

TRANSPORT FOR LONDON

SURFACE TRANSPORT PANEL

SUBJECT: NEW APPROACH TO COMPLIANCE: A FAIR DEAL FOR DRIVERS

DATE: 19 MAY 2009

1 INTRODUCTION

1.1 A number of related initiatives commenced with the formation of the new Congestion Charging & Traffic Enforcement (CC&TE) directorate under the Chief Operating Officer, Enforcement & Compliance in February 2008. These initiatives included a directorate-wide restructure and subsequent Organisation Change Programme in the Operations department; a review of existing projects and contracts to reduce costs; and a customer research programme combined with a new approach to delivering compliance initially labelled 'A Fair Deal for Drivers'. The purpose of this paper is to provide an update on the 'Fair Deal' approach.

2 BACKGROUND

2.1 Over a number of years TfL has successfully increased compliance on the Transport for London Road Network (TLRN) through an expansion of enforcement, particularly using CCTV. We now have consistently high levels of compliance, but the enforcement required to deliver and maintain that compliance led to a high fixed cost base and growing concern from drivers and stakeholders in London.

2.2 To address these concerns CC&TE developed a 'Driver Charter' to set out clearly how we now approach compliance and enforcement. There are four central themes and each addresses key issues for motorists and businesses driving in London:

- a) We are going to deliver a more commonsense approach to help drivers;
- b) We are making it easier for drivers to stop where they need to and use loading bays without worrying about being issued with a penalty;
- c) Where we do issue a penalty we will make the process as simple and straightforward as possible; and
- d) If we make a mistake, we will apologise and automatically cancel the penalty.

2.3 These themes are supported by a number of actions, including:

- a) Moving to 20-minute observation period on loading bays - TfL currently issues a Penalty Charge where loading activity is not observed during a 5-minute period, which does not reflect the time actually necessary to load or unload in many situations.
- b) Reducing Bank Holiday enforcement - Although traffic volumes are much lower on Bank Holidays, many parts of the TLRN are still enforced as if they were normal business days; and although signage is clear, motorists often believe that either TLRN restrictions do not apply or Sunday rules apply.
- c) On Yellow Box Junctions contraventions – only issuing PCNs where the vehicle is actually causing an obstruction to traffic flow.
- d) Taking a pragmatic view on the extent to which we chase outstanding debt where reasonable attempts have been made by the relevant customer.
- e) Allowing representations for certain contraventions to be heard over the telephone rather than insisting on a written representation.

3 REACTION TO THE DRIVER CHARTER

- 3.1 CC&TE has been presenting some of the proposals contained within the Charter to stakeholders. The Charter has been invariably warmly approved, with previously implacable opponents such as the London Motorists Action Group offering to support and promote TfL's efforts.
- 3.2 A draft version of the Charter and its implications was presented at the London Councils' Parking Managers' Seminar. Support here was mixed. Some boroughs supported TfL's proposal, while others were concerned there would be a negative impact on both the network and income. We are confident that compliance can be delivered with reduced need for enforcement. We also believe we can fund the proposed initiatives within the current business plan. No elements of the charter will be rolled out until we have trialled and assessed the impact on income – and, where necessary, cost reductions have been identified to offset any effect on income.
- 3.3 It is worth adding that in parallel with the development of the Charter we have undertaken a fundamental re-engineering of the CC&TE directorate's business processes and policies. An Organisation Change Programme was completed in December, with a new CC&TE Operations management team and the number of operational staff reduced by over 100. A wider programme of Operational Cost Review within CC&TE has delivered savings of £400 million, largely through renegotiating or terminating contracts and other efficiency improvements.
- 3.4 Motorists reaction to the Driver Charter formed part of a wider research project that will help TfL understand drivers' attitudes and motivations, and enable us to consider how best to encourage voluntary behaviour change to increase compliance with the road regulations. The Charter was researched amongst drivers who differed significantly in terms of their attitudes to driving and to rule-breaking, and included both private and commercial drivers.

- 3.5 Overall, the Charter was received very positively. The commonsense approach was considered to be exactly what was needed. People said it presented TfL as appreciating the needs of drivers and business people in London. That said, a level of cynicism of the initiative by motorists was evident throughout the research, which can be dispelled only by delivering visible change over a sustained period of time.

4 STAKEHOLDER ENGAGEMENT

- 4.1 The CC&TE team has been engaging with key groups in an effort to both deal with specific outstanding issues and to trial the principles of the proposed Driver Charter. The British Security Industry Association (BSIA) and Brewery Logistics Group (BLG) are trade associations representing the cash and valuables in transit and beer delivery industries respectively. Members of both groups receive high volumes of PCNs for parking on double red lines. BSIA members face genuine security hazards and BLG companies operate under strict Health and Safety regulations, such that both industries require drivers to park as close as possible to the point of delivery. Frequently, there is no suitable loading bay, so drivers park on double red lines, and then receive a PCN.
- 4.2 CC&TE has initiated several meetings with the BSIA and BLG, as well as some of their key members, in an attempt to find a way to allow companies to operate safely and reduce the number of PCNs being issued, while maintaining traffic flows along the Red Route. Subsequently, we have proposed Memoranda of Understanding (MOUs) with both associations. In general, we will not issue PCNs to member vehicles stopped on double red lines where it is clear that vehicle is engaged in loading or unloading activity. In return, the associations will agree to change delivery times in some locations to occur outside restricted hours, abide by all other regulations (such as those pertaining to zigzags and dropped kerbs), and will only deliver to certain locations at times that will ensure minimal impact on traffic.
- 4.3 These efforts have been met with a very positive response from both groups, and demonstrate that it is possible to work with organisations to achieve improved compliance, and thus traffic flow, without relying solely on traditional enforcement.
- 4.4 The freight company 3663 is the single biggest recipient of PCNs on the TLRN. We are working toward agreeing an MOU with 3663. TfL will assume legitimate loading activity is taking place unless we see evidence to the contrary. We will also provide a resource for 3663 to contact about any PCNs that they believe have been incorrectly issued. In return, 3663 will agree to abide by all other regulations, deliver to certain locations outside certain specified times, and agree to pay all correctly issued PCNs.

5 SIGNAGE

- 5.1 Signage is a crucial area with four out of five drivers claiming some signs are difficult to read or understand, and there is a strong view that there is too much inconsistency in the rules across London. It is clear that lack of clarity does lead to some drivers contravening the road rules.

- 5.2 The rules that caused most confusion relate to loading bays. While a limited number of drivers will take personal responsibility for their action, unclear signage perpetuates the view that TfL is trying to catch out drivers. For some, it is safer to avoid the situation altogether. This can work against traffic flow as it stops, for example, drivers using bus lanes when they are allowed to do so.

6 CONCLUSION

- 6.1 The research indicates the need first to build our credibility with drivers on the basis of clearly articulated changes in TfL's attitude and behaviour. Only then will drivers listen to other messages, which could include explaining why the road rules exist and the consequences of non-compliance.
- 6.2 The Charter addresses many of the key concerns raised by drivers and stakeholders, and initial responses to the Charter have been overwhelmingly positive. In conjunction with the related activities being undertaken within the CC&TE directorate, the proposals can be implemented without impact to the business plan.
- 6.3 It is not, however, enough to promise that our approach will be fair and proportionate. Organisations and the public are clearly sceptical of TfL's ability to deliver the Driver Charter. Early and informed engagement with stakeholders - particularly those most hostile to enforcement - is critical in confirming the major issues and, by addressing these, to help steer the future debate.
- 6.4 The new strategy can be taken forward in part because of the high levels of compliance currently being delivered through enforcement. Increasingly, however, communications rather than enforcement will be critical to achieving compliance. Communications activity will not commence until we are first confident that the business and its service providers are consistently delivering against the Charter.

7 RECOMMENDATION

- 7.1 The Panel is asked to NOTE the report.

8 CONTACT

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