



# **Enforcement Operations Agreement**

## **Schedule 2**

### **Appendix 14 – Penalty Charge Write Off Policy**

**tfl\_scp\_000555**

**Service Operations Directorate**  
**Transport for London**  
4<sup>th</sup> Floor, Palestra  
197 Blackfriars Road  
Southwark London SE1 8NJ

*Copyright on the whole and every part of this document is owned by Transport for London. No reproduction of the whole or any part of this document is to be made without the authority of Transport for London. This document is confidential to Transport for London. No part of this document or information contained in this document may be disclosed to any party without the prior consent of Transport for London.*

## Table of Contents

Penalty Charge write-off policy .....2

## **Penalty Charge Write Off Policy**

### **1.1.1 BACKGROUND**

The Congestion Charging Scheme raises Penalty Charges against Vehicles identified as entering the CCZ without payment of the appropriate Charge Payment or holding a valid discount or exemption.

In the vast majority of cases a PCN is issued to the Registered Keeper/Person Liable of the Vehicle the details of which provided to TfL's Enforcement Operations Service Provider through a link with the DVLA. Where no Registered Keeper/Person Liable details are available or provided then TfL maintains the Penalty Charge record against the Vehicle as the Registered Keeper/Person Liable details may become available at a later stage and/or the Vehicle may become a PE of the CCS. A Vehicle will be categorised as a PE if it has three (3) or more Penalty Charges or PCNs outstanding and will as a result be subject to OSE action through Clamp and Removal if the Vehicle is found on the public highway in greater London.

Inevitably Penalty Charges and PCNs as well as other Enforcement related debts, such as incurred removal and storage charges, will for various reasons need to be written-off. Whilst in most cases the write-off criteria can be clearly defined as detailed in Table A there will be cases which will require write-off as an aged debt and, due to the number of cases and the value of debt to be written-off, will require authorisation by Authorised officers of the Enforcement Operations Service Provider on behalf of TfL.

Data for the first three (3) years of the Congestion Charging Scheme indicate a reducing number of PCNs being issued, declining level of Representations and Appeals made against issued PCNs and an increasing proportion and value of payments made. Whilst the introduction of the WEZ in February 2007 increased the numbers of PCNs and a temporary increase in the proportion of Representations and Appeals, the introduction of Pay Next Day and other Customer improvements in 2006 had a converse impact and these overall trends are expected to continue.

### **1.1.2 POLICY**

Authorised Personnel of the Enforcement Operations Service Provider will write-off any Penalty Charge(s) for a VRM where:

- the write-off falls within the categories defined in the standard write-off list as detailed in Table A below; and
- the total debt outstanding for the Penalty Charges for a VRM is less than or equal to five hundred pounds (£500).

Application of this policy and process may apply to individual Vehicles, Registered Keeper/Persons Liable, Penalty Charges or PCNs but may equally apply to multiple Penalty Charges and/or PCNs across many different Registered Keeper/Persons Liable and Vehicles. For example, one hundred (100) PCNs are issued to different Registered Keepers/Persons Liable who were forcefully diverted into the CCZ.

The Monthly report of cases written-off will be monitored and sample checked by the TfL PMAs to ensure that cases written-off have been done so in accordance with this policy.

Those cases or instances that do not fall within the defined categories and / or have an outstanding debt in excess of five hundred pounds (£500) must be referred to TfL where the full circumstances of the write-off request will be considered by TfL. The Enforcement Operations Service Provider will be notified of decisions made on such cases in writing via e-mail.

The Enforcement Operations Service Provider will provide a write-off Report to TfL for each Month which will provide the following information:-

- the Penalty Charge number
- date of Contravention
- VRM
- value of write-off
- write-off reason code

### 1.1.3 *WRITE-OFF PROCEDURE*

Where a case is identified for write-off that does not fall within the defined categories listed in Table A below and/or has an outstanding debt in excess of five hundred pounds (£500) this must be referred to TfL where the full circumstances of the write-off request will be considered.

The Enforcement Operations Service Provider will complete a write-off request form detailing the reasons for the request and the value of the charge(s) to be written-off and pass through to TfL's PMAs. If the value of the write-off does not exceed three thousand pounds (£3000) then TfL's PMAs can authorise the request and pass back to the Enforcement Operations Service Provider for processing. If the write-off value exceeds three thousand pounds or TfL's PMAs require guidance then the case shall be escalated to Representations and Appeals Manager, the Enforcement, Validation and Verification Manager or the Head of Enforcement Operations for authorisation. Once authorisation has been approved then the write-off request form will be passed back to the Enforcement Operations Service Provider for processing.

In the case of the aged debt write-off process as detailed in Table B below, which is run each period, the following actions will apply:

The Enforcement Operations Service Provider shall provide the TfL PMAs with the write-off report. The PMAs will undertake a sample check of the cases flagged as "write-off candidates";

Once the sample has been undertaken the aged debt write-off request form will be completed by TfL's PMAs and passed to the Enforcement, Validation and Verification Manager for verification;

Once verified, the aged debt write-off request form will be passed to the Director of Congestion Charging for authorisation;

Once authorised, the aged debt write-off request form will be passed back to TfL's PMAs who will then process the write-off in consultation with the Enforcement Operations Services Provider.

The records will be updated with the write-off reason code "write-off approved" (WO05).

**1.1.4 ANNUAL REVIEW**

The issues raised on an ad-hoc basis will be used to develop the standard write-off list and future policy and procedure which will be reviewed annually in Period 12.

Table A: Standard write-off List (as reviewed in Period 12 2005/2006)

<b>Ref:</b>	<b>REASON</b>	<b>EXPLANATION ON WHERE THE REASON APPLIES</b>
WO01	write-off - from TfL	Where TfL has requested that the Penalty Charge / PCN be written-off for any reason
WO02	write-off - OSE waiver	Notification received from the OSE Service Provider that payment for release of a clamped or removed Vehicle was waived (e.g. Customer provides proof that recently purchased Vehicle and therefore not liable for PCNs).
WO03	write-off from - OSE disposal	Notification received from the OSE Service Provider that a Vehicle has been disposed of, and therefore the remaining balance should be written-off.
WO04	write-off - bereavement	Where the Registered Keeper / Person Liable of the Vehicle at time of Contravention is now deceased.
WO06	write-off - insolvent	The company or individual has been liquidated or is insolvent and write-off is requested / authorised by TfL.
WO07	write-off - reduced payment	Where excess debt is written-off and partial payment is accepted as payment in full.
WO012	write-off - Charge Certificate in error (payment)	Where full payment has been received by post and there has been a failure to record this correctly within 10 days of receipt and as a result a Charge Certificate was issued in error by the Enforcement Operations Service Provider.
WO013	write-off - Order for Recovery in error (Payment)	Where full payment has been received by post and there has been a failure to record this correctly within 10 days of receipt and as a result an Order for Recovery was issued in error by the Enforcement Operations Service Provider.
WO014	write-off - Warrant of Execution in error (Payment)	Where full payment has been received by post and there has been a failure to record this correctly within 10 days of receipt and as a result a Warrant of Execution was issued in error by the Enforcement Operations Service Provider.
WO018	write-off for Bailiff	Where the PCN is written-off at the request of the Bailiff and authorised by a PMA.

Table B: Automatic write-off List (as reviewed in Period 12 2005 / 2006)

<b>Ref:</b>	<b>REASON</b>	<b>EXPLANATION ON WHERE THE REASON APPLIES</b>
WO05	write-off approved	Where the Contravention date is more than two (2) years ago and all Enforcement Action has been exhausted.