

PACTS response to DCLG Discussion Paper on ‘The Right to Challenge Parking Policies’, August 2014

PACTS

PACTS is the Parliamentary Advisory Council for Transport Safety, a registered charity and an Associate Parliamentary Group. Its charitable objective is “To protect human life through the promotion of transport safety for the public benefit”.

PACTS’ Rationale

This Discussion Paper arises from the Government’s Consultation on Local Authority Parking in late 2013/early 2014 and from the Government’s response to that consultation exercise in June 2014.

The response of PACTS to the Consultation on Local Authority Parking queried the evidence base for the Government’s view that local authorities are too severe when it comes to both the cost of permitted parking and the enforcement of penalties; and also questioned the extent to which the consultation followed the Government’s own ‘Consultation Principles’ (October 2013), such as:

- the purpose should be “to engage in fruitful dialogue”; and
- “every effort should be made to make available the Government’s evidence base at an early stage to enable contestability and challenge”.

Neither that consultation paper nor the present ‘discussion paper’, nor indeed any related Government paper or Government-commissioned research, has advanced a robust evidence base for the proposed changes in parking policy in question. Rather, these proposals seem to be most strongly influenced by anecdotal “concerns about over-zealous parking enforcement and high parking charges”.

PACTS believes strongly in evidence-based policy. PACTS considers that the Government’s approach to local authority parking policies fails to embrace the complexity of the issues involved and is influenced by ill-informed and subjective views on the cost of parking, on enforcement regimes and on how parking policies can best support the economic health of high streets and local centres.

PACTS notes from the Government’s response to the Local Authority Parking consultation shows that the vast majority of organisations responding, and even a small majority of individuals, consider local authority parking enforcement is being applied fairly and reasonably. Despite this, PACTS notes that “the Government intends to press on and take action to see a ban on the use of CCTV cameras to enforce parking contraventions in the vast majority of cases”, even though this proposal (Question 2 in the consultation) appears to have received very little direct support from consultees.

PACTS believes such decisions should be based on clear evidence – and the issue of CCTV enforcement is one where this evidence is lacking. In reporting the ‘mixed views’ of business respondents, the Government’s response juxtaposes two phrases: (a) “Some supported a ban on CCTV because of its abuse by local authorities”; and (b) “Some businesses reported that customers regularly received parking tickets”. This appears to imply that customers receiving parking tickets had been victims of CCTV enforcement abuse, but there is no evidence of this. Indeed, the statement concerning alleged abuse is itself unsubstantiated.

We mention this to exemplify PACTS’ general concern about the Government’s use of sound evidence in making decisions on parking.

On the specific issue of 'The Right to Challenge', this was covered by Question 6 of the earlier consultation, and our response to the three questions in the present discussion paper is informed by the Government's summary of the responses to Question 6:

- Overall the majority of respondents were in favour of this proposal, with greater support from individuals (71%) than from organisations (48%).
- Most local authorities were against this proposal, arguing that reviews were already carried out relatively frequently, and that there was already provision for people to make representations under the current local government arrangements.
- Others expressed concerns that any threshold to trigger a review should be set appropriately high to prevent local authorities being required to act by relatively small lobbying groups, and that a minimum period between reviews should be set to prevent multiple applications.

These last two bullets must be taken fully into account to ensure that any 'Right to Challenge' does not simply become a 'Whinger's Charter' – creating the opportunity for people to use up valuable and increasingly scarce local authority resources (of both staff time and money) simply because they'd rather pay less to park, would rather not get fined for infringing clearly-signed regulations, or otherwise want to have a dig at 'the authorities'.

Following on from the above, PACTS' response to the three questions presented in the Discussion Paper is a set out below.

Who should have the ability to petition for a review?

PACTS agrees that "any threshold to trigger a review should be set appropriately high to prevent local authorities being required to act by relatively small lobbying groups, and that a minimum period between reviews should be set to prevent multiple applications". This is especially important bearing in mind the clear desirability of ensuring that significant local authority resources (of both staff time and money) are not devoted to responding to petitions from small numbers of people who may be poorly informed, have other axes to grind against the authority. PACTS is acutely aware of the pressures on local authorities' resources and the cuts that have been and remain to be made in vital services such as road safety, school crossing patrols and traffic management.

The nature of the threshold should plainly relate to the subject of the petition – the scope of the policy in question and the geographical area to which it applies. Account needs also to be taken of the potential impacts of change in one relatively localised area on neighbouring areas.

Taking the suggested 10% of residents or businesses affected as an example, it is highly unlikely that 10% of a whole Council area's residents would sign a petition for change affecting the whole area. It is far likelier that change will be sought at a much more local level, but this could undermine a balanced, area-wide policy. Local change could lead to knock-on effects that the petitioners have little interest in, but which may then trigger a new petition to rectify matters from those now affected. Of course, such issues would form part of the authority's response to the original petition, and may be cited as a reason for refusing the original petitioners' request. But this simple example serves to show how it will be important to ensure that the submission of any petition has been subject to a process likely to sift out any remotely personal, frivolous or counter-logical proposals.

With this in mind, PACTS considers that the suggested threshold of a minimum of 50 signatures is far too low. Indeed, any flat number of signatures is likely to be inappropriate as a matter of principle. A percentage of those affected will usually be more representative, although clearly the base population for the issue/area in question must be sufficiently large to make a given percentage figure meaningful in terms of the minimum number of

signatories. If a general figure of 10% were to be set, we would suggest that the minimum size of the residential population likely to be affected should be in the order of 2,000.

Taking the instance of single streets or other small areas, a higher proportion of those effected will be appropriate, and 51% does not seem unreasonable for highly localised issues. Under these circumstances, the additional requirement for a minimum number could be dropped.

Different thresholds would need to be set if the petitioners were businesses; and an appropriate mechanism would need to be established for petitions submitted jointly by residents and businesses.

Defining the geographical area covered by the petition is also clearly a matter for detailed consideration. 'Boundary disputes' should be avoided if at all possible, and it may well be that areas should be defined through negotiation at local ward forums or similar existing mechanisms.

In terms of the minimum period between reviews, PACTS considers that this should be set in relation to the terms of office of Council administrations. We would suggest that two full terms of office is a reasonable minimum.

What should they be able to challenge, and how?

PACTS considers that it is critical that petitioners should indeed "be expected to provide sufficient information for the local authority to be able to understand exactly what aspect of their policy is being challenged and why."

In terms of what the discussion paper proposes that any petition must include, we would focus on the matter of justification raised under the second bullet point. We believe petitioners should be required to provide evidence supporting their views of any detriment arising from existing policy, and the benefit likely to arise from the changes sought. Petitioners should be required to do more than simply express their opinion. It is not unreasonable to require that relevant data should be collected and presented, and exemplars cited. Petitioners should also be required to demonstrate consideration of the possible negative effects of the changes they are pursuing.

How should the local authority manage petitions?

The text of this section of the discussion paper makes plain the potential burden of petitioning on local authority resources. In this regard, PACTS considers that the effort demanded of an authority in relation to this specific Right to Challenge is disproportionate to the potential benefit. This also brings under consideration the broader matter of why the Government is so active in the matter of seeking to influence local authority policy in this area when it has promoted localism and resisted intervention in other aspects of local traffic, transport and road safety.

PACTS considers that no local authority should be expected to develop an approach specifically for petitions related to parking. A more general policy for dealing with any and all 'Right to Challenge' petitions may be appropriate, with variations allowed for specific topics.

PACTS considers that there is no justification for seeking to entrench the Right to Challenge Parking Policies in law.

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10 October 2014