



HM Government

Consultation on local authority parking

December 2013

The Department for Transport has actively considered the needs of blind and partially sighted people in accessing this document. The text will be made available in full on the Department's website. The text may be freely downloaded and translated by individuals or organisations for conversion into other accessible formats. If you have other needs in this regard please contact the Department.

Department for Transport
Great Minster House
33 Horseferry Road
London SW1P 4DR
Telephone 0300 330 3000
Website www.gov.uk/dft
General email enquiries <https://www.dft.gov.uk/about/contact/form/>

© Crown copyright 2013

Copyright in the typographical arrangement rests with the Crown.

You may re-use this information (not including logos or third-party material) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence/ or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third-party copyright information you will need to obtain permission from the copyright holders concerned.

Contents

How to respond	4
1. Introduction	6
2. Background.....	8
3. What the Government has already done on parking	10
4. Local authority parking enforcement – your views are invited	12
What will happen next.....	19
Annex A – List of questions.....	20
Annex B – Consultation principles	25

How to respond

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

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

Parking Consultation

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

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

Freedom of Information

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

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

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

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

1. Introduction

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

¹Source: DCLG local government finance returns

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

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

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

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

2. Background

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

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

2.4 The Government recognises that there are increasing concerns about the direction of many local authority parking strategies, and agrees that the time is now right to review how local authority parking is being managed and enforced, and to take action to ensure that parking strategies are properly focused on supporting communities, businesses and road users in a fair and proportionate way, and not being used simply as a source of revenue. To support this the revised Code of Transparency for local authorities issued by DCLG includes mandatory requirements to publish specific information on parking, as well as a list of recommendations which represent good practice.

2.5 The Government is now inviting views on amending significant elements of local authority parking policy including:

- Stopping the use of CCTV for on–street parking enforcement;
- Giving local communities and businesses new rights to require authorities to review aspects of their parking strategies such as the level of parking charges and whether all double-yellow lines are appropriate and necessary at particular locations;
- Introducing limited “grace periods” where a driver has stayed in a parking place for a short period before issuing a parking ticket; and
- Updating statutory guidance to local authorities to emphasise a less heavy-handed approach to parking enforcement, and re-emphasise that parking charges and fines cannot be used to as a means to raise revenues.

2.6 Background on these issues (and other options), and some of the questions they raise are below. Your views are invited to help inform further Government action in this area.

3. What the Government has already done on parking

3.1 The Coalition Government has already:

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

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

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

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

⁸ DCLG press release, 3 August 2013.

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

⁹DCLG press release, 26 August 2013.

4. Local authority parking enforcement – your views are invited

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

Options

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

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

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

4.3 The Government is concerned that, by using CCTV cameras in areas where enforcement could be undertaken by a parking warden, local authorities undermine public acceptance of their limited use for non-criminal offences. Drivers are also concerned that they may receive a parking ticket in the post weeks later, giving them no opportunity to examine the parking location as it was at the time of the alleged contravention.

4.4 The Transport Select Committee has also welcomed the Government’s commitment to consult on ending the use of cameras for on-street parking enforcement. They add that “As long as the use of cameras remains legal, local authorities must ensure that they are not used as a matter of routine, particularly where permits or exemptions (such as resident permits or Blue Badges) not visible to the camera equipment may apply.” However, the Committee pointed out that cameras can still be helpful for enforcement in some areas where the use of a parking warden is not practical.

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

Updating parking enforcement guidance

4.5 DfT issues both statutory and operational guidance to local authorities. This was last updated in 2010.¹¹

4.6 Local authorities are required to have regard to the statutory guidance which contains good practice guidelines including, for example, guidance that CCTV should only be used where

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

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

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

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

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

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

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

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

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

Tackling wrongly-issued parking fines

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

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

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

Residents' parking reviews

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

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

Q6.Do you think local residents and firms should be able to require councils to review yellow lines, parking provision, charges etc in their area? If so, what should the reviews cover and what should be the threshold for triggering a review?

“Grace periods” for parking contraventions

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

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

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

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

Clamping down on anti-social driving and tackling illegal parking

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

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

What will happen next

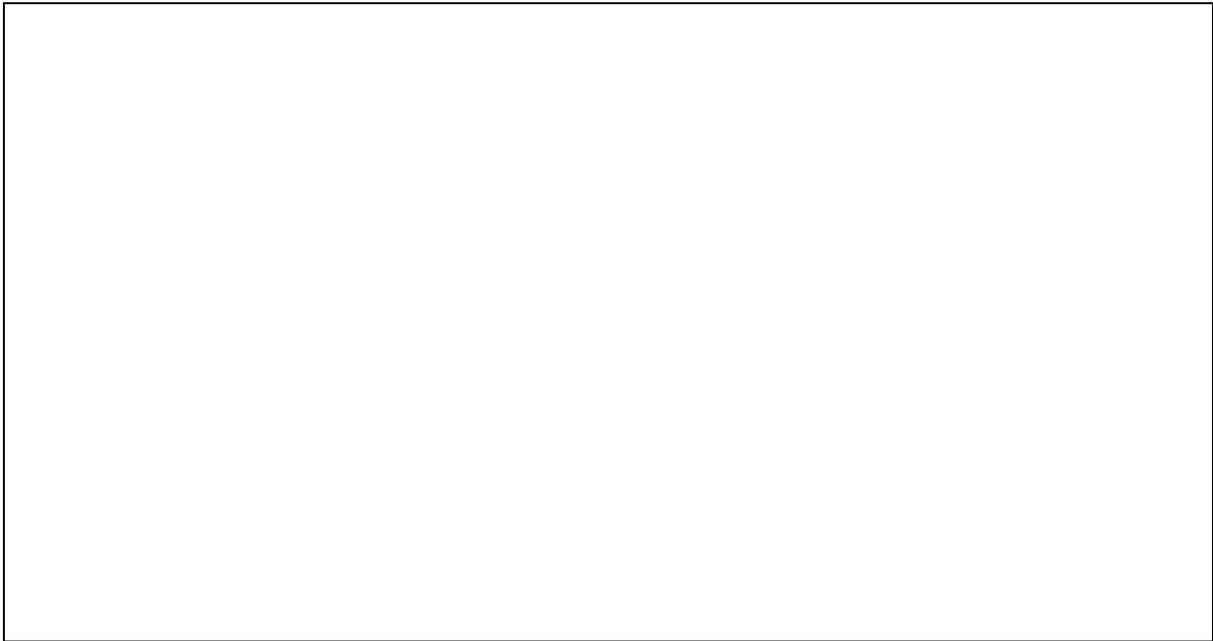
A summary of responses, including the next steps, will be published within three months of the consultation closing on <https://www.gov.uk/government/consultations/local-authority-parking>

Annex A – List of questions

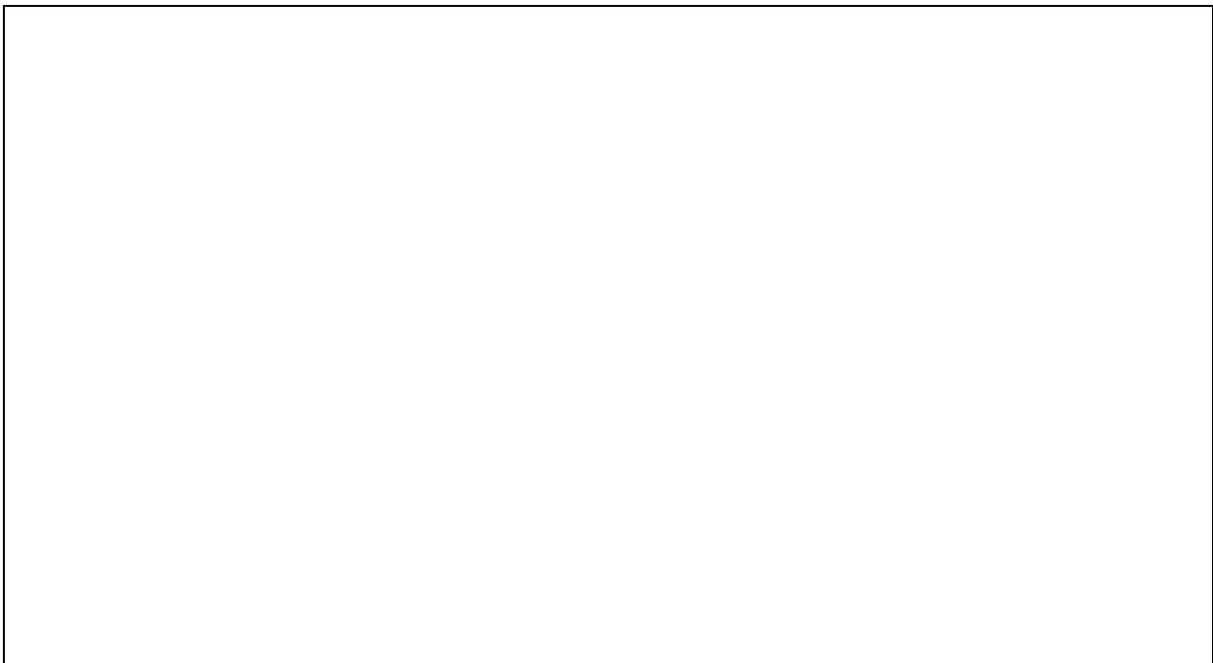
Q1. Do you consider local authority parking enforcement is being applied fairly and reasonably in your area?

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

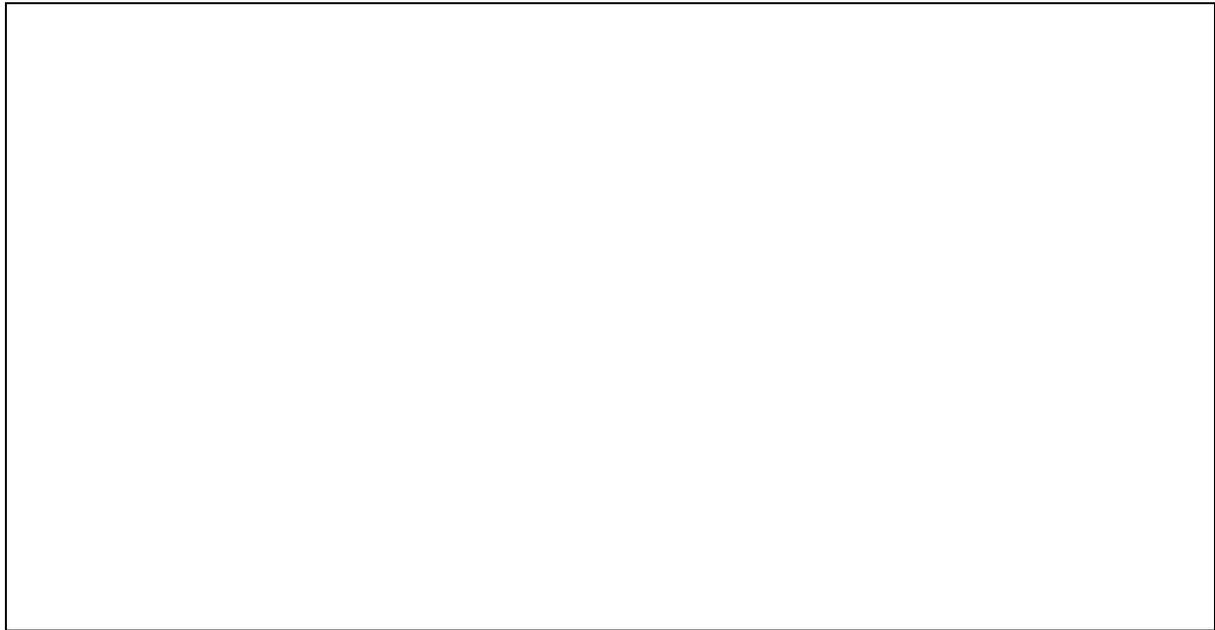
Q3. Do you think the traffic adjudicators should have wider powers to allow appeals?



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



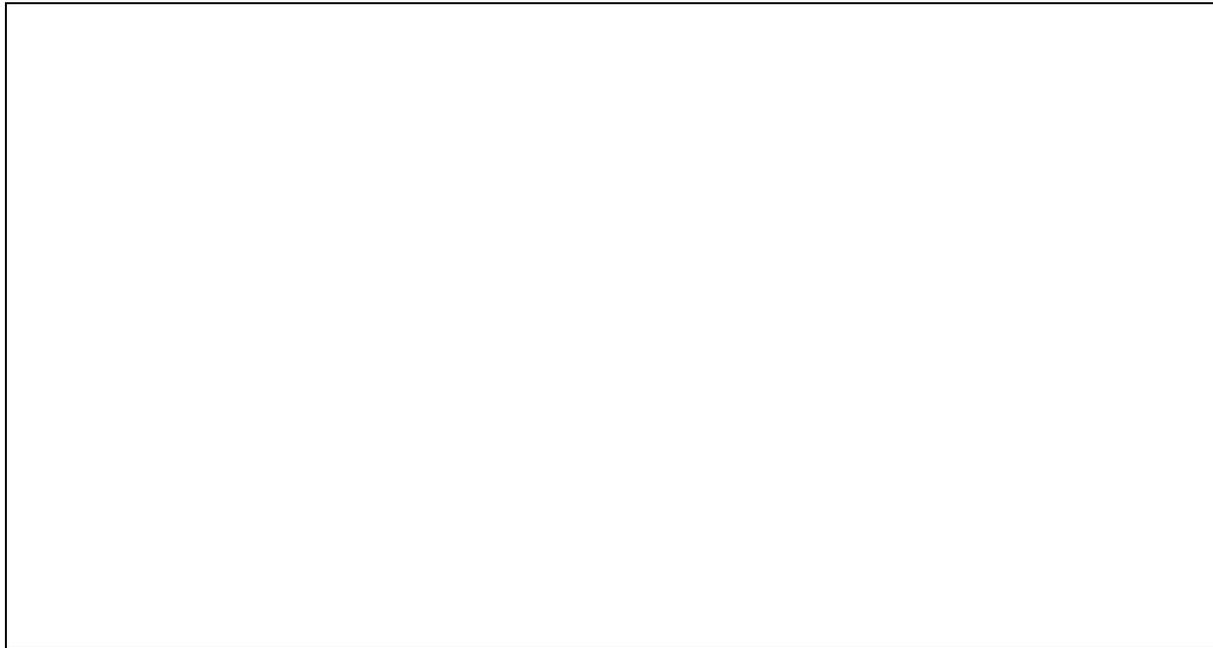
Q5. Do you think motorists who lose an appeal at a parking tribunal should be offered a 25% discount for prompt payment?

A large, empty rectangular box with a thin black border, intended for a written response to question Q5.

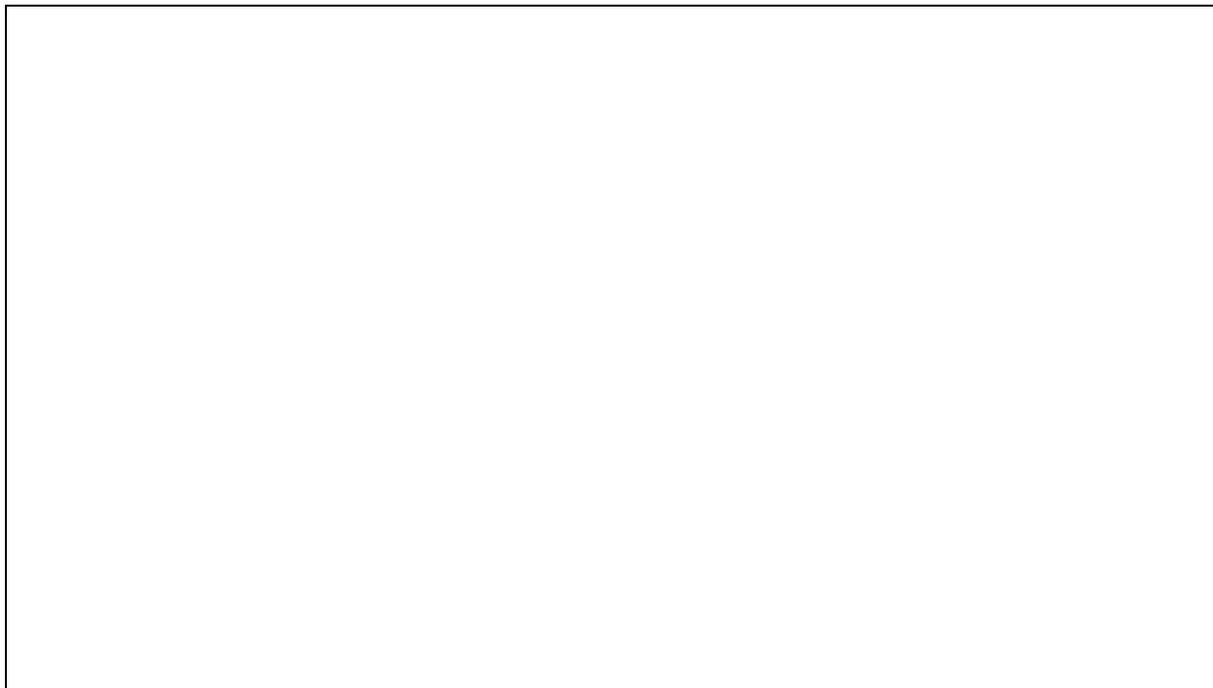
Q6. Do you think local residents and firms should be able to require councils to review yellow lines, parking provision, charges etc in their area? If so, what should the reviews cover and what should be the threshold for triggering a review?

A large, empty rectangular box with a thin black border, intended for a written response to question Q6.

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



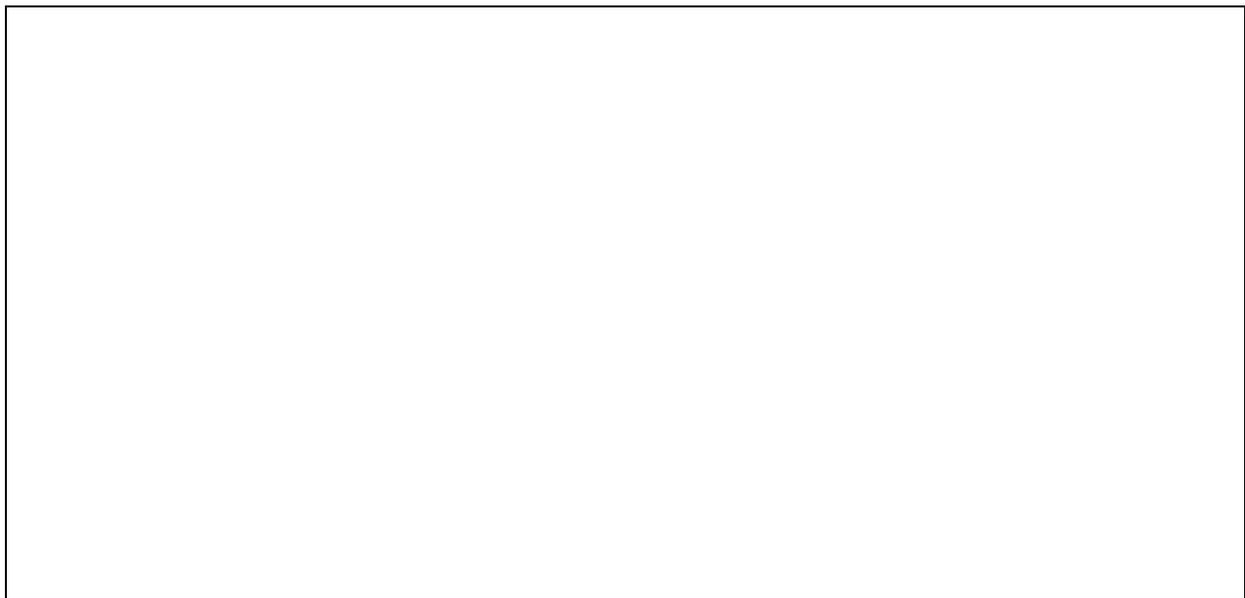
Q8. Do you think that a grace period should be offered more widely – for example a grace period for overstaying in free parking bays, at the start of pay and display parking and paid for parking bays, and in areas where there are parking restrictions (such as loading restrictions, or single yellow lines)?



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



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



Annex B – Consultation principles

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

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

Consultation Co-ordinator
Department for Transport
Zone 1/29 Great Minster House
London SW1P 4DR
Email consultation@dft.gsi.gov.uk