



LB Merton
TMA – FPN Policy

Fixed Penalty Notices are an important tool to be used to improve notice quality. FPN's form part of an escalating procedure, the aim of which is the provision of accurate and timely data required to facilitate the co-ordination of works and assisting in achieving the authority's Network Management Duty (NMD). Improvement in notice data is essential in order to co-ordinate works on the network. LB Merton must have confidence in the notice data it receives so that, in turn it can have confidence in its decisions to facilitate the expeditious movement of traffic upon its network.

LB Merton in the first instance would wish to work with a works promoter to identify problems and seek a resolution through dialogue.

LB Merton will report at the Quarterly co-ordination meeting on the accuracy and timeliness of data received for notices relating to their network. LB Merton will develop KPI's to measure parity between the treatment of Utilities and the treatment of the authority's own works promoters who will not be subject to financial penalties, but will be issued with shadow FPN's. Where particular problems are identified LB Merton will seek to arrange a meeting with the works promoter to agree a timescale for improvement. These meetings will be minuted. LB Merton will provide feed back on performance in a timely manor to the works promoter.

Following on from the initial dialogue to improve noticing accuracy and timeliness, LB Merton may seek to issue FPN's where an offence limits the Authority's ability to fulfil its Network Management Duty and dialogue has failed to produce the required improvement. An FPN will be issued if LB Merton believes an offence has been committed and, after consideration of all relevant information, believes the giving of a FPN will derive benefit.

The following points will be taken into consideration prior to issuing an FPN

- The failure is a recurring offence by the promoter
- The promoter has a history of non-compliance
- Failure to issue a notice will be an automatic FPN offence
- Sufficient evidence is in place to progress to a successful prosecution

LB Merton would wish to work with Works Promoters through continued dialogue to improve notice quality and timeliness, and ensure the expeditious flow of all traffic on the Highway. However, LB Merton will seek prosecution in the Magistrates Court in all cases where a works promoter fails to comply with an FPN.

