

# Report to Safer Cleaner Greener Scrutiny Panel



## SCRUTINY



**Date of meeting: 11 February 2014**

**Subject: Department for Transport Consultation on  
Local Authority Parking**

**Officer contact for further information:** Qasim Durrani (ext.4005)

**Committee Secretary:** Adrian Hendry (ext.4246)

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### Recommendations/Decisions Required:

**1) To endorse the response of the Joint Committee of the North Essex Parking Partnership (NEPP) to Department of Transport consultation on local authority parking, and**

**2) To consider making any additional recommendation in addition to those covered in the response by NEPP**

### Report:

In December 2013 the Department for Transport issued a consultation document entitled "Consultation on Local Authority Parking". The deadline for responses is 14 February 2014. In essence the consultation is based around the premise that local authorities should adopt local parking strategies which complement and enhance the attractiveness of high streets and town centres. It goes on to say that in developing a strategy a local authority should consider the needs of the many and various road users in the area, the appropriate scale and type of provision, and the balance between short and long term provision and the level of charges. A copy of the consultation has been placed in the Members' Room.

The consultation uses the term "local authority" as a generic one, when in reality, unless agency arrangements are in place, responsibility for parking on the highway rests with the Highway Authority, in this area, Essex County. However, having withdrawn local agencies, on-street responsibility now rests with North and South Essex Parking Partnerships. In respect of off-street parking however, districts do have direct responsibility, even if discharged through a third party such as a contractor or NEPP.

The consultation seeks responses to ten main questions. The Joint Committee of the North Essex Parking Partnership (NEPP) approved responses to the consultation at its Committee meeting on 8 January 2014. The table below sets out NEPP's response to the consultation and offers additional comments, where relevant, to Epping Forest District, which Members are requested to consider:

Question	North Essex Parking Partnership (NEPP) response	Comment
1) Do you consider local authority parking enforcement is being applied fairly and reasonably in	<b>Yes.</b> 1) NEPP applies the following: a) A Parking Enforcement Policy which is agreed between the seven authorities represented on the Joint Committee; b) An Operational Protocol which is agreed between the seven authorities represented on the Joint Committee (which sets out a published policy for each	

<p>your area?</p>	<p>type of contravention); and</p> <p>c) Published Discretion and Cancellation Policies which make clear what outcomes motorists can expect and what mitigating circumstances will be considered.</p> <p>d) Easy challenge and appeal processes online.</p> <p>e) In the near future, NEPP would like to introduce an automated online flow-chart policy package to help guide motorists through the PCN process, in order to help resolve challenges and appeals, and reduce the number submitted.</p> <p>The Policy documents referred to gives the hierarchy of enforcement and all documents are published on the Internet at <a href="http://www.parkingpartnership.org">www.parkingpartnership.org</a></p>	
<p>2) The Government intends to abolish the use of CCTV cameras for parking enforcement. Do you have any views or comments on this proposal?</p>	<p><b>With exceptions.</b></p> <p>1) As follows:</p> <p>a) NEPP agrees with the statement, already included in Guidance, that an Officer (CEO) is the best way of serving a PCN where they can advise motorists. This is the NEPP stance regarding the majority of enforcement – there is no value in operating CCTV where contraventions cannot be proved, and we are certainly not in the business of entrapment.</p> <p>b) There are, however, areas where it would be completely impractical to deploy CEOs in sufficient force to change driver behaviour. In the NEPP area there are around 300 school sites where mobile CCTV enforcement should be allowed to cover clearway zig-zags previously implemented for safety reasons.</p> <p>c) Mobile CCTV is regarded by NEPP as the only effective method for schools enforcement, since it is otherwise both time consuming and resource intensive, due to potential abuse, such that 2 CEOs are required to pair up. In addition, a vehicle can cover four or five times the number of sites in a given period, improving efficiency by, enhancing the deterrent factor. The increased chance of being caught will better affect behaviour change than the actual penalty, and the proposals have significant public support when marketed as the “Park Safe” car.</p> <p>d) The use of CCTV should be monitored and adjusted to suit the local circumstances.</p> <p>e) Mobile CCTV should carry out a double pass (where practicable) to enhance quality of evidence.</p> <p>2) NEPP believes that there could be scope for a school clearway zone (a new type of generic zone) to cover an area around schools, for example, in operation at school times, depending on local circumstances.</p> <p>a) This may take the form of a Variable Message Sign “school clearway zone in force” for example – to cover other times too.</p>	<p>We support NEPP response. CCTV is not a total replacement for Civil Enforcement. However there are circumstances where this can be affectively used, for example outside schools. There are over 70 schools in the District, many of which suffer parking pressures at opening and closing times, and it is not feasible to manage driver behaviour by the sole use of Enforcement Officer parking enforcement. The use of mobile CCTV vehicles offers, we believe, a more effective solution.</p> <p>Public opposition to the use of mobile and fixed cameras for the purpose of increasing</p>

		<p>revenue is entirely understandable. However, it is important to note that NEPP merely seeks to cover its financial costs; and the current experimental use of a camera-equipped car is entirely based on the premise that this is likely to be the most effective means of deterring stopping outside schools and on urban clearways as a much larger number of locations can be covered in the available time.</p>
<p>3) Do you think the traffic adjudicators should have wider powers to allow appeals?</p>	<p><b>No.</b></p> <p>1) The existing system is quite clear in the terms of process, although understanding amongst the general public is perhaps limited.</p> <p>2) Education and Process:</p> <p>a) Councils are in a good position to educate and inform motorists as the vast majority of correspondence comes to Councils and not to the Adjudicator.</p> <p>b) Many motorists, it is thought, consider the informal challenge stage to be the only Appeal, and it is also thought (from NEPP experience) that few motorists understand the stages beyond, unless they are in some way caught up by the process.</p> <p>c) Councils could be encouraged to educate motorists either at the time of the contravention, or when making a response to correspondence, which would both reduce appeals and demystify the process</p>	<p>There can be an argument for answering 'Yes' to this question. However some considerable work will have to be carried out to provide clarity on the role of the adjudicator. Otherwise there could be additional costs to the parking authorities, if for example' adjudicators were able to award 'compensation costs' and this led to significant increases in appeals.</p>
<p>4) Do you agree that guidance should be</p>	<p><b>Yes.</b></p> <p>1) It would be a significant aid to clarity if the circumstances could be set out in plain English. Councils can be put to great expense in defending</p>	

<p>updated to make clear in what circumstances adjudicators may award costs? If so, what should those circumstances be?</p>	<p>cases at Adjudication, and this too should be recognised.</p> <p>a) Councils are already making every effort to work in compliance with the law and guidance. Defending cases at Adjudication is invariably an expensive use of public money, due to the complex legal nature of that part of the process, and this should be better recognised so as to protect the public purse.</p> <p>b) It is not thought that the process itself needs significant amendment, but rather greater clarification.</p> <p>2) Adjudicators are not tasked with making policy in law, but rather to decide cases using current policy. It can be disappointing when the results of Adjudications appear to adjust policy without consultation.</p> <p>3) It would be disappointing if the Adjudicators were to assume powers already held by the Local Government Ombudsman.</p>	
<p>5) Do you think motorists who lose an appeal at parking tribunal should be offered a 25% discount for prompt payment?</p>	<p><b>No.</b></p> <p>1) However it is thought that the Appeal process still needs to be better understood by motorists.</p> <p>a) The PCN amount does not presently reflect the significant cost of taking an Appeal to through to Adjudication, whatever the end result, bearing in mind that Councils never take the Appeal Process lightly. A discount here would not help to recover these extra costs, especially when all services are already under severe pressure.</p>	<p>An argument for 'Yes' could be that this would be an encouragement for the motorists to make appeals, which is a good thing. However if the number of appeals increased significantly then this would increase local authority costs, putting pressure on viability of enforcement operations.</p>
<p>6) Do you think that local residents and firms should be able to require councils to review yellow lines, parking provision, charges etc in their area? If so, what should the reviews cover and what should be the threshold for triggering a</p>	<p><b>Yes.</b></p> <p>1) This is effectively the way the TRO service already works at NEPP with representations from residents and others, supported by locally elected members, for new restrictions and reviews which are heard by the Joint Committee.</p> <p>a) It needs to be recognised that the complex process of reviewing lines, and introducing or removing TROs, is extremely resource intensive. Considering the limited resources, members of the public need to understand that this process is presently highly complex; time-consuming and costly (the largest element of which is the requirement to advertise regulatory changes in the local newspaper).</p> <p>b) The costs and timescales associated with this advertising could be significantly reduced by using social media and/or online promotion and advertising, rather than using traditional printed media. The online solution could include maps and representative plans</p>	<p>This Council has agreed that only those schemes will be put forward where elected Member and Local town and parish council support exists. This will be followed by a consultation with residents before proposals are prepared.</p>

review?	to make for more easily understood information. 2) DCLG and DfT are welcome to examine the existing NEPP process for TROs, which could be promoted as a good local consultation forum and best practice for TRO reviews.	
7) Do you think that authorities should be required by regulation to allow a grace period at the end of paid for parking?	<b>No</b> 1) Because there may be local circumstances which dictate otherwise. a) NEPP, however, considers it best practice to allow grace time, where appropriate, and does this presently. It should not be <i>required</i> by regulation. b) NEPP have also considered, and follow, Protocols and Policies which allow an overstay grace time on a sliding scale against time purchased.	This happens by default in the Council owned car parks, as they are not attended 24/7 and enforcement officers make random visits.
8) Do you think that a grace period should be offered more widely, for example for overstaying in free bays, at the start of pay and display parking and paid for parking bays and in areas where there are parking restrictions, or single yellow lines?	<b>Yes, but with considerations.</b> 1) As follows: a) It would not be practicable to allow lengthy grace times on yellow lines put in place to enhance safety or reduce congestion (generally loading bans). b) NEPP Protocols and Policies already allow this grace time, where it is practicable, such as parking bays. The NEPP loading observation (for instance) is presently set to 10 minutes but can be overridden. c) Councils may offer a grace period but it would be useful to point out that, if stated, five minutes would be an <i>absolute</i> maximum figure. Extra time should then be at the discretion of the CEO and not be grounds for challenge. d) No grace time should be allowed where there is reason to believe safety could be compromised or a danger to road users created.	Drivers currently park for free before the start time of enforcement in all Council owned car parks.
9) If allowed, how long do you think the grace period should be?	<b>An <i>absolute</i> maximum of 5 minutes.</b> 1) Councils should have discretion to locally increase, but not reduce, this period. 2) A total time for the grace period should be set, and that should be an <i>absolute</i> maximum.	Grace period does not come free. There is a cost of enforcement that would be picked up by all the partners in NEPP.
10) Do you think the Government should be considering any further measures to tackle genuinely antisocial	<b>Yes.</b> 1) As follows: a) <i>Bridleways and byways</i> – DCLG is encouraged and recommended to work with appropriate pressure groups to protect green lanes & byways from damage by 4x4 drivers, whilst maintaining access for sensible and responsible use. Irresponsible use of such byways can lead to inappropriate use of already-muddy Rights	

<p>parking or driving? If so, what?</p>	<p>of Way and would benefit from mild regulatory legislation to help change attitudes towards responsible and necessary use.</p> <p>b) <i>Verges and footways</i> – all areas should be no waiting unless signs permit otherwise. It costs an average district between £70-80,000 p.a. to repair damage to verges damaged by inconsiderate parking. Damage to verges and grassy amenity areas is more prevalent in the winter months and should not be allowed.</p> <p>c) Whilst there are some places that parking on footways makes more sense than clogging up the carriageway, such as some rural areas, this should only be allowed where footway access is maintained.</p> <p>d) <i>Parking outside schools, bus stops</i> – parking at such locations is inconsiderate and can be dangerous for vulnerable road users, such as children (in the case of schools) and mobility impaired (in the case of low-floor buses which may not be able to get to the kerb at bus stops).</p> <p>e) Other measures could be introduced for special clearway-type zones, which might be combined with 20mph speed limit zones, outside and near to schools at school times (and then enforceable by mobile or static CCTV). Electronic signage would aid notification that these zones were in operation during school start &amp; finish times.</p> <p>f) <i>Red Tape</i> – it would be useful to be able to cut out all DfT “red tape” in favour of electronic communication, specifically concerning introduction of Traffic Regulation Orders in the most dangerous locations, where safety considerations take precedence over other objections. Implementing the DfT signage review without delay would enable traffic authorities to provide clearer information to motorists.</p> <p>g) <i>More severe penalties in some cases</i> – CEOs should be able to issue a more severe PCN (for instance at dangerous locations; loading restrictions; clearways put in for congestion alleviation; or safety purposes). In some circumstances an issued PCN could be converted to a Police-type FPN/PCN. Other instances might be on a zig-zag outside a school or on a zebra crossing, bus stop and so on, and passed to Police as a Traffic Penalty.</p> <p>h) <i>Educating drivers</i> – Government should have a duty to encourage education of drivers as well as having powers to issue penalties.</p> <p>i) <i>Other powers</i>: If a CEO were given powers, in some circumstances, to give a reduced-penalty warning (mini-PCN), in lieu of a full penalty, this would cover authority costs and also reduce pressure on both motorist and enforcement authority. Currently, the only choice is to issue a full PCN.</p> <p>j) The council should be allowed and encouraged</p>	
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	<p>to keep a record of such misdemeanours (for a legislated maximum period), to enable monitoring of persistent offenders.</p> <p>This practice would mirror the practice of the Police offering Speed Awareness Courses to motorists who are caught with minor speed limit infringements.</p>	
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This Council continually reviews off street parking arrangements across the district. Recently changes to tariff structure were made in Cottis Lane and Baker Lane car parks in Epping to address the displacement of commuters due to increases in charges by London Underground.

Car parking charges have not been increased for the past five years. While this has been beneficial for the high streets and local businesses it has also attracted all day commuters into the towns and villages. Additional pressure has been placed on the available parking due to the increase in parking charges in all eight London Underground Car Parks.

**Reason for decision:**

To ratify the response to the consultation by NEPP and consider if additional comments should be made.

**Options considered and rejected:**

It could be argued that as a member of NEPP this Council's view are incorporated in the response approved by NEPP Joint Committee. However a formal approval by the Scrutiny Panel would reaffirm this Council's commitment to the parking related issues within the district.

**Consultation undertaken:**

None

**Resource implications:**

Budget provision: there are no budgetary implications from this report. This may change if the government introduced policy changes as a result of this consultation.

Personnel: none

Land: none

Community Plan/BVPP reference:

Relevant statutory powers:

Background papers:

Environmental/Human Rights Act/Crime and Disorder Act Implications:

Key Decision reference: (if required)