



London Ambulance Service **NHS**
NHS Trust

**Procedure for managing Penalty Charges Notices and
Notices of Intended Prosecution (PCNs and NIPs)**

DOCUMENT PROFILE and CONTROL.

Purpose of the document: To describe the procedures for the management and administration of Notice of Intended Prosecution and Penalty Charge Notice

Sponsor Department: Operations

Author/Reviewer: Deputy Director of Operations
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Document Status: FINAL

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15/10/10	0.3	J Nevison	Minor amendments from Head of Legal and Training Dept, addition of process map
18/02/11	0.4	DDO	Minor amendments
26/05/11	1.1	So to DDO	Minor amendments

***Version Control Note:** All documents in development are indicated by minor versions i.e. 0.1; 0.2 etc. The first version of a document to be approved for release is given major version 1.0. Upon review the first version of a revised document is given the designation 1.1, the second 1.2 etc. until the revised version is approved, whereupon it becomes version 2.0. The system continues in numerical order each time a document is reviewed and approved.

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Related documents or references providing additional information		
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TP/065	Conduct on the Road	1.1
LA4737	Request to Cancel a PCN	

Document Status: This is a controlled record as are the document(s) to which it relates. Whilst all or any part of it may be printed, the electronic version maintained in P&P-File remains the controlled master copy. Any printed copies are not controlled nor

substantive.

1. Introduction

- 1.1 The aim of this policy and procedure document is to outline the London Ambulance Service NHS Trust's approach to dealing with allegations of Road Traffic contraventions, including the processes for administration of penalty charge notices (PCN) for parking offences and Notices of Intended Prosecution (NIP) for other driving offences, such as speeding or contravention of red traffic lights.

2. Scope

This Policy and procedure:

- 2.1 Applies to all drivers of service vehicles, including riders of service motorcycles and drivers of lease cars. The requirements of this policy also apply to contractors working with or on behalf of the Trust when in charge of or driving Trust vehicles.
- 2.2 Applies to other departments involved in processing NIPs and PCNs including Emergency Preparedness Department, Fleet Administration, and Operations.

3. Objectives

- 3.1 To provide clear guidance to all drivers of service vehicles of their responsibilities when parking whilst on duty.
- 3.2 To provide clear guidance to all staff of the procedure for managing NIPs.
- 3.3 To provide clear guidance to all staff of the procedure for managing PCNs.

4. Responsibilities

- 4.1 All members of staff who drive service vehicles are responsible for complying with Road traffic Law, IHCD Driving manual, the requirement of the Highway Code and LAS driving policies and procedures at all times.
- 4.2 The Motor Risk Management Group is responsible for developing the strategic direction of driving related projects and initiatives, as well as monitoring the outcomes from current motor risk activity and data collection sources. The Group reports to the Risk Compliance & Assurance Group on a quarterly basis.

5. Definitions

Service Driver – includes all lease car drivers and drivers of liveried vehicles including riders of service motorcycles and those contracted and or required to drive Trust vehicles.

6. Penalty Charge Notice

- 6.1 The manner in which service vehicles are driven has a direct bearing on public perception of the LAS as a professional organisation. This includes the manner in which service vehicles are parked.
- 6.2 Although a general exemption from penalties exists in law for vehicles being used for ambulance purposes, service drivers are expected to exercise good judgment when parking. Only on those occasions where no other legal stopping/parking alternative is available should a driver on ambulance service purposes consider parking in contravention of any restrictions. Stopping for refreshments does not constitute ambulance service purposes. If a service driver has no other choice, care must be taken not to cause an obstruction or nuisance to other road users or pedestrians.
- 6.3 The service will not consider pursuing an exemption where an identified driver has parked illegally and in an unreasonable way, as described above. Where no exemption applies and a service driver incurs parking fines, fixed penalty and/or a summons, it will be the driver's responsibility to address these and resolve the matter with their line manager. In addition to any penalties, the service driver may find themselves subject to advice and guidance on the matter. In circumstances where no reasonable exemption applies and fines are incurred these are the responsibility of the driver concerned and the Trust will not reimburse the fines incurred.
- 6.4 Any service driver receiving a hard copy PCN is requested to contact Fleet Admin to discuss the penalty and commence an appeal if a reasonable exemption exists or settle the PCN if appropriate. Delays in the processing of PCNs cause the charges to escalate and additional administration fees may be added by lease or hire agencies. The service driver is ultimately liable for all fees and penalties accruing for illegal parking. All unpaid PCNs for service vehicles and lease cars are received and processed by fleet admin.
- 6.5 PCNs for front-line service vehicles are investigated through use of the call log (see appendix 3) If the vehicle was engaged on front line duties at the time of the alleged offence then fleet admin will send a standard letter quoting the ambulance service exemption in the Traffic Management Act 2004. If this appeal letter is rejected on the grounds of unreasonable driver behavior the details of the vehicle that attracted the penalty and any evidence from the authority will be forwarded to the complex management team to address with the driver in advice and guidance. In the event of the service vehicle not being engaged in the delivery front-line services fleet admin will investigate the usage with the complex management team and agree the way in which the PCN will be managed. In the event of a satisfactory explanation of conduct from the driver at the time, the penalty may be avoided by completing an LA4737 (Request to Cancel a PCN – see 6.7 and appendix 1 below)

- 6.6 PCNs for lease cars are investigated with the driver of the lease car at the time the PCN was incurred (see appendix 2). If the driver was on duty (or on call) and engaged in ambulance service business then an exemption may be possible. Fleet admin will send a standard letter to the issuing authority. If this is rejected the driver may avoid the penalty by completing the LA4737 (Request to Cancel a PCN – see 6.7 below)
- 6.7 The LA4737 (Request to Cancel a PCN) is based upon a legacy agreement between the London Boroughs and the emergency services (London Local Authorities Form 4737). This form consists of three declarations;
- Driver's declaration that they were using the vehicle for ambulance service purposes.
 - Line Manager's declaration confirming the above.
 - Deputy Director of Operations declaration confirming that exemptions should apply.

When this form is completed by all three signatories, the original must be sent to Fleet Admin, by internal mail, immediately.

7. Notice of Intended Prosecution

- 7.1 Notices of Intended Prosecution (NIP) for lease vehicles are received by the shared service vehicle management agency. If the vehicle in question is registered to an individual the agency will forward the NIP to the relevant driver's home address. If the vehicle is registered to a department (usually as a pool car) the manager will be sent the NIP to investigate. NIPs for service-owned vehicles are managed by Fleet Admin in the same way.
- 7.2 NIPs for department pool cars are the responsibility of the nominated manager to investigate. The keys to pool cars must be strictly controlled, with all journeys recorded on an LA27. Department managers who fail to maintain these controls may be subject to disciplinary action if a pool car is involved in an incident of dangerous driving and a driver cannot be subsequently identified. Pool cars may be withdrawn from departments if these controls are found to be lax or missing.
- 7.2 If, as a result of a collision or alleged motor offence being committed on or off duty, a member of staff receives a NIP they must report it immediately to their line manager.
- 7.3 If the NIP relates to an alleged offence occurring whilst responding to an emergency, an exemption may apply. The driver should complete the paperwork with the NIP and submit it together with a letter on LAS headed paper detailing the CAD number and the date and time of the incident being responded to. The driver should also separately copy

this paperwork to the Head of Emergency Preparedness, who will separately confirm to the relevant police service the nature of the journey.

- 7.4 The Trade Union may help in making legal advice available to members of staff who are trade union members only. All staff are free to consult a private solicitor at their own expense. Alternatively, if the Union cannot help, Legal Services may be able to obtain legal advice/representation through the Trust's motor insurance, if there is no conflict of interest.

IMPLEMENTATION PLAN	
Intended Audience	All service drivers and motorcycle riders
Dissemination	Available to all staff via the Pulse. All new operational members of staff will be provided with a personal issue hard copy pack of Driving related policies and procedures, including TP/064
Communications	To be announced in the RIB and a link provided to the document. Launch of all new driving policies in LAS News.
Training	None required.
Monitoring	It is the responsibility of all line managers to ensure that the requirements in this procedure are complied with.



APPENDIX 1

**LA Form 4737 – Request to Cancel a PCN
Pursuant to:**

**Traffic Management Act 2004
Road Safety Act 2006**

Application to:

Transport for London

London Local Authority:

for the cancellation of a Penalty Charge Notice (PCN) (and refund or waiving of clamp or removal fees, if applicable) incurred while the vehicle was being used for ambulance purposes.

Please read the following before completing this form:

1. This form must be fully completed and countersigned and should reach the appropriate notice processing office at the address shown on the PCN no later than 28 days after the date on which the PCN was issued (and the clamping/removal took place).
2. The countersigning officer must be authorised by the Deputy Director of Operations to do so.
3. PCNs issued to private vehicles parked near ambulance stations whilst the driver is working at that station fall outside the terms of the exemption.
4. Issuing authorities may reject improperly completed forms.
5. A copy of the PCN should be kept for your own reference.

Drivers Declaration

At (time) on (date) I confirm that the vehicle was being used for ambulance purposes in (street name and area / postcode). I attach the relevant PCN, number, for your information. I also attach the release fee receipt in respect of the clamping/removal (if applicable).

Signed:.....

Rank:.....

Name:

Date:

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Investigating Officer's Declaration

I am authorised to investigate the activities of the driver of vehicle
(VRN). I confirm this is:

- an ambulance vehicle;
- a vehicle that is on long term loan/hire to the London Ambulance Service;
- a privately owned/leased vehicle fitted with removable audible and visual warnings for emergency use;
- a vehicle otherwise being used by the London Ambulance Service NHS Trust in an official capacity.

I certify that all the information available supports the exemption of this PCN.

Signed:.....

Rank:.....

Name:

Date:

Countersigning Officer's statement

I certify that I am satisfied that the vehicle detailed above was being used for ambulance purposes and that statutory and/or regulatory exemptions apply. I therefore support the above submission and request that the PCN be cancelled (and any clamp/removal fees refunded/waived).

Signed:

Rank:

Name:

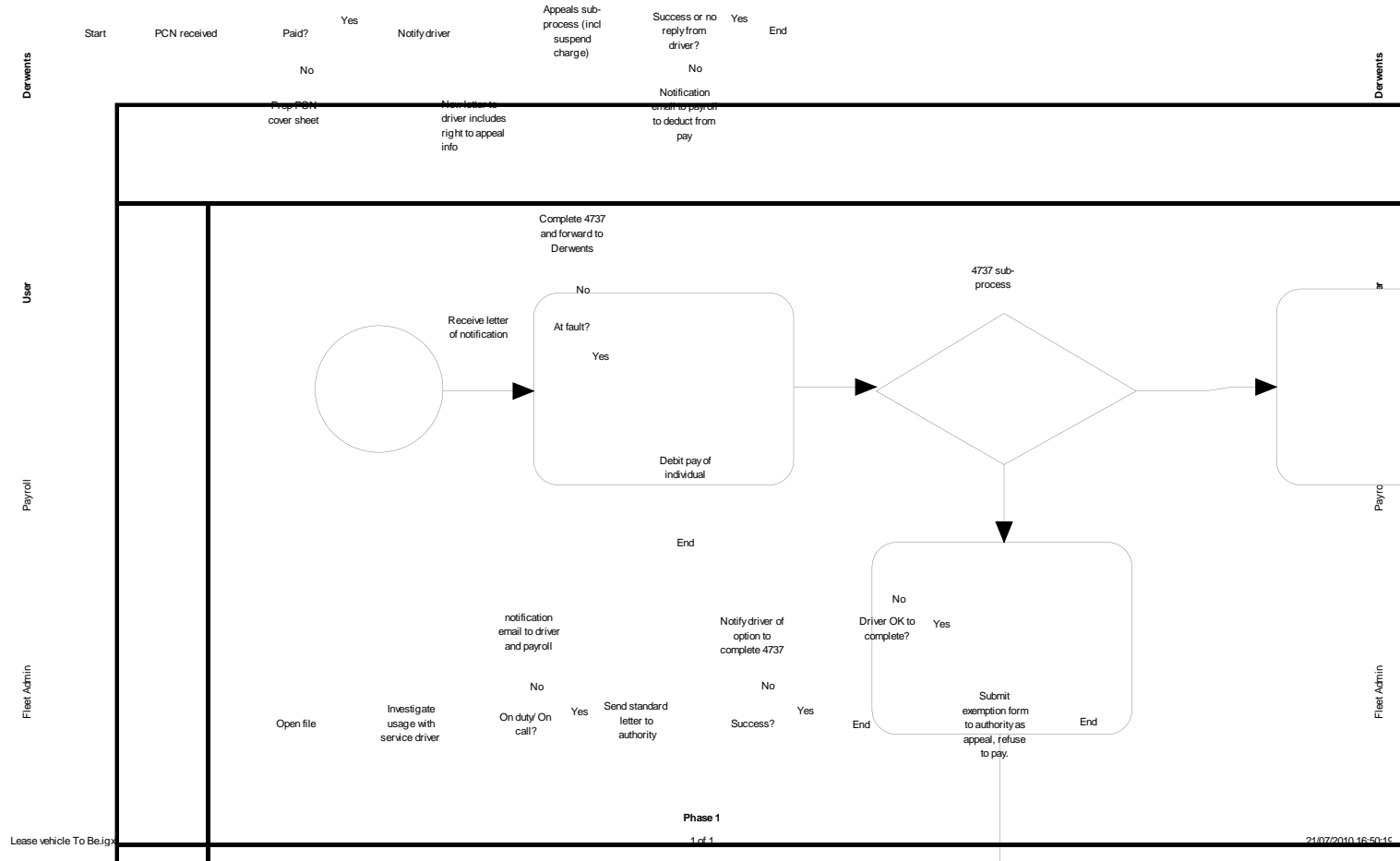
Date:

Appendix 2

Process1

London Ambulance Service NHS Trust
Lease vehicle To Belgx

Phase 1



Appendix 3

Process1

London Ambulance Service NHS Trust
Fleet vehicle process To Be.igx

