

**Department for Transport Consultation on Local Authority Parking**

The full consultation can be found at:

<https://www.gov.uk/government/consultations/local-authority-parking>

The following pages are the detailed response to the specific questions asked in the consultation and in the format provided by the consultation document

# Annex A – List of questions

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

**It is believed that in Nottinghamshire parking enforcement is undertaken fairly and reasonably. This is achieved through the Notts Parking Partnership (NPP) formed by Nottinghamshire County Council together with the seven District and Borough Councils in the County area (Nottingham City Council is a unitary Authority separate to the partnership) to manage both on-street and off-street parking enforcement.**

**The partnership was created to ensure that parking enforcement across this predominantly rural County is undertaken fairly, consistently and above all proportionately to the nature of the traffic management issues being addressed. The NPP publishes a comprehensive operational guidance on the Notts County Council website that details our approach to enforcement including aspects of discretion and observation times that are typically applied. Grace periods are also in place in all car parks that are owned and operated by the District Councils.**

**Enforcement over a large geographical area is expensive and as a consequence of the distances involved, it can be challenging to deliver a service that makes a difference at a cost that is acceptable to the public. In order to achieve this NPP has set up a single back office that supplies a processing service across Nottinghamshire, Derbyshire and Lincolnshire. This Central Processing Unit (CPU) uses significant economies of scale to deliver Notice Processing at a low cost, This in turn allows the enforcement officers to operate in an environment which can follow policies such as asking drivers of occupied vehicles to move on rather than simply issuing a Penalty Charge Notice (PCN).**

**By using a single contractor (procured by the County Council) and this CPU, the NPP has delivered parking enforcement across the County that breaks even financially for over 5 years. We do not expect to make a surplus from enforcement but are satisfied that the costs of the service are met. By using a single back office we can also ensure that motorists are treated fairly and consistently at appeal by professionally qualified local authority staff in a not-for-profit environment.**

**During any such consultation of this nature it is very important that policy makers fully understand that enforcement within large urban areas is wholly different to that undertaken within rural and suburban areas. Parking charges in Nottinghamshire are significantly less than in most cities (many car parks are free for a limited period and the highest charges are around £1 an hour) and there are no charges for on-street parking anywhere in the County.**

**The towns and suburban areas in the County do suffer from significant traffic management problems which require enforcement and there is a real challenge to deliver a good and proportionate service that is not a burden on the local tax payers. All costs are scrutinised and it is abundantly clear that the local Authorities do not benefit financially from enforcement. They all recognise the need to deliver a service and the benefits that accrue from it but on the whole there are very few similarities between the high technology led enforcement used in London, Bristol etc. and that deployed in Nottinghamshire's towns.**

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

**The Notts Parking Partnership management board has recently considered seeking Member approval to introduce CCTV enforcement solely to address parking on school zig-zag markings and bus stops. Because of the geographical size of the County, it is extremely difficult to efficiently enforce schools using Civil Enforcement Officers. In addition, our experience has shown that the usual enforcement methods can be counter-productive to road safety as the presence of an Officer can lead to drivers moving their vehicles in panic as the children are thronging outside the school. We have listened to Authorities that use CCTV vehicles and the argument is persuasive that highly visible vehicles able to instantly collect evidence over a number of sites in a short period of time can significantly improve road safety outside of schools. Equally with bus stop parking. These sorts of contraventions together with stopping on pedestrian crossing markings only need a vehicle to be stopped briefly to jeopardise road safety. From our understanding of those Authorities that use CCTV vehicles, public acceptance is generally high of remote enforcement to tackle this dangerous practice, for which enforcement is frequently demanded.**

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

**The Adjudicators, in our opinion, have sufficient powers already and the fact that the majority of appeals that reach Adjudication are upheld supports this. Adjudicators are, on the whole, quite capable of exposing procedural improprieties and encouraging Authorities to apply discretion.**

**It should be borne in mind that the Adjudication service is extremely costly.**

**Currently a charge of 60p is made for every PCN issued but, as only 0.7% of PCNs reach the Tribunal, the processing charge is effectively £86 per case. Nottinghamshire's CPU processes PCNs at a rate of approximately £6 each of which 10% is therefore TPT charges. Any proposal that would result in an increase the amount of cases reaching the Tribunal will impact significantly on the costs of delivering the service and inevitably lead to more pressure**

**on the Enforcement Officers to issue PCNs.**

**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?**

**Adjudicators should be able to award costs when there is clear evidence that either party has submitted a known untruth as well as the existing reasons of frivolous, vexatious or wholly unreasonable behaviour.**

**Implicit in this question is the suggestion that costs should be more easily awarded against the Local Authority when, presumably, it is alleged and accepted that a case taken to Tribunal should have been cancelled at an earlier stage. This, though, does not take into consideration the subjective element of dealing with appeals and representations and the difficulties in appraising statements received. The underlying principle (as dictated by the Tribunal) is that each case should be judged on its own merits regardless of precedence.**

**It is also evident that the procedures relating to Witness Statements at the warrant registration stage can result in cases automatically being referred to the Tribunal, thereby deviating from the expected process. It is recommended that this aspect be examined and reviewed.**

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

To put this into figures, if a driver receives a Penalty Charge Notice at £70, he/she has a period of 14 days to pay at the discounted rate of £35. However, under the suggested scenario, if they choose not to and take the case through three sets of appeals (informal, formal and Tribunal) they would then be offered the chance to pay at £52.50. The process between issuing the PCN and reaching TPT can take up to 4-5 months and the CPU costs would far exceed the income received if the appeal is dismissed. And yet for the driver, regardless of circumstance there is very little disincentive not to do this.

As stated earlier, our CPU processing costs are around £6 per PCN but this relies heavily on an administrative profile whereby the vast majority of cases are resolved prior to Notice to Owner. If this discount were applied, the profile would change substantially and the costs would significantly increase. Any case that goes to Tribunal requires huge amounts of paperwork and staff time to collate and as stated above, Tribunal costs would also soar.

In a county area like Nottinghamshire, approximately 1 PCN is issued per hour of Enforcement Officer time. Consequently, each PCN costs around £30 to issue and process. Approximately 30% are never paid either because cases are cancelled or the motorist cannot be traced. PCN levels have not increased since the commencement of civil enforcement in 2008 despite pressures from rises in some costs. This proposal could lead to some Local Authorities stopping enforcement or reducing it to a very low level. It could also impact upon enforcement policies; for example, as stated above, NPP has a practice of asking drivers parked in contravention to move on. If the notice processing profile were to change to the extent anticipated by a discount, this sort of practice would undoubtedly come under pressure as the whole service would start operating at a loss. That loss could only ultimately be met by the public.

**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?**

**Nottinghamshire County Council has an established section for Highway Management that deals with such requests on a regular basis. This allows any business or resident to ask for restrictions to be considered or reviewed (including area-wide reviews) and consequently do not believe that legislation is required to instigate this. The Traffic Management Act 2004 also already includes requirements for reviews of the operation of the highway network.**

**If residents or other interest groups wish to raise a petition to add weight to any request, this is presented to the County Council as a matter of course. It is of concern that a prescriptive approach would not provide value for money or be the best option in every case as we currently consider all requests for a review on an individual basis, seeking to find a balanced level of restrictions that consider the needs of all affected parties including:**

**Local businesses and the vitality of town/local centres,**

**Local residents,**

**Traffic needs,**

**Motorists in terms of delivering justifiable restrictions that are clearly understood and signed, so as to avoid PCNs being received as a result of confusion or misunderstanding,**

**The Highway and Traffic Authority to ensure that it meets its statutory obligations (eg with regards to keeping traffic moving, bus punctuality etc.) and strategic objectives.**

**It is also of concern that regulation in this area could create an obligation on authorities that might impose costs that cannot be met within budget provisions. The current arrangements for reviews within existing strategies are therefore appropriate.**

**It is also apparent that the responsiveness of authorities to introduce or amend restrictions is limited by the regulated processes and associated timescales and costs. There would be benefit in reviewing these to provide greater flexibility and responsiveness and reduced cost.**

**Previous consultations have identified opportunities to reduce costs for making Traffic Regulation Orders, especially in terms of advertising but these have not been taken forward. We therefore recommend that these are progressed**

**to enable internet based advertising to replace printed format and thereby reduce costs. (DfT regulatory impact assessment August 2011 and consultation January 2012)**

**We are also aware that a DfT consultation regarding the use of blue badges in allocated bays concluded (in December 2011) that regulations required further consideration to take forward necessary amendment. The issues identified within this consultation should be addressed.**

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

**We would have no objection to this as we already operate a policy of grace after the expiry of either paid for or free but limited waiting. We regard this as reasonable and in practice it reduces any debate about the correct time etc.**

**However, although any proposal to add grace periods by regulation would not directly impact upon our existing enforcement practice, it is our belief that it is likely to create confusion with the public understanding of the parking time that applies. The public are likely to include any formal grace period within the parking period. It is straightforward for someone to understand that 30 minutes parking means just that and that they must return no later than the end of that period. If they believe that 30 minutes means 40 minutes this could simply lead to an increase in PCNs rather than a decrease. It might also be anticipated that, in due course, there could be demand for a further period of grace to be added to the extended period.**

**Therefore, grace periods should be applied through recommended good practice rather than regulation.**

**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)?**

**Grace periods are acceptable at the end of free or paid for parking; basically where parking is permitted. We allow 5 minutes observation to any vehicle parked without a pay and display ticket which is sufficient time to allow for someone to be paying for a ticket.**

**We do not believe that grace periods should be extended to allowing parking where it is restricted rather than permitted as we believe it will lead to drivers ignoring restrictions that are in place for road safety reasons. If there are loading restrictions, for example, these are only in place because a stationary vehicle can cause significant problems to the vehicle flow and delays can quickly develop. Similarly, a vehicle casually parked on zig zags or on a junction could cause severe visibility problems for pedestrians and motorists. There can be a conception amongst drivers that they can simply stop anywhere for at least 5 minutes and this behaviour from a few can and does impact upon many.**

**We like many authorities have invested heavily in bus stop infrastructure to allow buses to stop adjacent to a raised kerb so that the mobility impaired can easily access the bus. It only takes one car parked for 5 minutes to cause difficulties for the driver and the passengers and any vehicles attempting to overtake the stationary bus. It is hard to accept why one person's convenience should outweigh the inconvenience of many others.**

**Therefore, in applying any grace period it is important not to lose sight of the purpose of the restrictions in order to avoid undermining the purpose of the restriction and sending the wrong message to motorists.**

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

**5 minutes is sufficient for overstaying permitted parking areas.**

**It should also be borne in mind that in many locations within areas like Nottinghamshire no on-street parking is subject to pay and display. Therefore enforcement officers have to observe vehicles on two occasions to determine the length of stay. Therefore a variable period of grace also exists prior to the first observation being made; such period often being many hours. The application of a 5 minute grace period or observation period is therefore in addition to an unknown extensive period of additional parking.**

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

**Although the Government has made a lot of progress around Blue Badge administration and enforcement, it would be much easier if Local Authorities were able to issue Fixed Penalty Notices to those who have committed Blue Badge fraud. The current process of the Magistrates Court is costly, time consuming and is only used by those Authorities who can justify the resource because Blue Badge fraud impacts upon their revenue. Fraudulent mis-use is common-place though and is usually a family member or friend using a legitimate badge. If Local Authorities could take quick cost-effective action it would undoubtedly receive public support and would enable this practice to be effectively tackled.**

**It is frequently noted that the Blue Badge Guidance identifies locations where badge holders may park and where they must not park. However, the guidance also indicates locations where badge holders should not park and emphasises that the Blue Badge is not a licence to park anywhere. However, this latter aspect leaves too much ambiguity and impotence to enforcers who need to respond to public complaint about inconsiderate parking. We would recommend a review of this guidance and the associated regulations in order**

**to reduce ambiguity.**

**We would also reiterate the comments included at Q6 and encourage the implementation of measures to assist in the management of parking which have already been identified in previous consultations.**