

HOUSE OF COMMONS TRANSPORT COMMITTEE INQUIRY
'FINDING A SPACE FOR PARKING POLICY'

Submission from The AA Motoring Trust

Traffic in and around Britain's towns and cities has to be managed. Where the demand for parking is greater than the supply, it must be regulated – and the regulations must be enforced. All fair-minded people understand this, and most motorists do not condone unlawful parking. But fair-minded people also expect to be treated fairly and honestly, as valued customers of local services provided by their local council. Parking needs, and parking infringements, should not be handled with the cynicism that characterises some local authorities, particularly in London.

The formidable revenues that parking now generates – around £1bn annually - now seems to be the driving force for some, perhaps many, authorities. Enforcement is being increasingly outsourced to contractors who employ the parking attendants and operate the back-office functions. There seems to be little accountability by the boroughs for the actions of their contractors. Bad practices and disregard of the rules of operation are an unwelcome consequence.

The BBC *Whistleblower* undercover investigation, in particular, suggested that no one in the London borough investigated appeared to be in control or to be accountable for the deplorable actions uncovered. The BBC investigation may or may not have been the tip of an iceberg, but there are other examples of bad practice.

Random and untargeted wheel clamping and towing away. These draconian measures are not aimed at the vehicles of persistent offenders, motorists who ignore penalty notices, or who cannot be traced. Parking attendants can easily identify these vehicles if the data is stored in their hand-held computers. Regrettably, it is not. As a result, persistent offenders and 'dodgy' vehicles get away with it time after time, and a motorist who rarely offends suffers a penalty out of all proportion to the offence.

Initial appeal processes are ignored. Some boroughs automatically reject any plea of mitigating circumstances, but then fail to appear at an independent appeal hearing to defend their decision. The worst borough in London was guilty of this in 74 per cent of formal appeals in 2003-2004; the best failed to defend just 6 per cent.

Bailiffs hounding innocent motorists. They are presumed guilty but are actually the innocent victims of car cloning or false registration that leads to inaccurate DVLA records. There are cases of penalty charge notices continuing to be sent to the address of an innocent motorist despite the borough being told and re-told that there has been an error.

Public confidence in the ability of local authorities to carry out parking functions has been severely dented over many years. The AA Trust supported the bold step of allowing local authorities to take control of parking on their streets, but the enormous revenues that this generates, and the pressure to collect even more, now risks alienating the residents and visitors whom the authority should be serving.

The AA Trust believes that the following key steps must be taken to restore confidence and achieve accountability:

- The watchdog role of the independent adjudication service should be expanded to allow it to investigate allegations of malpractice and misadministration, and to take action where necessary;
- All authorities should be required to publish an annual parking report and accounts, highlighting key indicators that will benchmark their performance;
- Each authority should review its parking policies and provisions to ensure that they are proportionate, necessary, and meet the needs of residents, visitors and businesses in the area;
- Authorities found by the independent adjudicator to have wrongly ticketed a vehicle, or who fail to defend their decision to refuse an initial appeal, should be required to pay the motorist compensation proportionate to the penalty charge;
- Wheel clamping and towing away should be restricted to the vehicles of persistent offenders, 'dodgy' vehicles, and vehicles causing a hazard or obstruction (with congestion charging, for example, wheel clamping or towing away is reserved for those vehicles that have three or more unpaid penalties);
- Motorists' claims that they are innocent because misinformation has deliberately been given to the DVLA, or because they are a victim of car cloning, should be thoroughly investigated, and bailiff action should be authorised by a senior officer of the authority only after the real guilty party has been identified;
- The 'no win - no fee' pursuit of unpaid or un-served parking penalty notices by debt recovery agencies and bailiffs should be reviewed: local councils must bear responsibility for action taken in their name and bailiff action should have to be authorised by a senior officer of the council.

The AA Trust believes that there is a very strong case for a thorough review of the powers of local authorities to make, administer and enforce parking regulations, and to retain revenues from parking payments and penalties. We believe the Inquiry by the Select Committee is the first step in this review process.

Response to specific questions

Are local authorities carrying out parking control reasonably, fairly and accountably? How is performance evaluated?

Some authorities perform well, giving priority to providing a high quality service. Others have seriously tarnished the image of parking enforcement, however, raising doubts about the wisdom of allowing them to continue with parking control. Overall, local authorities across Britain gross around £1 billion a year from parking. It is a huge business, but in some areas it seems to be out of control.

We draw the attention of the Committee to the London Borough of Westminster, which has carried out a root and branch review of its parking operations in the light of heavy criticism of its operations over several years. The Borough has

- Scrapped all forms of targets, incentive schemes and performance-related pay for parking attendants;
- Re-briefed and retrained parking attendants, stressing the importance of observing loading and unloading rules;
- Updated and published its parking rules to try to ensure transparency and fairness;
- Carried out an audit of every street in the Borough to ensure the regulations are both necessary and proportionate, removing hundreds of metres of yellow lines and providing additional parking space;
- Relaxed the rules on clamping and towing away; and
- Ended archaic rules on meter feeding and the ‘return within the hour’ rule.

Westminster has responded sensibly to criticism of its parking administration. It is unfortunate for residents, visitors and businesses that other boroughs have not done the same: bad practice continues routinely, on a day-to-day basis. For example, authorities do not respond quickly enough to enquiries, fail to adequately maintain signs and road markings, and allow attendants to issue harsh or unjustified penalty notices.

The AA Trust believes that insufficient action is taken against authorities that break the rules, in extreme cases, by fabricating evidence or failing to comply with Department for Transport requests to amend signing to make it conform. It is also unacceptable that some authorities continue to make serious errors regarding the legality of their decriminalised parking schemes.

The best way that authorities’ performances can be evaluated is through the annual adjudication statistics they produce. Limited information also stems from high profile cases that reach the media, and from whistle-blowing. This is unsatisfactory and

more needs to be done to measure and publicise how well or how badly local authorities are performing. Every authority should be required to produce an annual report and accounts, which should include the outcome of initial representations.

What action would raise the standard of parking enforcement activity? Is Statutory Guidance needed to promote consistency?

Statutory guidance is essential to ensure consistency and higher standards. There should be much greater monitoring of compliance with the guidance, using annual reports to benchmark each local authority against the others. Sanctions must be available if an authority is found to regularly or seriously breach the guidance.

The independent adjudication service should become a statutory watchdog with powers to review excesses by local authorities. The adjudicators should refer their reports to the Department for Transport for action.

Local authorities should be penalised when they fail to deliver fair and consistent enforcement, in particular when a motorist is able to prove innocence at an independent adjudication. Some authorities have a very poor record of not defending appeals by failing to produce evidence. Compensation should be awarded as a norm when local authorities' errors are exposed and motorists have been wrongly penalised and are inconvenienced by having to protest their innocence.

Is the appeals process fair and effective? How could it be improved?

The independent adjudication process is a very successful element of the decriminalised parking regime. However, the AA Trust has serious reservations about the quality and efficacy of the initial appeal process operated by some authorities; many appeals that are dismissed at the first level are successful at the adjudication stage. The worst London borough failed to defend its initial decision in 74 per cent of cases taken to adjudication, whereas the best failed to defend 6 per cent. It is a disgrace that a borough can so blatantly disregard an initial appeal, and then fail to defend their decision. The adjudicator should be given powers to award significant compensation in such cases.

Is it appropriate that local authorities should keep the revenue generated from parking fines? Is there any evidence that the opportunity to raise revenue through decriminalised parking enforcement has inappropriately influenced authorities' parking policy and enforcement activity?

The AA Trust has no difficulty with the principle that local authorities should keep surplus parking revenues to improve parking or transport, and there can be little doubt that revenue must play a significant part in defining and operating a parking strategy. The authority will at least want to break even, so that parking is not subsidised by cuts in other services.

Prior to the 1991 Act, the extent of parking regulations was dictated largely by the ability of the police and traffic wardens to enforce them. However, with

decriminalisation, parking restrictions can, and in many cases do, cover an extensive area and generate revenues from pay and display and parking meters, the sale of residents' parking permits, and from enforcement. Whether or not parking restrictions are necessary is a local matter for the local community to decide. There is clearly scope for unnecessary parking regulation in the absence of clear accountability and transparency. Parking guidance should provide for regular reviews and for consultation locally so that the regulations can be shown to be necessary, and can be amended to suit changing local circumstances.

What criteria should be used to determine the level of parking provision that should be provided? What role should parking policy play in traffic management and demand management?

The prosperity of town-centre shops, restaurants and leisure facilities depends on the spending power of car-owning families. Inadequate or expensive parking deters visitors, to the detriment of the town's prosperity and life. This was recognised nearly 20 years ago in a report by the Royal Town Planning Institute, which stated: *Over the years a few local authorities have as a matter of policy sought to deter car-borne shoppers to their town centres. In most cases such policies are now recognised to be detrimental to the long-term vitality and viability of town centres.*

In its annual report some years ago Boots noted: *If town centres are going to compete on equal terms and maintain retailer and customer loyalty, they will have to provide a retail environment to match what is on offer from the out-of-town centre.*

Car parking provision and its enforcement are part of the mix that is essential to sustain town centres. On-street parking for short-stay visits is particularly important, and proper enforcement to ensure regular turnover of spaces contributes to a town centre's attraction. While shops might be the life-blood of a town during the day, however, it is leisure facilities - the arts, restaurants and bars - that make for its vibrancy at night. Parking policies and provision need to reflect that change, and the fact that at night people may want to park closer, and for longer periods, to the place they are visiting. Failure to cater for this change can turn a town centre into a no-go area for many people.

Integrating the car into public transport services through the provision of quality, reliable and inexpensive park-and-ride services can provide a viable alternative, taking pressure off the demand for parking in the town centre. But to be successful, the perceived consumer attraction of the town must outweigh its access and parking restrictions and costs. This is the fundamental reason why park-and-ride works well in heritage cities such as York, Exeter and Oxford, but is not as successful in other towns where adequate on- and off-street parking in the centre is needed.

There is also a growing tendency, as part of a transport and town planning strategy, to discourage parking provision for new housing development in town and city centres. While some people may be willing to buy a property with no parking, many others will perceive it as a negative point that discourages town centre living, particularly if on-street parking demand by residents exceeds supply.

What are the wider impacts of current parking policy and illegally parked vehicles?

Parking management is essential in controlling the use of scarce road parking space. It is still a major tool in the traffic management engineer's and land-use planner's armoury: most people understand the general logic of parking control acting as a demand valve that is possibly more effective than road-user charging. They understand less well some of the methodology behind the introduction of various types of controls such as yellow lines and parking zones.

Local authorities still fail to convince people of the need for restrictions, explain how they will work, and for whose benefit they are being introduced. This is why the motivation behind parking control and enforcement is questioned. Failure to publish data and information means that the public will continue to be cynical about the motives for parking control.

Vehicles may be illegally parked deliberately, because of an oversight, or because of misunderstanding of the parking rules at that location (confusing signs, worn yellow lines, etc). The penalty, however, can go beyond a simple charge – clamping and towing away are draconian consequences that go well beyond what any fair-minded person would see as being reasonable for making a simple mistake. It is illogical and grossly unfair that someone who unwittingly contravenes the parking regulation is as likely to have their car towed away or be clamped as someone who persistently offends, or does not pay the penalty because they cannot be traced. These sanctions need to be reviewed urgently to ensure that their use is targeted at the irresponsible minority who deliberately flout the law.

How can public understanding and acceptance of the need for parking policy be achieved?

By and large, people do understand that traffic in and around Britain's towns and cities has to be managed. They also understand that when the demand is greater than the supply, parking needs to be regulated, and the regulations need to be enforced. But fair-minded people also expect to be treated fairly and honestly by their local council, as valued customers of local services. And it is at this point that the system often breaks down and many people feel a sense of injustice, even outrage.

Local authorities make the regulations, enforce them, and receive the income, which most often is well in excess of their costs. It is up to local authorities to persuade their residents that the parking restrictions are fair and sensible, and to enforce them sensibly, sympathetically and proportionately. It is a fact that in many proven cases failure in this simple task has created the hostility that many people now feel. If parking regulations are made transparent, it will help public understanding of the need for them, and so help to gain their acceptance.