

28 July 2009

Civil Parking Enforcement

Ward(s) All

Portfolios: Councillor Ansell – Portfolio Holder Transport

Summary of report:

This report details the general operational issues resulting from the recent implementation of Civil Parking Enforcement in Walsall. In particular it covers the level of appeals received from motorists following receipt of a penalty charge notice and issues surrounding the enforcement of loading and unloading restrictions.

Background papers:

None

Reason for scrutiny:

To brief the scrutiny panel on the current experience post implementation of Civil Parking Enforcement and seek any views on its future application within Walsall.

Resource and legal considerations:

Civil parking enforcement has to be implemented in accordance with national requirements detailed in the relevant statutory instruments and associated guidance documents.

Revenue raised through penalty charge notices is first used to off set the cost of providing the enforcement service with any surplus having to be used in accordance with the legislative requirements.

Citizen impact:

Civil parking enforcement impacts on all sections of the community. Its application is intended to contribute to the safe and efficient operation of the public highway for the benefit of all road users.

Environmental impact:

Civil parking enforcement can deliver positive environmental impacts. Reductions in unnecessary traffic congestion and associated air pollution will deliver benefits for all sections of the community. The use of civil enforcement officers as additional eyes and ears for reporting environmental crimes such as fly tipping and abandoned vehicles will allow for their earlier identification and rectification, again delivering a positive environmental impact.

Performance management:

The application of civil parking enforcement is strictly defined in legislation and therefore there is no ability to deviate from this. However, the scrutiny panel can make recommendations as to how the council should shape its future enforcement priorities and protocols to ensure the continued contribution to the delivery of the council's statutory network management duty.

Equality Implications:


A stage one equality impact assessment has been undertaken. Due to the fact that enforcement is undertaken against vehicles not people and the process is defined in legislation it was not appropriate to proceed beyond stage one.

Consultation:

Prior to the implementation of civil parking enforcement in Walsall, wide ranging consultation was undertaken with a range of relevant bodies as required by the Department for Transport.

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1. Report

Civil Parking Enforcement (CPE) was successfully introduced in Walsall 1st April 2009. Its application is part of the council's statutory Network Management Duty (NMD) imposed by the Traffic Management Act. The NMD places a duty on the council to reduce traffic congestion both on Walsall's highway network and those of our neighbours where they join the Walsall boundary.

From April 1st 2009 the council became responsible for enforcing:

- Parking on double yellow lines
- Parking on single yellow lines
- Parking on school keep clear markings
- Parking on pedestrian crossing zig-zags
- Parking in taxi ranks
- Parking in disabled parking bays
- Parking in loading bays
- Parking in residents only zones
- Parking in bus lanes

The council is responsible for parking enforcement borough wide, but the initial priority for deploying staff is in the town and district centres, the main transportation corridors linking them and other high traffic generating areas such as school gate parking. Whilst the priority will always remain in these locations, there will also be resources available to address the needs of the wider borough but on a less frequent basis.

The first few months of CPE have proved very successful. In general terms traffic is now able to flow more freely as a result of less vehicles being parked in contravention of parking restrictions. Disabled, taxi and loading facilities are now available for use by their intended users as the levels of compliance continue to improve.

However, there are still a number of residents, visitors and businesses unhappy with the impact consistent parking enforcement is having on their personal circumstances. This has obviously resulted in a number of formal and informal challenges from motorists whose vehicles have been issued with a Penalty Charge Notice (Parking Ticket).

From commencement on 1st April 2009 up to and including 15th July the following profile of parking tickets and appeals has been realised :

- 9041 parking tickets have been issued
- 985 appeals have been accepted, demonstrating that the process is fair and allows for the motorist to retrospectively indicate valid reasons why the council should cancel the parking ticket.
- 963 parking tickets are still being progressed through the legislative procedures as a direct result of either failed appeals or no response at all to the issuing of the parking ticket.
- 88 appeals are still being determined

A proportion of the appeals are based on an individual view that the parking restrictions are not necessary and therefore should not be enforced. Clearly the person using the public highway for their individual parking requirements will have the view that the restrictions are unnecessary. However a range of factors were considered before the original introduction of the restrictions. All restrictions are subject to periodic review as we need to ensure they remain relevant to local circumstances as they change over time.

The aim of civil parking enforcement is to encourage parking compliance in order to reduce traffic congestion and maintain road safety. Often this has to be to the detriment of individual parking preferences, but will also have a positive impact on the business community. Time limited parking facilities are now used as intended, generating the routine turn over in trade required to support the businesses and loading/unloading facilities are only being used for their intended purpose.

The council is also aware of traders concerns regarding facilities for loading and unloading in the town centre. Currently a mixture of facilities are available through dedicated loading bays, loading facilities on double yellow and single yellow lines and sections of unrestricted public highway.

Under the current arrangements, loading / unloading is allowed to take place for an unlimited period of time provided that it's a continuous activity and the location allows for loading / unloading.

Extended parking is not allowed in the loading / unloading facilities as this would negate the benefit of providing the facilities in the first place. The facilities need to provide for the routine turnover of use in order to providing more opportunity for a range of businesses to accept and undertake deliveries essential to their ongoing business success.

The provision of a defined time period for loading / unloading would be counter productive as it would rigidly fix the time allowed for loading / unloading irrespective of the actual need.

In addition, the defined time period would allow any vehicle to be parked for purposes other than loading and unloading. The result of this would be less overall availability of loading / unloading facilities due to unnecessarily prolonged occupation of the facilities.

Currently prior to any enforcement activity being undertaken, vehicles are observed for 10 minutes to identify any loading / unloading taking place. After this time period has elapsed if no sign of loading / unloading is evident a penalty charge notice is issued to the vehicle.

If however there was a legitimate reason for the driver being away from the vehicle for more than 10 minutes then the opportunity exists for the driver to retrospectively demonstrate this and the penalty charge notice to be cancelled. This approach allows the delicate balance to be struck between determining the distinction between real loading / unloading and extended parking for other purposes.

The council is receiving a number of requests to undertake further reviews of localised parking restrictions and these are ongoing. We need to ensure restrictions continue to be relevant to local circumstances as they change over time.

From 1st June 2009 the council also gained new powers to enforce:

- Parking across dropped kerbs
- Parking more than 50cm from the kerb (Double Parking)

These new powers require careful thought before applying them as they are likely to be quite controversial. New operational protocols are being developed with neighbouring authorities to ensure a consistent application of the powers across the region in accordance with the requirements of the Department for Transport.

For the future, the council has to produce annual reports detailing how the delivery of parking enforcement has assisted with delivering the statutory Network Management Duty. The report must also contain a range of financial information to demonstrate that the council has used any generated surplus in accordance with the legislative requirements

The council may also gain powers to enforce moving traffic offences such as:

- Driving the wrong way in a one way street
- Driving into a box junction without a clear exit
- Performing a banned turn
- Driving in a pedestrian zone

These new powers will require a further Act of Parliament and realistically will be a few years away, but it is the government's ultimate aim that local authorities manage the enforcement of such offences further releasing the Police to deal with addressing criminal activity.

We continue to review how we can maximise the benefit of having a team of dedicated officers out in the community particularly in the reporting of environmental crimes. We are also working closely with our neighbouring authorities to develop joint operational protocols that deliver a consistent application of civil parking enforcement in the region whilst exploring future avenues for sharing resources.

School gate parking has always caused traffic congestion problems resulting in complaints from residents. We plan to address this with a targeted campaign in conjunction with the road safety team and the Police during September. Detailed liaison with the schools and back of bus advertising to supplement general publicity will be used prior to a campaign of increased enforcement activity designed to improve parking compliance.

Currently general press coverage remains fairly low key with the occasional request for updates on the numbers of penalty charge notices issued, the number of appeals received and the numbers upheld.

Whilst the initial application of CPE has raised some concerns amongst certain sections of the community, its impact remains positive. It is clearly able to demonstrate its intended purpose of contributing to the delivery of the council's statutory Network Management Duty.