

ANNUAL REPORT 2009/2010
WELWYN HATFIELD BOROUGH COUNCIL



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1 Introduction

This report provides information relating to parking enforcement and related services provided by Welwyn Hatfield Borough Council (WHBC). It aims to demonstrate how we balance the needs of local residents, businesses, the university and motorists alike.

This report will set out the differing responsibilities between this council, the lead authority in respect of parking enforcement and the county council. In order to reduce the length of this report there will be a series of web links to appropriate sources of information. Reference copies of this report will be made available in reception areas and libraries within the council's offices so that residents can have ready access to a hard copy version.

The council is committed to communicating as fully as possible to all residents and users of its services. This report is the second report issued under the requirements of the Traffic Management Act 2004 (TMA) and provides an ideal opportunity to set out clearly our responsibilities and the ways in which we communicate to all stakeholders.

The Borough reflects a wide variety of old and new, with town centres and villages covering just less than 130 square kilometres.

2 Background

WHBC adopted Decriminalised Parking Enforcement (DPE) powers in June 2005. These powers were necessary as the local police force had effectively withdrawn from parking enforcement leading to significant levels of congestion, general obstruction and a parking free for all in the city centre.

On 31 March 2008 new regulations and a new legal framework were introduced under the TMA and the enforcement regime was renamed as Civil Parking Enforcement (CPE). (For further details and changes see section 6.1)

The Act did not however fundamentally change the objectives of traffic management. These are to;

- a) Reduce congestion
- b) Improve road safety
- c) Improve journey times for public transport
- d) Effect transference of journeys from car to greener modes of transport
- e) Manage and reconcile the competing demands for kerb space
- f) Consider how to meet the needs of people with disabilities.

The Act emphasised that parking provision is not to be regarded as a revenue raising exercise. It also recognised that the provision of parking services is a costly exercise but that so far as possible it should be self financing and able to provide investment for continuous improvement in meeting the overall objectives. It also recommended that improved levels of communication were desirable and that transparency, fairness and consistency must be shown in the provision of such

services. This report is part of that process and we welcome feedback to ensure that we are meeting these objectives.

3 Overview of Parking Provision and Strategy

WHBC provides public parking facilities to assist with traffic management and environmental improvements. There are two documents which set out the way in which the council determines its overall strategy and enforcement regime. Both are available on the council's website and these are respectively;

- the Welwyn Hatfield Council Parking Strategy 2004 to 2010
<http://www.welhat.gov.uk/index.aspx?articleid=3220>
- Hertfordshire Local Transport Plan 2006/7 to 2010/11
<http://www.hertsdirect.org/envroads/roadstrans/transplan/ltpl/>

The Council publishes a priority list of schemes that are in process of being investigated for implementation and details are available on the web site. This is regularly reviewed to ensure that it meets the needs of residents and other stakeholders. (See section 6.2 below)

The council owns, maintains and enforces parking restrictions in a number of car parks, details of which are available on our website, together with a map of the available disabled bays in Welwyn garden City. Additional information will shortly be made available for other disabled parking provision. See also Appendix 1 of this report and section 3.3 below.

3.1 Parking Principles

It is important to realise that parking controls cannot be introduced without consultation from all affected parties. On occasions a pilot scheme for an experimental period may be introduced to establish whether intended improvements can be achieved. Throughout this period objections can be lodged or feedback given and the council will take these into account within the relevant period for such schemes.

A good example of this would be the new schemes being implemented around the QE2 hospital, which was built in the early 1960s but is surrounded by residential development which was giving rise to considerable parking pressure on residents, hospital staff and visitors including access issues for emergency vehicles – particularly ambulances. Similar pressures exist within streets adjacent to the university in Hatfield and the college in Welwyn Garden City Centre.

The council also needs to be aware of the demand by disabled drivers or passengers needing to park where there are restrictions in order to provide ready access to shops and businesses.

3.2 Off Street Parking

Off street car parking contributes significantly to the achievement of traffic management objectives. Parking tariffs can assist in managing the differing demands of shoppers, shop workers and commuters. The council currently provides free parking for the disabled in all manned council car parks as part of their commitment to the disabled community.

The method of payment in paying car parks is almost exclusively pay on foot which means that a ticket is obtained on entry and needs to be paid for before exiting the car park. This type of equipment, whilst more expensive, has the advantage of preventing penalty charges being incurred for forgetting to buy a ticket or buying a ticket which does not cover the length of stay.

3.3 Park Mark - the Safer Parking Award

Park Mark is an initiative of the Association of Chief Police Officers (ACPO) designed to reduce crime and the fear of crime within parking facilities. The Safer Parking Award Scheme is managed by the British Parking Association through Development Managers and supported by the Home Office, the Scottish Executive and all the Police Forces in England, Scotland, Wales and Northern Ireland. The primary aim of the scheme is to prevent criminal behaviour within the parking environment. Owners/operators of a parking facility are therefore required to adopt an active management strategy to ensure minimal occurrence of crime.

After assessment, the Police can award Park Mark status to parking facilities that are properly managed and maintained. These facilities will also have achieved appropriate standards that contribute to reducing the opportunity for crime, as follows;

- a) Surveillance;
- b) Lighting;
- c) Signage;
- d) Cleanliness.

The following car parks operated by WHBC have won this award:

- Hunters Bridge (Multi Storey) Car Park.
- Osborn Way Car Park
- Campus West Car Park in Welwyn Garden City

3.3 Off Street Parking Capacities and Tariffs

The web site provides details of the available car parks and their tariffs. <http://www.welhat.gov.uk/transportstreets/parking/carparks/general>

Appendix 1 provides a useful summary of other information.

3.4 Communications Strategy

The council recognises traffic management and parking activities cannot operate in a vacuum. Parking Services officers meet with the police regularly – normally every 4-6 weeks and consult as required on aspects of enforcement and access with all emergency services.

In addition the department charged with community contacts undertakes house to house surveys of 150 houses every 2 months as part of a community relations and safety programme. In addition there are 2 public meetings per annum as well as a recent forum to gauge satisfaction levels with council services. Inevitably aspects relating to parking and other traffic or transport issues are regularly raised and provide valuable feedback.

These initiatives form part of the borough's community engagement programme.

4) Services WHBC Provides

WHBC is responsible for enforcing controls implemented by Hertfordshire County Council to achieve their traffic management objectives. In practice this means that the County Council is responsible for creating the relevant Traffic Regulation Orders by which enforcement is achieved. Additional duties shared among the councils include the following:

- a) Parking permits (in house)
- b) Dispensations and suspensions (via East Herts Council (EHDC))
- c) Parking enforcement requests (via EHDC.)
- d) Consultations with residents and other stakeholders
- e) Parking enforcement (see 5.1)
- f) Abandoned vehicles (Environmental Services (ES))
- g) Environmental aspects relating to air quality, street cleanliness etc. (ES)

4.1 Dispensations and Suspensions

A parking dispensation allows a vehicle (normally commercial) to park on a waiting restriction (yellow line) during restricted hours in circumstances where the vehicle needs to be close to a specific location. This would include building work where continuous access is required to load or unload goods, tools and materials. Our charge for the issue of a parking dispensation in 2009/10 was £10 per vehicle per event, for a maximum of 7 consecutive days.

A parking suspension allows a person to park for a specific reason in a designated parking area during restricted hours. This would normally be for the same reasons as for a dispensation.

The charge for the issue of a parking suspension in 2009/10 was £10 per vehicle per event, for a maximum of 7 days.

Parking charges or restrictions will normally be waived for applications in connection with funerals, weddings and domestic removals. In these circumstances permission to park should be requested at least 48 hours in advance and will be subject to assessment to ensure that a parked vehicle will not cause an obstruction or be a hazard to other road users.

4.2 Abandoned vehicles

This service is intended to improve the environmental aspects of our neighbourhoods by removing unsightly vehicles, which are reported to the council. They can often be hazardous or dangerous.

5 The Services that Hertfordshire County Council (HCC) Provide

The county council is responsible for;

- a) Road safety
- b) Broader aspects of public transport provision and management
- c) Skip hire
- d) Blue badge issuance via social services
- e) School crossing patrols
- f) School keep clear markings
- g) Bus stop clearways
- h) Dropped kerbs

WHBC has responsibility for the enforcement of (e), (f), (g) and (h).

5.1 Contractual Arrangements Regarding Enforcement Activity

The council has an agency agreement with EHDC to enforce on street and off street parking controls. The agency agreement covers the provision of Civil Enforcement Officers (CEOs), (before TMA these were referred to as Parking Attendants) together with the provision of services related to the processing of Penalty Charge Notices (PCNs). These processes include responding to all correspondence, processing payments and the pursuit of outstanding indebtedness. The on-street enforcement function is sub-contracted to APCOA, the Council's enforcement contractor.

6 Recent Changes and New Developments

6.1 Traffic Management Act 2004

The main practical impact of TMA 2004 for the motorist was the introduction of differential charging. This change was made in response to a national, public consultation which indicated that more serious contraventions such as parking or loading and unloading where restrictions are in place should be at a higher rate. Less serious contraventions that occur, for example in parking bays or in off street car parks, should be at a lower rate.

Full details of the Act and the related operational guidance are available from the following links - <http://www.dft.gov.uk/pgr/roads/tpm/tmaportal/> and <http://www.dft.gov.uk/adobepdf/165240/244921/287508/468279/parkingenforcepolicy.pdf>

Targets that should be used for responses to correspondence were also suggested and WHBC is pleased to state that both aspects have been in place since inception of DPE, now CPE, and that targets have always been achieved.

6.2 Current parking schemes

The council constantly reviews traffic management policies and enforcement regimes in conjunction with HCC. We work to priorities approved by the elected members and details of developing schemes are available on the council's web site at <http://www.welhat.gov.uk/index.aspx?articleid=3269>

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6.3 Developments

In conjunction with the HCC all waiting restrictions for map based Traffic Regulation Orders (TROs) will shortly be available on the council's web site for the entire borough.

7 The PCN process

It is accepted that receiving a PCN can be an emotive event. A recent Department for Transport survey provided general support for the extent of enforcement regimes and the way in which these are enforced by CEOs. (<http://www.dft.gov.uk/pgr/statistics/datatablespublications/trsnstatsatt/parking>)

The council has ensured that the service provided by EHC provides the best possible service for those receiving a PCN.

The websites provided by the Traffic Penalty Tribunal (TPT) also provide independent confirmation of how to deal with a PCN. These are:

www.trafficpenaltytribunal.gov.uk and http://www.patrol-uk.info/site/scripts/documents_info.php?documentID=6

Detailed advice is also printed on the PCN and if relevant the Notice to Owner (NtO). Additional information is included with the PATROL leaflet enclosed with every PCN.

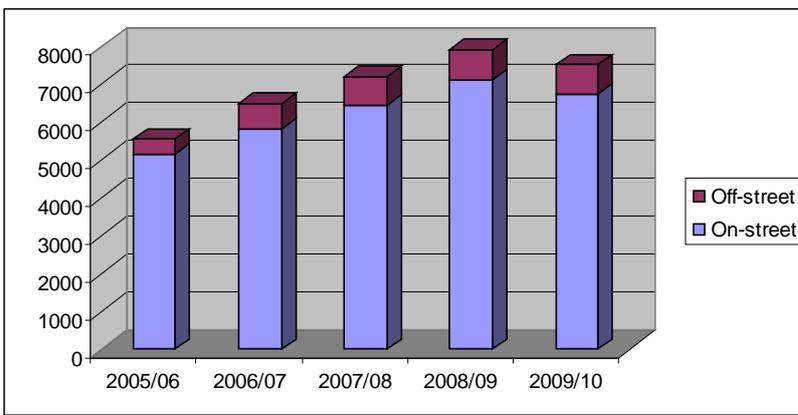
The council undertakes that its agent will respond promptly to all correspondence. It is important that this should include as much relevant information and evidence as possible in order that the case can receive full assessment. Reasons and exemptions which would lead to the cancellation of the PCN are provided within the documentation and also on EHC's website as well as that of the TPT. Challenges may be submitted by email and on the telephone in some circumstances and telephone assistance will be provided.

The council has ensured that payment can be made as conveniently as possible by providing telephone payment facilities 24/7, payments on line via WHBC, in person at the Campus Road East council offices or at the East Herts council offices at Pegs Lane, Hertford.

8 Statistical Information

8.1 Summary of total PCNs issued

The following chart provides an analysis of PCNs issued since 2005/6 and divides the PCN volumes between on and off street.



**In 2005-6 there was a ten month period not a full year.*

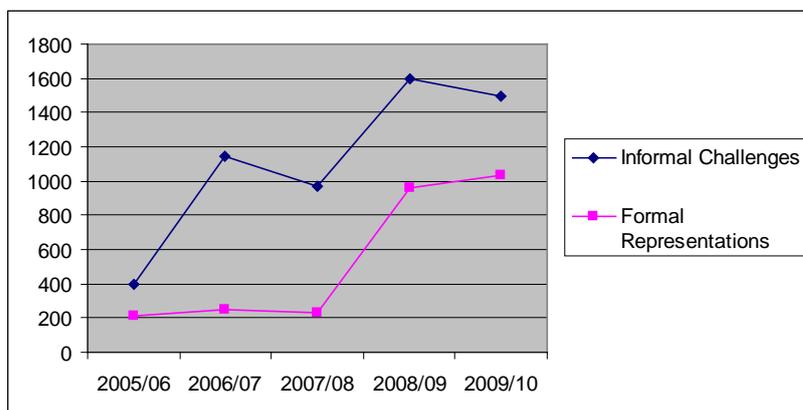
In 2008/09 and 2009/10 the figure is further subdivided by figures of higher level and lower level contraventions:

In 2008/09 higher level PCNs totalled 5,079 and lower level 2,503.

In 2009/10 higher level PCNs totalled 5,087 and lower level 2,413

8.2 Challenges and representations received

The table provides details of the numbers of challenges and representations received.



The performance will be kept under review as the trends warrant careful monitoring and interpretation to see where performance can be improved.

8.3 Write offs and cancellations

It should be remembered that the cancellation of a PCN does not automatically indicate that the PCN was invalidly issued.

A cancellation may take place because the CEO could not have been in possession of all the facts at the time of issuing the PCN. For example a vehicle may have broken down, there may have been a medical emergency or there may have been legitimate loading and/or unloading taking place although the CEO saw no activity during the period within which the vehicle was being observed.

The council monitors the performance of its contractor on a regular basis. It believes that the levels of cancellations are at or below those of equivalent councils. The information given relating to payment rates provides strong supporting evidence of the quality of the tickets being issued.

Many of the cases which are written off are as a result of inaccurate or out of date data being received from the DVLA relating to the keeper of the vehicle to which a PCN was issued. Some PCNs are issued to foreign vehicles on the basis that some are registered in the UK but also to enable the council to provide details of such vehicles to the DVLA for monitoring and enforcement purposes.

The following table sets out the council's performance in 2009/10 compared with other neighbouring councils considered to be comparable.

2009/10

Local Authority	PCNs Issued	Paid PCNs	Cancelled PCNs	Live and/or written off PCNs
Welwyn Hatfield	7,500	66%	23%	8%
Three Rivers	4,664	80%	14%	6%
Watford	22,363	72%	14%	15%
Cambridge	N/A	N/A	N/A	N/A
East Herts	29,296	65%	24%	10%
North Herts	N/A	N/A	N/A	N/A
Dacorum	15,915	69%	23%	8%
Stevenage	6,903	64%	34%	2%

(N/A = not available at the time of this report's preparation)

8.4 Appeals to the Traffic Penalty Tribunal

This process provides valuable independent assessment of the quality of PCNs as well as the technical capacity of the back office processing.

The following table provides comparative data to a number of local authorities providing a bench mark for performance in 2009/10. One of the frustrating parts of this process is the cases that are not contested due to the fact that additional evidence can be submitted by the vehicle owner/keeper after the point at which this has been requested leading to unnecessary appeals.

2009/10

Appeals 2009/10	No. of appeals	Rate of appeal per PCN issued	Not contested by council	Allowed by Adjudicator (in favour of appellant). Inc. not contested	Refused by Adjudicator (in favour of Council)	Awaiting decision
National Picture	14,269	0.34%	27%	57%	41%	3%
Welwyn Hatfield	13	0.17%	15%	62%	31%	8%
Cambridge	60	0.14%	28%	47%	50%	3%
North Herts	25	0.21%	64%	88%	12%	0%
Dacorum	35	0.22%	9%	31%	69%	0%
East Herts	51	0.17%	12%	37%	59%	4%
Watford	74	0.33%	15%	38%	59%	3%
Stevenage	15	0.22%	7%	53%	47%	0%

N.B. Figures relate to appeal activity for 2009/10 not to the year of issue of the PCN.

8.5 PCN Recovery

The recovery rate is expressed as a percentage of PCNs paid. Comparative analysis indicates that our performance is very good.

2009/10

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Cambridge	N/A	N/A	N/A	N/A
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Stevenage	6,903	64%	34%	2%

(N/A = not available at the time of this report's preparation)

The council is aware of the sensitive nature of debt recovery. Nevertheless the only effective incentive for compliance with parking regulations laid down in statute is financial. This is particularly true of those who persistently evade the financial sanctions and our bailiffs are becoming increasingly sophisticated in the measures used to enforce such debts. Fortunately the number of such cases is relatively small.

In conclusion it is the council's intention to undertake continuous improvements in the performances set out above. Whilst external factors beyond the council's control occur from time to time we believe that this is a realistic goal.

9 Financial Information – the Parking Account

One of the common criticisms of parking enforcement is that it is just a money raising exercise. TMA and earlier legislation made it clear that such activities must never be used in this way. Monies raised by enforcement are ring fenced in the first instance but if deficits occur then these are charged against the council's revenues but may be recovered from any future surpluses.

Only specific costs can be charged against the parking account, details of which are given as follows:

Parking Account

		2008-9
		£
On Street		
	Income	
	Residents'and Visitors Permits	3,425
	PCN Income	<u>220,936</u>
	Total Income	<u>224,361</u>
	Expenditure	
	Contractors	274,956
	Staff	84,424
	Equipment maintenance etc	5,589
		364,969
	Deficit incurred on street	-140,608
Off street		
	Income	
	PCN Income	15,380
	Total Income	15,380
	Expenditure	
	Contractors	19,115
	Staff	5,870
		24,985
	Deficit incurred off street	-9,605
Overall Deficit		-150,213

WHBC incurs the following costs that may be charged against the parking account:

Subsidies to maintain rural bus routes	65,221
Concessionary fare costs	860,349
	<u>-</u>
Total attributable deficit	<u>1,075,783</u>

As can be seen the cost of concessionary fares is very significant but we believe that this is an important service that the council provides for those in possession of concessionary fare passes.

In addition the council has expended in excess of £500,000 to provide additional parking spaces as referred to in section 6.2 above

10 Future Objectives

Ongoing investment will include:

- Making more information available on parking provision
- Ongoing review of the council's web site
- Provision of a further 200 parking spaces in 2009-10
- Further review of disabled parking provision
- Revision of the council's priority list for enforcement activity
- Continuing attention to the adequacy of signs and lines
- Extension of map based TROs

Car Parks

Car Park	Area	Disabled Spaces	Time Limit	No. Of spaces	Parent & Child spaces	Season Tickets	Pay on foot
Batterdale "A"	Old Hatfield	N	N				
Batterdale "B"	Old Hatfield	Y	N				
Broadway	Old Hatfield	N	N				
Campus East Lower	WHC	0	N	370	0	N	N
Campus East Upper	WHC	0	N	148	0	N	N
Campus West	WHC	4	N	355	0	20	Y
Church Road	WHC	7	N	221	0	N	Y
Dog Kennel Lane	Hatfield	Y	N				
High Street	Welwyn	Y	Y				
Hunters Bridge Storey	Multi WGC	18	N	660	6	N	Y
Kennelwood	Hatfield	Y	N				
Link Drive	Hatfield	Y	N				
Lockleys Drive	Welwyn	Y	N				
Osborn Way	WHC Old	0	N	401	0	N	N
Saisbury Square	Hatfield	N	Y				
The Commons	Hatfield	Y	N				
The Forum	Hatfield	N	N				
Titmus Yard	Welwyn	N	N				

Details of tariffs are provided on the web site
 All disabled parking is free in manned car parks.

Glossary of terms

Organisations and technical terms in the Report are given in full then subsequently an abbreviation is used.

The glossary below, which is in alphabetical order, explains some terms and phrases in the Annual Report that may be unfamiliar to you.

ABANDONED VEHICLE

WHBC has qualified staff to assess whether a vehicle can legitimately be regarded as abandoned. Once identified these can be removed and destroyed.

APPEAL

An appeal is the technical term applied where an owner or keeper does not accept the rejection of the representation made to WHBC at the NtO stage and wishes the independent tribunal TPT to assess the case and make a binding decision.

BAILIFF

WHBC via its agents appoints bailiffs to enforce payment of parking indebtedness via the issue of a warrant of execution.

CHALLENGE

A challenge is an objection made against a Penalty Charge Notice (PCN) **before** the issue of a Notice to Owner.

DECRIMINALISED

In June 2005, parking enforcement was decriminalised across the Welwyn Hatfield Borough Council. This meant that it was no longer a criminal offence to park in breach of regulations. Enforcement of most of the on-street parking regulations is now the sole responsibility of the Local Authority rather than of the Police. Non-compliance is treated as a civil offence rather than a criminal offence. Ultimately unpaid Penalty Charge Notices are pursued by debt collection agencies, rather than through the criminal courts.

DIFFERENTIAL PARKING PENALTIES

This is the name given to the changes in the levels of charging for penalties implemented by the Government on 31st March 2008 to make the system fairer. Higher level charges apply to contraventions that are considered serious and lower levels to those that are considered less serious.

CANCELLATIONS

A PCN is cancelled when we consider that it has either been issued in error or that there are exemptions or other factors including mitigation that means that the case will be closed without accepting payment.

CHARGE CERTIFICATE

This is a statutory document, which is sent out to any registered keeper/owner who has not submitted a representation or payment at the Notice to Owner stage of the legal process applied to parking contraventions. By this document the penalty charge is increased by 50%.

CIVIL ENFORCEMENT OFFICER (CEO)

This is a designated name given by the Traffic Management Act 2004 to those officers engaged by councils to issue Penalty Charge Notices. CEOs (formerly known as Parking Attendants) are employed through a specialist contractor.

CONTRAVENTION

A contravention is failure by a motorist to comply with traffic or parking regulations.

CONTROLLED PARKING ZONE (CPZ)

This is an area where parking is restricted during certain times of the day. The main aim of a CPZ is to ensure that parking spaces within the zone are managed to balance the needs of residents and other motorists. In a CPZ the restrictions are shown by signs placed on all vehicular entry points to the zone. Signs are only required within the zone where the restrictions are different from those on the entry signs. There will not usually be a sign for a yellow line where the restrictions are the same as on the entry signs.

DRIVER AND VEHICLE LICENSING AGENCY (DVLA)

There are agency agreements in place to permit WHBC or its agents to obtain details of keepers registered with DVLA for vehicles that appear to be contravening regulations

MULTI-STOREY CAR PARK (MSCP)

A multi-storey car park is a building that has a number of floors or levels designed specifically for vehicle parking.

NOTICE TO OWNER (NtO)

A Notice to Owner is a statutory notice served by the authority to the person they believe is the owner of a vehicle issued with a Penalty Charge Notice. This notice is served for **parking contraventions** where a penalty issued by a CEO remains unpaid after 28 days. Within 28 days of the Notice to Owner, the owner is required to either:

- make payment of the full penalty charge; or
- make representations against liability for the charge.

National Parking and Adjudication Service (NPAS)

This organisation has been re-named as the Traffic and Penalty Tribunal (TPT)

OFF-STREET PARKING

Off-street parking facilities are those within car parks and construction of parking spaces off road e.g. parking in areas on estate roads.

ON-STREET PARKING

On-street parking facilities are those by the kerbside within the highway.

ORDER FOR RECOVERY OF UNPAID PENALTY CHARGE

This is an order for recovery of an unpaid penalty charge which has been registered with the Traffic Enforcement Centre (TEC). TEC is currently situated at the County Court in Northampton and is the centre where unpaid penalty charges are registered as debts at the County Court. This is an automated process, not requiring, or allowing an appearance by any party and once registration has taken place, the debt can be passed to a bailiff for collection of the outstanding monies.

PARKING ATTENDANT (PA)

This is a designated name given by the Road Traffic Act 1991 to those officers engaged by councils to issue Penalty Charge Notices. PAs (now known as Civil Enforcement Officers, CEOs) may be employed directly by the council or through a specialist contractor. When parking enforcement was the responsibility of the Police, these officers were known as Traffic Wardens.

PAY ON FOOT

Pay on foot is a method of payment for parking in a car park bay whereby on arrival the driver stops at the barrier, takes a ticket and parks their car. On leaving, the driver inserts the ticket in a pay station and pays the parking charge.

He/She then takes back the ticket, drives to the barrier, inserts the ticket and the barrier lifts for exit.

PENALTY CHARGE NOTICE

This is a notice issued because a vehicle has allegedly contravened a parking regulation. A Penalty Charge Notice must contain certain information, including a description of the contravention alleged to have occurred.

REGISTERED KEEPER

This is the person or organisation recorded at the Driver and Vehicle Licensing Agency (DVLA) as being the keeper of a vehicle. Under the concept of owner liability, the registered keeper is presumed to be the owner of the vehicle for the purposes of enforcement, appeal and debt recovery action.

REPRESENTATION

A representation is a challenge against a Penalty Charge Notice **after** a Notice to Owner has been issued.

SPECIAL PARKING AREA (SPA)

This is an area in which most on-street parking contraventions have been decriminalised. The area is established by a highway authority to enable the Local Authority's Civil Enforcement Officers to put parking controls in place.

TRAFFIC REGULATION ORDERS

These are the legal documents by which traffic and parking regulations are determined and enforced.

TRAFFIC MANAGEMENT ACT 2004

This Act was implemented on 31st March 2008 and introduced a range of measures including differential charges and some associated guidance for councils and local authorities to follow.

TRAFFIC PENALTY TRIBUNAL (TPT)

This is the independent tribunal set up under TMA to adjudicate on parking and traffic cases. It is staffed by judicially qualified staff with an administrative office and publishes an Annual report on its work.

WRITE-OFFS

A PCN is written-off when we are unable to pursue the penalty and need to close the case without accepting payment. This may be when the DVLA has no information about the registered keeper, or even after our bailiffs have attempted to collect the debt without success.