



Department for
Communities and
Local Government

The Right to Challenge Parking Policies

A Discussion Paper

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Introduction

The Government wants to make it easier for local residents and firms to challenge unfair, disproportionate or unreasonable parking policies. This could include the provision of parking, parking charges and the use of yellow lines. This discussion paper invites your views on the design of the mechanism that will make this possible.

Policy background

The Traffic Management Act 2004 provides the regulatory framework which gives local authorities the option of adopting civil parking enforcement powers. Most local authorities in England (over 90%) have now taken up these powers, taking responsibility for the design, implementation and enforcement of parking policies in their area.

However, there is public concern 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. Inappropriate parking rules and enforcement also harm local shops and impose costs on local firms. These concerns were expressed most recently in evidence to the Transport Select Committee during its inquiry into local authority parking enforcement.¹

The Government consulted on local authority parking enforcement from 6 December 2013 to 14 February 2014. The response was published on 21 June 2014, and is available at: <https://www.gov.uk/government/consultations/local-authority-parking>.

In its response, the Government committed to change the rules so that local residents and firms will be able to make their council review parking strategies and practices. This paper provides more detail on the options, and invites views on the details of the mechanism to give local taxpayers the power to challenge any aspect of parking in their area, and which requires local councillors to review the relevant policy and justify their council's policies.

Legal Background

Under the Traffic Management Act 2004, local authorities have a responsibility to determine policies in relation to their road network, and to keep these policies under review. Operational Guidance on the implementation of this requirement states that the parking policies should be appraised when local authorities review other specific plans, depending on the nature of the authority. The guidance recommends that this include public consultation.

Public consultation is currently required for parking restrictions applied by Traffic Management Orders. These are used to put in place the majority of parking-related

¹ October 2013 - <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmtran/118/11802.htm>

prohibitions and restrictions, and cover yellow lines and parking places. They are not required for some other restrictions, including bus stop clearways, and are not subject to review after their introduction, except when reviewed as part of appraising parking policies in general.

Proposals for a New Parking Review Mechanism

The current processes are not easily understood or accessed by local residents or businesses, and the timeframe for reviewing policies is not linked to, or required to respond to, changes in local circumstances. This combines to create a perception that people have no say in parking in their area, or power to challenge decisions.

Any new mechanism needs to give local residents, community groups and businesses the ability to engage effectively while recognising the responsibility of local authorities to put in place parking strategies that reflect the needs of all road users (including pedestrians, cyclists and people with disabilities), and the needs of residents, shops and businesses. Such a mechanism needs to be simple, fair and transparent.

To meet this overall aim, the Government is proposing to introduce a requirement that in response to a petition from local residents and/or businesses, local authorities must review their specific parking policy in a specified location, and produce a report for consideration and decision by councillors in an appropriate public council meeting. This approach thus combines direct democracy (the right to petition and call a review) with representative democracy (elected councillors taking a decision, and then being held to account at the ballot box).

We will initially introduce this policy through statutory guidance, and will consider the case for entrenching in legislation.

In considering the detail of this proposal, we would welcome views on a number of areas, in particular:

Who should have the ability to petition for a review?

What should they be able to challenge, and how?

How should the local authority manage petitions?

Who should have the ability to petition for a review?

It is of course the right of any individual or business to contact their local authority about any aspect of parking in their area. However, in designing a formal mechanism for petition it would be more practicable to include minimum requirements. These would serve to demonstrate that any challenge is supported by local residents and/or businesses.

We propose that the minimum requirements might include:

- A minimum number of local residents, defined as either paying council tax² or being a local government elector.
- A minimum number of local businesses, defined as those registered to pay business rates in the area (irrespective of any relevant Business Rate discounts that might apply).
- Or a combination of the above.

We are considering a minimum of 50 signatures or at least 10% of the residents or businesses in the affected local areas.³

We are seeking suggestions for a workable definition of ‘minimum’, and views on the extent to which local authorities could and should use the flexibility they already have to consider and weight representations from individuals and groups.

Issues to take into account include residents in a specific but small area (such as a single road with only a small number of residents) who are not likely to be able to constitute a group just to organise a petition, and may even not meet any requirement for a minimum number of petitioners. There may also be issues in areas of high or low population density.

Do you have any views on the proposed use of petitions?

Do you have any views on what should be the definition of minimum for the purposes of putting together a valid petition?

What should they be able to challenge, and how?

The Operational Guidance to local authorities on the Traffic Management Act 2004, states that, in appraising its local parking policy, an authority should take account of the:

- existing and projected levels of parking demand;
- availability and pricing of on- and off-street parking;
- justification for and accuracy of existing Traffic Regulation Orders;
- accuracy and quality of traffic signs and road markings that restrict or permit parking.

It would seem appropriate that the same range of issues be open to petition. However, the petitioner should 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.

We therefore propose that any petition must include the following:

² Including those in receipt of an exemption, discount or local council tax support.

³ Specific definitions have been included in other schemes. For instance, nominations for Assets of Community Value can be made by parish councils, neighbourhood forums (as defined in Neighbourhood Planning regulations), un-constituted community groups of at least 21 members, and not-for-private-profit organisations (e.g. charities). However, taking this approach for parking petitions would be less appropriate.

- A clear description of the geographical area covered by the petition (which could be a road, a series of roads, a polling district, a ward or indeed, the whole council area);
- A clear description of which aspects of parking policy are being challenged, with justification;
- Names, dates and addresses for all people and/or businesses signing the petition;
- Contact details for the organiser of the petition, who shall be the first point of contact for follow up questions, and for notification of progress.

Do you have any views or comments on this proposal?

How should the local authority manage petitions?

Although the arrangements for responding to petitions should be determined locally, we would propose that as a minimum, local authorities should ensure that their arrangements include the following:

- a public statement on how they will manage any challenges to their parking policies. This statement could cover how reviews will be carried out, how long they will take, consultation requirements (including local residents, ratepayers, and any neighbouring authorities who may be affected), and how the final decision will be taken and communicated following the review. The statement should also cover any circumstances where a petition will not be considered (e.g. vexatious petitioners, within a stated minimum period after a previous review in the same area);
- publication of the details of all petitions received, with clear information on what aspects of parking policy are being challenged, the timeline for reviewing the challenged policy and how local residents and businesses can engage in that review;
- the report of the review, and any recommendations, are considered and voted on by councillors;
- the organiser of the petition should be kept updated on progress, and notified when the report is due to be considered and the outcome of the challenge;
- publish the outcome of all reviews.

We will also consider whether legislation will be required to entrench these measures.

Do you have any views or comments on this proposal?

Your Views

This paper was published on 30 August 2014. We would welcome your views by 10 October 2014.

Comments on this paper are invited from any interested person, but we would particularly welcome those from:

- Local authorities
- Business and community representatives
- Individual businesses and residents

Please send your views to:

Town Centres and High Streets Team
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Alternatively, paper communications should be sent to:

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