



Department for
Communities and
Local Government

Right to Challenge Parking Policies

Government response to discussion paper



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Introduction and purpose

The Government wants to make it easier for local residents and firms to challenge unfair, disproportionate or unreasonable parking policies. 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. The Government consulted on a model for taking forward this commitment from 30 August 2014 to 10 October 2014, by requiring local authorities who have adopted civil parking enforcement powers to put in place a petition scheme, and review parking policies in response to any qualifying petitions. Views were invited on a number of questions:

Who should have the right to petition for a review?

Views were invited on the use of petitions, and on the minimum number of signatures that should trigger a review of parking policies.

What should people be able to challenge and how?

Views were invited on the areas of parking policy that the local residents and businesses should be able to challenge, and the information that they should be required to provide.

How should the local authority manage petitions?

Views were invited on how local authorities should be required to manage and respond to petitions on parking policies.

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

Overview of Respondents

There were a total of 117 responses to the discussion paper, received via email and letter. The responses can be broken down into:

- 26 responses (22%) from individuals (of which 6 were from councillors responding on an individual basis)
- 51 responses (44%) from local authorities who have taken on civil parking enforcement powers
- 15 responses (13%) from local authorities who have not taken on civil parking enforcement powers. These comprise a mix of town and parish councils
- 25 responses (21%) from other groups, including those representing business or community interests.

Analysis of Responses

This section summarises the consultation responses. Many respondents did not provide an answer to all of the questions, or did not make an explicit reference to specific proposals in their response.

Who should have the right to petition for a review?

Question 1: Do you have any views on the proposed use of petitions?

	Responses	Agree	Disagree	Other
Individuals	26	18	8	0
Local Authorities with Civil Parking Powers	51	6	37	8
Local Authorities without Civil Parking Powers	15	12	3	0
Others	25	12	10	3
Total	117	48	58	11

The responses were fairly evenly split with 50% of respondents expressing disagreement, 41% expressing agreement and 9% not making their position clear. Within this even split, individuals strongly supported the proposal while local authorities with civil parking enforcement powers were strongly opposed.

Although a number of local authorities reported that they already have petition schemes in place, there was a wide variation in the design of the petition schemes referenced in their responses, and it is clear that the existing petition arrangements are either insufficiently

known in their local communities or are not meeting the requirement to genuinely empower the local community.

Question 2: Do you have any views on what should be the definition of minimum for the purposes of putting together a valid petition?

Only 9.5% of respondents expressed clear agreement with the proposal for a minimum of 50 signatures or at least 10% of residents and/or businesses. 56.5% objected to some or all parts of the proposal and 35% expressed no opinion.

Opposition to the proposed threshold was split evenly between those who felt the thresholds were too low or too high. Many local authorities with civil parking enforcement powers argued for thresholds to be left to local discretion in line with their existing petition schemes. There were various calls for town and parish councils, business groups (Chambers of Commerce, Business Improvement Districts, traders associations) and residents groups to be given a stronger role in representing their communities, either in sponsoring petitions or as statutory consultees.

What should people be able to challenge and how?

Question 3: Do you have any comments on the proposed list of areas that can be challenged?

66% of respondents expressed an opinion on this question, and most agreed in principle to the list of areas to be included. However, a number of respondents suggested exemptions including restrictions introduced for safety purposes, red routes, and new traffic schemes that have been the subject of public consultation.

Conversely there were also calls for the list to be extended to include areas such as traffic management, pavement parking, and traffic regulation orders that are still 'proposed' (and therefore potentially at the consultation stage). A number of responses also pointed out that what can be challenged should not be restricted at all, and some local authorities reported that they currently accept petitions on any aspect of their parking policies, including implementation.

Question 4: Do you have any comments on the proposed minimum requirements for a valid petition?

Most responses that expressed an opinion offered general agreement with the requirement. Only nine respondents suggested changes to the proposal, with opinion split evenly between suggesting that more or less information be required.

A number of authorities with petition schemes pointed out that they define what constitutes a petition very widely, to ensure that their schemes are accessible. They also pointed out that people often fail to understand and comply with specific requirements for petitions, resulting in delays and frustration.

How should the local authority manage petitions?

Question 5: Do you have any views on the proposed minimum requirements for how local authorities should manage petitions?

36% of respondents offered no opinion on this question. Of the other 64%, it is difficult to provide a split between those who agreed or opposed to the proposal. Many expressed agreement, but then suggested changes.

Many local authorities with civil parking enforcement powers argued that they should be able to use their existing schemes as they stand, including their current graded response levels, and arrangements including use of cabinet and/or scrutiny committees. They also argued that the requirement to review parking policies should be incorporated into a managed programme of reviews. Some parking issues may most directly affect a relatively small number of people – such as residents on a street. Local authorities proposed that they should use their discretion in relation to certain petitions rather than imposing the threshold as an immovable hurdle.

A number of respondents expressed concerns that local authorities would be able to simply ignore the responsibility to consider changes in response to petitions.

Government Position and Next Steps

The Government believes that introducing a right to challenge parking policies will strengthen local democracy and local accountability. The introduction of direct democratic participation through the right to petition and initiate a local resident review will strengthen the rights of local taxpayers, and encourage citizen participation in local decision-making. Given elected councillors, not officers, will make the final decision on the review, in turn, this will strengthen local representative democracy. We hope the end result should be to remove unnecessary or excessive parking restrictions and unfair parking practices, to the benefit of the local economy and local shops.

The Government will publish guidance for all local authorities adopting civil parking enforcement powers on putting in place a petition scheme that will allow local residents and businesses to challenge parking policies. This guidance will include best practice advice on the details of such a scheme, covering setting appropriate minimum thresholds for valid petitions, minimum requirements for information, the appropriate grounds for rejecting a petition, and managing the response to petitions. This guidance will be issued under Section 18 of the Traffic Management Act 2004.