

Restitution Scheme

Maladministration of Traffic Regulation Orders

At Council on 15 October 2024, Reading Borough Council acknowledged errors in the making of a number of historic Traffic Regulation Orders (TROs). These are detailed in the Schedule below.

As a result of this, motorists were wrongly issued with Penalty Charge Notices (PCNs) for alleged breaches of the restrictions in these TROs. Some parts of the Council were aware of these issues, and whilst they were raised at a management level sufficient for them to be resolved, nothing was originally done to resolve the situation and the matter drifted. Councillors were not informed of the errors historically. Notwithstanding the errors on these TROs, enforcement continued.

The Council recognises that this amounts to maladministration and that restitution needs to be made to those who paid incorrectly issued PCN's and that work has to be done to restore public trust and confidence in the TRO process and traffic and parking enforcement.

Objectives

1. The Council wishes to sincerely apologise to all motorists and residents affected by this error and for any distress it may have caused. An Internal Audit investigation into the maladministration has been undertaken. An Action Plan has been put in place to ensure restitution of monies incorrectly paid, and to improve governance and oversight; to ensure this cannot happen in future. Implementation of the Action Plan will be monitored by the Audit and Governance Committee.
2. The Council wants to refund motorists who were incorrectly charged as swiftly and as efficiently as possible.
3. The Council recognises that there are some motorists who, not having paid the PCN in the allotted time, were then subject to additional enforcement action in relation to the debt, as the unpaid PCN was referred to Enforcement Agents.
4. The Council will publish its Restitution Scheme online on 16 October and keep it under review to ensure that it meets its objectives. Any amendments to the Scheme will be published online.
5. The effectiveness of the Scheme will be monitored by the Council's Audit and Governance Committee. The Audit and Governance Committee is delegated to close the Scheme when it appears to them that the objectives have been met.

Process

6. A dedicated web page www.reading.gov.uk/parkingrefund has been set up for motorists affected to claim a refund. The website includes frequently asked questions and details of the TRO areas affected. The website will go live on 16 October 2024 following Council's agreement of the Scheme on 15 October 2024.
7. It should be noted that the website page only relates to restitution of the five TRO areas affected and residents wanting to challenge any other penalty charge notice will be directed to the correct location for making their representations.

8. Motorists need to complete a refund form which contains some mandatory fields and are encouraged to also complete discretionary fields where they hold the information, as this will help speed up the validation process. The requested information is:
 - a. Name (Mandatory)
 - b. Email address
 - c. Phone number
 - d. Vehicle Registration Mark (Mandatory)
 - e. Date PCN Issued (Mandatory)
 - f. PCN Location (Mandatory)
 - g. Method of Payment (Mandatory)
 - h. The amount paid for the PCN
 - i. Scanned copies of bank or credit card statements or a receipt from an online payment showing payment of the penalty. (Mandatory)
 - j. Address at the time the PCN was issued if different
9. Enquiries should be made via the website in all cases as this will assist the Council in processing claims as quickly as possible. If a claimant requires additional support to complete the online form, they can come to the Civic Offices, Bridge Street, RG1 2LU during opening hours.
10. To protect public money, the Council must take steps to prevent fraudulent claims, so motorists and residents must expect Council staff to seek supporting evidence and to verify that the refund is appropriate.
11. The Council will pay interest on all verified claims and details will be set out on the website.
12. A single payment constituting the refunded PCN and interest owed will be made via a BACS transfer. In order to do this, claimants will be contacted by the Council to confirm their bank details.
13. Repayment of verified claims will normally be made within 28 days. If the Council is unable to initially validate a claim, there will need to be some further investigations which may take longer, depending on the volume of claims made. The Council will confirm with claimants whether further investigations are needed and update on progress.
14. For those motorists that have been subject to enforcement action, the Council will contact these motorists in advance, informing them that they will be eligible for repayment with interest. There will also be a need to complete a claim form.

Complaints

15. The Council acknowledges that this situation will be frustrating and distressing for some motorists and residents. Having identified the problem and put in place a remedy for those affected, the Council will concentrate its resources on making refunds as quickly and efficiently as possible. Unless there are exceptional circumstances that the Council has not considered, the Council will not therefore process complaints arising from these TROs. If anyone believes that the Council has incorrectly handled their refund request, they can contact the Local Government Ombudsman at www.lgo.org.uk The Council has made the Local Government Ombudsman aware of this issue.

Exceptional cases

16. There will always be some cases which do not fit the parameters of a Scheme like this. If you think that there are other exceptional circumstances which need to be taken into account, then please contact Parking.Services@reading.gov.uk. The Council will consider the circumstances of each case and will be guided by the Local Government's Ombudsman's guidance on redress.

Schedule of Relevant TROs

TRO Ref.	TRO	Details	Scope of refunds
TRO 1 (Red Route East)	<p>The Borough of Reading (Civil Enforcement Area) (East Reading) (Red Route) (Experimental) Order 2018 dated 11 January 2018 and came into operation on 15 January 2018 for a period of six months.</p> <p>This is the initial matter which was the subject of the Audit investigation.</p>	<p>Location: Red Route East, including Kings Road from its junction with Watlington Street to Cemetery Junction, Wokingham Road and partially into adjoining streets such as Queens Road and London Road.</p> <p>Issue: The experimental TRO came into operation on 15 January 2018, but only for a period of 6 months. The experimental TRO expired and was not made permanent.</p> <p>Subsequent TROs were implemented to cover later pay and display restrictions outside the Wokingham Road shops, and further 'shared-use' pay & display / resident permit parking restrictions also along Wokingham Road. These are not affected by the issue.</p> <p>The West and Town Centre Red Route TROs are correctly in operation and are not impacted by this issue.</p>	<p>Between 11 – 15 January 2018 – when the order was made in advance of the date when it could be made under the regulations and after 11 July 2018 until 6 March 2024.</p> <p>Pay and display and permit parking restrictions later introduced for Wokingham Road are not affected.</p>
TRO 2 (Swainstone / Waldeck)	<p>The Borough of Reading (Swainstone Road and Waldeck Street) (Waiting Restrictions and Parking Places) Order 2016</p>	<p>Location: Waldeck Street Resident Permit Parking and Swainstone Road Resident Permit Parking scheme.</p> <p>Issue: The consulted TRO was due to come into operation from 1 March 2016, but was not sealed (to legally come into operation).</p> <p>A subsequent TRO was introduced from 29 September 2021, which</p>	<p>PCNs issued in respect of Waldeck Street between 1 March 2016 and 29 September 2021.</p> <p>PCNs issued in respect of Swainstone Road from 1 March 2016 until 4 June 2024</p>

TRO Ref.	TRO	Details	Scope of refunds
		covers the restrictions within Waldeck Street, following changes introduced through a Waiting Restriction Review programme. Therefore, Waldeck Street is no longer considered to be affected by this issue.	
TRO 3 (Red Route West – Experimental)	The Borough of Reading (Civil Enforcement Area) (Tilehurst and West Reading) (Red Route) (Experimental) 2018 dated 17 May 2018 and came into operation on 18 May 2018 for a period of eighteen months.	The incorrect citation is an administrative “slip” and not material to the enforceability of the Order. Reg 22 of the 1996 procedures regulations applies to override the provision in the order, so it can only come into force on the 7 days after the notice of making. If any PCNs were issued in the days between the Order saying it came into effect, and it actually coming into effect – then these will be repayable.	13 PCNs issued between 18 May – 24 May 2018
TRO 5 (Southcote Verge & Footway)	The Borough of Reading (Grass Verge and Footway Parking Restriction) (Southcote) (Civil Enforcement Area) (Experimental) Order 2015 dated 2 February 2015 and came into operation on 9 February 2015 for a period of six months.	Location: ‘Southcote’ Verge and Footway Parking ban area, including the whole lengths of Southcote Lane, Ashampstead Road, Brunel Road, Circuit Lane, Frilsham Road, Gainsborough Road and Virginia Way. Issue: The experimental TRO came into operation on 9 February 2015, but only for a maximum period of 18 months. The experimental TRO expired after six months and was not made permanent.	PCNs issued on or after 9 August 2015 until 7 June 2024.
TRO 6 (Tilehurst & Kentwood Verge & Footway)	Borough of Reading (Verge and Footway Parking Restriction) (Tilehurst and Kentwood) (Civil Enforcement Area) (Experimental) Order 2013 dated 18 April 2013 and came into operation on 7 May 2013 for a period of six months.	Location: ‘Tilehurst and Kentwood’ Verge and Footway Parking ban area, including Church End Lane, Lower Elmstone Drive, Mayfair, Norcot Road, Oak Tree Road, Overdown Road, Park Lane, Recreation Road, School Road, The Meadway and Westwood Road. Issue: The experimental TRO came into operation on 7 May 2013, but only for a period of 6 months. The experimental TRO expired and was not made permanent	PCNs issued on or after 8 November 2013 until 7 June 2024.

