



Havering

LONDON BOROUGH

Highways, Traffic & Parking

Parking Penalty Charge Notice Process

There are 3 types of Penalties which can be issued:-

Fixed to Windscreen

Served by post (Regulation 10)

Bus Lane and Moving Traffic PCN

Fixed to Windscreen

- Issued by a foot or mobile patrol Civil Enforcement Officer
- Vehicle is observed in contravention
- Details of contravention recorded
- PCN issued and placed on windscreen or handed to driver
- Regulation under which PCN is enforced is Traffic Management Act 2004.

Served by Post (Regulation 10)

- This is served within 14 days of contravention, where the issued PCN was refused by the driver, with threatening or abusive behaviour, or where the vehicle is driven away during issuance
- PCN is served to Registered Keeper of vehicle as recorded at DVLA
- Discount period applies in same way as PCN served to windscreen
- Regulation under which the PCN is enforced is the Traffic Management Act 2004

Bus Lane or Moving Traffic PCN

- Contravention is detected by ANPR camera
- Images are reviewed by qualified Officer and PCN created
- PCN is served by post, within 28 days of contravention to the registered keeper as recorded at DVLA.
- Discount period applies.
- Regulation under which a bus lane PCN is enforced is London Local Authorities Act 1996 and for Moving Traffic is London Local Authorities and Transport for London Act 2003

Recovery Process of a PCN

- PCN is served – 14 days apply for discount penalty to be paid, or 28 days for full payment of charge. Representation can also be made within 28 days , or within 14 days to qualify for the discounted charge.
- If no payment or representation is received within 28 days, a Charge Certificate will be served which increases the PCN by 50%.
- Once service of a Charge Certificate has occurred there is no further recourse for representation to be made.
- If payment of the Charge Certificate is not made, the debt will be registered at County Court and an Order for Recovery is served allowing 21 days for payment (includes £9.00 debt registration fee) or for a Witness Statement/Statutory Declaration to be filed to County Court.
- If no payment or WS/SD is filed, the debt can be passed to Enforcement Agents after 21 days.
- A Warrant of Execution remains valid for 365 days from date County Court grant its issue.

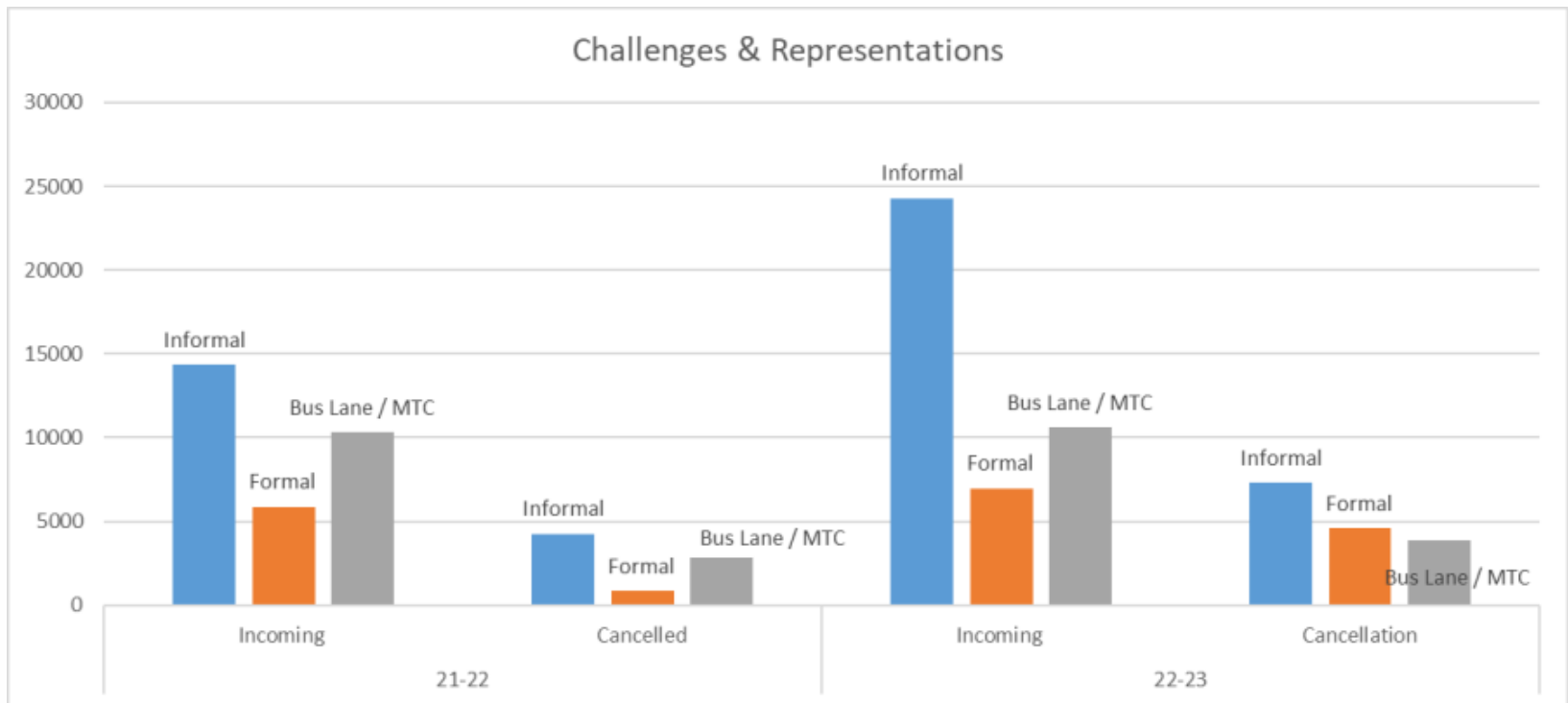
Challenge & Representation Process

- There are usually 3 points of appeal for a PCN:-
Informal, formal and adjudication
- Where a PCN is served by post there is only a formal representation to be made, with the exception of bus lane penalties.
- Informal challenges are made direct to Traffic & Parking either via the online appeals portal (www.havering.gov.uk/pcn) or via post to the Town Hall.
 - If challenge is rejected the discount is reoffered for a further 14 days
- Formal representation are made in the same way as above. The full charge of the penalty applies if representation rejected unless MTC, where the discount is reoffered
 - Appellants have 28 days to make an application for appeal to independent adjudicator at London Tribunals
 - If the appeal is refused, the full charge of the penalty is payable in all cases.
 - Appellant can request a review of the case decision within 21 days of adjudicators decision. The review is carried out by London Tribunals.
- The decision of the appeal is binding on both the appellant and the Council and the appeals process is hereby exhausted.

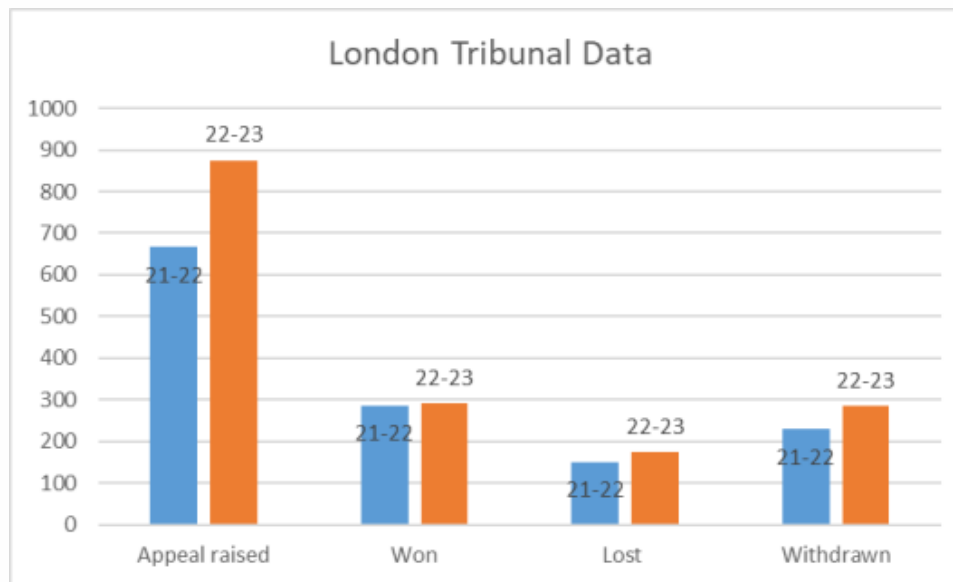
Reviewing Process

- Formal representations can only be reviewed by a qualified officer under City & Guilds Notice Processing
- All CEO recorded evidence such as Officer notes, observations, photos are reviewed.
- The appellants mitigation is considered and reviewed in line with the Council's Discretionary Policy (https://www.havering.gov.uk/downloads/file/96/policy_for_enforcing_or_cancelling_a_pcn)
- There is only a statutory timeframe for responses to formal representations where the PCN is issued under TMA 2004 (56 days).

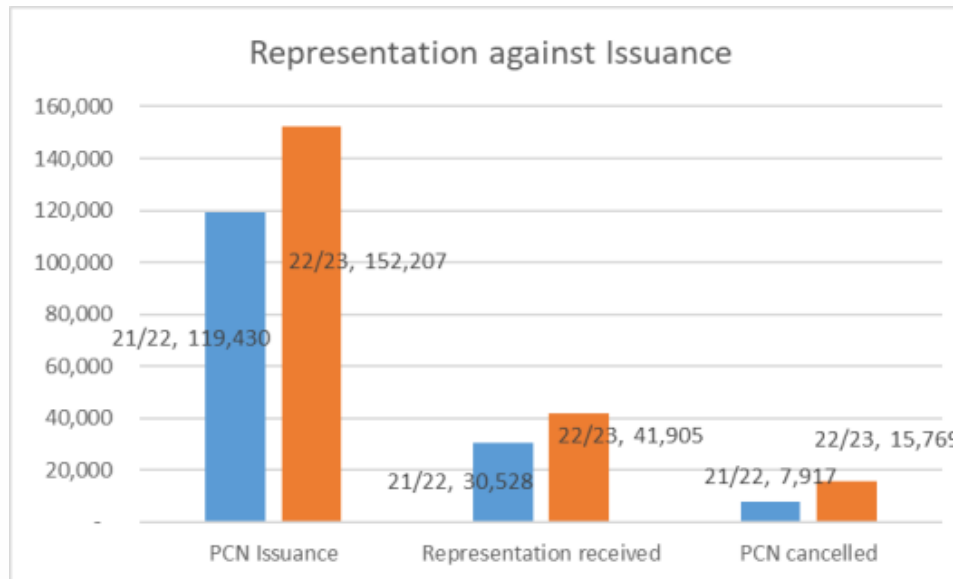
Challenge & Representation Statistics



London Tribunal Statistics



Penalty Issuance Stats



Statutory Declaration / Witness Statement

- When an Order for Recovery is received the recipient can file a statement to Traffic Enforcement Centre, within 21 days, on the following grounds:-
 1. Did not receive the Notice to Owner / Penalty Charge Notice (Parking contravention).
 2. Made representations about the Penalty Charge to the enforcing authority concerned within 28 days of the service of the Notice to Owner, but did not receive a rejection notice
 3. Appealed against the local authority's decision to reject representation, within 28 days of service of the rejection notice, but have had no response to appeal.
 4. The penalty charge has been paid in full (this is not applicable for Bus Lane & MTC cases).

Next Steps...

- Havering is currently split between Band A (Romford Town Centre) and Band B.
- Band A indicates a higher level charge for all contraventions (£130/£65 and £80/£40) and varies between the level of severity of contravention.
- Band B indicates a lower level charge (£110/£55 and £60/£30)
- Consideration is needed to apply to London Councils and Traffic Enforcement Centre to make Havering Band A as a stronger deterrent to motorists whom continue to ignore parking restrictions