

<b>Report of:</b>	<b>Head of Housing and Waste Management</b>
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<b>Portfolio Leader:</b>	<b>Environment</b>
<b>Key Decision:</b>	<b>No</b>
<b>Report Track:</b>	<b>Cabinet: 30/01/14</b>

**CABINET**  
**30 JANUARY 2014**  
**CONSULTATION ON LOCAL AUTHORITY PARKING**

**1 Purpose of Report**

- 1.1 To determine the Council's response to a consultation document issued by the Department for Transport on Local Authority Parking.

**2 Recommendations**

- 2.1 That the Council's response to the Department for Transport consultation document on Local Authority Parking as set out in Appendix 1 is agreed.

**3 Key Issues and Reasons for Recommendation**

- 3.1 The Department for Transport have published a consultation document on Local Authority Parking.
- 3.2 The document invites views on local authority parking strategies and specifically on amendments which the Government are considering to local authority parking policy.
- 3.3 The proposed amendments are designed to "change the balance of how local parking strategies are enforced" and include: ceasing the use of CCTV for on-street parking enforcement, providing communities with the right to request a review of certain aspects of parking strategies, the introduction of limited "grace periods" before a parking ticket is issued and updated statutory guidance.
- 3.4 Views are sought in relation to ten specific questions and a proposed response has been formulated following consultation with the Environment Portfolio

Leader and the Chairman of the Joint Parking Committee, which is attached as Appendix 1.

#### **4 Relationship to Corporate Priorities**

- 4.1 The provision and management of town centre car parks contributes to the service aim “to improve town centres through regeneration and management” which forms part of the agreed 2013-14 “Prosperity” Priority Delivery Plan.

#### **5 Report Detail**

##### **The Consultation Document**

- 5.1 The Department for Transport have published a consultation document on Local Authority Parking.
- 5.2 The document invites views on local authority parking strategies and specifically on amendments which the Government are considering, to change the balance of how parking strategies are enforced. The aim of the Government’s proposals (as stated in the consultation document) is to ensure that parking strategies “complement and enhance the attractiveness of our high streets and town centres”.
- 5.3 The consultation document can be viewed on the Department for Transport website [www.gov.uk/dft](http://www.gov.uk/dft), whilst “hard copies” are available from Members Services. Responses to the consultation document must be submitted by 14 February 2014.

##### **The Government’s Proposals**

- 5.4 The Government believe that local authorities should implement and enforce their parking policies fairly and proportionately.
- 5.5 However, concerns were expressed in evidence to the recent Transport Select Committee, that some local authorities appear to be “overzealous” in respect of parking enforcement whilst high parking charges are driving people out of town centres, pushing up the cost of living and making it harder for people to park responsibly.
- 5.6 As a result, the Government are reviewing the way local authority parking is managed and enforced by “taking forward” within the consultation document, a number of the recommendations made by the Transport Select Committee.
- 5.7 The Government is therefore seeking views on proposed amendments to local authority parking policy including:-
- (i) Ceasing the use of CCTV for on-street parking enforcement.

- (ii) Providing communities with the right to request a review of certain aspects of local authority parking strategies, including the level of parking charges and whether all double yellow lines are necessary at particular locations.
- (iii) Introducing limited “grace periods” before issuing a parking ticket.
- (iv) Updating statutory guidance to emphasise a “less heavy-handed” approach to parking enforcement.

**A Proposed Response to the Consultation Document**

- 5.8 Civil enforcement of on-street parking is the County Council’s responsibility but is currently undertaken by the Council in accordance with a Parking Agreement. Local parking issues are also considered by the Joint Parking Committee, whilst the Council provide 13 town centre car parks where charging and enforcement is the Council’s responsibility.
- 5.9 The consultation document seeks views on ten specific questions in relation to the four issues detailed in paragraph 5.7. Whilst certain questions cover matters which are the County Council’s responsibility, it is nevertheless considered that the Council will have a view in respect of these, in addition to those matters for which it has a direct responsibility.
- 5.10 A proposed response to the consultation document has therefore been formulated following consultation with the Environment Portfolio Leader and the Chairman of the Joint Parking Committee and this is attached as Appendix 1.
- 5.11 A separate response to the consultation document is also being formulated by the County Council on behalf of the Joint Staffordshire Parking Board.

**6 Implications**

**6.1 Financial**

There are no financial implications associated with this report.

**6.2 Legal**

None

**6.3 Human Resources**

None

**6.4 Section 17 (Crime Prevention)**

None

**6.5 Human Rights Act**

None

6.6 **Data Protection**

None

6.7 **Risk Management**

None

6.8 **Equality & Diversity**

None

6.9 **Best Value**

None

**7 Appendices to the Report**

Appendix 1: Consultation on Local Authority Parking – A  
Proposed Response

**Previous Consideration**

None

**Background Papers**

Department for Transport – Consultation on Local Authority Parking

**CONSULTATION ON LOCAL AUTHORITY PARKING – A PROPOSED RESPONSE****Q1. Do you consider local authority parking enforcement is being applied fairly and reasonably in your area?**

The policy for “on street” parking enforcement in Cannock Chase is determined by Staffordshire County Council (as the responsible body) but is administered and implemented by the District Council in accordance with a Partnership Agreement. The District Council are responsible for determining and implementing a complementary policy in respect of off-street parking.

It is considered that local authority parking enforcement is being applied “fairly and reasonably” in the Cannock Chase area, primarily through “routine patrols” of appropriate “on-street” locations and periodic visits to off-street car parks.

It is further considered that the above actions make a significant contribution to achieving the objectives of “clear streets”, the banner under which Civil Parking Enforcement has been introduced in Staffordshire.

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

CCTV is not currently used for parking enforcement in the Cannock Chase area.

The Council considers its use “to be disproportional” in relation to parking offences and has therefore never supported its use.

The Council would therefore support its abolition of its use.

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

It is considered that it is the responsibility of local authorities to consider and interpret statutory guidance when formulating their local parking enforcement policies. Granting wider powers to the traffic adjudicators, where they consider that a Council has disregarded statutory guidance is not therefore supported.

However, if local authorities are disregarding statutory guidance it is considered that the guidance should be further clarified to ensure that it is taken fully into account by local authorities, within their local parking enforcement policies.

**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?**

At present costs are rarely awarded by traffic adjudicators and are only considered at the request of the appellant. The Council would support updated statutory guidance regarding the circumstances in which costs can be awarded.

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

It is the Council's experience that traffic adjudicators when considering certain appeals will ask the local authority whether they would accept the 50% discount rate from the driver if the appeal is rejected. Such requests are made at the discretion of the adjudicator, whilst acceptance is at the discretion of the local authority.

The introduction of a 25% discount for prompt payment after a driver loses a parking tribunal appeal would ensure consistency of approach and a trial introduction is therefore supported.

**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?**

Local residents and businesses in the District already have the ability to request consideration of parking related Traffic Regulation Orders in Cannock Chase. Such requests are considered by the Joint Parking Committee and are prioritised for implementation where appropriate.

Residents and businesses are also already able to petition the Council about wider issues, which if significant, would result in a review of existing policy. In addition, local trader representatives attend meetings of the Town Centre Policy Development Committee and have recently initiated a review of town centre parking charges.

It is not therefore considered necessary to give "local residents and firms" a "new right" which requires local authorities to review aspects of their parking strategies.

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

A "grace period" of 5 minutes is currently "allowed" by the Council at the end of paid for parking and for overstays in limited time waiting parking bays.

The proposed requirement to allow a "statutory" 5 minute "grace period" is therefore supported.

**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)?**

It is considered that the 5 minute "grace period" should be limited to the period at the end of paid for parking and overstays in limited time waiting parking bays. It

should not be extended to the start of pay and display parking or to 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?**

As previously stated, a 5 minute grace period is supported.

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

The Council consider that the prevention of anti-social parking has considerable advantages over enforcement action. Prevention measures, such as resident parking zones are, however, constrained by the availability of finance. It is therefore considered that the Department of Transport should provide specific grant funding to part finance additional prevention measures.