

FOI: 23791741 PCNs on TfL roads in Tower Hamlets

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Tower Hamlets Borough Council's handling of my FOI request 'PCNs on TfL roads in Tower Hamlets' on the following two points:

1) No TMO was attached to the response.

2) Although Tower Hamlets may have written the TMO, you do not have the power to enforce it. From the Tower Hamlets GLA Side Roads Order 2000:

"2.(1) The roads in the London borough of Tower Hamlets specified in the Schedule to this Order are hereby designated as GLA side roads."

and

"SCHEDULE

154. Wentworth Street"

(b)(east arm) from the eastern kerb line of Commercial Street (A1202) eastwards for a distance of 8m."

And from the London Local Authorities Act 2003:

"4 (1) This section applies where-

(a) in relation to a GLA road or GLA side road, Transport for London or, subject to subsection (3) below, the relevant borough council...

have reason to believe [...] that a penalty charge is payable under this section with respect to a motor vehicle."

and

"(3) The relevant borough council shall not exercise the power exercisable by virtue of subsection (1)(a) above unless they have obtained the consent in writing of Transport for London."

The Side Roads Order says the actual junction of Wentworth Street and Commercial Street is a GLA side road and the London Local Authorities Act says that you cannot enforce it without written consent from Transport for London. You say that you have no agreement with TfL to enforce their roads, so q3 of my request has been answered, however it is now even more important that questions 1 and 2 are answered, as this enforcement is unlawful.

A full history of my FOI request and all correspondence is available on the Internet at this address:

https://www.whatdotheyknow.com/request/pcns_on_tfl_roads_in_tower_hamle_2

Please find attached a copy of the Traffic Management Order and we apologise for not including it originally.

We have contacted Transport for London who are happy for us to enforce this restriction and are arranging for the written consent required. This restriction is not currently being enforced until we receive it from Transport for London.