House of Commons
Transport Committee

Local authority parking enforcement: Government Response to the Committee's Seventh Report of Session 2013–14

Twelfth Special Report of Session 2013–14

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The Transport Committee

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Committee staff

The current staff of the Committee are Mark Egan (Clerk), Richard Jeremy (Committee Specialist), Adrian Hitchins (Senior Committee Assistant), Stewart McIlvenna (Committee Assistant) and Hannah Pearce (Media Officer)

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Twelfth Special Report

On 19 December 2013 we received a response from the Government to the Transport Committee’s Seventh Report of 2013–14, Local authority parking enforcement, which we publish with this Special Report. We are also publishing a response to our report which we received from the British Parking Association.

Government response

Introduction

The Government welcomes this opportunity to respond to the Transport Select Committee Report on Local Authority Parking Enforcement. The Government notes that the report concludes that “the basic framework for civil parking enforcement remains sound.” However the Committee also noted “a deep rooted perception that local authorities view parking enforcement as a cash cow,” and therefore the importance that local authorities are as transparent as possible in explaining to the public what they are doing and why. Whilst commenting on the inherently local nature of parking, the report notes that the Government “still has an important role in making sure the regulations and guidance are fit for purpose and modifying them promptly when necessary.” Finally the report concludes that the Government “must also work with local authorities to ensure that good practice and guidance is coordinated and disseminated.”

The Government agrees with this analysis and since the publication of this report has, on 6th December 2013, published a consultation paper on local authority parking which refers to many of the issues raised in this report. The consultation will run until 14th February 2014.


In addition to the above consultation, the Government has already made a number of other changes to the rules related to parking. In summary it has:

- Scrapped the previous policy that told councils to hike car parking charges.
- Removed restrictions on the provision of off-street parking spaces.
- 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.”

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1 HC 118, published on 23 October 2013.
2 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.
• 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.4

• Produced new guidance allowing householders to rent out a spare driveway or dedicated parking space without having to pay £385 for planning permission.5

• Allowed electric car ‘parking and charging’ points to be built on streets and in outdoor car parks without the need for planning permission.

• Issued new planning practice guidance on removing street clutter and encouraging the provision of shopper-friendly parking space provision.6

• 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.

The following is the Government’s response to the recommendations made by the Transport Select Committee. The Committee’s recommendations are in italics.

Pavement parking

Recommendation 1. We recognise that parking restrictions should reflect local circumstances. However, in areas such as pavement parking, where there is a confusing patchwork approach across the country, local authorities must ensure that they communicate clearly to motorists. The needs of pedestrians must also be considered alongside other road users. (Paragraph 8)

Government Response: The Government believes that local authorities are in the best position to decide where and whether pavement parking should or should not be permitted. In 2011 the Department for Transport gave all local authorities in England the authority to introduce local restrictions on pavement parking, without needing Whitehall approval. Local authorities should take account of all road users when taking decisions on pavement parking restrictions or allowances, and clearly indicate what rules are in place.

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

5 DCLG press release, 3 August 2013.

6 DCLG press release, 26 August 2013.
**Impact on town centres**

Recommendation 2. Parking policy must be dealt with as part of the wider transport strategy in relation to town centres. We recognise that parking is not the only issue that impacts upon the health of town centres, adequate public transport is also essential. It is important that local authorities work with local businesses to develop innovative parking solutions that work for their area. The Government can help this process by exploring ways of achieving this, including for example by developing business rates relief for businesses that invest in affordable town centre parking solutions. (Paragraph 16)

**Government response:** The Government agrees that parking policy must be dealt with as part of a wider strategy in relation to town centres. The Government has taken action on this by publishing, on 6 December 2013, a consultation paper on local authority parking. The consultation paper invites views on a range of parking issues, many of which are also covered in the Transport Select Committee’s report. It also emphasises the importance of local authority parking strategies being linked to local needs and circumstances, and taking account of wider planning policies and transport powers. The Government will consider the views of stakeholders and respond to the consultation in the first half of 2014.

Recommendation 3. We also see a role for Government in promoting the exchange of information. The Government should bring forward as a priority its proposed guidance to local authorities on how they can effectively support the high street, businesses and local communities. This should include examples of good practice and case studies of partnerships between local authorities and local businesses. (Paragraph 17)

**Government response:** The Government agrees with this proposal and is taking a number of actions in this area. On 6 December 2013 the Government launched “Action on Town Centres”, a multi-stranded programme of initiatives designed to support high streets and town centres.

Following the consultation on local authority parking published on 6 December 2013 (and which runs until 14 February 2014), the Department for Transport intends to revise and update its statutory guidance to local authorities on parking enforcement.

**Workplace Parking Levy**

Recommendation 4. It is difficult for us to judge the Workplace Parking Levy (WPL) scheme in Nottingham because a formal evaluation has not yet been carried out. The evaluation of the WPL scheme is of national interest and if the scheme proves to be successful, we recommend that the Government more actively promote WPL to other local authorities. We welcome the Minister’s assurance that the DfT is looking closely at the Nottingham experience and the views of the business community. We expect the Department will follow up on Nottingham’s recommendation that the guidance, regulations and legislation for WPL be revisited with a view to making it simpler and fairer to introduce. (Paragraph 19)

**Government response:** Nottingham City Council is undertaking evaluation work on their Workplace Parking Levy scheme. This is currently programmed to be completed in Spring
2017, as the study needs to take into account the contribution of the public transport interventions that the levy is helping to fund, for instance the extension to the Nottingham tram network. The Government is interested in the outcome of this study and the Department for Transport is liaising with the Council as the work goes forward. The results will be made available to other local authorities and it will remain for them to decide locally whether a WPL scheme is right for their area. An assessment will need to be made as to what impact a WPL could have on inward investment and job creation in an area. The Government will be better placed to take a view on how the WPL scheme is working once the Nottingham evaluation work has been completed.

Impact on businesses

Recommendation 5. It is unacceptable that local authorities set enforcement regimes that effectively force some companies to incur Penalty Charge Notices costing hundreds of thousands of pounds a year for carrying out their business. Local authorities must ensure that the need to restrict parking and manage congestion does not stifle the ability of businesses to trade and help grow the economy. However, businesses cannot be completely exempt from parking restrictions. For their part, delivery companies must ensure that their drivers fully understand and seek to comply with the Orders in place. The Government should hold a roundtable discussion with road hauliers and local authorities to identify and then disseminate innovative ways of dealing with this problem. (Paragraph 23)

Government response: Managing service and delivery vehicles in often congested town centres is a long-standing issue for local authorities, and finding effective solutions can be a challenge where there is a high demand for kerb space. The solutions will vary from area to area, and it is important that service delivery organisations, retailers and local authorities work together to seek the best solutions.

The Department for Transport and Transport for London are developing guidance to encourage deliveries of goods outside normal delivery hours (“Quiet deliveries”). These may help to reduce the number of enforcement notices issued. We agree that a roundtable discussion might be useful and DfT will talk to local authorities and the freight industry to see how this might be organised.

Finding the right balance between the needs of different road users and the demand for kerb space is essentially a local decision, and it is local stakeholders who best know the challenges they face. We would look, therefore, for all key local stakeholders, including Local Enterprise Partnerships, to be constructively working together to look at potential solutions if there are problems in their respective areas.

Recommendation 6. We also recommend that the Government provide greater clarity on the rules for loading and unloading in an updated version of its Operational Guidance to Local Authorities on Parking Policy and Enforcement. (Paragraph 24)

Government response: The Government will review its guidance to local authorities and will update it as appropriate.
Raising revenue from enforcement

Recommendation 7. Where parking charges are set to manage high demand surplus income may be generated. Many local authorities have parking accounts in surplus. However, the nuances within parking finances such as the difference between income from enforcement of fines and income from legitimate on or off street parking charges are often glossed over in the media and by Government. Some local authorities make a surplus on enforcement alone. Our view is that enforcement activity should generally do no more than cover its own costs. Where enforcement activity does unintentionally generate a surplus, local authorities must explain why this is the case. There is a need for a better understanding of parking finance issues and we recommend that the Local Government Association works with local authorities and ensures that they proactively and clearly explain these issues in their annual reports on parking (we comment on annual reports in more detail in paragraph 35). (Paragraph 28)


Local Authorities should collect and publish data on revenue collected from on-street parking, off-street parking and parking enforcement notices under The General Fund Revenue Account Outturn Guidance and the Department for Transport’s statutory guidance to local authorities on the Civil Enforcement of Parking Contraventions under Traffic Management Act 2004.

The revised Code of Transparency for Local Government states that local authorities must place a link on their website to the following published data or place the data itself on its website:

- revenue collected from on-street and off-street parking
- parking enforcement notices.

Local Authorities must also publish the number of marked out controlled on and off-street parking spaces within their area, or an estimate of the number of spaces where controlled parking space is not marked out in individual parking bays or spaces.

The Code recommends that Local authorities should publish the number of free parking spaces available in its area which are provided directly by the local authority or an estimate of the number of spaces where free parking space is not marked out in individual parking bays or spaces.

Recommendation 8. It is hard to justify parking fines that are substantially more than the fines for more serious offences like speeding. We recommend that the Government freeze the maximum penalty charge. The Government should also work with the Mayor of London and local authorities outside London to identify ways in which the burden on the motorist of penalty charges for minor parking violations can be reduced. For example, greater use could be made of differential penalty charges for less serious parking violations. (Paragraph 31)
**Government response:** On 6 December 2013 the Secretary of State for Transport confirmed that parking penalty charges will be frozen for the remainder of the current Parliament. In addition, as part of the Red Tape Challenge, the Department for Transport is considering the legislative options to abolish the minimum rates for parking penalty charges, as an initial step to giving local authorities the scope to allow lower charges for minor parking violations.

**Recommendation 9.** Local authorities should be mindful of the recent judicial review judgement against Barnet Council. The setting of parking charges in order to raise revenue is not only unacceptable in public policy terms, it is illegal. (Paragraph 32)

**Government response:** The Government fully endorses this recommendation, which will be re-emphasised in revised statutory guidance issued by the Department for Transport.

**Recommendation 10.** We do not believe that a strong case has been made for greater local discretion in how the parking surplus is used. There is already a good deal of flexibility and removing the ring fence would only exacerbate the perception that authorities see parking as a cash cow. However, there is a very strong case for more transparency about how funds are spent. We recommend that annual reports be made mandatory so that information on parking is in the public domain for all local authorities. Such reports do not need to be lengthy glossy documents but should provide a clear overview of enforcement activity and parking finances. (Paragraph 35)

**Government response:** The Government agrees that local authorities should publish annual parking accounts. The revised Code of Transparency for local authorities issued by the Department for Communities and Local Government includes a requirement to publish specific information on parking (see response to recommendation 7). The Department for Transport will also review local authorities' reporting requirements when revising its statutory guidance.

**Common sense approach**

**Recommendation 11.** A common sense approach to parking enforcement should minimise the issuing of Penalty Charge Notices to motorists who make honest mistakes. We recommend that the DfT's statutory guidance should stipulate that local authorities implement a grace period of 5 minutes after the expiry of paid for time on all paid parking places. (Paragraph 38)

**Government response:** The Government understands that a number of local authorities already voluntarily operate grace periods after paid parking. The Government considers that making this a statutory requirement is worthy of consideration, and has therefore invited views on offering grace periods in the consultation paper on local authority parking published on 6 December 2013.

**Signage**

**Recommendation 12.** We expect local authorities to quickly rectify poor signage that causes confusion. The public play an important role in bringing such signs to the attention of their local authority. The parking tribunals also have an important role to
play in identifying patterns of poor signage in problem areas. We expect the Government to keep us updated on how the revised Traffic Signs Regulations and General Directions will address persistent problems in parking signs. (Paragraph 42)

The Department for Transport is currently preparing successor regulations to the Traffic Signs Regulations and General Directions 2002. Consultation of draft regulations is programmed for spring 2014, to come into effect by March 2015.

The new regulations will simplify the current rules for parking sign design and permit a wider range of messages to be included. This will reduce the margin for error by providing local authorities with greater freedom to tailor parking signs to meet the local need while safeguarding national consistency. It will also allow greater flexibility to minimise street clutter whilst still displaying clear information about parking conditions.

**Incentives**

Recommendation 13. The perception exists that local authorities, directly or indirectly, incentivise Civil Enforcement Officers to issue Penalty Charge Notices (PCNs) in order to raise revenue. Local authorities state that this is not the case and the parking industry acknowledges that this would be illegal. We acknowledge that it is difficult to measure enforcement activity without referring to the number of PCNs issued and that it will be very difficult for local authorities to come up with a set of Key Performance Indicators that will convince everyone that there is not an agenda to issue PCNs. Where the number of PCNs issued is used to measure performance - even if only in part and even if not related to any payments - local authorities must be more open with the public. Local authorities should publish details of how performance in relation to enforcement activity is measured in their parking annual reports. Annual reports should also include information, in simple terms, on all the different ways in which parking compliance is measured. (Paragraph 46)

**Government response:** The Government agrees that local authorities should be as transparent as possible about their parking programmes and publish annual reports.

Local Authorities should collect and publish data on revenue collected from on-street parking, off-street parking and parking enforcement notices under The General Fund Revenue Account Outturn Guidance and the Department for Transport’s statutory guidance to local authorities on the Civil Enforcement of Parking Contraventions under Traffic Management Act 2004.

The revised Code of Transparency for Local Government states that local authorities must place a link on their website to the following published data or place the data itself on its website:

- revenue collected from on-street and off-street parking
- parking enforcement notices.

Local Authorities must also publish the number of marked out controlled on and off-street parking spaces within their area, or an estimate of the number of spaces where controlled parking space is not marked out in individual parking bays or spaces.
The Code recommends that Local authorities should publish the number of free parking spaces available in its area which are provided directly by the local authority or an estimate of the number of spaces where free parking space is not marked out in individual parking bays or spaces.

**Cameras and other technology**

Recommendation 14. While we welcome the Government's proposal to consult on ending the use of cameras for on-street parking enforcement we recognise that cameras can be helpful for enforcement in some areas where the use of a Civil Enforcement Officer is not practical. However, there must be greater oversight of the way in which local authorities use cameras to issue Penalty Charge Notices. 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. (Paragraph 47)

**Government response:** The Government acknowledges the Transport Select Committee’s welcoming of the proposal to consult on ending the use of cameras for on-street parking enforcement. The consultation paper inviting views on this and other areas of local authority parking was published on 6 December 2013 and can be accessed at: https://www.gov.uk/government/consultations/local-authority-parking.

Recommendation 15. We support the introduction of cashless parking payment systems that are convenient for motorists and help to reduce the likelihood of users overstaying in a parking place. However, it is essential that local authorities consult widely with local residents and other potential users on the introduction of these systems. They must also ensure that cash options are retained where there is a clear need. (Paragraph 48)

**Government response:** The Government supports the use of a range of payment systems that offer flexible options for payment, but recognises the importance of also retaining “traditional” options for those who do not wish to use digital media or other new technologies.

Recommendation 16. There is a risk that the introduction of new technology, such as parking bay sensors, could discourage local authorities from taking a common sense approach to parking enforcement, as we advocate in paragraph 38. Local authorities that are considering using such technology must ensure that there are safeguards in place to ensure that this does not happen. (Paragraph 49)

**Government response:** The Government agrees that new technologies should not be used to support over-zealous enforcement. The Government is currently responding to public concerns about camera enforcement strategies by consulting on a proposal to ban their use for on-street parking enforcement in the consultation paper issued on 6 December 2013. The Government may consider similar actions if concerns arise in relation to other new technologies.
Foreign vehicles

Recommendation 17. We recommend that the Government initiate discussions at a European level on the feasibility of introducing EU-wide powers for the cross-border enforcement of parking penalty charges in a cost effective way. (Paragraph 50)

Government response: Where fines are due from foreign registered vehicles that have already left the country, parking companies and local authorities can and do use European debt collection agencies to pursue unpaid charges. However we recognise that it may not always be economically realistic to pursue a relatively modest civil debt from a resident of a non-UK country. The same situation applies to civil parking debts incurred by UK motorists whilst travelling abroad.

The sharing of vehicle keeper information for the purpose of pursuing and enforcing civil debts across national borders is not currently covered by international treaty. However there may be operational agreements between nation states to provide information in certain circumstances – for example in cases of serious criminality. It would require a general commitment at European or international level by the way of an international treaty or protocol to allow the general enforcement of civil debts across national boundaries. At present many Member States have reservations about data sharing and the general security of individual citizen’s data across international borders for non-criminal contraventions.

Whilst the Government remains open to considering a general European-wide power to allow the cross-border enforcement of parking charges, it would raise a number of significant issues, among them data security, proportionality and affordability. Any proposal in this area would need to be carefully thought through and signed off at European level.

Vehicle information is only shared with participating EU Member States when vehicles are exported and registration applied for. No personal data is exchanged on vehicle keepers. They enable registration authorities to be alerted prior to re-registration in the country of import if a vehicle has been reported stolen or scrapped. Its purpose is to ensure accuracy of the central vehicle register and by electronic exchange of information, prevent vehicle related crime.

In March 2011 the Government announced that it would not opt in to a European Directive facilitating cross-border enforcement in the field of road safety. The Directive aims to facilitate the exchange of registered keeper data between Member States’ registration authorities, to help identify offenders. The Government made the decision to opt out because, on balance, we believed it did not appear to be in the UK’s interests to do so at the present time. However as we made clear at the time, the decision not to opt in to this particular Directive does not prevent the UK from engaging with the EU on cooperating on enforcement and exchanging data where there are strong, mutual interests for this, and we will continue to work with the EU in developing strategy in these areas, whilst ensuring UK interests are safeguarded.
Representations to local authorities

Recommendation 18. Local Authorities must be clearer about when the 50% discount does or does not apply to a penalty charge. Motorists should not be discouraged from appealing against tickets. However, we are reluctant to extend the 50% discount through the tribunal appeal process due to the additional administrative burden that an increase in appeals might place on local authorities. We recommend that the Government work with local authorities to set up on a trial basis the introduction of a 25% penalty charge discount for motorists who pay within 7 days of losing their appeal to the parking tribunals. (Paragraph 53)

Government response: The Government considers that the recommendation of a 25% discount for motorists who pay promptly after losing an appeal is worth wider consideration. It has therefore invited views on this proposal in the consultation paper on local authority parking enforcement which was published on 6 December 2013.

Appeals to parking tribunals

Recommendation 19. The Traffic Penalty Tribunal and the Parking and Traffic Appeals Service should continue to embrace new ways of improving access to the appeals service. In particular we would like to see greater use of telephone hearings and online video hearings. (Paragraph 55)

Government response: The Government supports reasonable and cost-effective actions that provide improved access to appeals hearings for motorists. However it is a matter for the independent parking tribunals to decide on the best ways in which to manage appeals and the range of access options offered.

Recommendation 20. Where possible, local authorities should resolve motorists' concerns about the validity of PCNs at the representations stage rather than waiting for them to appeal to the parking tribunals. We welcome the recent reduction in the proportion of appeals not challenged by local authorities at tribunal. However, the proportion of uncontested appeals is still too high. Where local authorities continue to maintain high proportions of uncontested appeals they should reassess whether their policies for dealing with concerns at the representations stage are adequate. We recommend that the parking tribunals collect and publish data on the reasons for uncontested appeals in order to encourage local authorities to improve their representation and appeal processes. (Paragraph 58)

Government response: The Government agrees that uncontested appeals by some local authorities appear high. Where that is the case they should be encouraged by the parking tribunals to assess their representation and appeal processes.

Refunds from local authorities

Recommendation 21. Local authorities should be more proactive about paying back money from invalid Penalty Charge Notices (PCNs). Motorists should not have to appeal these PCNs where the adjudicators have repeatedly identified that there is a problem. Local authorities should provide information in their parking annual reports.
on action they have taken to rectify such problems. We recommend that the Government introduce a statutory requirement for local authorities to take all reasonable steps to refund money received from invalid PCNs. (Paragraph 60)

**Government response:** The Government agrees that local authorities should rectify any problems resulting in the issue of invalid PCNs promptly, and refund money from invalid PCNs promptly.

Local Authorities should collect and publish data on revenue collected from on-street parking, off-street parking and parking enforcement notices under The General Fund Revenue Account Outturn Guidance and the Department for Transport’s statutory guidance to local authorities on the Civil Enforcement of Parking Contraventions under Traffic Management Act 2004.

The revised Code of Transparency for Local Government states that local authorities must place a link on their website to the following published data or place the data itself on its website:

- revenue collected from on-street and off-street parking
- parking enforcement notices.

The Department for Transport will consider this issue further when reviewing its statutory guidance to local authorities.

**New grounds for appeal**

**Recommendation 22.** We recommend that the Government introduce regulations that will enable adjudicators to allow appeals where local authorities have not followed statutory guidance. (Paragraph 61)

**Government response:** The Government will initiate discussions with the traffic adjudicators on whether additional powers are required to allow appeals where local authorities have not followed the Government’s statutory guidance. Views are also invited on this recommendation in the consultation paper on local authority parking which was published on 6 December 2013.
British Parking Association response

Pavement parking

1. TSC recommendation: We recognise that parking restrictions should reflect local circumstances. However, in areas such as pavement parking, where there is a confusing patchwork approach across the country, local authorities must ensure that they communicate clearly to motorists. The needs of pedestrians must also be considered alongside other road users. (Paragraph 8)

We encourage the government to establish consistency throughout the UK by promoting the adoption of the so called ‘London model’ for a universal footway parking ban.

Everyone is affected by parking on footways; it causes obstruction and damage and should be properly managed.

The BPA will support the call for uniformity and for local authorities everywhere to be able to manage footway parking more cost-effectively. People with disabilities and those with baby buggies or similar mobility challenges can experience real difficulty in negotiating safe routes due to inappropriate and selfish obstruction of footways. Additionally, the costs for maintaining damaged footways are significant in some cases and may not be sustainable.

In London, parking on the footway is prohibited except where the highway authority deems that it is safe to do so and traffic signs indicate this. The reverse is true in the remainder of the UK causing confusion amongst motorists and inconsistency in enforcement.

Impact on town centres

2. TSC recommendation: Parking policy must be dealt with as part of the wider transport strategy in relation to town centres. We recognise that parking is not the only issue that impacts upon the health of town centres, adequate public transport is also essential. It is important that local authorities work with local businesses to develop innovative parking solutions that work for their area. The Government can help this process by exploring ways of achieving this, including for example by developing business rates relief for businesses that invest in affordable town centre parking solutions.

We encourage government to issue guidance to local authorities on partnership working and on delivering a holistic approach to parking provision in town centres.

The BPA advocates a fair and level playing field between out-of-town and town centre shopping areas through better planning and business rate laws which are the real challenge to high streets. Recent research has shown that small businesses are abandoning the high street because of increasing business rates. This is a tax set by the very
department that has been critical about parking policy in recent months and in 2012, there was the biggest increase in business rates for 20 years!

We encourage partnership working in local areas between local authorities and high street traders and businesses. This will help create transport policies which embrace and meet local needs, address environmental concerns and are holistic in their approach.

We believe the best results are achieved where local authority parking providers work in partnership with local businesses and traders on a formal basis, enabling both sides to understand where the other stands. Consultation on quality and pricing in car parking often produces better results. The Government could use this opportunity in our view to encourage such partnership working between public and private sectors.

It might also consider whether the mixture of signs and lines is still fit for purpose and that the concept of waiting, loading and stopping controls is properly understood by motorists.

3. TSC recommendation: We also see a role for Government in promoting the exchange of information. The Government should bring forward as a priority its proposed guidance to local authorities on how they can effectively support the high street, businesses and local communities. This should include examples of good practice and case studies of partnerships between local authorities and local businesses.

There is much good practice by local authorities in using their parking responsibilities to support town centres and these should be proactively shared with all local authorities.

Proper and effective parking and traffic management is essential to support sustainable growth in our high streets. We want to ensure that local traffic authorities across the UK have the power and the tools to effectively manage traffic and parking. We will continue our work with the Association of Town & City Management to support the work being done to revitalise the UK’s town and city centres. We will promote the importance of the contribution of effective parking and traffic management which needs to be properly embraced, including the need to allow local authorities to enforce moving traffic contraventions to reduce congestion, improve accessibility and reduce accidents.

All those involved with regeneration should work in partnership with parking and transport professionals to improve sustainable access for everyone. Evidence shows that accessibility underpins economic regeneration. Proper and effective traffic management is therefore absolutely essential and without it the UK’s high streets will become more congested and costs to local authorities will increase without significant economic benefits.

The Department for Transport should provide guidance on the management of on street parking and for off street. Adequate provision of convenient off street parking areas for town centres and high streets is essential to encourage shoppers into these areas. Consideration should also be given to the needs of shops for loading/unloading and the conflict in smaller shopping areas with customer needs and with the needs of disabled
people. Other issues include cycle and motor cycle parking and the differing demands of Sunday trading, especially regarding enforcement of parking controls.

Energy efficiency is also an important aspect of the operation of parking services and we will encourage the adoption of sustainable energy systems and support the provision of facilities for low emission vehicles.

**Workplace Parking Levy**

4. TSC recommendation: It is difficult for us to judge the Workplace Parking Levy (WPL) scheme in Nottingham because a formal evaluation has not yet been carried out. The evaluation of the WPL scheme is of national interest and if the scheme proves to be successful, we recommend that the Government more actively promote WPL to other local authorities. We welcome the Minister’s assurance that the DfT is looking closely at the Nottingham experience and the views of the business community. We expect the Department will follow up on Nottingham’s recommendation that the guidance, regulations and legislation for WPL be revisited with a view to making it simpler and fairer to introduce.

WPL should be properly evaluated taking account of business needs and parking demand.

The BPA feels the Workplace Parking Levy should only be applied where there is support from local business, as the decisions of the individual businesses will have the overriding effect on the habits of the motorists; after all WPL is an employer charge and it is at the employer’s discretion as to whether or not this is passed on to employees; if this cost is not passed on then there may be little inclination for staff to change their driving habits. However, in general the BPA supports the principle of managing traffic through managing journey destinations and in placing a value on parking space which drives demands for higher quality car parking

**Impact on businesses**

5. TSC recommendation: It is unacceptable that local authorities set enforcement regimes that effectively force some companies to incur Penalty Charge Notices costing hundreds of thousands of pounds a year for carrying out their business. Local authorities must ensure that the need to restrict parking and manage congestion does not stifle the ability of businesses to trade and help grow the economy. However, businesses cannot be completely exempt from parking restrictions. For their part, delivery companies must ensure that their drivers fully understand and seek to comply with the Orders.

6. We also recommend that the Government provide greater clarity on the rules for loading and unloading in an updated version of its Operational Guidance to Local Authorities on Parking Policy and Enforcement.

Government should lead on working with local authorities and freight deliverers to achieve a compromise and consensus. The Government also needs to resolve the conflicting advice about Blue Badge holder’s ability to park in Loading Bays.
The Freight Transport Association with the BPA and other key stakeholders have collaborated in the past to assist delivery vehicles when accessing premises in busy locations. However, there is often a direct conflict between the need for local authorities to reduce congestion and improve road safety while at the same time meet the needs of commercial businesses delivering goods to adjacent premises. In many cases they encourage deliveries out of hours and at non-peak times which then maximises space for shop customers. Technological solutions are becoming available whereby delivery vehicles can reserve loading locations in advance to minimise disruption to other road users.

7. TSC recommendation: Where parking charges are set to manage high demand surplus income may be generated. Many local authorities have parking accounts in surplus. However, the nuances within parking finances such as the difference between income from enforcement of fines and income from legitimate on or off street parking charges are often glossed over in the media and by Government.

Some local authorities make a surplus on enforcement alone. Our view is that enforcement activity should generally do no more than cover its own costs. Where enforcement activity does unintentionally generate a surplus, local authorities must explain why this is the case.

There is a need for a better understanding of parking finance issues and we recommend that the Local Government Association works with local authorities and ensures that they pro-actively and clearly explain these issues in their annual reports on parking.

We do not believe that a strong case has been made for greater local discretion in how the parking surplus is used. There is already a good deal of flexibility and removing the ring fence would only exacerbate the perception that authorities see parking as a cash cow. However, there is a very strong case for more transparency about how funds are spent.

We recommend that annual reports be made mandatory so that information on parking is in the public domain for all local authorities. Such reports do not need to be lengthy glossy documents but should provide a clear overview of enforcement activity and parking finances.

Government should be clearer about its requirement on local authorities regarding the publication of an annual report.

Guidance already sets out that local authorities should publish their parking accounts and set out the use of any surplus income.

The BPA agrees that parking accounts should be made transparent and we encourage our members to do this. Annual parking reports should reference the benefits the high street derives from the delivery of good parking management and civil parking enforcement (CPE) locally. A parking annual report, or lack of them, is a missed opportunity for many local authorities to explain why parking is managed and what they do to make their parking facilities more attractive and how much it costs to properly manage parking for the benefit of the community.
The law already requires local authorities to publish their parking accounts and the use of any surplus income is strictly controlled. We agree that parking accounts should be made transparent and we encourage our members to do this. Annual parking reports should reference the benefits the high street derives from the delivery of good parking management and civil parking enforcement (CPE) locally and demonstrate evidence made to the Committee that most Authorities are in deficit when only their parking enforcement activities are taken into account. A parking annual report, or lack of them, is a missed opportunity for many local authorities to explain why parking is managed and what they do to make their car parks more attractive and how much it costs.

The BPA produces a Parking Practice Note setting out the reporting requirements for authorities carrying out Civil Parking Enforcement (CPE).

8. TSC recommendation: It is hard to justify parking fines that are substantially more than the fines for more serious offences like speeding. We recommend that the Government freeze the maximum penalty charge. The Government should also work with the Mayor of London and local authorities outside London to identify ways in which the burden on the motorist of penalty charges for minor parking violations can be reduced. For example, greater use could be made of differential penalty charges for less serious parking violations.

It is unacceptable for penalty charge levels outside London to be so out of step with those in London. Government should actively review levels and preferably devolve responsibility for so doing to local authorities.

The BPA believes that penalty charges should be reviewed at least every four years, otherwise they fail to act as a deterrent and sometimes encourage non-compliance with traffic management and parking rules. Penalty charges in England, outside London, have not been reviewed since 2001. Failure to regularly review these charges is costly and unfair on local council tax payers who will be subsidising parking enforcement and it undermines effectiveness of local transport policies.

Penalty charges in London are set locally by the Mayor and London Councils; elsewhere they are set by national government. We believe that all penalty charges should be set by locally accountable bodies using Section 101 of the Local Government Act 1972 to engage all local authority interests as these can be more responsive to local circumstances and thus be more effective in encouraging compliance with locally determined parking rules.

9. TSC recommendation: Local authorities should be mindful of the recent judicial review judgement against Barnet Council. The setting of parking charges in order to raise revenue is not only unacceptable in public policy terms, it is illegal.

We wholeheartedly agree this recommendation.

Local authorities cannot use traffic control to raise revenue as this is unlawful as Barnet’s High Court case recently demonstrated.

The Road Traffic Regulation Act 1984 includes provisions to control the use of parking surplus generated and these are set out in s55. The BPA has published a Parking Practice Note which explains this in some detail for the benefit of its members. The
essence of the legislation says surplus income from all penalty charges (whether issued for on-street or off-street contraventions) plus any income from on-street parking fees and charges is subject to s55 usage; income from off-street parking fees and charges is for general use by the local authority.

10. TSC recommendation: A common sense approach to parking enforcement should minimise the issuing of Penalty Charge Notices to motorists who make honest mistakes. We recommend that the DfT’s statutory guidance should stipulate that local authorities implement a grace period of 5 minutes after the expiry of paid for time on all paid parking places.

Many local authorities already apply such a grace period so there is some sense in establishing a universal grace period.

The BPA generally supports this and already recommends this approach to its local authority members. We believe in better communication with the public to ensure they understand parking regulations, why car parking often has to be charged for, how to appeal against parking tickets and also how to park considerately and sensibly. It is important to encourage consistency and parity between public and private parking operations to try and minimise confusion for motorists. The BPA has produced a Guide to Parking in conjunction with the consumer association Which?

We believe that everyone who drives should know and understand why parking is managed and what the rules are. We will work through the Parking Forum and with the Driving Standards Agency, those who teach people to drive and other motoring and consumer organisations, informing motorists of parking law and best practice through effective communication of a public information campaign as this will help improve parking behaviour and compliance.

Signage

11. TSC recommendation: We expect local authorities to quickly rectify poor signage that causes confusion. The public play an important role in bringing such signs to the attention of their local authority. The parking tribunals also have an important role to play in identifying patterns of poor signage in problem areas. We expect the Government to keep us updated on how the revised Traffic Signs Regulations and General Directions will address persistent problems in parking signs.

There is an opportunity in the Government’s UK Traffic Signs Review to provide some flexibility in parking signage but this must not be at the expense of national consistency nor administrative expediency. The Government should not deregulate for the sake of it.

The BPA has been widely involved in the development of the government’s review of UK traffic signs and in particular has provided a number of focus groups and contributed to the DfT working groups which led to the publication ‘Signing the Way’ in 2012. Most unlawful parking is either accidental or opportunist; we want to see local authorities reducing the incidence of accidental non-compliance through designing clear and unambiguous parking controls.
We absolutely and fundamentally support the need to ensure that traffic signs, especially those which involve parking controls and enforcement, are clear, concise, and understood: importantly they must be nationally consistent. There is a need to reduce the administrative burden on local authorities to obtain special approvals for signage but parking controls should not be complex and motorists should not have difficulty in understanding what is required of them.

12. TSC recommendation: The perception exists that local authorities, directly or indirectly, incentivise Civil Enforcement Officers to issue Penalty Charge Notices (PCNs) in order to raise revenue. Local authorities state that this is not the case and the parking industry acknowledges that this would be illegal.

Local authorities should publish details of how performance in relation to enforcement activity is measured in their parking annual reports. Annual reports should also include information, in simple terms, on all the different ways in which parking compliance is measured. (Paragraph 46)

Government should consider including the BPA’s Model Contract or similar in their statutory guidance to local authorities to defeat the perception that parking enforcement is revenue-led.

Parking enforcement is not about quotas for enforcement, it is to improve road safety and improve traffic flow and to manage supply and demand. It's to reserve spaces for residents or particular groups of users, like disabled people or for servicing, loading and unloading.

As with any good financial planning, and to ensure a parking service is affordable, local authorities might estimate the number of parking tickets that could be issued in a given period based upon historical experience and use the predicted income when preparing budget forecasts. Council taxpayers should expect nothing less otherwise Councils enter into open-ended parking control schemes with no concept of affordability and risks.

If motorists complied with the rules, which in general are there for everyone's benefit, then it wouldn’t be possible or necessary to issue millions of parking tickets every year. Ticket quotas have never been allowed and parking controls must have a traffic management purpose.

We acknowledge that it is difficult to measure enforcement activity without referring to the number of PCNs issued and that it will be very difficult for local authorities to come up with a set of Key Performance Indicators that will convince everyone that there is not an agenda to issue PCNs. Where the number of PCNs issued is used to measure performance - even if only in part and even if not related to any payments – local authorities must be more open with the public.

The BPA’s Model Contract is aimed at raising standards in the parking industry and has been designed for organisations that appoint service providers to manage their parking and associated services. It has been developed by the BPA, government, local contractors and service providers and is endorsed by the Transport Select Committee and included in the Statutory Guidance.
The benefits of using the Contract include:

- providing a standard template for the procurement of services
- encouraging best practice by ensuring that performance is measured on the quality of the service
- easing negotiations for both supplier and service provider
- easing the workload of organisations and time spent designing and preparing contracts

**Enforcement and other technology**

13. TSC recommendation: While we welcome the Government’s proposal to consult on ending the use of cameras for on-street parking enforcement we recognise that cameras can be helpful for enforcement in some areas where the use of a Civil Enforcement Officer is not practical. However, there must be greater oversight of the way in which local authorities use cameras to issue Penalty Charge Notices. 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.

Cameras (CCTV and ANPR) are useful tools to properly manage parking and Government should not ban them but should properly regulate their use for specific, locally-defined purposes.

We want to see fair and transparent camera and ANPR enforcement for everyone. Automatic enforcement can be very precise and this very precision brings with it a responsibility to use it carefully.

Many parking acts are not as straightforward as the camera might suggest and it’s very important that we have in place protocols to identify enforcement activity which might be considered unfair or inappropriate. We will work with organisations such as the Information Commissioner and the Trading Standards Institute and others to build the public trust in the use of CCTV, ANPR and other camera enforcement so that it can be used to provide and manage good parking facilities which enable Britain’s towns and cities to function properly.

Another important consideration when choosing cameras as a means of enforcement is to consider the needs of people with disabilities and especially Blue Badge holders.

Where there are no concessions for disabled motorists at the car park, remote enforcement is easier because cameras cannot tell if a Blue Badge or other exemption is available to the motorist. Where concessions, such as ‘free parking’ or ‘extended time’ are available to Blue Badge holders then enforcement with CEO on patrol may be appropriate to ensure those concessions are properly accounted for and unfair or unwarranted enforcement is avoided.

Products used must also meet a minimum set of regulatory, technical and safety requirements ensuring that the evidence is trustworthy and appropriate for the nature of
the enforcement being undertaken. In practice this is likely to mean the use of ‘Approved Devices’ within the meaning of the Road Traffic Regulations Act 1984 and associated legislation.

14. TSC recommendation: We support the introduction of cashless parking payment systems that are convenient for motorists and help to reduce the likelihood of users overstaying in a parking place. However, it is essential that local authorities consult widely with local residents and other potential users on the introduction of these systems. They must also ensure that cash options are retained where there is a clear need.

There is a risk that the introduction of new technology, such as parking bay sensors, could discourage local authorities from taking a common sense approach to parking enforcement, as we advocate in paragraph 38. Local authorities that are considering using such technology must ensure that there are safeguards in place to ensure that this does not happen.

We agree that new technology and payment methods should be introduced alongside a communications campaign to ensure motorists fully understand them and are able to benefit from them.

It is important that the public are allowed to become familiar with any new system and must be given a reasonable amount of time to adjust to the change. Motorists using regulated car parks must be made aware of the regulations and rules which are subject to enforcement. The Traffic Signs Regulations and General Directions 2002 sets out requirements for traffic signs in the regulated environment. These should be applied accordingly.

15. TSC recommendation: We recommend that the Government initiate discussions at a European level on the feasibility of introducing EU-wide powers for the cross-border enforcement of parking penalty charges in a cost effective way.

Government should open discussions with the EU to adopt existing directive powers to share keeper data across borders.

The challenge for all local authorities is the ability to effectively enforce against motorists using foreign registered vehicles, many of whom avoid enforcement either because they are being used by UK residents who have failed to register the vehicle in accordance with the Vehicle Registration Acts or when drivers and keepers remain untraceable because of the inability to share data with other EU member states. We expand on this point in our Master Plan for Parking 2012-13;

We want to see better enforcement of non-compliance with vehicle and driver registration laws, improvements in the accuracy of vehicle and keeper registers at the DVLA and access to EU keeper databases via the DVLA.

The BPA works closely with the DVLA to ensure that motorists’ data is properly safeguarded, and where data is released for parking enforcement purposes, that it is used appropriately and in accordance with the law. It is unfair on law abiding motorists that some people can avoid enforcement action by not complying with traffic and parking
laws and by being ‘invisible’ or ‘untraceable’ because they fail to register themselves and/or their vehicles properly and in accordance with the law. Vehicles registered in EU countries should be subject to the same laws so access to databases in other countries must be made available on a reciprocal basis.

16. TSC recommendation: Local Authorities must be clearer about when the 50% discount does or does not apply to a penalty charge. Motorists should not be discouraged from appealing against tickets. However, we are reluctant to extend the 50% discount through the tribunal appeal process due to the additional administrative burden that an increase in appeals might place on local authorities.

We recommend that the Government work with local authorities to set up on a trial basis the introduction of a 25% penalty charge discount for motorists who pay within 7 days of losing their appeal to the parking tribunals. (Paragraph 53)

We oppose this recommendation as unworkable and adding considerable costs to local authorities.

The BPA believes that the discount for prompt payment has been misunderstood by commentators but actually is mostly well understood by motorists. The purpose of the discount is to encourage early payment and therefore to reduce costs on the part of both the local authority and the motorist. But it is the full Penalty Charge which motorists risk when they park unlawfully and therefore it is this sum that must be contested at Adjudication. The alternative is to remove the discount for prompt payment which would benefit no-one. It must also be recognised that the vast majority of motorists do not pay the 'headline' penalty charge but the discount rate.

A proposal to offer a further discount after adjudication risks significantly increasing number of vexatious appeals and therefore costs to local authorities which fund the Adjudication services. Significant cost would also be incurred by local authorities in respect of changes to IT and finance systems.

17. TSC recommendation: The Traffic Penalty Tribunal and the Parking and Traffic Appeals Service should continue to embrace new ways of improving access to the appeals service. In particular we would like to see greater use of telephone hearings and online video hearings.

We agree with the recommendation.

It should be noted that all civil parking enforcement brings with it a statutory right of adjudication. Motorists can appeal when they consider parking enforcement to be unfair and the decision of the adjudicators is binding on the local authority. It's important that the motorist understands what the rules are so that they can comply.

18. TSC recommendation: Where possible, local authorities should resolve motorists’ concerns about the validity of PCNs at the representations stage rather than waiting for them to appeal to the parking tribunals.

We welcome the recent reduction in the proportion of appeals not challenged by local authorities at tribunal. However, the proportion of uncontested appeals is still too high. Where local authorities continue to maintain high proportions of uncontested
appeals they should reassess whether their policies for dealing with concerns at the representations stage are adequate. We recommend that the parking tribunals collect and publish data on the reasons for uncontested appeals in order to encourage local authorities to improve their representation and appeal processes.

Many uncontested appeals are due to the appellant producing evidence at a later date than their initial representation. However, to properly audit uncontested appeals we agree that reasons for “non-contests” are included in either the Adjudicators’ or the local authority’s annual reports.

The BPA is keen to ensure that all parking enforcement is undertaken fairly and reasonably. CPE has been very successful across England and Wales where it has not only allowed local councils to be better placed to direct parking management and enforcement activity to better meet the needs of local business and communities; it also frees up police resources enabling them to concentrate on more serious criminal activity rather than focus on parking management.

All income from parking charges and penalties are retained and invested locally rather than going to central government and local councils are more accountable to the people they serve. In London, where around three-quarters of all UK Penalty Charge Notices are issued, we have seen about a 20% drop over the last 5 years in the number of PCNs issued to motorists for parking contraventions, where it is down from 5.1M/year to 4.2M/year.

Across the remainder of England and Wales the number of PCNs issued in recent years has increased by around 5% in total. If you consider that the number of councils who have taken over parking control from Police in the same period has increased by around 4% too, it is no surprise that the number of PCN’s has increased. It is the Governments’ intention that all Councils operate CPE and the few that do not are being encouraged to do so.

19. TSC recommendation: Local authorities should be more proactive about paying back money from invalid Penalty Charge Notices (PCNs). Motorists should not have to appeal these PCNs where the adjudicators have repeatedly identified that there is a problem.

Local authorities should provide information in their parking annual reports on action they have taken to rectify such problems. We recommend that the Government introduce a statutory requirement for local authorities to take all reasonable steps to refund money received from invalid PCNs.

Parking Adjudications do not establish precedent. It would be dangerous to encourage refunds for everyone where civil enforcement is undertaken in good faith. There is no definition of an “invalid ticket” so this is unworkable in practical terms.

While this proposal is attractive at face value it is very difficult to implement in practical terms.
Firstly, an adjudicator’s decision on the merits of a case does not set precedent. Once a number of cases have reached adjudication stage and been lost by the local authority several hundred PCNs may have been issued. These may have been issued in good faith by the LA and may have substantially improved compliance within a particular location so having a “one size fits all” solution to this issue does not appear appropriate.

However, LA s could adopt an internal process (and some already do) to monitor levels of PCNs and % representations to address any unusual volume/activity and so take action long before cases reach adjudication. Failure to adopt such internal disciplines could be taken into account by the adjudicator in considering any cost applications from aggrieved appellants. When systemic errors or failures have occurred it might be more appropriate to ensure that motorists are fairly compensated.

20. TSC recommendation: We recommend that the Government introduce regulations that will enable adjudicators to allow appeals where local authorities have not followed statutory guidance.

This appears to offend against basic constitutional process and must be resisted.

The adjudication process is a lawful one under statute. If government requires a change in the law to change how parking is managed it must make those changes through primary legislation which the adjudicator will then apply when considering appeals. Those changes must be subject to full Parliamentary scrutiny.

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