

2 Bristol Avenue, Colindale, NW9 4EW

01 February 2023

Our ref: 9008256

Thank you for your request received on 11 January 2023, for the following information:

TfL have told me this: TfL's enforcement system has a function within the solution which records the details of each hire agreement accepted for the purposes of transferring PCN liability where a statutory ground of representation is made out. (which I describe as a database).

The database is used to short cut the enforcement process by sending any PCNs incurred during one period of hire (of up to 6 months) to the hirer starting from the second PCN in time. The first PCN is sent to the registered keeper, the hire company, to obtain a copy of the hire agreement (and all PCNs should be treated the same).

My questions to you are:

1 Do you have access to the TfL database either directly or through your PCN enforcement contractor? Please answer yes or no.

2 If the answer to Q1 is yes, how many times did you, or your contractor, access that database in December 2022?

3 Have you created your own similar database? Please answer yes or no.

4 If the answer to Q3 is yes which bodies have access to your database?

5 If you hold a hire agreement, so you think the vehicle is on hire, would you send the second PCN incurred during the currency of a hire agreement to the registered keeper (the hire company) or to the person or company who rented the vehicle. (An example so you are clear about what I am asking. A Mr Smith rents a vehicle from El Cheapo Car Hire from 1 January to 30 May 23. He incurs a moving traffic, bus lane or parking PCN on 1 January. At the relevant time you demand keeper details from DVLA and then send a postal PCN, Enforcement Notice or Notice to Owner, as the case may be, to El Cheapo Car Hire and are sent a copy of the hire agreement in order to transfer liability to Mr Smith. The same vehicle commits another contravention on 1 April 23. To whom would you send the initial Postal PCN, Enforcement Notice or Notice to Owner, as the case may be? El Cheapo Car Hire or Mr Smith as you hold the hire agreement from the earlier contravention so assume it is still on hire and there is no need to bother El Cheapo Car Hire?)

We have processed this request under the Freedom of Information Act 2000.

Response

The answers to your questions are below.

TfL have told me this: TfL's enforcement system has a function within the solution which records the details of each hire agreement accepted for the purposes of transferring PCN liability where a statutory ground of representation is made out. (which I describe as a database).

The database is used to short cut the enforcement process by sending any PCNs incurred during one period of hire (of up to 6 months) to the hirer starting from the second PCN in time. The first PCN is sent to the registered keeper, the hire company, to obtain a copy of the hire agreement (and all PCNs should be treated the same).

My questions to you are:

1 Do you have access to the TfL database either directly or through your PCN enforcement contractor? Please answer yes or no.

NO

2 If the answer to Q1 is yes, how many times did you, or your contractor, access that database in December 2022?

N/A

3 Have you created your own similar database? Please answer yes or no.

NO

4 If the answer to Q3 is yes which bodies have access to your database?

N/A

5 If you hold a hire agreement, so you think the vehicle is on hire, would you send the second PCN incurred during the currency of a hire agreement to the registered keeper (the hire company) or to the person or company who rented the vehicle. (An example so you are clear about what I am asking. A Mr Smith rents a vehicle from El Cheapo Car Hire from 1 January to 30 May 23. He incurs a moving traffic, bus lane or parking PCN on 1 January. At the relevant time you demand keeper details from DVLA and then send a postal PCN, Enforcement Notice or Notice to Owner, as the case may be, to El Cheapo Car Hire and are sent a copy of the hire agreement in order to transfer liability to Mr Smith. The same vehicle commits another contravention on 1 April 23. To whom would you send the initial Postal PCN, Enforcement Notice or Notice to Owner, as the case may be? El Cheapo Car Hire or Mr Smith as you hold the hire agreement from the earlier contravention so assume it is still on hire and there is no need to bother El Cheapo Car Hire?)

In response to question 5 above, we respond to each PCN issued separately but if the PCNs were incurred during the same period of hire, the new PCNs will be issued to the same hirer but, we would have received instruction from the hire company on

the specific PCNs to transfer liability for. We cannot assume that all PCNs issued to a vehicle were to the same hirer as there may have been a change in the hire agreement between the first and subsequent PCNs. We treat each case separately as instructed by the hire company.

Further information

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

Advice and Assistance : Direct Marketing

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link www.ico.org.uk

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

Your rights

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: foi@barnet.gov.uk. Or by post to Records & Information Management Service, Assurance Group, London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website www.ico.org.uk). There is no charge for making an appeal.