificate which increases the amount owed by 50% to £YY. If the increased penalty charge is not then paid within a further 14 days, the Council may apply to the county court to recover the charge as if it were a debt payable under a county court order. Please send your payment, clearly identified with the Penalty Charge Number shown above, to

XXXXXXXXXXXXXXXXXXXX. Your cheque or postal order should be made payable to "Anytown Borough Council".

APPEAL TO A PARKING ADJUDICATOR

You may appeal against this decision, on specified grounds and within 28 days of the issue of this Notice of Rejection, to an independent parking adjudicator. The adjudicator will consider your appeal and make a decision which is binding on you and the Council. You should be aware that the adjudicator may award costs against you if he considers that your appeal is vexatious or frivolous, or your conduct in making and pursuing the appeal is wholly unreasonable. Equally, costs may be awarded against the Council if it is considered to have acted in any of these ways.

If you wish to appeal, please read the enclosed leaflet and complete and send in the appeal form to the address shown.¹ Remember, you have only 28 days to do this. The leaflet describes what will happen next.

Yours sincerely

A N O T H E R
Head of Parking Operations.

¹. The local authority, perhaps in conjunction with its national or regional joint adjudication committee, will need to prepare a leaflet explaining how the adjudication service works and incorporating an appeal form. The Parking Committee for London prepared such a leaflet for the London authorities.

*Representations and Appeals
in Relation to Clamped and
Removed Vehicles*

15.1. The owner or person in charge of a vehicle which has been released from a wheelclamp or vehicle pound must be able to make representations and, if necessary, appeal to an adjudicator, in the same way as a person who has only received a PCN. As he or she will not have been sent a NtO unless the vehicle has been unclaimed for over 28 days, special arrangements are required to allow representations to be made and considered. However, many of the principles to be followed by a local authority will be the same for representations against clamping or removal as for representations solely against a penalty charge (see CHAPTER 14).

15.2. The Secretary of State intends that designation orders will apply to sections 71 and 72 of the RTA 1991, with suitable amendments to deal with SPA contraventions. Local authorities will therefore be required to give written notice to the owner of a vehicle of his or her right to make representations to the authority and to appeal to a parking adjudicator. The cases where such notice must be given are where the person:

- (a) Reclaims the vehicle following removal.*
- (b) Receives the proceeds from the disposal of his or her previously unclaimed vehicle.*
- (c) Is told that the proceeds of such a disposal did not exceed the cost of removal, storage, disposal and the relevant penalty charge.*
- (d) Reclaims the vehicle following wheelclamping.*

15.3. In most cases the notice can be given by incorporating an appropriate section in the clamping or removal release fee receipt, which will be given to motorists when their vehicle is released from a wheelclamp or a vehicle pound (see ANNEXES 13.1 and 13.2).

15.4. The grounds for making a representation are similar to those which apply to representations against a PCN alone. With one exception, the grounds for making a representation are against both the PCN and the clamping, removal or other charges. The grounds are:

-
- (a) That there were no reasonable grounds for the parking attendant to believe that the vehicle had been parked in contravention of any relevant parking control.
 - (b) That the vehicle had been left by a person who was driving the vehicle without the owner's consent.
 - (c) That the place at which the vehicle was at rest was neither a designated parking place nor a place where parking was restricted within a SPA.
 - (d) In the case of a wheelclamped vehicle, an Orange Badge holder's exemption applied at the relevant time, or, in the case of both a clamped or a removed vehicle, not more than fifteen minutes had elapsed since the end of the time paid for at a designated parking place.

In this case it may be that a PCN was correctly issued and should stand, but that the statutory exemptions preventing the wheelclamping of a vehicle displaying a disabled person's Orange Badge (or the clamping or removal of a vehicle within fifteen minutes of paid for time) was overlooked and the declamping or removal fee should be refunded.

- (e) That the penalty or other charge in question exceeded the amount applicable in the circumstances of the case.

15.5. Representations may be disregarded by the authority if made more than 28 days after the person making the representation was informed of his or her right to do so. Following the practice of the London authorities, a motorist would have 35 days from the date a NtO was posted within which to make representations (see CHAPTER 14). However, authorities have the discretion to consider later representations if they choose.

15.6. Unlike representations against a PCN alone, local authorities are under a statutory requirement, within 56 days of receiving a representation against clamping or removal (and any supporting evidence), to have considered it and to have served notice of their decision on the person concerned. Notice can be served by post. In the case of a body corporate, the legal requirements are met if the notification is posted to the secretary or clerk of the organisation (see CHAPTER 14). Where the representation has been accepted, or if no notification to the person making the representation has arrived within the 56 days, the local authority must pay the amount owing to the person making the representation (see ANNEX 14.3).

15.7. The 56 day period for dealing with representations recognises that, in exceptional circumstances, local authorities may need to undertake a considerable amount of work to verify a motorist's case. However, in many cases it should be possible to respond to representations much more quickly and local authorities may wish to consider setting a target for dealing with representations of, for example, 14 or 28 days (see CHAPTER 14).

15.8. Where the representation has been rejected the local authority must inform the person making it of his or her right to appeal to a parking

adjudicator, indicate the nature of the adjudicator's right to award costs against an appellant, and describe in general terms the form and manner in which an appeal must be made. The motorist should also be given any other information which the authority considers appropriate (for example, the authority's reason for rejecting the representation). The specimen notice of rejection (ANNEX 14.4) could be adapted by local authorities to deal with rejected representations against clamping and removals.

15.9. A person whose representation is rejected has 28 days from the date of service of the authority's notice of rejection in which to appeal to the adjudicator. Following the practice of the London authorities, appeals would therefore be considered if they reached the local authority within 35 days of the date the notice of rejection was posted, although the adjudicator is empowered to extend this period if he or she so chooses. The adjudicator will then consider the original representations made to the local authority, any additional representations the appellant wishes to make, the relevant PCN and notice of rejection and any arguments advanced by the local authority. If the adjudicator decides that any of the motorist's representations are justified under the grounds for appeal, and that the authority owes the appellant a refund, then the adjudicator will direct the authority to pay the amount owed. There is nothing to prevent a local authority making an *ex gratia* payment to cover a motorist's reasonable costs in such cases – for example, the cost of the taxi fare to the vehicle pound when the motorist reclaimed his or her vehicle.

15.10. Making false representations to a local authority or an adjudicator is an offence and on conviction the offender may be liable to a fine not exceeding level 5 on the standard scale.

Chapter

16 *Charge Certificates, Warrants of Execution and other Enforcement Proceedings*

Charge certificates

16.1. If a motorist fails to pay a penalty charge within the time allowed, the authority can serve on the motorist a charge certificate increasing the penalty charge immediately by 50% (see the specimen charge certificate at ANNEX 16.1). If the motorist fails to pay the increased penalty charge fourteen days after it was served (ie. 21 days after posting), the authority can register the charge certificate at the Parking Enforcement Centre at Cardiff County Court. The amount owing can be recovered as if it were payable under a county court order. Local authorities cannot use their local county court to recover parking penalty charges.

16.2. A charge certificate can be served on the motorist where a penalty charge has not been paid and:

- (a) 35 days have passed since a NtO was posted and no representation to the authority against the NtO has been received;
- (b) 35 days have passed since a notice of rejection was posted and no appeal against that notice has been received; or
- (c) 35 days have passed since a notice of the adjudicator's original decision (or decision on appeal) finding in favour of the authority was posted.

16.3. Where an appeal against a notice of rejection has been made and is withdrawn before the adjudicator gives notice of his decision, a charge certificate can be served 14 days after notice of the withdrawal of the appeal has been received by the authority.

Registering a charge certificate with the Parking Enforcement Centre

16.4. The Parking Enforcement Centre (PEC) at Cardiff County Court processes requests to register charge certificates and requests for authority to enforce orders for recovery of unpaid parking penalty charges. The PEC's address is 2 Park Street, Cardiff CF1 1TD. *The PEC will be developing a Code of Practice for non-London authorities which describes the procedures to be followed where a penalty charge has not been paid following service of a charge certificate. Local authorities planning to introduce decriminalised*

parking enforcement should obtain a copy of the Code of Practice as soon as possible, so that they are aware of the PEC's requirements and can plan accordingly. The PEC Manager will require an undertaking that the authority (and any contractor) will comply with the PEC's Code of Practice. He will also want to establish with the authority the likely volume and pattern of work which it will be providing for the PEC, and its proposed means of transferring data to and from the PEC. Local authorities will also need to check with the PEC that their PCN prefix will be unique (see CHAPTER 12). Local authorities should therefore contact the PEC Manager at least three months before the date on which they plan to submit their application for designation orders.

16.5. The remainder of this Chapter summarises the procedures to be followed where a charge certificate has been served and no payment has been made. Local authorities should consult the PEC Code of Practice for detailed guidance.

16.6. If a penalty charge remains unpaid 14 days after a charge certificate has been served on the motorist the local authority can register the charge certificate with the PEC. A fee of £5 is payable for the registration of each charge certificate. The authority must allow 21 days from the date the charge certificate was posted before registering it. Once a charge certificate has been registered the PEC will send the local authority a sealed authority to issue an order for the recovery of the amount outstanding. The amount outstanding will comprise the unpaid penalty charge, any costs awarded against the motorist by an adjudicator, plus the £5 registration fee. Within seven days the authority must then send an order informing the motorist that, within a further 21 days from receipt of the order, he or she must either pay the amount outstanding, or send to the PEC a statutory declaration that the registration of the unpaid penalty charge should be revoked.

Statutory declarations

16.7. The three grounds on which a statutory declaration can be made are:

- (a) The motorist did not receive a NtO.
- (b) The motorist made representations to the local authority about the penalty charge and did not receive a rejection notice.
- (c) The motorist appealed to a parking adjudicator against the local authority's decision to reject his or her representations, but received no response to the appeal.

16.8. A statutory declaration must be signed by the motorist in the presence of a commissioner for oaths, an officer of a county court appointed by a judge to take affidavits, or a justice of the peace. Filing a false declaration knowingly and wilfully is a criminal offence and, on conviction, the offender may be imprisoned for up to two years, fined, or both.

16.9. The PEC will accept valid statutory declarations received within 36 days of the date the authority was authorised to register the debt. This period can be extended if, on application to a district judge, the judge decides that it would be unreasonable in the circumstances of the case to insist that the motorist serves the declaration in that time.

16.10. A valid statutory declaration automatically revokes the order for the recovery of the unpaid penalty charge and the charge certificate. Where the motorist declares that he did not receive a NtO, the NtO to which the charge certificate relates is also deemed to have been cancelled. The local authority must therefore address the procedural error specified in the motorist's statutory declaration and decide whether it intends to continue to press for payment of the outstanding penalty charge:

- (a) Motorist claims not to have received the NtO.
In these circumstances it is advisable that a NtO is served personally by a process server.
- (b) Motorist claims to have made representations and not received a rejection notice.
In these circumstances the authority must refer the case to a parking adjudicator, who may give such direction as he or she considers appropriate.
- (c) Motorist claims to have appealed to a parking adjudicator, but received no response to the appeal.
In these circumstances the authority must refer the case to a parking adjudicator, who may give such direction as he or she considers appropriate.

16.11. It may be advisable to use recorded delivery when corresponding with a motorist who has made a statutory declaration, in order to reduce the risk of further statutory declarations being made.

**Warrants of execution
and certificated
bailiffs**

16.12. Where the motorist has been served with an order for recovery of the unpaid penalty charge and fails to pay or to complete a statutory declaration, the local authority can ask the PEC for authority to prepare a warrant of execution. This authorises a certificated bailiff to seize and sell goods belonging to the motorist to the value of the outstanding amount plus the cost of executing the warrant.

16.13. A local authority can ask the PEC for authority to prepare a warrant of execution if *all* of the following criteria are met:

- (a) 21 days have elapsed since service of the registration order was effected.
- (b) Full payment has not been received.
- (c) No statutory declaration has been filed.
- (d) No time extension for making a statutory declaration has been approved.
- (e) The motorist lives in England or Wales. (Registrations with the PEC can be transferred so that enforcement can be carried out against motorists living in Scotland – see Order 35 of the County Court Rules 1981 [SI 1981/1687]. However, registrations against motorists living in the Isle of Man, the Channel Islands and foreign countries cannot be enforced.)

16.14. The authority must produce a warrant within seven days of receipt of the authorisation to do so from the PEC. A copy of the warrant should be given to a certificated bailiff for execution (ie. a bailiff who holds a general certificate granted by the Lord Chancellor's Department under the Distress for Rent Rules 1988, as opposed to a bailiff employed by the county court). It will be for each local authority to obtain the services of certificated bailiffs, as necessary, either by employing in-house staff or contracting out the work.

16.15. The certificated bailiff will seek to execute the warrant in broadly the same way that a court order would be executed, but with the following differences:

- (a) A modified schedule of fees, charges and expenses is to be used in calculating bailiffs' costs, and new specimen notices are to be used by bailiffs when executing a warrant of execution (see the Enforcement of Road Traffic Debts (Certificated Bailiffs) Regulations 1993 [SI 1993/2072 (L.17)]).
- (b) Other modifications to the statutory provisions concerning the enforcement of civil court judgments and orders are to apply (see sections 85 to 104 and 125 of the County Courts Act 1984, the County Court (Amendment No. 2) Rules 1993 [SI 1993/2150 (L.24)] and the Enforcement of Road Traffic Debts Order 1993 [SI 1993/2073 (L.18)]).

16.16. The secondary legislation concerning certificated bailiffs, made under section 78 of the RTA 1991, currently applies only to London local authorities. However, the Secretary of State intends to include in designation orders a provision applying it to authorities outside London enforcing decriminalised parking.

16.17. The warrant of execution must be carried by the certificated bailiff when he visits a person or premises with a view to enforcing it and he must produce it on demand to anyone who has reasonable grounds to see it. A certificated bailiff can alter the address on the warrant if he discovers that the respondent has moved. However, if the name on the warrant is incorrect, it would suggest that the order for recovery also gave the incorrect name. If this were the case, the order must be re-served before the local authority can ask for permission to prepare a warrant. A warrant of execution only has a lifespan of 12 months and cannot be reissued after that date. If the local authority has been unsuccessful in recovering the charge by means of a warrant within this time and wishes to pursue this means of enforcement it must ask the PEC for authorisation to prepare another warrant.

16.18. A warrant of execution will be the normal means of collecting unpaid debts. However, there are circumstances in which an authority can use other means to collect the amount owing:

- (a) If an execution against goods has been attempted, but the bailiff has been unable to seize goods because access to the premises was denied, or the goods had already been removed.
- (b) If the goods seized are insufficient to meet the outstanding amount, plus the costs of execution.

(c) If the goods to be seized would be insufficient to cover the cost of their removal and sale.

(d) If an authority has reason to believe that execution against goods will fail to raise the outstanding debt and the costs of execution.

16.19. Other means of recovering the sum owed cannot be used simply because the motorist has ceased to occupy the premises stated in the warrant of execution. The certificated bailiff has authority to levy against the respondent's goods irrespective of address and the bailiff can therefore amend the details of the address on the warrant and seek to enforce the warrant at the motorist's new address.

16.20. The other means of enforcement are:

- (a) *An attachment of earnings order* – an order deducting money from the motorist's earnings to discharge the amount outstanding.
- (b) *A garnishee order* – an order preventing the motorist withdrawing any money from his or her bank or building society account until the outstanding debt is paid and requiring the bank or building society to discharge the debt using money in the motorist's account.
- (c) *A charging order* – an order preventing the motorist selling his or her house or land unless the outstanding debt is paid.

16.21. A local authority can also ask the defendant's local county court to issue an oral examination. An oral examination is a way of finding out about the motorist's income and expenses in order to decide on the most appropriate means of enforcement.

16.22. If it wishes to issue an oral examination or to enforce judgement using one of the methods set out in CHAPTER 16.20, a local authority must ask the PEC to transfer the case to the motorist's local county court.

16.23. A motorist's credit rating will not be affected by enforcement proceedings, as the debts will not be entered in the Register of County Court Judgements either while the case is at the PEC or on transfer to another county court for non-warrant enforcement.

Annex 16.1 *Specimen charge certificate*

Anytown Borough Council
123 High Street
Anytown AB1 2CD

Mr A B Smith
99 Any Street
Hightown
AT6 7RS

1 June 1995

CHARGE CERTIFICATE

Road Traffic Act 1991
Penalty Charge Notice No. XXXXXXXX
Date Issued. XXXXX
Location of contravention. XXXXXXX

I refer to the issue of the above Penalty Charge Notice. A Notice to Owner was sent to you as the registered keeper of vehicle ABC 123 on YYYYYYYY.

[SELECT (a), (b) OR (c):

(a) No response was received.

(b) Representations made by you against the Notice to Owner were subsequently rejected by Anytown Borough Council and a Notice of Rejection was sent to you on ZZZZZZZ.

(c) An appeal by you to a parking adjudicator was dismissed and the adjudicator's decision was sent to you on WWWWWW.]

As the penalty charge has not been paid, in accordance with Schedule 6 to the Road Traffic Act 1991 this Charge Certificate

INCREASES THE CHARGE BY 50% TO £VV.

If payment is not received within 14 days, action will be taken by the Council to recover this sum through the county court. If a debt is registered at the county court against you a warrant may subsequently be issued to bailiffs to seize your goods.

Issued by:
A N OTHER on behalf of the Council.

Chapter

17

Applications for Designation Orders

17.1. In order to introduce decriminalised parking enforcement to its area, a local authority must apply to the Secretary of State for one or more appropriate designation orders. The authorities which are eligible to apply, and the types of order they may apply for, are described in CHAPTER 2. If the Secretary of State is satisfied with an authority's application, he will make an order, or orders, decriminalising the relevant parking offences, either throughout the local authority's area, or in a specified part or parts of its area (see CHAPTERS 2 and 3). The order, or orders, will decriminalise the offences in question by applying the relevant legislative provisions for London, notably sections of Part II of the RTA 1991, with appropriate modifications.

17.2. It is essential that local authorities keep the Department of Transport (or the Welsh Office) informed of their plans from the time they decide they would like to apply for the new powers. Such liaison should enable problems to be identified and tackled at an early stage, so that applications can be processed without delay. If no prior warning is given of an application, there may be delays in processing it. Correspondence and applications from local authorities in England should be addressed to Traffic Policy Division, Department of Transport, Room C10/05, 2 Marsham Street, London SW1P 3EB (until summer 1995) or Great Minster, Marsham Street, London SW1 (from summer 1995). Correspondence and applications from authorities in Wales should be sent to the Welsh Office Highways Directorate, Phase 1 Government Buildings, Ty-Glas Road, Llanishen, Cardiff CF4 5PL.

Content of a local authority's application for a designation order

17.3. A local authority's application for a designation order must contain the following information:

- (a) *Whether the application is for a PPA, SPA or both (see CHAPTER 3).*
- (b) *The proposed commencement date. The proposed date should be a realistic one, bearing in mind the length of time which is likely to elapse between the authority making its application and the coming into force of the relevant designation order (see CHAPTER 17.7 and 17.8, below).*

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- (c) *The area of the SPA/PPA. Where the PPA or SPA covers only part of an authority's area (or of the area of a district within a county) then a schedule of excluded roads in that area or district, or a schedule of the SPA/PPA boundaries, should be included. The application should also explain the reason for any exclusions and should be accompanied by a suitable map in these cases.*
- (d) *Evidence that the local authority has thoroughly reviewed its parking policies, and the way those policies are being implemented (see CHAPTER 3).*
- (e) *Confirmation that by the proposed commencement date, all TROs will have been modified to be consistent with parking decriminalisation; that all relevant signing, plating and road markings, will be present, in a good state of repair and clear in their meaning; and that any parking meters within a PPA will have been converted within six months of the commencement date to take account of the new penalty charge system (with appropriate notices to be affixed to the meters to allow the imposition of penalty charges in the interim) (see CHAPTERS 3 and 11).*
- (f) *Details of the proposed level of penalty charges. The application should confirm that the proposed level of charges is in line with those specified by the Secretary of State and that the charge level will be advertised in accordance with the Secretary of State's requirements (see CHAPTER 4).*
- (g) *Evidence that the authority has considered the effectiveness and the financial implications of operating the new controls and the extent to which the local authority's parking operations are expected to be self-financing. The application should include an assessment of income and expenditure during the first full year of decriminalised parking enforcement. Any significant changes in financial performance expected in following years should also be noted (see CHAPTER 4).*
- (h) *Evidence that the local authority has reviewed its policies and procedures with respect to parking exemptions, waivers and dispensations for disabled people, diplomats, doctors and others (see CHAPTER 5).*
- (i) *Copies of correspondence with the police, other local authorities and, where any part of one or more trunk roads would fall within the proposed SPA/PPA, the appropriate regional office of the Highways Agency, indicating whether they support the application, or any reservations they may have (see CHAPTERS 3 and 6).*
- (j) *Details of the arrangements for the provision of parking attendants and confirmation that, on the introduction of decriminalised parking enforcement, the attendants will have been adequately trained, will conduct themselves in a fitting*

manner and will wear a uniform which is in accordance with the Secretary of State's requirements when exercising prescribed functions (see CHAPTER 7).

- (k) Confirmation that suitable documentation will be used to convey information to motorists, especially an appropriate PCN with unique numbering, and an appropriate NtO (see CHAPTERS 12 and 14).*
- (l) Confirmation that the authority will use the standard contravention descriptions and codes listed at ANNEX 12.3.*
- (m) Evidence that motorists will have adequate payment facilities (see CHAPTER 13).*
- (n) Details of the arrangements for issuing NtOs and for considering representations (see CHAPTERS 14 and 15). Details should also be provided of the procedures for issuing and enforcing charge certificates (see CHAPTER 16). This part of the application should indicate that the Driver and Vehicle Licence Agency (DVLA) and the Parking Enforcement Centre (PEC) are satisfied with, respectively, the authority's proposals for requesting information about registered vehicle keepers and for requesting the registration of charge certificates and the granting of authority to prepare warrants of execution.*
- (o) Details of the local authority's arrangements for ensuring that motorists' appeals are considered by an independent parking adjudicator (see CHAPTER 10, which sets out the framework within which the Secretary of State will require local authorities to develop suitable arrangements).*
- (p) Confirmation that the authority will collect statistics on decriminalised parking enforcement in its area and provide them to the Home Office (see CHAPTER 11).*

17.4. Where a local authority intends to introduce wheelclamping and vehicle removals at the same time as commencing decriminalised parking enforcement, or within a few months of it, the application should indicate how the authority intends to comply with the Secretary of State's recommendations relating to wheelclamping and removals (see especially CHAPTERS 4, 8, 9, 13 and 15).

17.5. Where a local authority does not intend to introduce these operations either immediately or within a few months it should confirm that it will comply with the Secretary of State's recommendations if it introduces such operations in the longer term. It should also explain why it believes the introduction of its own vehicle removals operation is unnecessary in the short term and should indicate whether the police are content (see CHAPTER 8).

17.6. All applications should be accompanied by a request for an order under section 106 of the RTRA 1984 to give the police and traffic wardens

wheelclamping powers in the authority's area, or in the relevant district or districts where a county council is not applying in respect of all of its districts (again, see CHAPTER 8).

Consideration of the application by the Secretary of State

17.7. The Secretary of State will need to consider each application, and is under a statutory duty to consult the appropriate chief officer of police, before deciding whether to make the requested designation order. *Local authorities should be prepared to answer questions about their application and to provide additional information in order to help process their application.* Once the Secretary of State is satisfied with the information from the applicant authority and has completed consultations with the appropriate chief police officer, he will signal that he accepts the application in principle and is minded to make an appropriate order, subject to the satisfactory completion of outstanding tasks by the authority. The Secretary of State will aim to give his agreement within eight weeks of receiving an application. The designation order will then be made and laid before Parliament twenty-one days before it is due to come into force.

17.8. Once its application has been approved in principle the local authority will need to amend its existing TROs so that they can be enforced from the proposed commencement date (see CHAPTER 3). The Local Authorities' Traffic Orders (Procedure) (England and Wales) (Amendment) Regulations 1993 provide a simplified and streamlined procedure where TROs need to be amended solely as a consequence of the introduction of the new system of decriminalised parking enforcement. Substantive changes to TROs will take longer to make and, if these changes are also to come into force on the commencement of decriminalised parking enforcement, local authorities will need to initiate the necessary procedures at a suitably early date. Any other tasks which need to be finished before the commencement date must also be completed (eg. giving notice of the proposed level of penalty charges).

Chapter

18

Contracts and Compulsory Competitive Tendering

Activities subject to compulsory competitive tendering (CCT)

18.1. Under the Local Government Act 1988 (Competition) (Defined Activities) (England and Wales) Order 1994 (SI 2884/1994), local authorities enforcing decriminalised parking must put out to competitive tender certain elements of decriminalised parking enforcement (the “defined activity”). The dates when this requirement takes effect are set out at CHAPTER 18.7. After these dates, local authorities will only be able to undertake the defined activity using directly employed staff if the activity has first been put out to competitive tender.

18.2. The defined activity comprises:

- (a) The fixing or giving of Penalty Charge Notices under section 66 of the RTA 1991.
- (b) The fixing or removal, or authorising the fixing or removal, of wheelclamps under section 69, RTA 1991.
- (c) The removal, or the making arrangements for the removal, of vehicles in pursuance of the Removal and Disposal of Vehicles Regulations, where the removal is effected by parking attendants or arranged by them and carried out by a specialist vehicle removal operator.
- (d) The making of arrangements for the storage, release or disposal of vehicles removed as mentioned in paragraph (c) above (ie. vehicle pound management).

18.3. Decriminalised enforcement of parking offences at local authority off-street car parks will be subject to CCT in the same way as decriminalised on-street parking enforcement.

18.4. The defined activity will be subject to the requirements of Part I of the Local Government Act 1988, the Local Government (Direct Service Organisations) (Competition) Regulations 1993 (SI 1993/848), EC procurement directives and the guidance contained in DOE Circular 10/93

(Welsh Office Circular 40/93). Local authorities will also be aware of the Chancellor of the Duchy of Lancaster's guidance on the implications of the Transfer of Undertakings (Protection of Employment) Regulations, or "TUPE", (11 March 1993) and the Issues Papers on the handling of "TUPE" matters in relation to CCT (21 January 1994) produced by the Department of the Environment and by the Welsh Office.

18.5. However, CCT requirements do not apply where the estimated gross value of items (a) to (d) in CHAPTER 18.2, above, in the preceding financial year does not exceed £100,000 [see the Local Government Act 1988 (Defined Activities) (Exemptions) (England) Order 1988 (SI 1988/1372) and the corresponding order for Wales (SI 1988/1469)]. Expenditure on matters related to parking enforcement but which are not subject to CCT, such as the cost of issuing waivers and dispensations and processing Penalty Charge Notices, should not be taken into account when deciding whether the £100,000 threshold would have been exceeded. Local authorities' estimates will need to be accepted by their external auditors.

18.6. Local authorities should also be aware of section 2(5) of the Local Government Act 1988, which allows for any defined activity work undertaken by an authority's employee to be discounted for CCT purposes where that work takes less than 50% of his or her work time.

Date from which the CCT requirement will apply

18.7. For metropolitan district authorities, activities will be subject to CCT from 1 January 1996. For non-metropolitan authorities, the introduction of CCT will depend on the date of reorganisation following the current local government review.

Date of reorganisation	Start of CCT
1 April 1995	1 October 1996
1 April 1996	1 October 1997
1 April 1997	1 October 1998

The Department of the Environment is currently consulting on the date of introduction of CCT where an authority is reviewed by the Local Government Commission but is not subsequently reorganised.

Activities which cannot be contracted out

18.8. There is one function which will be conferred on local authorities by any designation orders made by the Secretary of State and which cannot be contracted out. That is the function of considering representations by motorists about penalty charges, and charges for the wheelclamping, removal, storage or disposal of a vehicle. This role must be carried out by the local authority concerned (although in practice the task can be delegated to an officer of the authority, under section 101 of the Local Government Act 1972).

18.9. Local authorities will also be responsible for formulating their parking enforcement policies and overseeing their implementation, including the monitoring of external or in-house contractors. Although these functions cannot be contracted out, there may well be scope for buying in services, for example, in reviewing the efficacy of TROs when considering the introduction of decriminalised parking enforcement and in monitoring subsequent

improvements in compliance with parking controls. Care is needed where a contractor is appointed to design and implement a Controlled Parking Zone (CPZ) and to enforce decriminalised parking within it. If income from penalty charges is to pay for the CPZ's design and implementation, there may be an incentive for the contractor to design a CPZ which maximises income, rather than provides the greatest traffic management benefits.

Activities not subject to parking CCT

18.10. There are a number of activities related to parking enforcement which will not be subject to parking CCT, including:

- (a) Maintaining parking meters and pay-and-display machines, including emptying meters and machines and banking and accounting for the cash.
- (b) Operating payment centres where these are not part of a vehicle removal or wheelclamping service.
- (c) Issuing waivers and dispensations to motorists in accordance with local authority policies.
- (d) All aspects of the processing of PCNs, except decisions on representations from motorists. Where the processing of PCNs is contracted out, local authorities might wish to consider whether some of the tasks involved should remain their responsibility, with the contractor providing only administrative support. This will allow potentially sensitive activities to be under an authority's direct supervision. The tasks in question are:
 - (i) Dealing with persistent correspondents, letters about attendants' behaviour or about policy matters.
 - (ii) Preparing cases going to an adjudicator.
 - (iii) Authorising the registration of charge certificates and requests for warrants of execution from the Parking Enforcement Centre.
 - (iv) Considering further action following receipt of statutory declarations.
 - (v) Instructing certificated bailiffs.

18.11. Local authorities will need to consider whether any of these activities are subject to other CCT regimes, and, if they are not, whether they should be subject to voluntary competitive tendering, perhaps in conjunction with activities subject to CCT.

Issues to be considered when tendering decriminalised parking enforcement functions

18.12. The following sections discuss a number of key issues which local authorities will need to consider before putting decriminalised parking enforcement functions out to tender. They are based on the experience gained to date when contracting out these activities in London.

The number of contracts

18.13. Decriminalised parking enforcement operations can be put out to tender in a number of different combinations. To take examples at both ends of the spectrum, one London Borough has divided its enforcement operations between eight separate contractors, whilst another has let a single contract to run its whole enforcement operation except for clamping and removals, the consideration of representations and the more sensitive aspects of pursuing non-payers. Most London authorities have adopted a middle course, as the examples at ANNEX 18.1 illustrate.

18.14. The main advantage of packaging activities into larger contracts is that it transfers from the authority to the contractor the task of ensuring that the different and often complex components of enforcement link together in a satisfactory manner. Contract letting and contract management are therefore considerably simplified.

18.15. Tenders for combined contracts are also generally more competitive. Where contractors have been given the opportunity to submit tendered prices for contracts individually and in combination, lower tenders have been submitted for combined contracts. Contractors have been able to reduce their overheads by, for example, only requiring one set of premises and one contract manager for what could have been two or more contracts.

18.16. However, letting a number of separate contracts may produce cost savings over the longer term. It is clearly important to ensure that no single contractor gets into a position where re-letting a contract to another contractor becomes unduly difficult or expensive because the original contractor has established an entrenched position. Having more than one contractor is arguably more likely to promote competition at the next tendering round, especially if the various contractors have the capability to do work themselves which is currently being done by another contractor.

18.17. Companies can also fail on occasion. Having more than one contractor in place may make it easier to cope with such an emergency if the remaining contractors have the ability to take over from a failed rival until a new contract can be let.

18.18. When deciding how to contract out parking enforcement activities, local authorities should have regard to the Secretary of State's recommendation that authorisations for towing away and clamping should be given by people who are independent of the contractor carrying out the work (see CHAPTER 9).

Length of contracts

18.19. Typically, contracts let by the London Boroughs have been for between three and five years, sometimes with provision for renewal for a further one or two years. Contracts subject to CCT will need to be for a minimum of four years and a maximum of six years in England, and a minimum of three years

and a maximum of five years in Wales. Contracts of less than three or four years' duration are likely to increase costs as contractors have less time over which to recover their setting-up costs. Contracts of more than five or six years are likely to mean that the local authority does not secure the full benefits of competition.

Setting objectives

18.20. Before a contract specification can be drawn up the local authority needs to formulate clear objectives for the relevant aspect of decriminalised parking enforcement. The local authority's objectives need to be reflected in its contract specifications by appropriate incentives and penalties, so that both parties to a contract have, as near as possible, common objectives. If there is a substantial discrepancy between the objectives of the two parties, the contract is unlikely to run smoothly.

18.21. Ultimately, the objective of parking enforcement is to achieve an acceptable level of compliance with parking controls, whilst taking into account the cost of enforcement. Very high levels of enforcement will improve compliance, but will increase the costs and, through more effective deterrence, reduce the revenues of the enforcement operation. Local authorities therefore need to estimate what level of enforcement will be needed to achieve both their policy and financial objectives. Realistic estimates should ensure that contracts remain effective and viable for their duration.

18.22. The appropriate level of enforcement can be defined in a number of different ways. Typical approaches for PCN issuing contracts in London have included:

- (a) Frequency of patrol requirements, where restricted or permitted parking spaces have to be visited a specified number of times during different periods of each day.
- (b) Beat frequency requirements, where specified beats have to be covered to a specified daily frequency.
- (c) Number of parking attendants deployed.
- (d) Number of PCNs issued, usually in combination with (a), (b) or (c), above.

Good quality information about the type and length of kerbspace to be enforced and its parking problems is essential if the right level of enforcement is to be achieved.

Allowing sufficient time to prepare and let contracts

18.23. Experience suggests that tendering out a contract can take between eight and ten months, from the initial advertisement to the point where the successful tenderer is ready to commence operations. It is therefore vital to prepare a realistic timetable for letting contracts, which is consistent with the local authority's overall timetable for the introduction of decriminalised parking enforcement. The contract specification will be essential in ensuring that a contractor delivers the level of service which the local authority wants, so particular attention should be paid to this task.

Ensuring the contract period is completed

18.24. The failure of a contractor could mean that parking enforcement is greatly disrupted or even made impossible for several months, with disastrous

consequences for traffic management and road safety in the authority's area. It is therefore vital that contracts are let to companies which can show they have the ability to carry out the contracted tasks. Equally, whilst ensuring that contracts provide good value for money to the authority, it is crucial that they are structured so that both parties to the contract are satisfied with the outcome. A contract must enable the contractor to make a reasonable level of profit for a reasonable level of performance, so that he can remain in business and honour the contract.

Keeping it simple

18.25. When drawing up contracts, the local authority should try to keep things simple. The work of managing a contract or group of contracts can be considerable and is increased where there are several contracts, or contracts with complex terms and conditions. In general, contractors also prefer simple contract terms.

Liaising with the contractor

18.26. The local authority should appoint a contract manager at an early stage, so that he or she can become familiar with the specification before the contract period commences. The contract manager should liaise closely with the contractor, both on a day-to-day basis and at more formal regular meetings. The contract manager should have ready access to all necessary information and the contractor should be required to produce regular performance reports.

The need for flexibility

18.27. As with all new contracts, it is essential to work with the contractor, especially in the early stages of the contract, to solve problems and improve performance. Flexibility and a willingness and ability to change the requirements of the contract specification are essential. A contract which sets out the schedule of rates for different activities and the provision of different categories of staff will facilitate later changes in enforcement levels. Any changes should, of course, be formally agreed and documented.

Liquidated damages

18.28. Liquidated damages clauses in contracts can be valuable in enabling compensation to be paid to the authority where it has had to incur costs in remedying a default by the contractor. However, it may be desirable for liquidated damages not to be payable during the initial stages of the contract (eg. the first three months), as the contractor gets used to operating the contract.

Re-letting a contract

18.29. Contract terms and conditions should ensure continuity of enforcement with the minimum amount of disruption when a contract ends, or is terminated, and a new contractor is appointed. This is particularly important for PCN processing, where information processed by the out-going contractor will still be needed to pursue outstanding penalty charges.

Payment formulae for PCN issuing, PCN processing and clamping and removals contracts

18.30. Advice about the payment formulae which can be used for PCN issuing, PCN processing and clamping and removals contracts is provided below. It should be read in conjunction with the descriptions of specific contracts let by London Boroughs (see ANNEX 18.2).

PCN issuing

18.31. It is possible to structure the terms of a PCN issuing contract so that the contractor is paid solely on the basis of valid PCNs issued. However, such contracts are liable to lead to over-zealous enforcement, with consequent

adverse public reaction. On the other hand, a contract which includes no payment related to the issue of valid PCNs might impair effective enforcement by failing to provide the contractor with the right incentives.

18.32. Many London authorities have approached this problem by dividing the tender specification for their PCN issuing contract into three components and requiring tenderers to complete a schedule of rates setting prices for each. Such a contract provides an incentive to issue the number of PCNs which the local authority considers reasonable, whilst deterring over-zealous enforcement. It also gives considerable flexibility to vary the level of enforcement, either up or down, in response to changing circumstances. The three elements are:

(a) The fixed costs of the contract.

A monthly price to cover the fixed costs and certain overheads of the contract. This is generally limited to about 20% of the contract value.

(b) The staffing costs.

A price per parking attendant. Tenders have been sought on several slightly different bases, but rates could be sought for different grades of attendant (eg. basic, senior, supervisor) and for different working hours (eg. daytime, night-time, Sunday). This component of the contract generally accounts for around 60% to 70% of the contract value.

(c) The incentive for good performance.

A relatively small element (10–20%) of the contract price is dependent on the number of “valid” PCNs issued. It is important to define a “valid” PCN in a way which meets the local authority’s enforcement objectives. At the most basic level, PCNs which have to be cancelled due to parking attendant errors should not be counted as valid. However, a “valid” PCN can also be defined in such a way that a contractor receives no additional money (or even loses money) for over-zealous or uneven enforcement. This can be achieved by stipulating that PCNs are not “valid” (or even give rise to a financial penalty) if more than a specified number are issued overall, or in particular areas or for particular contraventions, within a given period. Table 18.1, below, provides an illustration.

Table 18.1. Example of amounts paid to a PCN issuing contractor for varying levels of performance against an overall PCN “target issue rate”

Percentage of PCNs issued	Below 90%	90–95%	95–105%	105–110%	Over 110%
Amount paid to contractor	85%	95%	100%	95%	85%

An appropriate IT system will be needed to ensure that the contractor complies with a contract where the type and location of each contravention is relevant.

18.33. The contract could also list contractor defaults which attract a financial penalty (eg. the failure of a parking attendant to be properly dressed and equipped while on duty). Some authorities have allocated points to the various defaults and have set a monthly threshold below which liquidated damages are not payable.

18.34. Whilst this type of contract may appear to be quite complicated, it does create the incentives which help bring the contractor's objectives into line with those of the local authority. To help guide tenderers through the process of compiling their bids a computer programme has been made available to tenderers by some London authorities.

18.35. Given the importance of striking the right balance between inefficient and over-zealous enforcement, it is particularly important to ensure that changes to this element of a contract can be negotiated during the course of the contract.

PCN processing

18.36. Given the relative simplicity of PCN processing, the pricing formula for this work can be much simpler than that for PCN issuing. For example, the contractor can be paid a unit price per PCN logged on to the processing system, or per PCN paid, or some combination of the two. The first of these three options is probably the least desirable as it provides no real incentive to the contractor to make reasonable attempts to recover monies due to the authority from motorists.

18.37. The pricing formula need not reflect all of the stages of PCN processing, such as a separate price for cases where there are representations or which go to adjudication, as this makes for a cumbersome pricing mechanism. Instead, the contract specification could define the processing cycle and the local authority's policies for pursuing unpaid PCNs, leaving the contractor to price his bid based on the totality of the work which he is likely to have to undertake. Alternatively, if the local authority wished to consider individual cases where, for example, a PCN was still unpaid after a charge certificate had been served, then tenderers could be asked to quote separate prices for registering a charge certificate, gaining authorisation to serve a warrant of execution, etc..

Wheelclamping and removals

18.38. Wheelclamping and removals are discussed together in this section because they have many common characteristics from a contracting point of view. However, this does not imply that the two activities need necessarily be put to tender as a single package.

18.39. The normal payment method in London is similar to that for PCN issuing and involves the contractor being paid for work done, in accordance with his tendered schedule of rates. It is possible to pay just for "actions" (ie. successful clamps or removals, where the definition in the specification covers what is considered "successful"). This method encourages the contractor to clamp or remove as many vehicles as he can, with the associated risks of speeding by crews, over-rapid pick-up with ensuing damage to vehicles, adverse public reaction, etc.. Although this method might be seen as encouraging over-zealous enforcement, the contractor will be subject to the constraint that he can only clamp or remove vehicles on the instruction of a third party (ie. a member of the authority's staff or a parking attendant employed by another contractor). The number of "actions" can also be restricted crudely by limiting the number of clamping vans or removal lorries on the streets at any specified time.

18.40. On the other hand, some London authorities are paying their contractor a fixed sum for the provision of a clamping van or removal lorry each day, regardless of the number of clampings or removals carried out. This approach clearly removes any incentive to over-zealous enforcement, but it also

reduces the contractor's incentive to carry out what the authority believes to be a necessary level of clamping or vehicle removal.

18.41. As with a contract for PCN issuing, it may be desirable to combine fixed fee and "payment by results" elements in a clamping and removals contract. The latter element could be restricted so that it does not exceed, say, 25% of the total contract value. This approach reduces the incentive for over-zealous enforcement. However, it does give the contractor a financial incentive to clamp or remove vehicles quickly and efficiently, in accordance with the authority's policies.

18.42. A more sophisticated version of this type of contract would involve different prices for different categories of "action" – for example, a scale of payments for clamping or removal of high, medium and low priority vehicles, or vehicles within different geographic areas. This approach can help to overcome any tendency for a contractor to concentrate on removing vehicles which are situated nearest to the vehicle pound.

18.43. As a further safeguard against over-zealous enforcement, default penalties could be imposed for such matters as damaging a vehicle in the course of clamping or removal, or clamping or removing a vehicle without proper authorisation.

**Contracts to provide
Information
Technology services**

18.44. Information technology (IT) is central to the enforcement of decriminalised parking in London. Some authorities have let contracts specifically to provide and maintain an IT service for the authority and its other contractors, in a manner similar to a facilities management contract. In other cases, local authorities have included the provision of IT facilities within the contract for another service (eg. PCN processing). In all cases, the performance of the contractor providing IT services and information will have a significant effect on the ability of other contractors to meet their contract specifications, so there needs to be particularly careful drafting of contracts and service level agreements.

18.45. Tendering for this service, whether alone or in conjunction with other business areas, is usually based on a schedule of rates. This can specify quite simple aspects such as the price for the initial requirement of computer terminals and printers for a defined service, with another price for any additional terminals and printers required subsequently.

18.46. Authorities should note that a certain percentage of local authority IT services are to become subject to CCT. Authorities may therefore prefer to package parking enforcement and its supporting IT systems together (but having regard to guidance on anti-competitive practices (DOE Circular 10/93) and the EC procurement directives).

**Contracts for other
tasks**

18.47. There are a number of tasks related to parking enforcement, such as permit issuing, meter suspensions, the operation of "parking shops", etc.. Where these activities have been contracted out, the practice in London has been to include these activities within one or more other contracts, rather than to have separate contracts. Pricing can use the schedule of rates approach, with a simple unit price structure for each permit correctly issued, meter suspended, etc..

Annex 18.1 *Examples of how various London Boroughs have contracted out decriminalised parking enforcement functions*

Note. Activities which will be subject to parking CCT are in italics.

Borough A

1. Separate contracts have been let for the following activities:

- (a) *PCN issuing (including clamping and removals authorisation) and processing (including management of a payment centre, but excluding consideration of representations).*
- (b) *Wheelclamping, removals and pound management.*
- (c) Bailiff services.

Other activities are being carried out in-house and were not put out to tender.

Borough B

2. Separate contracts have been let for the following activities:

- (a) *PCN issuing (including clamping and removals authorisation) and processing (excluding consideration of representations).*
- (b) *Wheelclamping, removals and management of vehicle pound and payment centres.*

Other activities are being carried out in-house and were not put out to tender.

Borough C

3. Separate contracts have been let for the following activities:

- (a) *PCN issuing (including clamping and removals authorisation).*
- (b) *Wheelclamping and removals and management of vehicle pound.*
- (c) Revenue recovery for PCNs which remain unpaid after the procedures for representations and adjudication have been gone through.

Contractors were already being used by the authority to operate and maintain on-street parking meters. Other activities, including PCN processing up to and including adjudication, are being carried out in-house and were not put out to tender.

Borough D

4. *PCN issuing* has been contracted out, but processing is being carried out in-house and was not put out to tender. Representations from motorists are considered by an appeals officer who is independent of the rest of the

authority's PCN processing operation. If *vehicle removals or wheelclamping* are introduced, they will be carried out by an external contractor (with authorisations performed by parking attendants).

Annex 18.2 *Examples of parking enforcement contracts let by the London Boroughs*

Examples of contracts for the provision of parking attendants

Borough 1

1. After discussions with the police and traffic warden service, the Borough decided that the contractor should be expected to issue some 5,500 PCNs per month. This total was divided between seven geographical areas, taking account of the location of the Borough's Controlled Parking Zones and other restrictions. Within each area, the expected number of PCNs to be issued was further divided into three categories (on-street permitted parking; waiting and loading restrictions; and the footway parking ban in London). This method produced a monthly figure for PCNs to be issued for each category of contravention in each geographical area. Based on these figures, the Borough and the contractor have agreed minimum and maximum issue rates for each area and each contravention. In addition, the contractor must maintain at least a minimum frequency of visits for each category of contravention in each area of the Borough.
2. Payments to the contractor comprise three elements: a fixed sum per month, a sum per parking attendant provided and a sum related to the number of valid PCNs issued in each area and for each category of contravention, compared with the expected monthly issue rates. The contractor is liable to incur default points for failure to achieve the minimum visit frequencies, or if the number of valid PCNs issued in an area for a category of contravention falls below the minimum agreed. As a deterrent to over-zealous enforcement the contractor receives a reducing payment for issuing more than the expected total number of PCNs, provided that the actual number of PCNs issued in each area and for each category of contravention is not in excess of the agreed maximum.
3. By allocating PCN issue rates by area and contravention category the Borough is able to ensure that the contractor does not concentrate on one specific area of the Borough to the detriment of another area, or concentrate on a specific contravention at the expense of overall good enforcement. By requiring monthly figures for each area and category of contravention, the Borough is able to identify quickly any significantly high or low issue rates and to take the matter up with the contractor. The method of calculating the contractor's fee encourages the contractor to meet the Borough's expected PCN issue figures, and to exceed them where contraventions occur, whilst discouraging over-zealous enforcement. PCNs which are rejected as invalid by the authority or an adjudicator do not count when calculating the contractor's fee.
4. The expected issue rates are scheduled for review six months and one year after operations commence and annually thereafter. The first review, in particular, will enable the Borough to set more accurate targets for the contractor, taking account of observed levels of compliance.

Borough 2

5. Parking attendants must issue PCNs, authorise wheelclamping and vehicle removal and perform all necessary ancillary operations. Attendants are required

to make a minimum number of visits to specified categories of area between specified times. For example, one visit must be made to each low tariff parking place between 8.30am and 1.30pm, Monday to Saturday, and between 1.30pm and 6.30pm, Monday to Friday. More frequent visits are needed to higher tariff parking bays, and visit frequency requirements are also set for restricted parking and uncontrolled areas (to enforce the footway parking ban in London).

6. Payments to the contractor comprise three elements. First, a fixed sum to meet the contractor's costs in providing premises and contract management. Second, a sum for each attendant employed, taking account of the times and hours worked and the seniority of the attendant. Finally, a sum calculated on the number of PCNs issued, compared with specified ticket issue performance targets. These targets have been set for contraventions on different types of road within the Borough (ie. primary, secondary, district and local roads). For local roads, the full fee is paid if, each month, the contractor issues PCNs within a range 5% either side of the target, with a deduction of 10% of the fee for being 5–10% from the target and a deduction of 20% for being more than 10% from the target. For all other roads, the deduction is 5% of the fee for being 5–10% from the target and 15% for being more than 10% from the target. The reduction in the contractor's fees where the performance target is exceeded provides a strong disincentive against over-zealous enforcement.

7. The contractor is also liable to claims for liquidated damages for failure to meet contractual requirements. Penalty points have been set for various defaults (eg. a parking attendant error resulting in non-collection of a PCN attracts 50 penalty points). In particular, liquidated damages can be claimed if the contractor falls significantly short of minimum patrol frequency requirements, as each failure attracts five penalty points per street per day. The Borough is able to monitor this aspect of parking attendants' activities by checking location entries on attendants' hand-held computers. If the overall monthly total of penalty points exceeds 1,500, the same amount (in £s) will be payable by the contractor.

8. During the first three months of the contract, no penalty points will be deducted for failure to meet minimum patrol frequency requirements. During the first six months, no reduction in payments will be made if the contractor issues fewer PCNs than the lower limit of the target range, although deductions will be made if over-zealous enforcement results in the target range being exceeded.

9. As a further deterrent to over-zealous enforcement, the contractor is required to ensure that no more than 10% of an employee's salary is linked to performance measures.

10. The contract also provides for weekly meetings between the contractor and officers of the Borough to discuss enforcement operations in detail or specific cases, and for monthly meetings at a more senior level to consider wider policy issues. These meetings enable the two parties to vary the terms of the contract, including changing ticket issue performance targets.

11. The contractor must also submit an annual report to the Borough, assessing performance in each activity covered by the contract, identifying

problems which occurred and the solutions adopted and identifying any improvements in operational methods and proposals for revisions to the contract, including the indexing of rates. The annual report must also incorporate the latest audited accounts for both the contract with the Borough and the company as a whole.

Borough 3

12. Borough 3 has also set expected PCN issue rates, in this case for twelve parts of its area. It has also set issue rates within each geographical area for eight specific categories of contravention, including parking contraventions on Sundays and Bank Holidays, at restricted bus stops, outside schools and on the footway. However, around 90% of contraventions are expected to be straightforward contraventions of permitted or restricted parking controls between 8am and 6.30pm, Monday to Saturday.

13. The contractor is paid a fixed fee, but can incur financial penalties, in particular, for failing to meet the target PCN issue rates. The Borough is aware that the appropriate level of enforcement is likely to need fine-tuning in the light of experience, so no financial penalties will apply in the first year if the contractor fails to meet targets. After a year, the target issue rates will be reviewed and the contractor will then become liable to financial penalties. The contract also provides for quarterly reviews, so that targets can be adjusted by agreement in the light of changed circumstances.

14. The contractor is also required to respond within two hours to requests to attend a site to deal with a particular parking problem, and, over a longer period, to follow any written instructions from the Borough to concentrate enforcement on a particular contravention or in a particular area. Failure to meet these requirements can result in claims for liquidated damages.

Borough 4

15. Tenderers were asked to submit bids comprising two elements: first, an annual sum, to be paid in monthly instalments, to cover fixed costs, such as management, equipment, accommodation and transport; second, a quarterly sum to cover variable costs, principally the expenses associated with training and employing parking attendants, supervisors and ancillary staff. Within the variable cost part of their bid, tenderers were asked to state their fees for a lower, middle and higher range of PCNs issued (ie. 42,000 to 54,000, 54,001 to 66,000 and 66,001 to 78,000). No more than 15% of PCNs issued are to be for contraventions of the footway parking ban in London.

16. For the first six months, the contractor is expected to achieve a PCN issue target in the lower range, after which time the issue target will be reviewed periodically and, if necessary, raised to the next level. No bonuses or liquidated damages can be claimed in the first quarter, but after that period deductions or enhanced payments will be made. If, at any time, the contractor falls 1,000 PCNs short of the lower end of the range, he will forfeit 10% of his variable cost bid, with forfeits of 20% and 30%, respectively, for falling 2,000 and 3,000 PCNs short of the lower end of the range. On the other hand, if the contractor exceeds the upper end of the range by up to 1,000 PCNs, he receives 5% more than his variable cost bid, with 10% and 15% more for, respectively, being up to 2,000 or more than 2,000 PCNs above the higher end of the range. The Borough believes that this type of contract provides sufficient

incentive for the contractor to operate efficiently, without encouraging over-zealous enforcement.

17. The contract also specifies minimum frequency requirements for parking attendant visits to different parts of the Borough. The Borough cannot claim liquidated damages for non-compliance, but it can terminate the contract for serious breaches which have not been remedied within 14 days of receiving a written demand to do so. In practice, the Borough expects any problems to be addressed at meetings with the contractor, which will be held at least once a month.

**Example of contract
for PCN processing**

Borough 5

18. The PCN processing contractor is responsible for providing a comprehensive computerised system on which all PCNs are logged and processed. The system's software is compatible with the hand-held computers used by parking attendants, so that data on issued PCNs can be quickly transferred. The contract ensures that PCNs can continue to be processed if a new contractor is appointed following a later tender competition.

19. The contractor receives £1 for each valid PCN processed, irrespective of whether payment is received and a tendered amount following payment of the penalty charge. Liquidated damages can be claimed by the Borough for various defaults (eg. if there are more than a specified number of cases lost through a procedural error by the contractor). The contractor is also required to perform certain tasks within a specified period (eg. issuing a NtO 28 to 35 days after an unpaid PCN was issued), otherwise the contractor may be liable to a financial penalty. The aim is to encourage the contractor to process PCNs quickly and accurately.

**Examples of contracts
for wheelclamping,
vehicle removal and
telephone information
and payment services**

Borough 6

20. The contractor is responsible for carrying out wheelclamping and vehicle removals, and managing a vehicle pound and two payments centres (one of them at the vehicle pound). The Borough set figures for the expected number of clampings and removals and tenderers were invited to bid for the charges they would make per clamping and removal, and also for dealing with long-term storage of vehicles and their disposal (eg. cost of disposal at auction, cost of decanting to a second pound). Tenderers also had to specify the number, type, hours and salary of the staff they would employ on the contract and the number of clamping vans and removal trucks they would use. Any changes in staffing or equipment levels by the contractor require the Borough's consent.

21. The contractor is paid for each vehicle successfully removed to the vehicle pound, each relocation of a vehicle to another street and the storage of vehicles at a decant site, if one is used in future. The contractor is also paid for each unclaimed vehicle scrapped or sold at auction and for each hour that the Borough suspends removal operations. For wheelclamping, the contractor is paid for each vehicle successfully clamped and then declamped within two hours of payment of the necessary charges (or if charges are waived or deferred by an officer of the Borough). Where the Borough orders clamping operations to be suspended, the contractor is also entitled to payment for each hour lost.

22. The contractor is liable to claims for liquidated damages for failure to meet contractual requirements. Penalty points have been set for various defaults

(eg. damage to a vehicle being clamped, removed or in storage attracts 150 penalty points and failure to provide a clamping van or removal truck at the start of a shift, 350 points). If the monthly total of penalty points exceeds 1,500, the same figure (in £s) is payable by the contractor.

23. In order to secure the best vehicle pound, the tender documents asked tenderers to submit a separate bid for the provision of a pound meeting the Borough's specification. This enabled the Borough to choose between making a pound site of its own available for use by the contractor, requiring the contractor to use the site identified in his bid, or requiring the contractor to use a site proposed by an unsuccessful tenderer, subject to the latter's agreement.

Borough 7

24. The Borough has awarded separate contracts for wheelclamping, removals and the provision of a telephone information service on parking matters. Although tenderers were able to bid for a combined clamping and removals contract, the Borough decided that separate contracts offered better value for money overall.

25. The wheelclamping contractor is responsible for carrying out wheelclamping and for collecting declamping fees and associated penalty charges at a payments centre provided by the Borough. Monthly payments to the contractor comprise three elements. First, the tendered cost of the contractor's principal overheads (especially the cost of equipping and staffing the payment centre). Second, the tendered cost of providing clamping vehicles and crews to carry out the target number of clampings which the Borough considers necessary to secure an acceptable level of compliance. Finally, the contractor is paid £1 for each successful "high priority" clamp and 50p for each successful "medium priority" clamp completed. "High priority" clamps are primarily vehicles identified as belonging to persistent evaders. "Medium priority" clamps are vehicles parked at a parking meter in contravention for over 45 minutes or parked at an out-of-order meter. The contractor is paid at his tendered rates for each additional vehicle and crew required for special operations, or if fewer than the expected number of vehicles and crews are needed to carry out enforcement during the normal hours of the contract.

26. The contractor is liable to claims for liquidated damages for failure to meet contractual requirements. Penalty points have been set for various defaults (eg. each failure to deal with an item of correspondence from the public within the specified time attracts 50 penalty points as does each failure to maintain the payments centre to the required standard of safety and cleanliness). If the monthly total of penalty points exceeds 49, the same figure (in £s) is payable by the contractor. For more serious or persistent failures the Borough has the right to make additional deductions and to take over some or all of the contractor's tasks until the contractor can show that the deficiencies will not recur. Disputes between the contractor and the Borough over liquidated damages and other matters can be taken to an independent expert acceptable to both parties and whose decisions are binding.

27. The removals contractor is responsible for vehicle removals and the management of a vehicle pound and payment centre. Although the pound is provided by the Borough, the contractor is responsible for its fitting out,

including the provision of a payments centre. The contractor must also provide a suitable decant pound for unclaimed vehicles.

28. As with the wheelclamping contract, the contractor is paid the tendered sum to cover his overheads and a variable sum reflecting the number of removal trucks and their crews which are used during each month. In this case, tenderers were able to submit different prices for the cost of a removal truck and crew at various times of the day and for Saturday and Sunday working. The contractor also receives £2 for each successful "high priority" removal and £1 for each successful "medium priority" removal. "High priority" removals include vehicles parked in contravention which are causing a danger or an obstruction and vehicles occupying a resident's bay without displaying a permit. "Medium priority" removals include vehicles parked in contravention and causing a minor obstruction and vehicles parked in contravention of the London footway parking ban.

29. In addition to these three payments, the contractor is paid at his tendered rates for each additional vehicle and crew required for special operations or if fewer than the expected number of vehicles and crews are needed to carry out enforcement. The contractor is also paid the tendered price each time a vehicle is moved to the decant pound, auctioned or sold for scrap. The contractor is not paid separately for the storage of vehicles at the main pound, but he is paid for their storage at the decant pound should the main pound run out of capacity.

30. As with the wheelclamping contract, there is provision for default points, liquidated damages, procedures for serious failures by the contractor and the expert determination of disputes.

31. The Borough has let a separate contract to set up and run a telephone information service on all aspects of parking in the Borough. In particular, the contractor must answer queries from callers about clamped or removed vehicles, parking charges, permits, yellow line restrictions, availability of off-street car parking spaces, etc., and must accept credit card payments over the phone for the payment of penalty charges and clamping and removal release fees. The system is reliant on an IT system, used by all of the Borough's parking enforcement contractors, from which up-to-date information can be taken and into which payment details can be programmed.

32. Tenderers were asked to quote figures for three distinct elements. First, a sum to cover the fixed costs of providing a service capable of answering the number of telephone calls which the Borough expects its parking operations will generate each month. The successful tenderer was required to provide an automatic call distribution system, ownership of which would pass to the Borough at the commencement of the contract and payment for which would be included in the fixed cost element of the contractor's monthly fee. Second, a figure for the cost of staffing the operation, which required tenderers to estimate the number of full-time equivalent operators needed to do the work and the cost per employee. Finally, tenderers had to quote a price for each "successful call" (ie. accepted onto the call distribution system within 5 seconds of the call being initiated, answered by an operator within a further 15 seconds and, once completed, correctly followed up). This final element of the tender had to be within 40–45% of the price of the other two elements combined. If

the actual number of calls received is more than 5% above or below the Borough's estimate, the contractor will receive a higher or lower payment based on the tendered cost per employee, not the tendered cost of dealing with each call.

33. A system of default points, liquidated damages, etc. applies in a way similar to the contracts for clamping and removals. In particular, the Borough has set a target that 98% of all calls accepted by the automatic call distribution system should be "successful calls" in each four hour period of each day. One penalty point is awarded for each percentage point by which the contractor falls below this level of service in each four hour period. The contractor therefore needs to maintain an accurate computerised record of the time and result of all incoming calls.