

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Improving Places Select Commission
2.	Date:	Wednesday 15th January 2014
3.	Title:	Proposed response to the Government consultation on parking
4.	Directorate:	Environment and Development Services

5. Summary

The report sets out the Council's proposed response to the Government's consultation on various issues regarding parking.

6. Recommendations

That the Select Commission comments on the proposed response, prior to it being reported formally to Cabinet Member for approval.

7. Proposals and Details

The Government, and in particular the Communities Secretary, has made public its intention to change the law to ban / restrict the use of CCTV for parking enforcement and introduce other changes to parking enforcement law.

A consultation document <https://www.gov.uk/government/consultations/local-authority-parking> has been sent to all Local Authorities and this Council's proposed response is attached as Appendix A.

8. Finance

Although the primary functions of the CCTV enforcement vehicle owned by the Council is enforcement in areas where there are concerns about road safety and prevention of congestion, effective management of parking in these locations inevitably results in the generation of income.

This is income which is over and above that which would be generated by the traditional means of parking enforcement.

It is anticipated that the CCTV parking enforcement regime will generate approximately £36,000 per annum. However, it should be noted that the enforcement activities undertaken by the Council's Parking Service would not generate an overall surplus with this extra income.

9. Risks and Uncertainties

N / A

10. Policy and Performance Agenda Implications

The use of the CCTV enforcement vehicle supports the *Corporate Plan* as follows:

Helping to create safe and healthy communities

- Reducing the numbers of children injured or killed in road traffic accidents.
- Improve road safety and deal with concerns in the community, particularly outside schools.

The use of the CCTV enforcement vehicle supports *The Sheffield City Region Transport Strategy 2011 – 2026* as follows:

To maximise safety

- W. To encourage safer road use and reduce casualties on our roads.
- X. To work with police to enforce traffic laws.
- Y. To focus safety efforts on vulnerable groups.

To support economic growth

- L. To reduce the amount of productive time lost on the strategic road network and improve its resilience and reliability.

11. Background Papers and Consultation

Department for Transport and Department for Communities and Local Government Open Consultation "Local Authority parking strategies"
EDS, Streetpride, Transportation and Highways Design Section has been consulted regarding the implications for the Council's Transportation Policy.

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Appendix A – List of questions

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

Yes, even more so following recent amendments to the Council's Parking Enforcement procedures. The Service is very much customer focused and this is demonstrated by the following recent initiatives:

- Increased grace period from 5 minutes to 10 minutes for expired paid parking activities.
- The availability of a cashless payment system which allows "top up" payments to be made by customers who are delayed due to unforeseen circumstances.
- The council has adopted a zero tolerance approach to misuse and abuse of disabled parking permits and facilities; it has been commended for its approach by the DfT and Disabled Motoring UK.

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

Rotherham MBC strongly disagrees with the proposal to abolish the use of CCTV cameras for parking enforcement. The Council confines the use of this vehicle to locations where parking/stopping is forbidden by law **at all times**; for example the key use for the mobile parking enforcement vehicle is to enforce the Traffic Regulation Orders on all school keep clear markings in Rotherham in addition to other waiting restrictions that exist outside schools and in other locations where there are road hazards. In such situations parking enforcement by traditional methods is difficult due to drivers, upon observing a Civil Enforcement Officer, driving their vehicles away in the knowledge that this will result in no punitive action; often the vehicles are driven away at high speed, which is a further hazard to pedestrians, many of which are children.

Enforcement at these locations is also difficult because they are (generally) remote from the normal operating areas of the Civil enforcement Officers (CEOs).

Enforcement using the CCTV vehicle is undertaken by images being taken of illegally parked vehicles thereby allowing evidence to be reviewed and, when appropriate, penalty charge notices to be issued. This enforcement action, together with appropriate publicity, helps to make school "drop off" and "pick up" times safer for children by maintaining a length of road outside schools which is

free from parked vehicles and thereby safer for children to cross the road. It is also probable that enforcement will result in a reduction of car usage for school journeys thereby further safeguarding children against the risk of being involved in collisions. This is demonstrated by a recent intense period of foot patrols by parking enforcement officers at a school that resulted in a dramatic decrease in car usage; there were more than 20 cars in use to collect children on the Monday and by Friday this figure had reduced to 4. This suggests that knowledge of an enforcement presence deters car usage and encourages walking to school. The CCTV enforcement vehicle is highly likely to have a similar effect. CCTV and ANPR cameras are commonly deployed **at the request** of the local communities and schools who want children to be protected from selfish and often dangerous parking. CCTV usage can be highly beneficial in the protection of CEOs and others involved in parking enforcement, whilst at work; their safety should be paramount.

Note: Funding for the CCTV vehicle was provided by the South Yorkshire Safer Roads Partnership specifically to help reduce the number of Killed or Seriously Injured (KSI) near schools.

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

No. Adjudicators already have wide ranging powers; they can and do refer cases back to the Chief Executive of the issuing Local Authority with directions to reconsider the case. Adjudicators already have discretion to award costs and the Council believes that the grounds of appeal, set out in the Traffic Management Act, are sufficient and fit for purpose.

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?

The current circumstances in which costs can be awarded are sufficient i.e. if the Council or Appellant are deemed to have been "frivolous, vexatious or wholly unreasonable" in bringing or contesting the appeal. This Council has no objection to the updating of guidance to make these circumstances clearer.

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

No. Councils have to spend a significant amount of time in the preparation of appeal cases. The cost of this time to the public purse is not recovered, even in the event that an appeal is dismissed and the appellant pays the full amount of a higher rate PCN.

This is also likely to be costly to implement and operate. It would require significant amendments to Local Authorities' IT systems, which would have financial implications.

It may deter motorists from paying the initial discount payment and it may promote vexatious or extraneous appeals which would overload the adjudication system and add significantly to the costs of the service.

This additional discount undermines the effectiveness of the original penalty charge, since everyone who appeals and loses will, in effect, only pay 75% of the penalty charge.

The actual Penalty Charge set by law is the **higher** amount. This procedure would effectively reward unsuccessful appeals.

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?

The Council already undertakes this work commensurate with overall workload. We act upon requests from residents and businesses regarding the necessity for existing parking restrictions and the requirements for further restrictions. Requests are received to consider amendments to Traffic Regulation Orders via letter, e-mail, petition and telephone. In the event that a petition is received a report is prepared for consideration by the appropriate Cabinet Member. This is a revenue funded activity and no charge is made.

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

Yes. Most Councils already allow a grace period and Rotherham MBC recently increased this period from 5 minutes to 10 minutes.

If implemented, this provision should also apply to private car parks.

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)?

We agree, in principle, grace periods could be offered in all **permitted parking** bays; this Council's parking policy offers this already.

However, we strongly object to the introduction of grace periods in locations where parking is **prohibited**. If allowed as this will encourage motorists to occupy kerb space, thereby preventing disabled people and delivery drivers from enjoying their statutory concessions. This would have a negative effect on attempts to revive the High Street nationally.

Grace periods in areas where parking is prohibited for traffic management or road safety purposes is highly likely to encourage people to disregard prohibited parking controls in general.

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

Free parking limited stay – 10 minutes grace after the expiry of the permitted time.
Start of pay and display parking – 5 minutes to allow, for example, change to be obtained.

End of paid parking – 10 minutes after expiry of pay and display ticket or cashless payment.

Single / double yellow lines – observation period to allow for loading / unloading – 3 minutes.

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

National legislation should be considered to allow enforcement of footway / pavement parking. Councils outside London currently must implement Traffic Regulation Orders in locations where they wish to control footway parking. This is a time consuming and costly way of allowing Councils to act upon parking activities which are the subject of a significant number of complaints from people who need to use wheel chairs and pushchairs / prams.