

**We are reviewing the London Parking and Traffic Enforcement Penalty Charges and we want you to have your say.**

### **Glossary of terms**

**Contravention:** this occurs when a motorist does not follow the parking, bus lane and moving traffic regulations.

**Notice to Owner:** The notice served on the owner of a vehicle issued with a penalty charge that remains unpaid after 28 days, allowing them to make formal representations

**Notice of Rejection:** The letter sent by the borough in response to representations saying that these have been rejected and advising recipient that the penalty charge should be paid or an appeal made to the adjudicator

**Penalty Charge:** charge you may have to pay if you have received notification from a borough about not following parking, bus lane and moving traffic regulations.

**Prescribed Period:** defined period of time set in road traffic regulations

**Regulations:** the road traffic rules

**Representation:** The formal written challenge made to the borough regarding the issue of a penalty charge

**Surcharge:** A further charge that increases the penalty charge if it remains unpaid.

### **Who are we?**

London Councils is the collective of local government in London. A cross-party organisation that represents the interests of all the London boroughs, including the City of London Corporation.

London Councils' Transport and Environment Committee is responsible for setting the following parking and traffic enforcement charges, fees and rates on borough roads:

- Penalty charges for parking contraventions (under the Traffic Management Act 2004)
- Penalty charges for bus lane contraventions (under the London Local Authorities Act 1996)
- Penalty charges moving traffic contraventions such as one-way streets, banned turns and yellow box junctions (under the London Local Authorities and Transport for London Act 2003)
- Fees for releasing vehicles from clamps and pounds
- Fees for vehicle storage and disposal
- Discount rate for early payment of a penalty charge
- Surcharge rate for an unpaid penalty charge

Any changes to the current parking and traffic enforcement penalty charges, fees and rates will need to be approved by the Mayor of London and then the Secretary of State for Transport (who has the power to reject any such future proposals).

## Why have we decided to review London's Parking and Traffic Enforcement Penalty Charges now?

Parking, bus lane and moving traffic penalty charges have not been reviewed since 2010 and many of the penalty charges and fees have not changed since 2007.

The number of people receiving penalty charges has increased by 50% over the last 12 years and there are concerns that the current penalty levels no longer act as a deterrent.

The increasing rate of inflation has also meant that there has been a reduction in the real value of penalty charges over time.

Local government, the Mayor and central government share the same aims: to increase active travel, improve road safety and reduce emissions (both air quality and carbon).

Effective management of parking and traffic movement can help contribute towards this as well as improve traffic congestion.

Transport for London has similar responsibilities to London boroughs for setting penalty charges on their own roads, Red Routes. In 2021, Transport for London increased parking, bus lane and moving traffic penalty charges on the roads they manage from £130 to £160.

Many parking, bus lane and moving traffic contraventions are dangerous and have impacts on the safety of other road users, how they travel and access public transport services in London.

## Current Parking and Traffic Enforcement Penalty Charges:

There are two factors that impact the penalty charge amount if you are found to be parked in contravention (please see table below).

Band A and Band B penalty charges depend on **where** in London you have parked in contravention.

Differential penalty levels, known as Higher level and Lower level, depend on the **type** of contravention.

	Higher Level	Lower Level
Band A	£130	£80
Band B	£110	£60

## Parking: Band A and Band B Parking Areas

This information refers to Part 1 of the consultation.

Since 2011, London has been divided into two charging bands:

Band A penalty charges are higher and are more commonly used in areas with greater parking pressures, such as central London and town centres.

Band B penalty charges are lower and are more commonly used in outer London areas, where there is less pressure on parking.

An increasing number of boroughs now issue Band A penalty charges because they found that Band B penalty charges were too low to prevent poor parking behaviour.

Current Bandings can be seen in the map below:



London boroughs continue to experience increasing incidents of motorists not following the parking regulations.

### Differential Penalty Levels:

This information refers to Part 2 of the consultation.

Higher and Lower level penalty charges were introduced in 2007 and are based on the type of parking contravention that has occurred.

Higher level penalty charges apply to more serious contraventions where parking is not allowed, such as on yellow lines or where parking is only allowed for certain vehicle or permit types.

Lower level penalty charges apply to less serious contraventions where parking is allowed but the regulations have not been followed, such as overstaying in a pay and display bay.

### Additional Parking Fees:

This section refers to Part 4 of the consultation.

London boroughs can take additional enforcement action to clamp and/or remove a vehicle parked in contravention, although clamping is very uncommon, and vehicle removal is dependent on whether the borough has access to a vehicle pound.

**Clamping:** if a vehicle is clamped, a 'release' fee will need to be paid as well as the penalty charge.

**Removals:** Vehicles removed to a pound will also need to pay a release fee as well as the penalty charge and if it is not collected within 24 hours, daily 'storage' fees may also be added.

If the vehicle is not collected within a prescribed time, the vehicle may be scrapped/disposed of, and a 'disposal' fee may apply.

**Relocations:** many boroughs relocate vehicles parked in contravention to another location, so that it is no longer parked in contravention.

Unlike clamping and removals, relocations do not have any additional fees, but a penalty charge will still be issued for the original parking contravention.

**Abandoned vehicles:** these are vehicles that have been left unclaimed and often unroadworthy on borough roads.

Removal, storage and disposal fees also apply to vehicles that have been identified and removed as abandoned under environmental legislation. Any agreed changes to these fees, would also apply to these types of vehicles.

The current vehicle clamping, removal, storage, and disposal fees have not increased since 2007 and are listed below:

	Current charge
Clamping Fee	£70
Removal Fee	£200
Storage Fee (per day)	£40
Disposal Fee	£70

## Bus Lane and Moving Traffic Contraventions

This section refers to Part 5 of the consultation.

The Transport and Environment Committee has responsibility for setting penalty charges for bus lane and moving traffic contraventions on borough roads, which currently carry the same penalty level as Band A, Higher level parking contraventions of £130.

The penalty charges are set at this higher amount to encourage motorists to not break the bus lane and moving traffic regulations, as this can be dangerous and have a negative impact on traffic flow and air quality.

On Transport for London roads, these penalty charges are now £160.

*A full list of the traffic contravention signs that are subject to civil enforcement is included in Appendix 2*

### Discount Rate:

This section refers to Part 6 of the consultation.

A discount rate of 50% is given to penalty charges that are paid during the discount period (usually within 14 days of receiving the penalty).

This rate has worked very well over the years, with a high number of all parking, bus lane and moving traffic penalty charges being paid promptly, within the discount period.

It also means that the boroughs do not need to take any further action in recovering the penalty charges.

### Charge Certificate Surcharge:

This section refers to Part 7 of the consultation.

A Charge Certificate is a legal notice issued by the borough, to notify the motorist that a surcharge has now been added to an unpaid outstanding penalty charge.

A surcharge increases the unpaid penalty charge by 50% after a prescribed period and under certain circumstances<sup>1</sup>.

The table below shows the increased penalty charge amount, when a Charge Certificate surcharge of 50% has been issued:

	Higher Level Penalty Charge	Higher level with Charge Certificate Surcharge Increase	Lower Level	Lower level with Charge Certificate Surcharge Increase
Band A	£130	£195	£80	£120
Band B	£110	£165	£60	£90

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<sup>1</sup> A penalty charge has not been paid and no formal challenge (known as representations) has been made to the borough to request cancellation of the penalty charge before the end of a period of 28 days, beginning with the date a postal Penalty Charge Notice or Notice to Owner was served.

*Representations have been made and a Notice of Rejection of Representations has been served by the borough and the penalty charge remains unpaid before the end of a period of 28 days, beginning with the date on which the Notice was served.*

*A Notice of Rejection of Representations has been served by the borough and no action has been taken to appeal the decision to the London Tribunals' adjudication service before the end of a period of 28 days, beginning with the date on which the notice was served.*

*Full payment has not been made before the end of a period of 28 days, beginning with the date on which an adjudicator's decision rejecting an appeal was served on the appellant.*

*Full payment has not been made following a period of 14 days, beginning with the date on which a withdrawal of an appeal was made by the appellant.*

