

DRAFT RESPONSE SERVICE

As part of the Rural Opportunities Bulletin, RSN will regularly provide concise potential responses to key current consultations. These are not intended to be definitive or to reflect the views of RSN and may include potentially opposing responses to reflect different views designed to assist individual organisations in compiling their own response. We do however recognise the pressure members are under and we hope this service will assist.

Local Authority Parking Strategies – Department for Transport, December 2013

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

The government is inviting views on current local authority parking strategies and on options being considered to change the balance of how parking is enforced with the aim of ensuring that parking strategies complement and enhance the attractiveness of high streets and town centres. The significant elements of local authority parking policy for amendment include:

- how to limit the use of CCTV for on–street parking enforcement in some or all circumstances
- whether local communities and businesses should be given the right to require authorities to review aspects of their parking strategies including the level of parking charges, whether parking should be free for a time, and whether double yellow lines are appropriate and necessary at particular locations
- whether there should be a statutory requirement for local authorities to allow a ‘grace period’ where a driver has over-stayed in a paid for parking place for a short period before issuing a parking ticket
- updating parking enforcement guidance to emphasise a less heavy-handed approach to parking enforcement and that parking charges and fines should not be used to subsidise other areas of local government spending

This consultation closes on 14 February 2014.

Consultation Question 1 – *Do you consider local authority parking enforcement is being applied fairly and reasonably in your area?*

Draft Response: This will be a question for local response.

Consultation Question 2 – *The Government intends to abolish the use of CCTV cameras for parking enforcement. Do you have any views or comments on this proposal?*

Draft Response: CCTV cameras can be an effective tool to promote and maintain highway safety. The consultation document refers to DfT’s existing statutory guidance which 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 consultation document also points out that the Home Office Code of Practice on CCTV surveillance published in 2013 confirmed this approach and added that CCTV should only be used where there is a “pressing need.” To remove all scope for utilising CCTV goes against this recent guidance. Indeed, the Transport Select Committee in its enquiry into local authority parking enforcement stated the following:

“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.”

<http://www.parliament.uk/business/committees/committees-az/commons-select/transport-committee/news/parking-substantive/>

A specific example where CCTV has proved useful has been outside schools where the Local Government Association make the case that CCTV is:

“often introduced at the request of parents or teachers concerned about the safety of schoolchildren and act as a visible deterrent to the thoughtless minority of drivers who put children’s safety at risk.”

http://www.local.gov.uk/web/guest/media-releases/-/journal_content/56/10180/5759561/NEWS

To remove CCTV entirely as a potential tool where a “pressing need” exists, therefore, would seem a retrograde step.

Consultation Question 3 – *Do you think the traffic adjudicators should have wider powers to allow appeals?*

Draft Response: Maintaining and developing vibrant town and village centres is an important objective for local authorities. This is supported through a range of policies and activities including through parking strategies. Updated parking guidance would be welcomed in order to provide clear national parameters for parking enforcement. Such guidance should, necessarily, be able to reflect differing local circumstance, needs and opportunities and be regularly updated based on experience, good practice and emerging national and local policy. Indeed these are prime reasons for maintaining guidance rather than enshrining such matters in law. It would be preferable to avoid national powers to allow appeals both to enable local circumstances to be fully taken into account and to avoid the costs likely to be associated with such a process.

Consultation Question 4 – *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?*

Draft Response: The great variation in local circumstance make it preferable to avoid any suggestion of the award of costs. However, if costs are to be awarded by adjudicators then a prerequisite will be for guidance to not only be updated but reviewed regularly. The only circumstances where the awarding of costs should be considered is where very clear and purposeful contravention of guidance has taken place.

Consultation Question 5 – *Do you think motorists who lose an appeal at a parking tribunal should be offered a 25% discount for prompt payment?*

Draft Response: As the Transport Select Committee recognised, carrying the full discount forward would be likely to lead to a large increase in appeals even where reasonable grounds do not exist with a resulting increased administrative burden. Ultimately, the impact of a proposed reduced discount of 25% for prompt payment after an appeal cannot be accurately judged. A trial, as suggested in the consultation paper, should be undertaken for a short period in order to better understand the impacts prior to a final decision being taken on this issue.

Consultation Question 6 – *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?*

Draft Response: There is no need for such a formal petition process to be established. Parking Strategies and parking practice are informed by local residents and businesses on an ongoing basis. Direct lines of communication exist through Council officers and members which are already utilised to highlight particular issues or concerns. Regular review of Parking Strategies, operating within clear national guidelines, should provide every opportunity for structured debate concerning such matters. However, if localised reviews are to be enabled as envisaged there needs to be a mechanism in place to prevent recurring petitions on the same matter to be submitted.

Consultation Question 7 – *Do you think that authorities should be required by regulation to allow a grace period at the end of paid for parking?*

Draft Response: No. The most important issue is to provide clarity for both the motorist and the enforcing officer. Allowing formal 'grace' periods will only serve to confuse matters and potentially lead to even further frustration.

Consultation Question 8 – *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)?*

Draft Response: No. Such a move would lead to severe confusion and directly impact on safety.

Consultation Question 9 – *If allowed, how long do you think the grace period should be?*

Draft Response: Formal grace periods should not be allowed. However, if they are to be permitted there should be one set period applied across the country with the maximum being the 5 minutes suggested.

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

Draft Response: Before answering this question, the government should provide a clear definition of what it considers to be "genuinely anti-social parking or driving". This may, perhaps, be included within the updated guidelines.

Government should also consider the impact of 'dash-cams' which are growing in number and the subject of recent publicity regarding their potential use in assisting with parking enforcement.