

PACTS response to the Department for Transport/Department for Communities and Local Government Consultation on Local Authority Parking, February 2014.

About the consultation

PACTS strongly supports the stated aim of the consultation – “ensuring that parking strategies complement and enhance the attractiveness of our high streets and town centres” (paragraph 1.1). It also endorses what paragraph 1.6 says about town centres in general:

“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.”

However, while the consultation title refers to ‘local authority parking’ and paragraph 1.1 refers to ‘local authority parking strategies’, views are only invited (section 4) in relation to ‘local authority parking enforcement’. Annex A does not permit views to be expressed other than in respect of ten specific, enforcement-focused questions. This focus is too narrow; and even if the Government wants to hear views on enforcement only, the consultation paper does not establish the proper context within which answers to the ten questions should be considered.

The consultation paper reads as though the Government has already made up its mind that local authorities are too severe when it comes to both the cost of permitted parking and the enforcement of penalties. In this and other regards, the consultation does not follow the Government’s own ‘Consultation Principles’ (October 2013). *Inter alia*, these principles state that:

- “thought should be given to achieving real engagement rather than merely following bureaucratic process”;
- the purpose should be “to engage in fruitful dialogue”;
- “engagement should begin when the policy is still under consideration and views can genuinely be taken into account”; and that
- “every effort should be made to make available the Government’s evidence base at an early stage to enable contestability and challenge”.

The extent to which this consultation represents real engagement likely to result in fruitful dialogue, is brought into doubt specifically by the fact that the paper makes it plain that certain, important decisions have already been taken, and that Government policy is, in key respects, not still under consideration. Paragraph 1.1, for example, reports the pre-emptive freezing of parking penalty charge levels; while paragraph 4.1 states the Government’s intent to abolish the use of CCTV for parking enforcement.

This latter point brings to the fore the fact that the consultation paper does not refer to, let alone make available, a robust evidence base for the changes in policy in question. Rather, these changes seem to be most strongly influenced by a record of anecdotal “concerns about over-zealous parking enforcement and high parking charges” that were expressed to the Transport Select Committee in 2013.

By contrast, there is a significant body of published evidence that indicates (a) the benefits of managing parking by price according to local conditions, and (b) that non-car modes of transport – which can be harmed by inappropriate provision for the movement and parking of cars – are often most important to high street health in terms of retail spend.

PACTS is concerned that the consultation paper reads as though the Government considers that whether or not parking is good for a high street or town centre can be gauged simply by reference to its cost and to subjective views on the enforcement regime. This is at odds with the complex nature of such environments, as described in paragraph 1.6. As a consequence, the consultation risks undermining the responsible management of a scarce public resource (the public highway) according to local needs.

PACTS is also concerned that the consultation paper tends to conflate two quite separate matters: (a) charges levied on permitted parking; (b) and penalties issued for illegal parking. This confusion is evidenced by Questions 6 and 8. While PACTS has no objection in principle to local reviews of existing yellow line restrictions (Question 6), the idea that there should be a ‘grace period’ for parking in locations where it is deemed to be either unsafe or likely to cause congestion (Question 8) misunderstands the purpose of such restrictions and is fundamentally at odds with making high streets and town centres safer and more attractive.

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

PACTS considers that local authority parking strategies, and associated parking enforcement activity, should be tailored to local needs based on robust evidence; and with the over-arching objective of making best use of a valuable (and often scarce) public resource – the public highway and other Council-owned land – to make town centres and high streets safe and attractive places for people to come to (by whatever mode) and be in.

Evidence about local needs should be objective, and not founded on opinion or anecdote. We are concerned that what the Transport Select Committee referred to as a “deeply rooted public perception that local authorities view parking enforcement as a cash cow” should not be a primary influence on parking strategies. The experience of Aberystwyth between 2011 and 2012 should be a salutary reminder of the pitfalls of allowing popular (and populist) views on the fairness and reasonableness of parking enforcement to drive policy and action.

Overall, PACTS considers that the relationship of parking to the attractiveness of high streets and town centres as commercial and social centres is both a highly complex and locally distinctive matter; one that simplistic, centralised responses are only likely to make more difficult to manage effectively.

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

Paragraph 4.1 states that the Government is concerned that, specifically in relation to on-street parking, the use of CCTV is no longer proportionate. PACTS does not consider that there is sufficient evidence to justify this concern. Indeed, given that paragraph 4.2 goes on to state that,

“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”,

PACTS considers that to abolish the use of CCTV cameras for parking enforcement would itself be a disproportionate response to the supposed problem (or ‘concern’).

It is vital that local authorities are able to enforce effectively against the abuse of permitted parking and, especially, against yellow line infringements. Yellow line restrictions are often introduced in order to prevent vehicles waiting in locations where they may represent a road safety hazard, such as outside schools and in high streets and town centres where levels of pedestrian crossing activity are high. Vehicles parked on yellow lines can impair inter-visibility between drivers and pedestrians (and also cyclists) and hence contribute to otherwise avoidable collisions. CCTV (either fixed or mobile) is a hugely valuable tool in discouraging such potentially dangerous parking.

For enforcement to be dependent solely on the immediate presence of an enforcement officer would greatly weaken the deterrent effect of yellow lines. With this in mind, PACTS considers that the basis of the Government's case for abolishing CCTV enforcement – that "it would more appropriate, fairer and straightforward for a parking warden to deal with contraventions" (paragraph 4.2) – is not justified by any evidence presented.

CCTV is widely used in other areas of public realm, particularly in town centres, by the public and private sectors, to assist with a range of safety and security functions. To arbitrarily ban the use of CCTV for parking enforcement would not be justified or logical. If there are problems with adherence to the guidance, this should be tackled.

PACTS is further concerned that, if CCTV is banned for parking enforcement, without clear evidence or justification, there will be pressure to abolish cameras for other purposes, such as safety (speed) cameras, red-light-running, ANPR cameras for VED, vehicle insurance and licensing offences, level crossings. This could have serious and unintended consequences, particularly for personal security and road safety.

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

The tone of this question suggests that there is a significant problem that needs addressing. This is not evidenced in the consultation document or elsewhere. The experience of PACTS members is that the Parking Adjudicators have more than adequate powers to allow appeals. We do not feel that wider powers are necessary.

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?

We are not aware of any basis to justify this change.

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

We are not aware of any basis to justify this change and a discount would undermine the adjudicator's decision. Furthermore, the wider consequences should be considered. A discount for parking appeals would set a precedent for other appeals systems that may not be desirable or intended.

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?

It is quite reasonable to review local parking arrangements periodically. However, we are not convinced that new powers or duties are required. There are formal and informal opportunities for local residents and businesses to complain using the local media, council websites and social media. Moreover, residents and businesses already have the right to lobby or petition their local council on any issue that concerns them. It is unclear why traffic management should be handled differently from other local services.

Without a clear justification, we cannot see a case for an additional mandatory process which would add costs and bureaucracy and appear to give parking concerns a priority over other matters.

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

Local authorities should apply parking enforcement reasonably. As far as we are aware, most local authorities already operate a discretionary grace period. We believe this is the right approach. A mandatory grace period would introduce confusion and additional potential for conflict as disputes would then occur over enforcement in the period immediately after the grace period. Promoting helpful techniques, such as text alerts to inform drivers that their parking is about to expire, are probably more useful.

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 question seems based on the pre-supposition that there is a problem here that needs solving; yet no evidence is advanced that this is the case. It also seems to conflate parking in permitted locations and that in locations where parking is intended to be excluded altogether (or limited to very short periods for loading).

While PACTS considers that grace periods could indeed be offered in relation to all types of permitted parking, this is (as with Question 7) a matter for local determination, not national regulation.

As for the suggestion that grace periods could be offered for parking in contravention of yellow line restrictions, this is completely to misunderstand the purpose of such regulations. PACTS does not consider that any grace period should apply to parking in locations where it is prohibited by any form of yellow line restriction.

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

Any grace periods should be a matter for local determination and dependent upon the specific circumstances, not for national prescription. Mandatory grace periods would no longer be grace periods.

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

We answer this in two parts: parking and driving.

Anti-social parking includes parking:

- outside schools,
- in cycle lanes,
- on or close to pedestrian crossings and
- on footways.

PACTS urges the Government to make it simpler for local authorities to enforce against these matters, particularly parking on the footway which causes obstruction and road danger to pedestrians and mobility impaired people as well as costing local authorities substantial sums for footway repairs. The law is currently inadequate and local authorities need effective legislation to tackle this problem. This should include obstruction of pedestrian crossings. Parking concessions for people with disabilities should be more effectively managed.

With regard to **anti-social driving**, PACTS is surprised that this broad and important topic is included in this consultation. Speeding, drink-driving, hit-and-run, and many other behaviours constitute anti-social driving, accounting for hundreds of deaths every year. It appears to be disconnected to parking matters and simply tacked on to the consultation, which cannot be an adequate process and will not deliver a proper range of responses.

With that important caveat, PACTS considers that the following actions addressing anti-social driving would all have a strongly positive road safety effects and urges the Government to take action accordingly.

- Increased enforcement against drink and drug driving and a reduction in the blood alcohol limit from 80 to 50mg, as recommended in the North report 2010.
- Increased seizure of unlicensed, untaxed and unregistered vehicles, using ANPR, to reduce antisocial and unsafe driving.
- More effective enforcement of speed limits, using cameras where appropriate.
- Implement the recommendation of the All Party Parliamentary Cycling Group's 'Get Britain Cycling' report (April 2013) to "*Strengthen the enforcement of road traffic law, including speed limits, and ensure that driving offences - especially those resulting in death or injury - are treated sufficiently seriously by police, prosecutors and judges*". The Government's August 2013 response was vaguely supportive but essentially non-committal. PACTS considers that better law enforcement would be beneficial for UK road safety generally, not just for cyclists (and improve general crime detection as a beneficial side-effect). The recent Operation Safeway by police in London is a good example of a successful exercise.
- Part 6 of the 2004 Traffic Management Act should be commenced with the minimum of further delay.
- A long-term national advertising campaign to educate the public about the dangers of driving while using a mobile phone or other hand-held devices. This should be backed by enforcement.
- A long-term national advertising campaign to educate the public about cycle safety issues – a development of 'Think Bike' that focuses on specific known problems (e.g. 'left hooks') and encourages a move away from 'us and them' attitudes. Recent TV ads by the Road Safety Authority of Ireland are a good example.
- A campaign to raise awareness of drivers that, when turning into a side road, the driver should give way to pedestrian who are crossing. (Highway Code Rule 170.)

- Ends -