

**BETTER PARKING – KEEPING TRAFFIC MOVING
(Consultation by the Department for Transport)**

THE VIEWS OF THE AA MOTORING TRUST

The impact of decriminalised parking enforcement on the UK motorist has been highly significant. Parking income in Britain has exceeded £1bn and almost 8m Penalty Charge Notices (PCN's) are issued annually. Whilst on the one hand improved enforcement has led to clearer streets and more efficient parking control, a perception also exists that parking control under the decriminalised regime has been all about maximising revenue for local authorities through 'easy picking' enforcement often carried out by contractors. Some local authorities have also been less than fair in their dealings with people and have failed to comply with the Department's guidance and legislation. This has driven a wedge between some motorists and local authorities.

This consultation provides the opportunity to remedy the problems of the current system, by setting clear guidance to local authorities and reassuring the public that the motivation for enforcement is not revenue but traffic safety and the efficient use of a limited resource. The AA Motoring Trust (AA Trust) believes it essential that this opportunity is not missed as local authorities appear eager, as in London to broaden their PCN enforcement to moving traffic offences.

Key Points from the AA Motoring Trust

- The AA Trust is concerned that the new guidance and regulations may not be adhered to by some authorities and that there is no mechanism for ensuring they do.
- The Department for Transport (DfT) should explore the feasibility of developing intervention powers similar to those under the Traffic Management Act (TMA) for a failing traffic authority.
- The DfT should consider whether standard compensation payments by local authorities should be awarded to motorists who win formal appeals or for cases which councils fail to contest.
- There is a pressing need for much greater dissemination of best practice and bench marking amongst local authorities.
- There should be regular reviews of traffic signing associated with parking enforcement and ways found to reduce the complexity wherever possible.
- Assurances that persistent offenders will be targeted as a priority are welcome but this has been promised in London over many years and only now are efforts beginning to work.

- The methods bailiffs employ and the charges they levy regarding unpaid penalties should be reviewed.
- When debt recovery becomes necessary it should be counter authorised by a senior officer in the local authority who should cross check all the information and take ultimate responsibility.
- Statutory declarations are essential to provide an 11th hour 'stay' for those who may be innocent recipients of debt recovery action. Post cannot be relied upon and the Trust believes mail should be sent by recorded delivery in debt recovery cases.

Response to Specific Questions

Regulatory Impact Assessment (RIA)

1. Does the Partial RIA represent a fair analysis of the policy?

The partial RIA seems reasonable.

2. What further evidence might be added to the assessment of costs and benefits in the RIA? Please supply substantive evidence to support your argument.

For some firms, particularly large ones, the administration of PCN processing represents a significant cost. Whilst most PCN's will be paid by the driver or company on receipt some will need to be challenged. PCN's will also be served by post in a notice to owner. We cannot give specific examples but we know that some companies may be spending significant sums annually (perhaps £m's) in paying PCN's and challenging dubious examples. Clearly correctly issued, robust, PCN's are not a legitimate business cost but challenging incorrectly issued ones may be. The AA Trust believes that consideration should be given to some form of financial re-dress so that the cost of protesting innocence because of local authority error can be accounted for and reimbursed.

Information about Parking

3. To what extent and how should authorities publish information about parking provision and/or parking restrictions in their area?

The provision of comprehensive information is critical to gaining public support for the objectives of parking enforcement. All authorities should be providing this whether it be on the internet, published reports, leaflets and public information campaigns including local radio and TV. Authorities should also be looking to innovate in this area for example harnessing technology to inform drivers on the road or in their vehicles.

4. What additional information would be most useful to road users and how should it be presented?

It is clear that many drivers do get confused when faced with parking restrictions. This is hardly surprising given the complexity of the rules in many places and the way in which signs convey this information.

Accountability within Local Authorities

5. Should the Government encourage local authorities to set up a unit independent of the parking department to handle cases where the road users had a grievance but it falls outside the remit of the adjudicator and the Ombudsman?

This may not be necessary – it is more a case of empowering certain back office staff to be true problem solvers. Cancelling PCN's on an initial representation can often be time consuming and protracted – it need not be. It should not be

difficult for authorities to identify those who persistently request PCN's to be cancelled. Many PCN's are paid under protest and these deserve investigation and a reasonable response in case there were genuine reasons for the motorist's concern.

Role of the Police

6. Should the regulations to implement the TMA give the police the power to enforce parking if they should wish to do so?

This will cause significant confusion and could result in a PCN and a Fixed Penalty Notice (FPN) being issued for the same offence –giving a very bad impression to the public.

Procedures on the Street

7. Would differential penalty charges based on the severity of the contravention help improve public acceptance of and compliance with parking regulations?

Yes.

8. Or would it be confusing to have two different levels of penalty charge in the same area?

No - the punishment should match the crime. The old system in paid parking bays in London made sense - an excess charge for initial overstay (premium rent) and penalty if that went beyond a reasonable time.

9. Should civil enforcement officers have the discretion to decide when to issue a PCN, using the authority's published policy?

Yes – a warning is 100-times better in terms of motorist attitude – they just might not do it again – it would also improve the overall public/enforcement officer relationship, but there is clearly a risk of abuse.

10. Should the Government suggest time limits for dealing with informal and formal representations?

In the cases we learn of that get into dispute it is clear some authorities are bad at answering letters. Setting standards would be welcome.

11. If so are the following fair and achievable:

- 14 day national standard for dealing with informal challenges?
- 90% of formal representations decided within 21 days?

Yes.

12. Or should it be left to the individual local authority to set its own criteria?

No - consistency should be the key.

13. Should the statutory guidance recommend that a postal PCN is sent within 14 days of the contravention?

Yes – this is critical so that there is a chance for the recipient to remember the incident and make a reasonable challenge if necessary.

14. Should the 50% discount be available for 21 days for certain cases where the PCN was issued by post?

Yes – this can only encourage prompt payment and sensible challenges.

15. Should local authorities have to re-offer a discount period after rejecting an informal challenge?

Yes – this should be encouraged - people are often reluctant to challenge and simply pay up because of fear of losing the discount. Where they are proved wrong after consideration by the authority there is no reason why they cannot still receive the discount.

16. Or should it be at the discretion of the local authority to do this?

No – consistency should be the key.

17. How long should the period following the issue of a PCN be before a vehicle should be removed or clamped?

Clamping and removal should be reserved for persistent offenders - there is no reason to remove a vehicle from a paid for parking space after one hour of the time expiring – in London the £100 penalty is punishment enough when measured against the premium rental cost of the space. Clamping and removal will be necessary but should be used proportionately to fit the ‘crime’. In a paid for bay a clamp may be better for an infringement of over two hours and perhaps removal after three. Safety, traffic flow and community considerations should be the yardstick for other ‘offences’ that may warrant clamping or towing away.

18. Do you agree with the proposed definition of a persistent evader as an individual with 3 or more outstanding and uncontested PCNs?

Yes this would seem reasonable and matches that for congestion charging in London.

19. Would it be acceptable for the ALG (Association of London Government) to expand their persistent evader database for use across England?

Great care will be needed in how any persistent offender database is used. It seems reasonable that if a clamp or tow away is to be used the priority should be for this to be applied to a vehicle with three outstanding or unchallenged PCN’s. But there is a risk that unreliable data could lead to an innocent motorist, who may have just acquired the vehicle, being involved. The Trust supports further work on this.