## The process for setting an FPN or PCN for legislation or a byelaw in London relating to transport or environment or requiring the level to be set by "joint committee"

TEC stands for Transport and Environment Committee and is a statutory committee of London Councils. It acts as the "joint committee" which sets penalty levels on behalf of London, where required by law.

1. Borough identifies legislation that they wish to enforce using FPNs or PCNs. 2. Borough checks whether penalty levels have already been set; or contacts London Councils' Transport and Environment team to ask whether TEC has already set penalty levels. All new byelaws require TEC to set the level of penalty. enforce the offence. 3. If levels not set, and the borough wants them set.\* an officer needs to work with London Councils officers to set the penalty levels. Advice will be given if the level does not need to be set by TEC (i.e. borough can set it).

Step 1: TEC paper seeking approval from members to consult. It is past practice to consult even where the legislation does not require this. TEC meets four times a year, and public consultation takes six weeks. Public consultation is undertaken electronically.

Step 2: TEC paper presenting the consultation results and a proposal for adoption, reflecting the results of the consultation. TEC approves or rejects.

Step 3: London Councils writes to the Secretary of State notifying her/him of the proposed levels. Secretary of State has 28 days to reject levels and propose alternatives, if so desired. If no response is received or a response is received supporting the TEC levels, boroughs will be notified by London Councils. Boroughs must adopt the powers in accordance with their local requirements and usually publish their adoption before it is possible to use the levels and enforce the offence.

Step 4: In the case of PCNs, the borough needs to contact London Tribunals to establish an appeal and tribunal service; and Northampton County Court where unpaid PCNs are registered. The cost of establishing these are borne by the borough(s) involved. London Councils officers will arrange for the registration of a new contravention code.

\*Requests for the setting of penalty levels need to have the support of the relevant Director in the borough.

London Councils officers will write the TEC papers, but borough officers will be asked to provide the following:

- Short justification for why the penalty level needs to be set (what is the problem, what is wrong with existing enforcement options).
- A proposed penalty level, if not already provided for in legislation, with justification / reference to similar offences. London Councils officers can advise on this if the borough officer is not sure.
- An equalities impact assessment (by the second TEC paper).
- Borough officers will be asked to ensure their borough representative on TEC is notified that the penalty levels are being set due to a request from their borough.

Find this document on our website: http://www.londoncouncils.gov.uk/our-key-themes/environment/environmental-legislation/london-legislation/penalty-levels-0