

Appendix 1

Analysis of representations received to the Variation Order consultation

Representations have been categorised into 'themes' and 'sub-themes' according to the issue being considered, along with TfL's conclusions. This means that a representation from a respondent dealing with more than one issue will be split accordingly and dealt with under the appropriate themes or sub-themes.

Some of the representations received did not concern the content of the Variation Order; rather they concerned congestion charging more generally. These representations and objections are considered under the theme 'Other Issues'.

Proposed Variation: Proposed changes to penalty charges

Sub-theme	Respondent	Representations	TfL Response
Support the proposed increases to penalty charges	Richmond and Twickenham PCT	Supports the increase in penalty charges.	Support noted.
Oppose the proposed increases to penalty charges	London Borough of Camden	Provisional position is to oppose the increase.	<p>The changes to penalty charges are being proposed to bring Transport for London (TfL) into line with the revised charges and new variable penalty levels agreed by London Councils on 1 July 2007.</p> <p>Under powers in the 1991 Road Traffic Act, as amended by the Greater London Authority Act 1999, London Councils Transport and Environment Committee is responsible, subject to agreement by the Mayor of London and the Secretary of State for Transport, for setting additional parking charges on borough roads within London.</p> <p>TfL believes that the change is important in order to maintain the effectiveness of the enforcement regime by ensuring consistency and minimising confusion for drivers receiving a penalty charge.</p> <p>The increased charges will only affect those who fail to adhere to the regulations and Scheme Order requiring payment of the congestion charge on chargeable days.</p>
	London Borough of Wandsworth	Opposes the proposed increase in the penalty charges.	
	Association of British Drivers	Considers that raising the PCN to £60 [discounted rate] is simply unnecessary and will make it even less appropriate, given that most charges are incurred by a simple oversight.	
	Stephen Hammond MP	Object to the proposed substantial increase in the penalty and enforcement charges.	
	Members of the public	Eleven members of the public oppose the proposed increase in the penalty charges.	

Accept principle of harmonising penalty charges – but should adopt lower level (£80)	London Borough of Camden	Supports principle of harmonising penalty charges but questions the justification for applying the higher tariff which has been adopted for serious contraventions and express the view that it would be more appropriate for the lower penalty rate to be applied (i.e. a penalty charge of £80 and £40 with discount).	TfL considers it appropriate for penalties for non-payment of the congestion charge to be priced at the same level as other serious contraventions which affect the free-flow of traffic and thus have impacts on congestion.
	RAC Foundation	Disappointed that, in amending the penalties to take account of the new two-tier parking penalty scheme, TfL has chosen to "level up" rather than "level down".	
Accept principle of harmonising penalty charges – but not an increase in the enforcement charges	Central London Partnership	The idea of moving to the same penalty charge system for the CCZ as borough traffic penalties simplifies the whole penalty system for traffic contraventions in London, reducing confusion that would arise over different levels. However, the continuing increase in cost of all types of penalty charge is seen by our members as an unreasonable additional expense to living and working in the centre of London, and this has ongoing consequences, particularly for residents who live just outside of the CCZ, for visitors and for business.	See considerations above Furthermore, the increased charges will only affect those who fail to adhere to the regulations and Scheme Order requiring payment of the congestion charge on chargeable days.
Oppose principle of harmonising penalty charges	London Borough of Wandsworth	Considers that harmonising is beside the point. Any increase in the penalty for non-payment of the congestion charge should be justified in its own right, against the objectives of the congestion charge scheme.	See considerations above. TfL believes it is important to bring the charges applicable for congestion charging evasion into line with those agreed by London Councils. TfL would like to ensure consistency and minimise confusion for drivers receiving a penalty charge.
	Association of British Drivers	TfL's argument is to harmonise charges but the offences concerned are much more serious, are often related to road safety and are more blatant and there is no reason why infringing the congestion charge system should incur the same level of penalty.	

	Members of the public	Nine members of the public oppose the principle of harmonising penalty charges with the revised charges and new variable penalty levels agreed by London Councils.	TfL considers that the evasion of the congestion charge in central London constitutes a serious contravention. Therefore, the penalty should be in line with those imposed for other serious contraventions such as moving traffic and parking contraventions on the strategic road network, parking offences and obstructions at bus stops.
Penalty charges should be lower	Association of British Drivers	Considers that current £50 penalty charge is too severe.	The rates have been reached by London Councils after extensive consultation and there is broad agreement across the London boroughs that the new rates will be the most effective in deterring traffic and parking contraventions. TfL considers that the proposed penalty charge rate for congestion charging is appropriate in this context.
	Members of the public	Six members of the public believe that penalty charges should be lower.	
Penalty charges should be higher	Member of the public	One member of the public believes that penalty charges should be higher.	See considerations above.
Objective is to raise revenues/ another tax	Association of British Drivers	Concludes that the motivation for this proposed change is to increase the revenue from penalty charges as it is known that the congestion charge system would be in a very poor financial state without the revenue generated from penalty fines. Obviously, the recent improvement in compliance is undermining the financial position of the system, and hence this may be more the motivation for raising the charges.	The primary objective of congestion charging is to reduce congestion. The increase is intended to bring charges into line with those for other traffic violations in central London. These charges have never been explicitly linked to the RPI, or any other index, but charges have been reviewed periodically to ensure that they maintain their effectiveness as a deterrent. The changes made by London Councils in July 2007 were the first since 2003.
		Penalty fines should be set at levels that are adequate to ensure compliance and not be used as a way of raising revenue from accidental infringements by motorists.	

	Stephen Hammond MP	Appears to be merely a fund raising exercise and very little to do with traffic or congestion. I do not believe that such rises can be justified.	TfL considers that the purpose of penalty charges is to ensure compliance with the congestion charge and not to raise additional revenue. This is reflected in the relative annual revenues from our core charging activity of approximately £160 million with revenues from enforcement of £55 million. (All figures 2006/07).
	Members of the public	Eleven members of the public believe that the objective of the changes to penalty charges is to raise revenues.	
Question effectiveness of PCNs	London Borough of Camden	States that, as camera enforcement has high detection rates, it seems unlikely that a higher penalty level would act as a greater deterrent.	TfL believes that penalty charges are an important element of ensuring that motorists pay the congestion charge. TfL has proposed the changes to the penalty charges to bring them in line with the new levels of penalty charge adopted by London Councils. The revised rates have been reached by London Councils after extensive consultation and there is broad agreement across the London boroughs that the new rates will be the most effective in deterring traffic and parking contraventions.
	Member of the public	Two members of the public questioned the effectiveness of PCNs.	
No comment	London Borough of Greenwich	No comment	Noted.

Other issues	Richmond and Twickenham PCT	The proposed rate should be seen as the minimum chargeable rate. Cars with large engines and high CO2 emissions (e.g. greater than 4.0 litres) should be charged/fined double to encourage the use of more fuel efficient, smaller engines, and physically smaller cars in our capital.	<p>It is important to note that there is a difference between charges and penalty charges.</p> <p>The proposed changes to the penalty charges for non-payment of the congestion charge would not introduce higher penalty charges for cars with large engines or higher carbon dioxide emissions.</p> <p>TfL is currently consulting on separate proposals for Emissions Related Congestion Charging (until 19 October 2007). These proposals include a higher charge for those cars and extended-cab dual purpose pickups which emit more than 225 grams of carbon dioxide per kilometre. However, they do not currently propose to introduce a higher penalty charge on the basis of a car's emissions.</p>
	Surrey and Borders Partnership NHS Trust	Concerned that the penalty charges may be increased on an annual basis and this would not be supported.	There are no plans for an annual increase. The current changes are being proposed in response to changes made by London Councils – see considerations above.

	<p>Association of British Drivers</p>	<p>Believes that vast majority of the infringements are occurring by accident or oversight. Therefore the existing charges are already disproportionate to the nature of the infringement.</p>	<p>Since 2003, TfL has introduced initiatives such as Pay Next Day which have reduced PCNs issued by some 12-15% and many other customer improvements to reduce the possibility of drivers being penalised for simple oversights. These have included additional checking at “point of sale” to reduce errors, desktop PC reminders and extensive public information campaigns.</p> <p>In relation to the PCNs issued, over 72% are paid with the vast majority of these within the discounted period. Around 17% result in formal representations from motorists. TfL has a long standing policy of applying its discretion and cancelling PCNs issued due to genuine errors such as payment for the wrong vehicle or day of travel when evidence of such a mistake can be provided.</p> <p>TfL believes that penalty charges are an important element of ensuring that motorists pay the congestion charge in a reasonable timescale. Furthermore, there is broad agreement across the London boroughs that the new rates will be the most effective in deterring traffic and parking contraventions. TfL considers that the proposed penalty charge rates are also appropriate for congestion charging.</p>
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TfL recommends that no changes should be made to the Variation Order as a result of these representations.

Proposed Variation: Changes to enforcement fees			
Sub-theme	Respondent	Representations	TfL Response
Support changes to enforcement fees	London Borough of Wandsworth	Has no objection to the proposed increases in the enforcement charges.	Noted.
Oppose changes to enforcement fees	RAC Foundation	Considers the large increase in the fees for vehicle removal to be excessive at a time when inflation is in single figures.	<p>London Councils obtained supporting information relating to clamping, removal, storage and disposal enforcement costs from the Corporation of London, London Borough of Hammersmith and Fulham, London Borough of Haringey, London Borough of Islington and Royal Borough of Kensington and Chelsea. The information received show that costs for removal and storage have increased at rates above inflation.</p> <p>The fees agreed by London Councils have addressed the increase in enforcement costs while keeping a uniform set of charges across London. TfL has proposed changes to its enforcement fees to bring those fees in line with the revised fees agreed by London Councils.</p>
TfL recommends that no changes should be made to the Variation order as a result of these representations.			

Proposed Variation: Replacement of “Switch” cards by “Maestro” cards

Sub-theme	Respondent	Representations	TfL Response
Support replacement	London Borough of Wandsworth	Does not object to the need to replace "Switch" references with "Maestro".	Noted.
No comment	London Borough of Greenwich	No comment.	
Other issues	London Borough of Camden	No comment on the changes to reflect the replacement of Switch by Maestro.	

TfL recommends that no changes should be made to the Variation order as a result of these representations.

Proposed Variation: Congestion Charging Other Issues

Sub-theme	Respondent	Representations	TfL Response
Suggested changes to the scheme	Surrey and Borders Partnership NHS Trust	Notes that there is no increase in the daily charge, which would be an issue for their patients using London and staff who may visit London for training and development activities.	The proposals do not include any plans to increase the £8 daily charge and the Mayor has said that there will not be another increase in the standard charge during his current term in office.

TfL recommends that no changes should be made to the Variation order as a result of these representations.