



# The Association of British Drivers

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Parking Consultation  
London Councils

Via email to: [parkingconsultation@londoncouncils.gov.uk](mailto:parkingconsultation@londoncouncils.gov.uk)

15 August 2010

Dear Sirs,

The following are our comments on the "Additional Parking Charges in Greater London Consultation":

1. In our view, the current charges which are covered by this consultation are generally excessive, and the system too complex for the average road user to understand (in terms of differing penalties for different offences in different locations).
2. You state in the consultation document that "*The principle adopted in setting the level of penalty for decriminalized parking contraventions is that the penalty should be the minimum needed for an adequate level of compliance*". We would not argue with that principle but unfortunately we are not aware of any statistics in relation to this. Neither London borough councils nor TfL collect this information so far as we are aware. Instead local councils seem to set targets for their parking control operators in terms of number of PCNs issued, with the result that tend to achieve those targets. There is no information on trends in compliance.
3. What we do know though is that the total number of PCNs in 2009/2010 was 4.8 million which is a rather astonishing number considering the number of drivers on London's roads. It probably means that the average London driver collects several PCNs per year, and to suggest that this is deliberate seems rather unlikely. Our view is that most of these PCNs are issued as a result of accidental oversights such as failing to return in time, not understanding the parking regulations in force on the road concerned or the times of operation, and similar errors. It is unreasonable to penalize such errors with high levels of penalties.

4. However we do know that the number of PCNs in 2009/2010 fell by 11% over the prior year, and 22% in the past two years. Surely this tends to indicate improved compliance, and that the current level of charges is clearly adequate if not too high? Without proper statistics on compliance we will never know, but it is our view that most people attempt compliance and do not need the excessively high penalties to encourage them to comply as are now in force.

5. You also state in the consultation document that the intention is not to raise revenue from PCNs due to the legal principle established on this issue. However, anyone who is familiar with the way the local boroughs operate will be aware that they use the surplus from parking charges to fund other transport related expenditure. Indeed they rely on it to support their budgets for such expenditure including such items as the Freedom Pass. They therefore have a strong incentive to impose high charges, and in as many circumstances as they can justify. Instead of parking charges being used solely to administer and enforce parking regulations, to maintain free flowing traffic, and for the general benefit of road users, they are hence used for other purposes which we suggest is morally wrong. The legal principle you mention is in reality ignored in practice in many cases. Therefore we suggest that any responses to this consultation from the local boroughs who have a vested interest in raising the charges should be ignored, other than any representations that they may care to make to ensure that their reasonable costs are recovered.

6. As a result of the above motivations, the level of charges currently set are already grossly excessive in relation to the nature of the offence in our view, and are more than are required to ensure reasonable compliance. Indeed the "higher-level" penalty in Band A or £120 is higher than the penalties imposed by the courts on many criminal offences. In addition they are often only "technical" infringements where there is no obvious or provable intention to break the law and such offences would not be subject to any penalty in criminal law but they are under the "decriminalized" offence system used for PCNs.

The way to set the general level of fines should be to relate them to the average wage. Surely a penalty of 2 hours average wage (which would equate to about £25) would be about right, and would provide sufficient revenue to cover the cost of administration and enforcement.

7. In addition the system is over complex with different fines for very similar offences in different locations. We can, for example, see no justification for imposing higher penalties in central London as against those for the outer London boroughs. This might make sense if central London residents were seen as consistently wealthier than outer London ones, and hence might require a stronger incentive not to breach the regulations, but that is not the case. Many inner London boroughs are actually relatively poor.

Such differentiation leads to a sense of injustice in people who suffer the penalties as they get an unexpectedly large fine and cannot understand why it might be higher than they might have expected.

8. We also object to the system whereby a high penalty is imposed with a subsequent 50% discount for prompt payment. Some incentive for early payment may be reasonable, but at present this disparity causes many people to pay up promptly rather than challenge any penalty notice.

Even when they have good legal grounds for challenging a penalty they do not do so because of the perceived risk and cost if they lose the challenge. Justice should be open to everyone without such a strong discouragement to seek it.

9. However, we would retain the differential level of fines for serious parking offences (e.g. obstruction, parking on a double yellow line and other potential "safety" related offences), because we think that is justifiable. However, we do not see how bus lane contraventions and other minor moving traffic contraventions can be classified as serious offences and therefore suggest they should be moved into the lower category of offences.

10. In summary therefore we would like to see the system revised completely using the following principles:

A – A "base" level charge of approximately £25 for all parking offences, bus lane contraventions and other moving traffic offences. In other words, the current level of charges for both Bands is much too high, and there should be a uniform and lower charge for both Bands.

B – A "higher" charge of possibly double that for certain types of parking offences.

C – A small discount to the above for early payment – say 15%.

D – For repeat offenders, i.e. where more than 3 PCNs have been issued in the past year to the same person, then the charge should be doubled, and escalate further after a further 3 had been collected. This is necessary to tackle particular issues in central London.

E – Additional parking charges for clamp release, release from car pounds and storage charges should be much reduced as the inconvenience is sufficient incentive to ensure drivers do not risk such penalties.

11. As regards to the answers to the specific questions posed in the consultation, they are as follows:

**Question A. Do you think the current banding system should be retained:**

Answer: No, for the reason given above. The higher band A should be scrapped.

**Question B. Should we dispense with Band C.**

Answer: Yes.

**Question C: Do you think it is more important for the level of the penalty to reflect the severity of the contravention, or would it be better to have the simplest possible penalty regime?**

Answer: There is some merit in having a higher penalty for road safety related offences, but a simple two-tier system should be used, as at present. We see no justification for applying the higher penalty to bus lane infringements and other minor moving traffic offences.

**Question D: Do you think we should continue with the current system of differential parking charges, or revert back to the original system of a single parking charge.**

Answer: We suggest it be continued for the reasons given above.

**Question E: If we should keep differential parking charges, should there be an increase or decrease in the gap between more or less severe penalties? How big should the gap be?**

Answer: The differential is probably about right, but we would have no objection to a slight increase. Reducing the differential does not seem appropriate if there is a good reason for having the differential.

**Question F: Do you think there should be an increase or decrease in the penalty? If so what should the penalty be? Should it be linked to inflation and/or another index.**

Answer: We suggested the base penalty should be £25 as indicated previously and therefore we are saying there should be substantial decrease in the penalty level. We also suggest that the penalty level be indexed to the average wage level (index of earnings), which is readily available.

**Question G: Should the differential parking penalty for contravention codes 12, 16 and 19 remain as they are? If not, should there be a single level of penalty for each of the contravention codes. Should it be set at the higher or lower level? Should we dispense with the previous Mayor's caveat on visitors receiving a lower level penalty if there were able to prove they were visiting a resident at the time of the contravention?**

Answer: Codes 12, 16 and 19 should all be "lower" level penalties as there are no safety implications associated with them. The dispensation for visitors should be scrapped as it is too complex in terms of enforcement processes.

**Question H: Should the penalties on the TLRN be subject to differential parking charges?**

Answer: No, the penalties should be the same as on other roads.

**Question I: Do you agree with the discount level for early payment being 50 per cent? If not, what level would you propose?**

Answer: No, the discount should be much reduced – we suggest 15% would be an adequate incentive to prompt early payment. Further explanation as to why we think the 50% is morally wrong is given above.

**Question J: Should there be the same clamping, removal, storage and disposal charges across London?**

Answer: Yes – consistency of the application of parking regulations and penalties across London is important.

**Question K: Do you agree that the clamping, removal, storage and disposal charges should be set on the basis of cost recovery?**

Answer: Yes but only so long as the charges are reasonable, and if clamping and removal is used only where necessary (i.e. there are road safety issues involved, a vehicle is obviously causing an obstruction, or repeated past PCNs have not been paid). We do not think that clamping or removal should be used in ANY OTHER CIRCUMSTANCES as it is in some boroughs at present.

**Question L: Do you think the charges are set at the right level for clamping, removal, storage and disposal? If not, at what rate should the charges be set?**

Answer: We think the charges are too high, and should be halved. The inconvenience is an additional severe penalty on the vehicle owners so that high financial penalties in addition are unjustified.

**Question M: Should there be a separate charge for the relocation of vehicles to neighbouring roads that do not warrant the need for vehicle impounding? If so, how would you expect the penalty for the relocation of the vehicle to be collected?**

Answer: We suggest this idea is misconceived, and would result in excessive complexity in enforcement and for the vehicle users concerned.

**Question N: Should the same level of penalty apply to both bus lane and other minor moving traffic contraventions, such as infringement of box junctions or contraventions of one-way streets?**

Answer: There should be the same (low-level) of penalty for such infringements, except for contraventions of one-way streets which is a road safety issue and hence might justify a higher level.

**Question O: Do you agree that there should be the same penalty for bus lane and minor moving traffic contraventions throughout London?**

Answer: Yes. We cannot see any justification for differentiation.

**Question P: Do you agree that this penalty should be the same as the higher differential parking penalty in band A? If not, what do you think the penalty for these contraventions should be and why?**

Answer: No. In our experience, bus lane infringements are commonly accidental and as explained above, we can only see any justification for a higher level of penalty where road safety is an issue. Therefore we suggest it should be the same as other penalties for which we have suggested £25 (before early payment discount).

**Question Q: Should the penalty for drivers contravening the LLCS continue to be set at the higher differential parking penalty level in band A? If not, what do you think this penalty should be and why?**

Answer: No we think it should be the same as any standard PCN penalty. This should be sufficient to deter drivers, so long as there is also a significant penalty for operators (who would be motivated to ensure their drivers complied also).

**Question R: Should the penalty for operators/companies contravening the LLCS continue to be set at £550? If not, what should the penalty level be and why?**

Answer: We suggest that this level is probably a bit high, and should be reduced somewhat rather than increased.

**Question S: Should the level of bond remain at £250? If not, what should the level of bond be and why?**

Answer: We do not think there should be any change in this fee.

**Question T: Should the penalty for contraventions on those parts of the ORN where traffic and parking restrictions are unchanged be matched to the penalty set by ODA? In other words, should there be a single fixed penalty level for all contraventions on the ORN, or should there be different penalties at different points along the ORN, including the differential parking penalties that apply elsewhere in London?**

Answer: No. We can see no justification for any differentiation in such charges and there should be the same charges applied as for any other PCN and will be saying the same thing also to the ORN consultation. We can see no reason why additional penalties should be imposed for the Olympic routes.

**Question U: Do you think that in areas off the ORN, where Games-related restrictions apply, the penalties for contraventions of unchanged regulations should be matched to the penalty set by ODA, so that a single penalty level applies?**

Answer: No. For the reasons given above.

**Question V: Should different criteria be applied for different circumstances?**

Answer: No.

If you have any questions on our answers above, we would be happy to answer them.

Will you also please note that we wish to be advised of all similar consultations undertaken by London Councils in relation to transport or traffic issues. Please add us to any list of corporate bodies for consultation and notify us to this email address: [roger.lawson@abd.org.uk](mailto:roger.lawson@abd.org.uk)

Yours sincerely

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**About The Association of British Drivers (ABD)**

The ABD is the leading independent organisation which represents the interests of private motorists in the United Kingdom. We campaign to protect the rights of individual road users and believe that road transport is a beneficial and essential element in the UK transport infrastructure. We oppose excessive taxation of motorists and are against tolls and road usage charging. We also campaign for more enlightened road safety policies. The Association is a "not for profit" voluntary organisation which is financially supported primarily by its individual members. More information on the ABD is available from our web sites at [www.freedomfordrivers.org](http://www.freedomfordrivers.org) and [www.abd.org.uk](http://www.abd.org.uk)

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