

# Appendix 3

## Penalty Charge Notices and Statistics



## **Appendix 3**

### **Section 1 - Efforts to provide a better service**

We continue to make improvements to ensure the experience of making an appeal is clearer and less stressful, including:

- better use of plain language;
- less jargon;
- more information on the web and on the PCN itself;
- providing policy information about specific contraventions and the facility to view evidence and make an appeal online.

### **Section 2 - How parking charges are set**

Parking charges in London are set by London Councils Transport and Environment Committee (TEC). The charges are set after consultation with London Local Authorities, the Metropolitan Police and other interested organisations. The consultation results are collated and recommendations are put to TEC for the levels of charges. Once the charges are agreed, they are submitted to the Mayor for London for his approval and subsequently agreed by the Secretary of State.

### **Section 3 - How PCNs are issued**

As the table below illustrates, we use four different methods to issue PCNs. During the period of this report, the vast majority 69,351 (78%) were issued in person by a Civil Enforcement Officer (CEO) for a parking contravention. This is a traditional method whereby the notice is fixed to the windscreen or handed to the driver. A challenge may be made against the PCN before the Notice to Owner is issued to the registered keeper and a representation may be made afterwards.

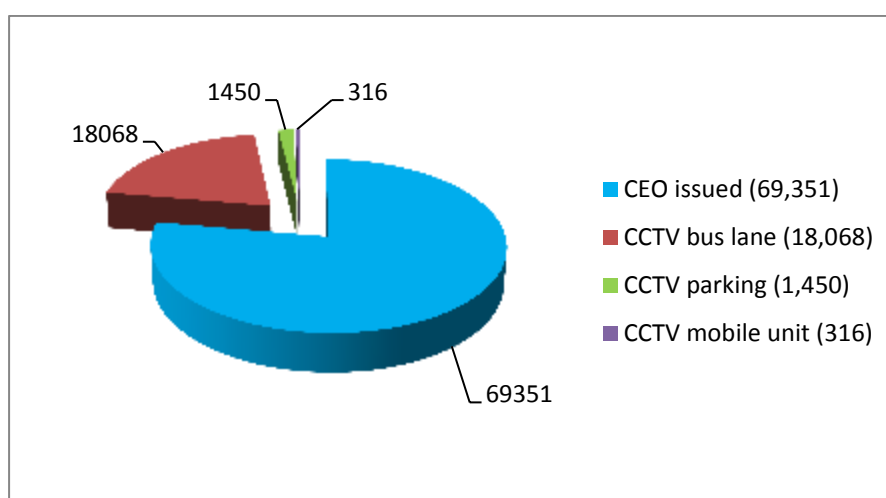
PCNs for parking contraventions are also issued using fixed CCTV cameras and mobile CCTV units primarily outside schools. Both of these PCN types are issued post under different legislation which affects the process; it means that the registered keeper may only appeal directly to the Local Authority once by making a representation on receipt of the PCN. The total number of parking contravention PCNs issued using CCTV during 2016/17 was 1,766 (2%).

Bus lane PCNs are issued using CCTV and served by post. The registered keeper is served with an Enforcement Notice rather than a Notice to Owner. A challenge may be made against the PCN before the Enforcement Notice is issued and a representation may be made afterwards. During the period of this report, a total of 18,068 bus lane PCNs were issued through CCTV.

## Method of PCN issue

	CEO*		CCTV (bus lanes)		CCTV (parking contraventions)		CCTV (mobile unit/parking contraventions)		Total PCNs issued
	Total	%	Total	%	Total	%	Total	%	Total
01/04/12- 31/03/13	70,523	77%	6,180	7%	11,722	13%	3,483	4%	91,908
01/04/13- 31/03/14	71,720	77%	4,439	5%	13,397	14%	3,363	4%	92,919
01/04/14- 31/03/15	69,816	78%	4,539	5%	12,323	14%	3,249	3%	89,927
01/04/15- 31/03/16	70,994	83%	12,150	14%	886	1%	1,513	2%	85,543
01/04/16- 31/03/17	69,351	78%	18,068	20%	1,450	2%	316	0%	89,185

*(figures are accurate as at 31<sup>st</sup> October for each year)*



\*The category for PCNs issued by CEO includes cases where a contravention occurred, but:

- the motorist drove away before the CEO could issue the PCN, and
- the CEO was prevented from serving the PCN.

In these circumstances, the PCN is sent by post to the registered keeper of the vehicle.

## Section 4 - Differential parking charges

Differential parking penalties were implemented on 1st July 2007 following the approval of the Mayor for London and the agreement of the Secretary of State.

To make the system fairer, penalties at the higher charge are issued to motorists who park where it is not generally permitted, for example on yellow lines, the footway, school 'Keep Clear' markings, or in residents' permit or disabled bays without displaying the appropriate permit or badge. The higher charge also applies to penalties issued for bus lane contraventions.

The less serious contraventions, which incur the lower charge, include contraventions such as overstaying time paid for in a pay and display bay, or parking outside bay markings.

- Between 1<sup>st</sup> April 2016 and 31<sup>st</sup> March 2017, 63,425 (71%) PCNs were issued at the **higher** differential charging level.
- Between 1<sup>st</sup> April 2016 and 31<sup>st</sup> March 2017, 25,760 (29%) PCNs were issued at the **lower** differential charging level.

Please note: bus lane figures are included in the number of PCNs issued at the higher differential charging level.

## Section 5 - Number of PCNs issued on and off-street

- Between 1<sup>st</sup> April 2016 and 31<sup>st</sup> March 2017, 80,399 (90%) PCNs were issued on-street (**kerbside**), including bus lane contraventions.
- Between 1<sup>st</sup> April 2016 and 31<sup>st</sup> March 2017, 8,786 (10%) PCNs were issued off-street (**car parks**).

Please note that these figures are for the financial year (1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2017) and may differ to other publications, as the Department for Transport work to the calendar year (1<sup>st</sup> January to 31<sup>st</sup> December).

## Section 6 - Number and percentage of challenges and representations received between 1<sup>st</sup> April 2012 and 31<sup>st</sup> March 2017

The table over the page shows the total number and percentage of challenges and representations received between 1<sup>st</sup> April 2016 and 31<sup>st</sup> March 2017. Figures for the period 1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2017 are for information and comparison.

Period	Challenges against PCNs issued		Representations against PCNs issued		Challenges and representations against total PCNs issued	
	Total	%	Total	%	Total	%
01/04/12 – 31/03/13	14,419	15.7	7,540	8.2	21,959	23.9
01/04/13- 31/03/14	16,219	17.5	8,516	9.2	24,735	26.7
01/04/14- 31/03/15	16,133	17.9	7,710	8.6	23,843	26.5
01/04/15- 31/03/16	18,075	21.1	5,163	6.0	23,238	27.1
01/04/16- 31/03/17	18,224	20.4	4,997	5.6	23,225	26.0

(figures are accurate as at 31<sup>st</sup> October for each year)

A total of 89,185 PCNs were issued between 1<sup>st</sup> April 2016 and 31<sup>st</sup> March 2017.

## Section 7 - PCN cases

The table below shows the number and percentage of all PCNs issued that were waived, written off, cancelled, paid and open between 1<sup>st</sup> April 2012 and 31<sup>st</sup> March 2017. Figures for the period 1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2017 are for information and comparison.

Period	Waived		Written-off		Cancelled		Total		Paid		Open (as at 31st October 2017)	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
01/04/12- 31/03/13	8,881	9.66	5,491	5.97	1,042	1.13	15,414	16.77	71,791	78.11	4,884	5.31
01/04/13- 31/03/14	9,382	10.09	6,964	7.49	2,130	2.29	18,476	19.88	71,558	77.01	5,939	6.39
01/04/14- 31/03/15	9,781	10.88	6,599	7.34	2,733	3.04	19,113	21.25	71,111	79.08	6,110	6.79
01/04/15- 31/03/16	9,898	11.57	5,745	6.72	2,332	2.73	17,975	21.01	64,675	75.61	5,105	5.97
01/04/16- 31/03/17	N/A*	N/A*	16,197	18.16	4,586	5.14	20,783	23.30	67,347	75.51	6,516	7.31

(figures are accurate as at 31<sup>st</sup> October for each year)

A total of 89,185 PCNs were issued between 1<sup>st</sup> April 2016 and 31<sup>st</sup> March 2017.

\*The way of reporting waived/written-off/cancelled cases changed during the period of this report, which explains why the figures for 2016/17 as shown above are different to previous years.

### **Waived**

In previous years, waived PCNs included those where the motorist displayed their pay and display ticket incorrectly when the PCN was issued, but provided it later to support an appeal. In these circumstances, we were able to match the serial number on the reverse of the pay and display ticket with the CEO's evidence. This subsequently enabled us to prove that the ticket was valid at the time the PCN was issued and an attempt had been made to display it in the vehicle. During the period of this report, waived PCNs were included in the written off category for reporting purposes.

### **Written-off**

16,197 (18.16%) PCNs were written-off including those previously known as 'waived' as described above. This category also included cases where PCN documentation was returned by the Royal Mail indicating that the registered keeper no longer lived at an address. Documentary evidence was provided in most of these cases to confirm a new resident had moved to the address. We do however endeavour to recover outstanding debts by instructing our enforcement agents to continue to pursue absent keepers.

### **Cancelled**

A total of 4,586 (5.14%) PCNs were cancelled for a variety of reasons during the period of this report, such as incorrect vehicle details being recorded at the time of the contravention.

### **Paid**

A total of 67,347 (75.51%) PCNs were paid during this period, which includes cases where a challenge, representation or appeal may have been made.

## **Section 8 - The Environment and Traffic Adjudicators (ETA)**

A total of 462 cases were referred to ETA during the period of this report. These were cases where the registered keeper had made an unsuccessful representation against a PCN and had subsequently received a Notice of Rejection. At this stage, the keeper has the option to either pay the charge, or appeal to an independent parking adjudicator at ETA.

The table on page 7 shows the number of appeals received, the number of statutory declarations received, how many appeals were allowed; of which how many were not contested, how many appeals were refused; of which how many were withdrawn between 1<sup>st</sup> April 2012 and 31<sup>st</sup> March 2017.

The meanings of some expressions used in the table are as follows:

- allowed - ETA has directed the Local Authority to cancel the case;
- refused - ETA has refused the appeal, which allows the Local Authority to pursue the case;
- not contested - the Local Authority notifies ETA that it consents to an appeal being allowed, which is often because further evidence has been received after the case has been referred to ETA;

- refused with recommendation – ETA has refused the appeal, but has referred it back to the Local Authority with a recommendation that compelling mitigation is reviewed.

Period	Appeals received	Statutory declarations/ witness statements received	Total completed	Appeals allowed	Of which not contested	Appeals refused	Of which refused with recommendation	Of which withdrawn
01/04/12–31/03/13	758	173	772	302	189	470	11	7
01/04/13–31/03/14	542	196	563	211	117	352	12	20
01/04/14–31/03/15	742	179	786	390	261	396	10	13
01/04/15–31/03/16	514	146	601	273	159	328	4	14
01/04/16–31/03/17	462	90	482	239	184	243	2	1

*(figures are accurate as at 31<sup>st</sup> October for each year)*

A total of 89,185 PCNs were issued between 1<sup>st</sup> April 2016 and 31<sup>st</sup> March 2017.

### **Section 9 - Number of cases referred to debt collection agencies**

A total of 8,558 cases were referred to our enforcement agent companies; JBW Group Limited and Phoenix Commercial Collections Ltd for the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2017. These were cases that prior to enforcement agent referral, had not been written-off or cancelled and for which payment had not been received. Debts were collected for 1,813 (21.2%) of these cases and Parking Services received full payment of the outstanding penalty charges.

Bromley Council's attitude towards Penalty Charge Notices not successfully challenged is that they should be paid. Therefore older cases stay on our system and we undertake 'aging debt collection exercises'.