

TfL Penalty Charge Consultation

Response by David Leibling on behalf of the RAC Foundation

1. The RAC Foundation

The RAC Foundation – a registered charity - is an independent transport policy and research organisation which explores the economic, mobility, safety and environmental issues relating to motoring and road use.

2. Summary

The Foundation does not support the proposed increases in charges because it believes that:

1. High non-compliance figures can be as much a symptom of poor signage and road layout as wilful disobedience
2. Those who knowingly fail to pay the congestion charge or who consciously commit other traffic offences are unlikely to be deterred by an increase in the penalty charges if the current, already-high penalties have not prevented their actions
3. In the case of those driving for commercial reasons, the cost of a penalty is likely to be regarded as the cost of doing business and will simply be passed on to customers
4. In certain cases, TfL is arguably failing to properly monitor, deter and penalise offenders under the current laws
5. There should not be two-tier penalty regime which would be the case if there was a charging differential between TfL roads and borough roads

3. Congestion charge

Neither the consultation document nor the Impact Assessment document give sufficient evidence to suggest that the proposed increase will have the desired effect of increasing compliance to reduce congestion. Neither TfL nor London Councils publish the number of congestion charge PCNs but a Freedom of Information request shows the following information:

Table 1 Congestion charge

Financial Year Ending	Total Valid Charges Purchased	Gross Charge Income £m	Total PCNs Issued	Gross Enforcement Income £m	Penalty £/PCN	PCN/entry	% of maximum charge (£130)	% paying full penalty
31-Mar-14	17,249,810	151.0	819,880	83.6	102.0	4.8%	78%	57%
31-Mar-15	17,000,636	169.9	864,183	87.5	101.3	5.1%	78%	56%
31-Mar-16	16,132,118	167.4	897,137	91.0	101.4	5.6%	78%	56%
31-Mar-17	15,336,717	160.8	949,513	88.8	93.5	6.2%	72%	44%

In 2016-17 the number of PCNs was 6.2% of paid entries, a figure which has risen over the past four years, despite the penalty having been raised from £120 to £130 in 2013, suggesting that either the current already-high penalty does not appear to directly affect behaviour or that a lack of information is leading drivers to enter the centre of the capital in ignorance of the regulations.

Furthermore, of those not receiving a penalty, only around a half take advantage of the 50% discount for prompt payment, suggesting that there is a significant proportion of offenders for whom cost is unimportant or for whom – in the case of those driving in the course of employment – the cost can simply be passed on to their customers.

The third factor is the increasing number of repeat offenders as published in the consultation paper. All three factors suggest that the proposed increase is unlikely to have the desired effect of significantly increasing compliance and reducing congestion.

It is recommended that more research should be done amongst persistent offenders and casual offenders to see why they do not pay – is it indifference towards the cost (possibly by companies who regard PCNs as a business cost) or an ignorance of the regulations (because of adequate signage or details on how to pay) or the accidental taking of a wrong route which intrudes into the zone?

It is also recommended that in the spirit of transparency TfL supplies to London Councils the detailed congestion charge information provided in the FOI request so that it can be published each year with TfL bus lane and moving traffic offences in the London-wide data that London Council publishes about PCNs and appeals for parking and moving traffic offences. The figures should show the new T-charge separately.

4. Monitoring of bus lanes and moving traffic offences

As noted above, London Councils publishes information borough by borough on the number of PCNs issued for parking, bus lane infringement and moving traffic offences.

The number of bus lane PCNs is compared below with the information about the length of bus lanes in London which was provided by TfL Customer Services on 15 December 2016.

Table 2 Bus lane PCNs

LONDON BOROUGH	Length of bus lane on borough roads (km)	Bus lane PCNs 2016-17	PCNs/km
Barking & Dagenham	7.1	28,618	4031
Barnet	3.1	6,398	2064
Bexley	0.4		
Brent	7.6	10,355	1363
Bromley	1.6	18,068	11293
Camden	8.0	16,729	2091
City of London	0.9		
Croydon	3.1	1,960	632
Ealing	9.7	25,053	2583
Enfield	4.0	23,156	5789
Greenwich	5.9		
Hackney	5.3	3,864	729
Hammersmith & Fulham	12.9	23,042	1786
Haringey	6.9	17,465	2531
Harrow	1.7	9,863	5802
Havering	3.5	8,426	2407
Hillingdon	1.9	2,974	1565
Hounslow	5.1	8,123	1593
Islington	4.6	12,994	2825

Kensington & Chelsea	0.2		
Kingston upon Thames	3.4	28,984	8525
Lambeth	7.9	44,148	5588
Lewisham	4.7	11,530	2453
Merton	3.5	21,551	6157
Newham	7.9	6,775	858
Redbridge	0.8		
Richmond upon Thames	4.0	4,524	1131
Southwark	12.0	4,328	361
Sutton	0.8		
Tower Hamlets	2.7	6,120	2267
Waltham Forest	6.5	1,751	269
Wandsworth	9.0	61	7
Westminster	7.6		
TfL	122.3	4,314	35
TOTAL	286.6	351,174	1225
Excl TfL	164.3	346,860	2111

This table shows that TfL issues only 35 PCNs per km of bus lane compared with a London-wide average (excluding TfL) of 2,111. Although bus lanes on the TLRN represent 43% of total bus lanes in London, TfL issues only 1% of all the bus lane penalties.

Either drivers are much more compliant (by a factor of 60 times) with TfL bus lanes than they are with borough bus lanes – in which case there isn't, comparatively speaking, a problem - or TfL is being lax when it comes to enforcing the existing rules.

Given that few people drivers set out to intentionally receive a penalty – especially one of £130 and potentially more – then any continued concerns about compliance should be addressed by better road layout and signage as much as anything else.

Table 3 shows the number of moving traffic offence PCNs compared with the length of A roads in each authority and the mileage driven.

Table 3 Moving Traffic offences (2016 data)

LONDON BOROUGH	Moving traffic PCNs	Vehicle km (million, all vehicles, all roads)	PCNs/ million veh kms	A road miles	PCNs per A road mile
Barking and Dagenham	31,063	615	51	22.8	1362
Barnet	56,026	1,646	34	52.5	1067
Bexley	12,642	941	13	39.0	324
Brent	72,260	895	81	34.1	2118
Bromley		1,229	0	47.5	0
Camden	30,804	451	68	23.6	1305
City of London	10,939	154	71	7.9	1386
Croydon	23,397	1,185	20	47.7	490
Ealing	65,300	1,224	53	33.7	1939
Enfield	29,999	1,676	18	46.3	648
Greenwich		1,057	0	41.0	0
Hackney	20,060	468	43	22.2	904

Hammersmith and Fulham	82,946	513	162	20.0	4158
Haringey	42,814	541	79	23.1	1857
Harrow	57,466	574	100	24.7	2324
Havering	4,798	1,595	3	25.5	188
Hillingdon	15,386	2,181	7	39.0	395
Hounslow	31,798	1,524	21	43.6	730
Islington	75,657	395	192	23.7	3196
Kensington and Chelsea		497	0	19.1	0
Kingston upon Thames	84,072	913	92	25.2	3340
Lambeth	34,228	733	47	34.0	1007
Lewisham	11,626	766	15	23.6	492
Merton	56,220	578	97	24.8	2268
Newham	28,794	914	32	32.4	890
Redbridge	38,761	1,119	35	34.2	1132
Richmond upon Thames	8,252	790	10	38.5	215
Southwark	32,436	695	47	34.1	951
Sutton		635	0	18.3	0
Tower Hamlets	12,472	848	15	25.5	488
Waltham Forest	79,170	735	108	31.8	2489
Wandsworth	5,851	751	8	33.7	173
Westminster	50,921	853	60	37.4	1361
TfL	129,521				
Total	1,235,679	29,691	42	1,030.2	1199
TLRN	129,521	8,907*	15	225	576
Excl TLRN	1,106,158	20,784	53	805.2	1374

* TLRN is around 30% of total traffic in London

These figures must only be indicative as it has not been possible to exclude red route miles and mileage from the individual borough figures. However it is possible to separate the TLRN from the total, using an estimate that TLRN represents 30% of the mileage driven on London roads.

Excluding the TLRN, London boroughs issued 53 moving traffic PCNs per million vehicle km. TfL issued 15. However a proportion of the TLRN is fast trunk roads such as the A12 or A40 which would partly account for a lower TfL figure as there are fewer opportunities for moving traffic offences.

Again excluding the TLRN, London boroughs issued nearly 1,400 moving traffic offences per mile of A road (where moving traffic offences are most likely), compared with TfL issuing only around 600.

Increased surveillance and improved enforcement would have greater effect in reducing congestion than increasing the penalty. Raising the cost of a TfL PCN will also cause confusion amongst motorists if penalties on the TLRN are higher than on borough roads.

However, any talk about penalties should only come after TfL is satisfied that there are no inadequacies in its signage or road layout which lead people to make mistakes in the first instance.

David Leibling

9 November 2017