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10 November, 2017

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Dear Paul,

## **Consultation – Raising the Penalty Charge for Drivers**

The BVRLA welcomes the opportunity to comment on the consultation regarding raising the penalty charge for the London congestion charge and for offences committed on London's Red Routes.

The BVRLA cannot support an increase to the penalty charge payable for 'contraventions' of the Red Route network or Congestion Charging zone as the true offender is not held to account for leased vehicles.

We note that the reason for increasing the penalty charge is that data published by TfL shows that people are increasingly reoffending therefore the belief is that the penalty is not a sufficient deterrent.

For congestion charging it is difficult for the penalty to be a deterrent when the true offender is not held to account when the vehicle is leased. This is due to an amendment required to the Road User Charging Regulations which would allow leasing companies whose agreements are longer than six months in duration to transfer fines to the customer.

Leasing companies' inability to transfer the liability in relation to the penalty charge means they have to absorb the cost or if their contracts permit they will try to recover the costs from the customer. However, this not only has a direct cost and cash-flow impact on our members, but paying the fine means that the vehicle users rights of appeal are removed or that the offender may go unpunished. We therefore call on TfL to lend their support to a legislative amendment to the Road User Charging Regulations to allow our members to transfer fines to the customer where the agreement is more than six months in duration.

We believe this would then see the true offender being directly impacted and evasion rates would decrease especially with repeat offenders.

We would therefore recommend that TfL first push for the legislative change to ensure the person committing the offence is paying the penalty and then once this implemented it can review whether an increase in the penalty is required.

### **British Vehicle Rental and Leasing Association**

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Honorary Life President: Freddie Aldous  
A company limited by guarantee

Chairman: Matt Dyer  
Registered Office as above

Chief Executive: Gerry Keaney  
Registered in England No. 924401

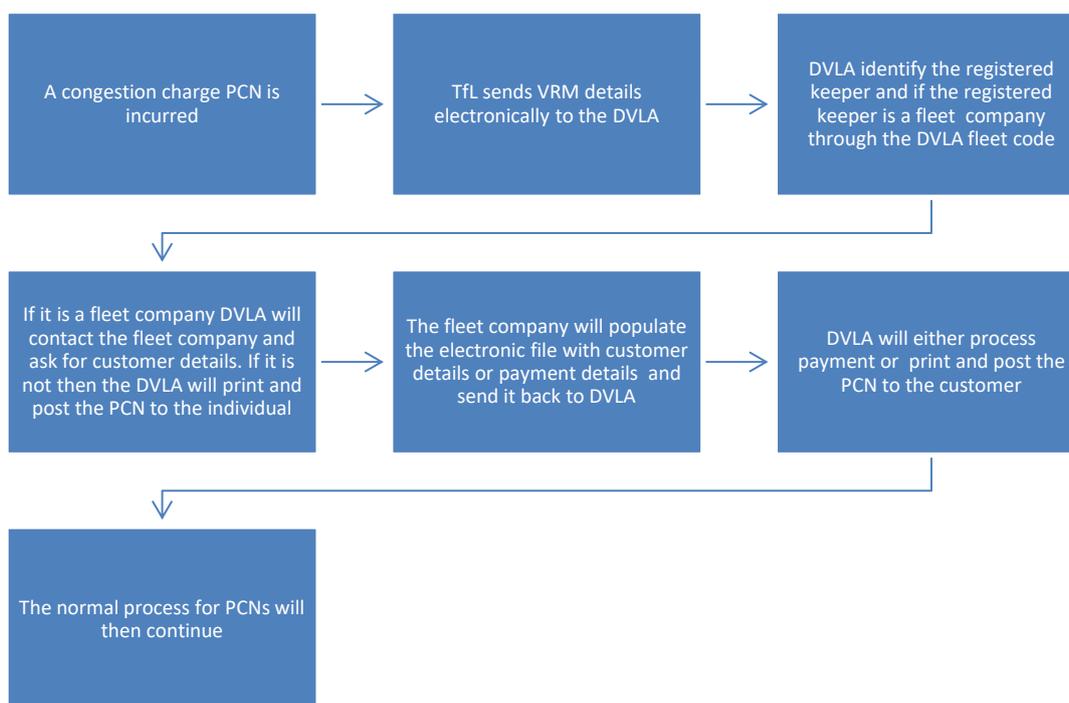
## Role of DVLA

We would also like to take this opportunity to draw to TfL's attention the 2014 independent report by Mary Reilly into the work of the DVLA<sup>1</sup>. In her report to the Transport Minister, Mary Reilly made a number of recommendations including:

"Recommendation 4 – DVLA's value as a service provider of government should be optimised. Significant experience will be gained through delivery of IT transformation and further development of digital services. Early work suggests that DVLA will be best served by an operating model which utilises in-house capability aligned to best practice and industry standards. DVLA should use this experience to leverage its brand and become a digital leader in both the public and private sectors. DVLA should aim to be recognised as a symbol for digital excellence. This could attract growth opportunities for the business and benefit the local economy."

We still believe this recommendation could be of significant interest to TfL with regards to the issuance of PCNs. If the DVLA's IT transformation is successful we believe that this could position DVLA to play a key role in supporting the electronic issuance of PCNs for any offence which requires contacting the registered keeper. We believe this would deliver significant cost savings for organisations such as TfL as the administration would be handled by the DVLA and if this was on an electronic basis for fleets would give TfL access to the true offender quicker.

We have provided a simple diagram below to show how this would work in practice:



The above process could facilitate multiple PCNs being sent to a fleet owner from all of TfL's enforcement regimes. This could provide TfL with significant operational cost savings and ensure that TfL are in touch with the true offender much quicker. This type of solution may also help with re-offending rates as the person would be aware of the offence they have committed much quicker.

<sup>1</sup> [A Review of DVLA](#)

Transport for London

November 2017

We hope our comments add value to the consultation process and would be happy to meet with you and your team to discuss proposals for getting to the true offender much quicker.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jay Parmar'.

**Jay Parmar**

Director of Policy & Membership

***Bona-fides BVRLA, the industry and its members***

- Established in 1967, the British Vehicle Rental and Leasing Association is the UK trade body for companies engaged in the rental and leasing of cars and commercial vehicles. Its members operate a combined fleet of 4.71 million cars, vans and trucks.
- BVRLA members buy nearly 50% of all new vehicles sold in the UK, an estimated 1 million vehicles (including 308,000 UK-made vehicles) per annum.
- Collectively, members of the BVRLA support around 317,000 jobs and contribute over £24.9 billion to the UK economy each year.
- Through its members and their customers, the BVRLA represents the interests of over 2 million business car drivers and 10 million people per year who choose to rent a vehicle.
- As well as informing the Government and policy makers on issues affecting the sector, the BVRLA regulates the industry through a mandatory code of conduct, helping its members deliver safe, sustainable and affordable road transport to millions of consumers and businesses. For more information, please visit [www.bvrla.co.uk](http://www.bvrla.co.uk).