

DERBYSHIRE COUNTY COUNCIL

MEETING OF CABINET MEMBER – JOBS, ECONOMY AND TRANSPORT

11 February 2014

Report of the Strategic Director – Economy, Transport and Environment

CONSULTATION ON LOCAL AUTHORITY PARKING

(1) **Purpose of the Report** To seek the Cabinet Member's approval for Derbyshire County Council to respond to the Consultation on Local Authority parking by 14 February 2014.

(2) **Information and Analysis** The Department for Transport (DfT) published a consultation on Local Authority parking. The consultation runs from 6 December 2013 until 14 February 2014.

(3) **Financial Considerations** There are no financial considerations associated with this report.

In preparing this report the relevance of the following factors has been considered: legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(4) **Key Decision** No.

(5) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? Yes, as a consultation needs to be with the Department for Transport by 14 February 2014.

(6) **Background Papers** The Consultation and the County Council's response are attached. The Council's response is in Annex A of the document. Officer contact details – James Adams, extension 38671.

(7) **OFFICER'S RECOMMENDATION** That the Cabinet Member gives approval to the Council's officers to respond to the consultation on Local Authority parking in the manner laid out in the attached papers.

Mike Ashworth

Strategic Director – Economy, Transport and Environment



HM Government

Consultation on local authority parking

December 2013

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How to respond

The consultation period began on 6 December 2013 and will run until 14 February 2014. Please ensure that your response reaches us before the closing date.

Please respond using the online response form or by completing Annex A of this document and returning it to:

Parking Consultation
Traffic Division, Department for Transport, Zone 3/27,
Great Minster House, 33 Horseferry Road, London SW1P 4DR
Email: parking.consultation@dft.gsi.gov.uk

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

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The Department will process your personal data in accordance with the Data Protection Act (DPA) and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

1. Introduction

- 1.1 This consultation document invites your views on current local authority parking strategies and specifically on options the Government is considering to change the balance of how parking is enforced with the aim of ensuring that parking strategies complement and enhance the attractiveness of our high streets and town centres. As a first step the Secretary of State for Transport is announcing today that parking penalty charge levels will be frozen for the remainder of this Parliament. In addition under new requirements laid out in the Transparency Code of Practice published by the Secretary of State for Communities and Local Government, all local authorities will be required to make clear all revenues from parking in annual reports and where that revenue goes.
- 1.2 Local authority parking strategies should be fair and reasonable and must not act as an unnecessary disincentive, particularly to shoppers who want to visit our town centres. Local authority parking strategies should be linked to local objectives and circumstances, and take account of planning policies and transport powers. In developing a parking strategy the local authority should consider the needs of the many and various road users in the area, the appropriate scale and type of provision, the balance between short and long term provision and the level of charges.
- 1.3 Over 8 million parking penalties (usually called parking fines or parking tickets) are issued by local authorities in England each year. From 1997-98 to 2010-11, local authority total income in England from parking rose from £608 million to £1.3 billion; net surpluses from parking rose from £223 million to £512 million in the same period. Net income from local authority parking services (off-street and on-street parking) is expected to rise from £601 million in 2012-13 to £635 million in 2013-14,¹ an increase of 5.6%.
- 1.4 A joint report published by the Association of Town and City Management (ATCM) and gfirst states, “by understanding and re-positioning themselves strategically to better serve their

¹Source: DCLG local government finance returns

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communities and visitors in line with the ethos (or ‘personality’) of each location, town centres can re-emerge at the centre of the community, cultural and civic life”.² Town centres should be welcoming, attractive and designed to meet the needs of a variety of visitors and employees. Local authorities need to ensure that appropriate parking spaces are available, that signs and road markings are clear, that car parking charges are reasonable and attractive to encourage people to use the town centre, and that enforcement is fair and proportionate. In that way they help local shops in town centres, on local high streets and on local shopping parades, and make it easier for people who want to park responsibly and go about their everyday lives.

- 1.5 Parking is a key function of many streets. A well-designed arrangement of on-street parking provides convenient access to frontages and can add to the vitality of an area. Conversely, poorly designed parking can create safety problems and reduce the visual quality of a street. To ensure that local authorities continue to have access to the best design guidance and standards the Department for Transport will continue to promote the use of the design guidance in the *Manual for Streets*,³ and work with the engineering institutions to update and issue a revised version in due course. The *Manual for Streets* provides guidance for practitioners involved in the design, provision and approval of new streets, and modifications to existing ones. It aims to increase the quality of life through good design, which is essential to the vitality of the high-street.
- 1.6 Town centres should be the most walkable part of the transport network; they should accommodate buses and other public transport, cycle routes and cycle parking, while remaining accessible by private car. As centres of public life, they must actively enable access by all in society, and they must also support efficient access by delivery, service and emergency vehicles. At the same time, they should be attractive places to shop, eat, drink, work, play, do business, meet, study and look at.

² *Successful Town Centres – developing effective strategies*, p.7

³ <https://www.gov.uk/government/publications/manual-for-streets>

2. Background

- 2.1 The Traffic Management Act 2004 provides the regulatory framework which gives local authorities the option of adopting civil parking enforcement (CPE) powers. Most local authorities in England (over 90%) have now taken up these powers. This means that they, rather than the police, can issue parking tickets for on-street parking contraventions, and in local authority off-street car parks.
- 2.2 By taking up civil parking enforcement powers local authorities have full responsibility for the design, implementation and enforcement of parking policies in their area. This makes good sense and allows them to design and deliver parking strategies that are appropriate for their areas. In permitting local authorities to use such powers, the Government expects them to seek the best solutions, reconciling the needs of different road users (including pedestrians, cyclists and people with disabilities), and the needs of residents, shops and businesses. It is essential that authorities implement and enforce their parking policies fairly and proportionately to deliver the best solutions for communities, businesses and road users in their area. In particular the law is clear that local authorities must not use their civil parking enforcement powers to raise revenues.
- 2.3 Despite this the Government is aware of concerns that some local authorities appear not to be using their powers to meet the best interests of road users, communities and businesses in their area. There are concerns about over-zealous parking enforcement and high parking charges driving people out of town centres, pushing up the cost of living and making it harder for people to park responsibly and go about their everyday lives. These concerns were expressed most recently in evidence to the Transport Select Committee (TSC) during its inquiry into local authority parking enforcement.⁴ Many of the TSC's recommendations are considered in this consultation paper.

⁴ Published on 23 October 2013 (<http://www.parliament.uk/business/committees/committees-a-z/commons-select/transport-committee/news/parking-substantive/>).

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- 2.4 The Government recognises that there are increasing concerns about the direction of many local authority parking strategies, and agrees that the time is now right to review how local authority parking is being managed and enforced, and to take action to ensure that parking strategies are properly focused on supporting communities, businesses and road users in a fair and proportionate way, and not being used simply as a source of revenue. To support this the revised Code of Transparency for local authorities issued by DCLG includes mandatory requirements to publish specific information on parking, as well as a list of recommendations which represent good practice.
- 2.5 The Government is now inviting views on amending significant elements of local authority parking policy including:
- Stopping the use of CCTV for on–street parking enforcement;
 - Giving local communities and businesses new rights to require authorities to review aspects of their parking strategies such as the level of parking charges and whether all double-yellow lines are appropriate and necessary at particular locations;
 - Introducing limited “grace periods” where a driver has stayed in a parking place for a short period before issuing a parking ticket; and
 - Updating statutory guidance to local authorities to emphasise a less heavy-handed approach to parking enforcement, and re-emphasise that parking charges and fines cannot be used to as a means to raise revenues.
- 2.6 Background on these issues (and other options), and some of the questions they raise are below. Your views are invited to help inform further Government action in this area.

3. What the Government has already done on parking

3.1 The Coalition Government has already:

- Scrapped the previous policy that told councils to hike car parking charges.
- Removed restrictions on the provision of off-street parking spaces.⁵
- Scrapped the policy which inhibited parking charge competition between council areas, and instead said that, “local authorities should set appropriate parking charges that do not undermine the vitality of town centres.”⁶
- Ended the menace of rogue wheel clamping;
- Commenced a programme to reform the traffic sign regulations to reduce cost, clutter and complexity and introduced an award for local authorities to remove unnecessary signs;
- Reformed the blue badge system to make it easier for disabled people to park;
- Introduced a policy that parking enforcement should be proportionate.⁷
- Produced new guidance allowing householders to rent out a spare driveway or dedicated parking space without having to pay £385 for planning permission.⁸
- Allowed electric car ‘parking and charging’ points to be built on streets and in outdoor car parks without the need for planning permission.

⁵ According to the DCLG *English Housing Survey*, in 2011, an estimated 7.0 million had inadequate street parking and no off-street parking, and 435,000 homes had no parking provision at all.

⁶ *National Planning Policy Framework*, DCLG, March 2012

⁷ Changes made to PPG13 in DCLG press release, 3 January 2011, and further reforms in the *National Planning Policy Framework* in March 2012.

⁸ DCLG press release, 3 August 2013.

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- Issued new planning practice guidance on removing street clutter and encouraging the provision of shopper-friendly parking space provision.⁹
- Introduced the local retention of business rates, which means that councils benefit from business and retail growth in town centres, rather than just hiking parking charges.
- Is introducing a series of reforms to the rules under which bailiffs can recover debts (including civil parking debts) to address the key causes of aggressive bailiff action. These reforms will be implemented by April 2014.

⁹DCLG press release, 26 August 2013.

4. Local authority parking enforcement – your views are invited

Q1. Do you consider local authority parking enforcement is being applied fairly and reasonably in your area?

Options

Stopping the use of CCTV cameras to enforce on-street parking

- 4.1** Civil Enforcement Officers (CEOs, although commonly known as parking wardens) do not have the powers that the police have to stop vehicles if they contravene traffic regulations. Without powers to stop vehicles, the most effective way to enforce moving traffic contraventions, such as cars using bus lanes, causing congestion by not exiting a box junction, or undertaking dangerous manoeuvres through banned turns is by using camera enforcement. This frees up police time to deal with crime, but the Government is concerned that, specifically in relation to on-street parking, the use of CCTV (closed circuit television) cameras is no longer proportionate, and local councils over-employ them to deal with contraventions where it would be more appropriate, fairer and straightforward for a parking warden to deal with the contravention. The Government therefore intends to put an end to this practice by stopping the use of CCTV cameras to enforce on-street parking contraventions.
- 4.2** DfT's statutory guidance already states that CCTV cameras should only be used where parking enforcement is difficult or sensitive and enforcement by a parking warden is not practical. The Home Office Code of Practice on CCTV surveillance published earlier this year confirmed this approach and added that CCTV should only be used where there is a "pressing need." Many local authorities do not use CCTV to enforce parking, but there is increasing concern that of those that do, a number do not have sufficient regard to statutory guidance and are over-using CCTV. For example Traffic Penalty Tribunal Adjudicators (who consider

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appeals against local authority parking tickets), in written evidence to the Transport Select Committee earlier this year said that they had found cases “where camera enforcement appears to be used as a matter of routine where the strict requirements in the DfT statutory guidance do not appear to be present. Failure to comply with the DfT guidance is not a ground of appeal and the effectiveness of the adjudication is curtailed in these circumstances.”¹⁰

- 4.3 The Government is concerned that, by using CCTV cameras in areas where enforcement could be undertaken by a parking warden, local authorities undermine public acceptance of their limited use for non-criminal offences. Drivers are also concerned that they may receive a parking ticket in the post weeks later, giving them no opportunity to examine the parking location as it was at the time of the alleged contravention.
- 4.4 The Transport Select Committee has also welcomed the Government’s commitment to consult on ending the use of cameras for on-street parking enforcement. They add that “As long as the use of cameras remains legal, local authorities must ensure that they are not used as a matter of routine, particularly where permits or exemptions (such as resident permits or Blue Badges) not visible to the camera equipment may apply.” However, the Committee pointed out that cameras can still be helpful for enforcement in some areas where the use of a parking warden is not practical.

Q2.The Government intends to abolish the use of CCTV cameras for parking enforcement. Do you have any views or comments on this proposal?

Updating parking enforcement guidance

- 4.5 DfT issues both statutory and operational guidance to local authorities. This was last updated in 2010.¹¹
- 4.6 Local authorities are required to have regard to the statutory guidance which contains good practice guidelines including, for example, guidance that CCTV should only be used where

¹⁰Traffic Penalty Tribunal, Written evidence to the Transport Select Committee, (PE 54), March 2013, para 4.4.2.

¹¹<http://assets.dft.gov.uk/publications/tma-part-6-cpe-statutory-guidance/betterprkstatutoryguid.pdf>
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/212559/parking_enforcement_policy.pdf

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enforcement by parking wardens is impractical (see previous section on CCTV enforcement). The guidance also makes clear that authorities should design their parking policies to manage the traffic network to ensure the efficient movement of traffic, improve road safety and the local environment, meet the needs of people with disabilities and to manage and reconcile the competing demand for kerb space from road users, businesses and residents.

- 4.7 The recent Transport Select Committee report on local authority parking enforcement published on 14 October 2013 recognised the inherently local nature of parking, but also noted that the Government still has an important role in making sure the parking regulations and guidance are fit for purpose and modifying them promptly when necessary. The Government agrees with this analysis and believes that the time is now right for DfT's statutory guidance to be reviewed and updated. In particular the guidance should emphasise the need for a proportionate balanced and even-handed approach to parking enforcement, and also address areas such as the application of appropriate exemptions and waivers for blue badge holders, and professional care workers engaged in urgent or emergency health care.
- 4.8 Guidance should also reinforce and safeguard the requirement that parking charges and parking fines should not be used to raise revenue. This would be consistent with the Government guidance published in March 2012, which encourages local authorities to set appropriate parking charges that do not undermine the vitality of town centres, and ensure that parking enforcement is proportionate.¹² The guidance should also reflect good practice designed to prevent over-aggressive action by bailiffs when recovering unpaid fines.¹³
- 4.9 Evidence given to the Transport Select Committee by traffic adjudicators expressed concern about instances where it appeared a council had disregarded the statutory guidance, but, because statutory guidance does not have the same weight as law, adjudicators were not able to allow the appeal and could only refer the case back to the Chief Executive of the Council. The Transport Select Committee report recommended that the Government should introduce regulations to enable adjudicators to allow appeals where local authorities have not followed the

¹²National Planning Policy Framework, DCLG, March 2012: p.11, para 40

¹³Guidance to local councils on good practice in the collection on Council Tax arrears, DCLG, June 2013

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statutory guidance. The Government believes this recommendation is worth further consideration and will initiate discussions with the parking adjudicators to determine what further regulatory changes may be needed to support motorists in this area. The Government intends to update the statutory guidance to make clear in what circumstances the adjudicators may award costs.

Q3. Do you think the traffic adjudicators should have wider powers to allow appeals?

Q4. Do you agree that guidance should be updated to make clear in what circumstances adjudicators may award costs? If so, what should those circumstances be?

Tackling wrongly-issued parking fines

- 4.10** The latest figures from the parking adjudicators show that, in England in 2011-12, over 8 million parking fines were issued. If a motorist disagrees with a parking fine he or she can make representations, for free, to the local highway authority. The local authority can accept those representations and cancel the parking fine, or reject them.
- 4.11** If the local authority rejects the motorist's representations he or she has the right to register an appeal with the independent parking adjudicator, again for free. In 2011-12 some 59,000 parking appeals were considered by an adjudicator (0.7% of all parking tickets issued). Of those 59,000 nearly 60% were allowed (although a significant number were not contested by the local authority).
- 4.12** Most drivers who accept they are liable for a ticket do not appeal and can take advantage of the 50% discount that authorities are required to offer if the fine is paid promptly. However there is a concern that some motorists may be put off from appealing because they are concerned about losing the discount. The Government is therefore considering introducing a discount at the appeal stage as well, so that a motorist whose appeal is rejected by a parking adjudicator can still receive a discount for prompt payment.
- 4.13** The Transport Select Committee report also recognised this issue, but noted that whilst motorists should not be discouraged from

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appealing, it was reluctant to suggest extending the full 50% discount throughout the appeal process due to the additional administrative burden as this would most probably lead to most, if not all, tickets being appealed, even when there were no reasonable grounds for doing so. Instead the Committee recommended that the Government should work with local authorities to trial the introduction of a lower (25%) discount for motorists who pay within 7 days of losing an appeal.

Q5. Do you think motorists who lose an appeal at a parking tribunal should be offered a 25% discount for prompt payment?

Residents' parking reviews

- 4.14 Parking strategies should meet the needs of residents and businesses, and contribute to the authority's transport objectives. To encourage councils to review their strategies the Government is considering introducing residents' reviews – allowing local residents and local firms to be able to petition the council to initiate a review.
- 4.15 Reviews could include looking at the cumulative effect of additional yellow lines on town centres, and the charges for parking. In many cases changing conditions may provide opportunities for authorities to consider other options, for example, replacing yellow lines with short-stay parking places to allow people to pay short visits to local shops whilst avoiding all-day commuter parking.
- 4.16 One way this could be achieved could be by allowing local residents and firms (i.e. local taxpayers) to be able to petition the council to initiate a review of parking policy in a particular area. If a petition reached a particular threshold, the council could be obliged to undertake a review, with the final decision on the outcomes of the review being decided by local councillors. This would allow local residents and local councillors to have the final say on local parking provision in their area.
- 4.17 Mary Portas' independent review on high street policy noted: "Cars are an intrinsic part of the way many people shop and so many of our high streets simply aren't catering for our 21st Century shoppers. The ease with which out-of town retailing can be reached by car means that high streets do not have the luxury of pretending that car-based access is not convenient for shoppers. It is. And yet in many town centres I have visited for this review

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parking has been run-down, in an inconvenient place, and most significantly really expensive.” Localism is not just about power to councils, it is about empowering local communities, neighbourhoods and individuals. The Government believes that it is important that local authorities regularly review their parking policies , and that one way this could be achieved could be by allowing local residents and firms to be able to petition the council to initiate a review of parking in a particular area.

Q6.Do you think 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 review?

“Grace periods” for parking contraventions

- 4.18 DfT’s guidance to local authorities suggests that they may wish to set out certain situations where parking wardens could exercise their discretion to issue a verbal warning rather than a parking ticket where they consider only a minor contravention has taken place. The guidance also explains that parking wardens need to observe a vehicle for a time to ascertain whether certain contraventions are taking place.
- 4.19 The Transport Select Committee has recognised this issue (for example, the frustration felt by motorists when they are issued with a ticket one minute after a parking meter has expired).The Committee has therefore recommended in its recent report that the DfT’s statutory guidance should stipulate that local authorities allow a grace period of 5 minutes after the expiry of paid for time on all paid parking places.
- 4.20 This TSC proposal would not cover areas where parking was not already permitted, such as on double-yellow lines or other restricted areas. However, some parties have suggested that the principle of grace periods should be applied more widely to allow motorists to park for free for a limited time at most locations other than a double-yellow line (e.g. on single yellow lines, in loading bays, and in parking meter and pay and display bays, and when overstaying in free parking bays). This could confer considerable freedoms on motorists to park without fear of being penalised, but would be difficult to enforce (particularly without cameras), and if that was the case would result in increased congestion and disruption by inconsiderate drivers.

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Q7. Do you think that authorities should be required by regulation to allow a grace period at the end of paid for parking?

Q8. Do you think that a grace period should be offered more widely – for example a grace period for overstaying in free parking bays, at the start of pay and display parking and paid for parking bays, and in areas where there are parking restrictions (such as loading restrictions, or single yellow lines)?

Q9. If allowed, how long do you think the grace period should be?

Clamping down on anti-social driving and tackling illegal parking

4.21 As this document has made clear the Government wants to ensure that local authorities do not adopt an overly heavy-handed approach to parking enforcement that unnecessarily impedes the attractiveness and prosperity of our town centres, but it is important that authorities continue to enforce parking appropriately to ensure the flow of traffic, avoid congestion and stop selfish drivers from parking without regard or in a way which is dangerous to other motorists, cyclists and pedestrians – including children, people with disabilities and the elderly. The Government therefore proposes, as part of a balanced review of parking to consider whether any further measures need to be adopted to tackle genuinely anti-social parking, particularly where reckless or selfish behaviour causes inconvenience or danger to others.

Q.10 Do you think the Government should be considering any further measures to tackle genuinely anti-social parking or driving? If so, what?

What will happen next

A summary of responses, including the next steps, will be published within three months of the consultation closing on

<https://www.gov.uk/government/consultations/local-authority-parking>

Annex A – List of questions

Q1. Do you consider local authority parking enforcement is being applied fairly and reasonably in your area?

Derbyshire County Council (DCC), and its partner Boroughs and Districts have a robust but fair enforcement policy. It requires Civil Enforcement Officers (CEOs) to issue Penalty Charge Notices (PCNs) to vehicles in contravention of parking restrictions yet has a fair appeals process that takes account of reasonable mitigating circumstances. This means that everyone is treated the same, and CEOs cannot be accused of favouritism, or worse, corruption. As with anything, there are the usual vocal minority who detest parking enforcement but a majority who see it as a necessary operation to allow fair turnover in pay and display, limited waiting bays and its ability to improve road safety, reduce congestion and support local businesses.

Q2.The Government intends to abolish the use of CCTV cameras for parking enforcement. Do you have any views or comments on this proposal?

DCC is considering seeking Member approval for the use of CCTV in a moving vehicle at schools, bus stops and clearways where no stopping is allowed. No Stopping clearways are generally in place where it is not safe to park or an area has to be kept clear for other users. As road safety is a key priority for parking enforcement, this is the best way to enforce such areas. To place a CEO outside any of 100 schools where there is a significant problem with parents parking on school keep clears is prohibitive financially. To have a marked car drive past a school will create an arena where parents are more likely to think twice about stopping in such areas. It is the most efficient and fair way to solve road safety issues. To ban CCTV would increase costs to local authorities (LAs), and prevent LAs solving road safety in the most efficient way.

Q3. Do you think the traffic adjudicators should have wider powers to allow appeals?

The current set-up allows adjudicators to judge on facts and facts alone. In many personal hearings, adjudicators will find some miniscule procedural error, or give the appellant the benefit of the doubt. To give them more

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powers will almost make adjudication a pointless exercise for councils. As long as a council has demonstrated how it has or why it will not exercise its discretion in any particular case, this should be sufficient. However, if more powers are given to an adjudicator then the LAs should have more time to consider and then request a review of the decision (currently 14 days (see Regulation 15 (and subsequent schedule) of the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007)).

Q4. Do you agree that guidance should be updated to make clear in what circumstances adjudicators may award costs? If so, what should those circumstances be?

Yes. Adjudicators should be able to award costs when there is clear evidence that either party has submitted a known untruth, as well as the existing reasons of frivolous, vexatious or wholly unreasonable behaviour. All enforcement authorities have to deal with members of the public who will respond to documents and then, at the warrant registration stage, they will tick one of the boxes to claim responses from the Council have not been received. The case automatically reverts to the Traffic Penalty Tribunal. Implicit in this question is the suggestion that costs should be more easily awarded against the Local Authority when presumably it is alleged and accepted that it has taken a case to Tribunal that should have been cancelled earlier. This, though, does not take into consideration the subjective element of dealing with appeals and representations, and the difficulties in appraising statements received. The underlying principle of the back office, as dictated by the Tribunal, is that each case should be judged on its own merits regardless of precedence.

Q5. Do you think motorists who lose an appeal at a parking tribunal should be offered a 25% discount for prompt payment?

No. The discount payment distracts motorists as they think they can 'have their cake and eat it' or discourages them from challenging PCN. To put this into figures, if a driver receives a PCN at £70, he/she can pay at discount for 14 days but if they choose not to and take the case through three sets of appeals (informal/formal and Tribunal), they would then be offered the chance to pay at £52.50. The process of going through Traffic Penalty Tribunal can take up to 4-5 months and the back office costs would far exceed the income received if the appeal is dismissed. And yet, for the driver, regardless of circumstance, there is very little disincentive not to do this. As stated earlier, the DCC back office processing costs are around £6 per PCN but this relies heavily on an administrative profile whereby the vast majority of cases are resolved pre-Notice to Owner. If this discount were applied, the profile would change completely as the costs would significantly

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increase. Any case that goes to Tribunal requires huge amounts of paperwork and staff time to collate and, as stated above, Tribunal costs would also soar. In a County area like Derbyshire, approximately 0.75 PCNs are issued an hour. DCC contractor is paid approximately £23 an hour and, with the back office costs, each PCN costs around £30. Some 25% are never paid either because cases are cancelled or the motorist cannot be traced. PCN levels have not increased since 2008 despite rises in inflation. This proposal could lead to some LAs stopping enforcement or reducing it to a very low level. It could also impact upon enforcement policies; for example, in Derbyshire, DCC has a policy of asking drivers parked in contravention to move if possible. If the back office profile changes to the extent anticipated, this sort of practice would undoubtedly come under pressure as the whole service would start operating at a loss. That loss could only ultimately be met by the public.

Q6. Do you think 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 review?

Yes. Usage of an area may change and therefore, it will sometimes make no sense to enforce a current restriction. Although there is no trigger in Derbyshire for a review, local people are able to request a review of restrictions at any time.

Q7. Do you think that authorities should be required by regulation to allow a grace period at the end of paid for parking?

Derbyshire County Council and its partners already allow a 5 minute grace period for most contraventions (10 minutes for a goods vehicle on street). The appeals process takes care of mitigating circumstances.

Q8. Do you think that a grace period should be offered more widely – for example a grace period for overstaying in free parking bays, at the start of pay and display parking and paid for parking bays, and in areas where there are parking restrictions (such as loading restrictions, or single yellow lines)?

This already exists in Derbyshire and its partner areas. It is currently 5 minutes for most contraventions, but there is no grace period for parking in disabled bays without a blue badge, taxi ranks, bus stops, school keep clears pedestrian crossings, police vehicles, or parked out of bay or too far from the kerb. However, many planning authorities are granting planning permission for businesses, such as takeaways and mini supermarkets (usually with cash point) in traffic sensitive areas which cannot cope with static traffic. It is understood that there is a need to allow new business to

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start and flourish. The inference from the consultation is that drivers should be allowed to stay longer on yellow lines whilst visiting these vital businesses. However, where parking outside such businesses occurs, DCC receives frequent complaints about the lack of enforcement. A balance needs to be found supporting businesses and the impact such grace periods have on road safety, the increase in congestion and a reduction in air quality. It is possible that these areas become unsafe and congested.

Q9. If allowed, how long do you think the grace period should be?

5 minutes seems to work well. If a longer period were to be suggested for yellow lines then a redefinition of the purpose of yellow lines would be needed. Allowing any sort of parking on yellow lines seems to defeat their purpose to allow traffic to flow, and to improve road safety. Allowing Blue Badge holders to park on yellow lines is a concern. There should be a three level system of parking restrictions. Areas where no drivers can wait (yellow lines), areas where blue badge parking would not cause congestion (Blue lines?), and unrestricted areas.

Q10. Do you think the Government should be considering any further measures to tackle genuinely anti-social parking or driving? If so, what?

Allowing LAs to enforce double white lines within 10m of a junction, on a bend, or brow of hill.
Allow use of CCTV to deal with anti-social and dangerous parking outside schools, in bus bays and on pedestrian crossings.

Annex B – Consultation principles

The consultation is being conducted in line with the Government's key consultation principles. Further information is available at <https://www.gov.uk/government/publications/consultation-principles-guidance>

If you have any comments about the consultation process please contact:

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