



In-depth Scrutiny Project

“Assessment of the Effects of Decriminalisation of Parking Enforcement in Southend-on-Sea ”
Final Report and Recommendations

15 April 2004

Environmental Scrutiny Committee

Southend-on-Sea Borough Council



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FOREWORD

Councillors Ron Price, Chairman of Southend-on-Sea Borough Council's Environmental Scrutiny Committee and Jonathan Garston, Vice-Chairman:

The Environmental Scrutiny Committee decided that it should carry out the in-depth scrutiny project looking at the effects of decriminalisation of parking enforcement in Southend-on-Sea. Enforcement of parking regulations in Southend changed from September 2001, when the Council assumed responsibility from Essex Police's traffic wardens. The changes are referred to as 'decriminalised parking enforcement'.

We started the in-depth scrutiny project in October 2003 and the Committee held witness sessions with relevant people in January and February 2004. We asked them their views on the effects of decriminalisation of parking enforcement for residents, businesses, visitors and general road users within Southend-on-Sea.

Through the Council's publication the 'Civic News' we invited residents to tell us their views on the new system, asking whether it could be improved and also the public reaction. We are pleased to say that residents did respond, and we are extremely grateful to them for taking the time and trouble in contacting us. The Council hosted a Community Conference in November 2003, and participants were asked to complete a questionnaire at the close of the meeting. As part of the questionnaire, we were able to invite comments back on decriminalisation of parking enforcement, and we would like to thank people for their comments.

We would like to thank all those who have been involved in the in-depth scrutiny project, those who took the time to attend meetings to give their evidence, and our colleagues on the Environmental Scrutiny Committee and the Project Team.

Councillor Ron Price
Councillor Jonathan Garston

15th April 2004

1. SCOPE, OBJECTIVES AND METHODOLOGY

The Scope of the Scrutiny; Objectives and Outcomes

1.1 In the municipal year 2003/4, the Council's Environmental Scrutiny Committee decided to undertake a scrutiny on the subject of "Assessment of the effects of decriminalisation of parking enforcement." The over-arching aim of the study was to examine the effects of decriminalised parking enforcement for residents, businesses, visitors and general road users within the Borough of Southend-on-Sea in the context of the Council's Local Transport Plan. The Committee decided that the Scrutiny would be an overview of the effect of decriminalisation of parking enforcement by considering principles, practices, policies, strengths, weaknesses, and outcomes. It would not be concerned with individual, local or detailed parking matters, which are dealt with in the Local Transport Plan process via the Traffic & Parking Working Party, Cabinet Committee and Cabinet as appropriate.

1.2 The objectives agreed by the Committee were:-

- ◆ To examine the background and reasons for parking control and enforcement, and the public reaction to, and perceptions of, the Council's enforcement activities and policies.
- ◆ To compare the former system of parking enforcement with the new parking enforcement arrangements, in terms of the Local Transport Plan Strategies, with particular reference to:
traffic management;
road safety;
parking turnover and control.
- ◆ To undertake comparisons with other local authorities.
- ◆ To consider the financial aspects of the decriminalisation of parking.

1.3 The outcomes sought from the study were identified as being:-

- ◆ To give a full understanding of the advantages/disadvantages and best practice for decriminalised parking, and agreement for future development.

Methodology/Process

1.4 The scrutiny was carried out by the Environmental Scrutiny Committee supported by an Officer Project Team comprising:

- ◆ Fiona Abbott Principal Committee Officer, Project Coordinator
- ◆ Graham Dare Assistant Director, Technical & Environmental Services, Corporate Officer
- ◆ Peter Vadden Audit Supervisor
- ◆ Tony Wright Parking Manager, Special Operations and Car Park Management (retired January 2004)
- ◆ Derek Kenyon Assistant Parking Manager
- ◆ Joanna Bates Administrative Support Officer
- ◆ David Caldwell Assistant Engineer, support

1.5 The following Members were attached to the Project Team in order to provide guidance and to act as a consultative body during the course of the scrutiny:

- ◆ Councillor Ron Price, Chairman (Conservative)
- ◆ Councillor Jonathan Garston, Vice Chairman (Conservative)
- ◆ Councillor James Clinkscales (Liberal Democrat)
- ◆ Councillor Mrs. Teresa Merrison (Labour)

1.6 The Scrutiny project commenced on 30th October 2003, when the Environmental Scrutiny Committee approved the project plan, and will cease with the finalisation of this report in April 2004.

1.7 On 4th December 2003 the Project Team provided Members with an informative presentation about the decriminalised parking service within Southend. This presentation provided an explanation of the key concepts underpinning the scrutiny, and in particular the following:

- ◆ An explanation of the situation prior to the decriminalisation of parking enforcement;
- ◆ The known effects of decriminalisation;
- ◆ A summary of the financial aspects;
- ◆ Suggestions of areas which required further scrutiny.

In addition, the Project Team provided Members with a detailed report on the background of the decriminalised parking enforcement (DPE) process for consideration. (Attached at **Appendix 1** is a glossary of terms used). In particular the report provided information on:

- ◆ The principal issues raised in relevant background documents/research documentation;
- ◆ Potential 'witnesses';
- ◆ National and local statistics on performance (sourced from the Home Office, the current contractor and from the Director of Technical & Environmental Services);
- ◆ Other relevant background information on DPE.

1.8 The briefing material provided the necessary background information for four formal public evidence-giving sessions ('witness' sessions) at which the Committee received oral, written and presentational evidence from a large number of key stakeholders.

1.9 Prior to the commencement of the witness sessions, Members and the Project Team identified, devised and documented the questions which were to be asked of each witness, and identified further areas for research. This information was circulated to all Members of the Committee for agreement.

Evidence Gathering

1.10 The Committee agreed who should be approached as possible 'witnesses' and invitations were sent out for the witness sessions scheduled for January and February 2004, as follows:

- ◆ Local Bus companies;
- ◆ Southend Police;
- ◆ National Parking Adjudication Service;
- ◆ Parking contractor;
- ◆ ROSPA;
- ◆ Disabled Access working party;
- ◆ The Southend Business & Tourism Partnership;
- ◆ Residents' Groups - COBRA, Milton Community Partnership, West Leigh Residents' Association;
- ◆ London Road Traders;
- ◆ Comparator Local Authority (Bolton, Trafford, Watford were identified as useful Comparator Local Authorities);
- ◆ Local motorcyclist organisation;
- ◆ Fire & Rescue Service.

- 1.11 The Committee accepted both oral and written evidence invited from the local community, relevant organisations and related agency officers. All the evidence was received in public under the "Local Government Access to Information Rules". The views and comments of the residents of Southend were requested via an item placed within the Civic News, and as part of a questionnaire issued at the Community Conference held at the Cliffs Pavilion on 19th November 2003.
- 1.12 In order to facilitate the process all witnesses were informed, in writing, of the questions that were to be asked at the witness session. In addition, each was given the opportunity to make an initial presentation on their work and its relationship with DPE.

Stakeholders

- 1.13 The Committee received evidence from the following individuals and associated organisations, to whom the Council is grateful:-

Session 1 - 8th January 2004

- (a) Mrs. Joyce Lambert (Southend Business & Tourism Partnership)
- (b) Mr. Eddie Cornish (West Leigh Residents' Association);
Mr. Alan Abbott (COBRA);
Mr. Dilip Jesudasen (Milton Community Partnership).
- (c) Apologies for absence were received from Mr A Reece-Sheerin (Disabled Access Working Party) (written evidence)
- (d) Apologies for absence were received from ROSPA (written evidence)

Session 2 – 14th January 2004

- (a) Mr. Shuttleworth (Arriva)
Mr. Spicer (First Thamesway)
- (b) Chief Superintendent M Thwaites (Southend Police)
- (c) Mr. Clarke and Mr. Fenwick (Fire & Rescue Service)

Session 3 – 21st January 2004

- (a) Mr. Coltman, Mr. Hutchings, Mr. Swanwick (Central Parking System)
- (b) Mr. Pulham (National Parking Adjudication Service)
- (c) Mr. Strauss (London Road Traders' Association)

Session 4 - 13th February 2004

- (a) Mr. Alan Clark (President, British Parking Association)
- (b) Mr. Ken Ellcome (Chairman, National Decriminalised Parking Association)
- (c) Apologies were received from:
Mr. Trevor Magner (British Motorcyclists' Federation) (written evidence);
Mr. James Howard (Trafford Council);
Mr. Ian Taylor (Bolton Council) (written evidence);
Ms. Linda Baker (Watford Council) (written evidence).

1.14 **Attendance at Scrutiny Committee & the witness sessions**

A list of the Environmental Scrutiny Committee Members who took part in the Scrutiny Committee meetings on 30th October 2003¹, 4th December 2003 and 8th January 2004 and the witness sessions on 8th January, 14th January, 21st January and 13th February 2004 is detailed at **Appendix 2**.

¹ This meeting was an 'ordinary' meeting of the scrutiny Committee, not a special meeting dealing solely with this issue.

2. DECRIMINALISATION OF PARKING ENFORCEMENT AND MAIN ISSUES FOR THE SCRUTINY

Main issues for scrutiny

2.1 The initial phase of the scrutiny exercise involved research into the main issues in relation to the subject matter of the scrutiny. This was undertaken by means of a study of the briefing documents referred to earlier and, in addition, to statistics indicating the national and regional picture. The documents and preliminary briefing session highlighted a number of key themes or issues (refer to **Appendix 3** and **Appendix 4**).

2.2 **Appendix 3** provides information on the following:

- ◆ background to DPE in Southend-on-Sea;
- ◆ the advantages/disadvantages of DPE;
- ◆ information on the DPE process;
- ◆ details of the collection and enforcement process;
- ◆ information on staffing;
- ◆ financial aspects to DPE

2.3 In the context of the objectives and anticipated outcomes of the scrutiny, the main issues can be summarised as follows (refer to **Appendix 4**):-

- ◆ Traffic Management and Road Safety;
- ◆ Parking Policy development;
- ◆ Income from PCNs and collection rates;
- ◆ Clamping;
- ◆ Removals;
- ◆ Matters of Policy and Practice – patrolling and processing;
- ◆ Digital Cameras;
- ◆ Enquiries of other Authorities data for comparison;
- ◆ Effectiveness of Patrolling.

Income from PCNs and collection rates

2.4 At a meeting on 13th February 2004, the Committee considered information on PCN collection rates. In particular the following were discussed:

- ◆ annual cost of decriminalisation;
- ◆ effectiveness of collection;
- ◆ efficiency of throughputs;
- ◆ PCN collection rate monitoring;
- ◆ The efficiency of patrols.

The main aspects to emerge here were that:

- ◆ the number of PCNs rose, and then reduced, indicating improved compliance. Off-street car-park usage has increased;
- ◆ Payment rates are average and are improving;
- ◆ There are 49,000 PCNs issued per year;
- ◆ In 2002/03 0.85% of PCNs issued proceeded to an appeal before the parking adjudicator (nationally the figure is 0.4%).

3 ISSUES TO EMERGE DURING THE EVIDENCE GATHERING FROM STAKEHOLDERS

- 3.1 As indicated earlier in this report, whilst background knowledge and understanding of the issues obtained from statistics, evidence of the situation on the ground in Southend was obtained via the formal evidence-taking sessions with key witnesses.
- 3.2 A detailed record of general comments and specific responses to questions posed by Members of the Committee was prepared. This record of evidence was forwarded to a representative of each stakeholder group which contributed to the study, in order to ensure that the recorded evidence was factually correct. A copy of the evidence for each witness session is attached at **Appendices 5 – 8**.
- 3.3 The witnesses were provided with details of the background information to the scrutiny, as detailed at **Appendix 3**. The questions for the witnesses were sent to the witnesses prior to their attendance at the Committee. The subsequent responses from the various witness groups concerned indicated that there was a broad consensus on the issues which needed to be tackled, which were largely in line with those set out above, albeit that the perspective of the stakeholders on those issues and the suggested action needed might differ somewhat.
- 3.4 Certain 'key issues' were highlighted by the witnesses, and by the public consultation via the Civic News and also from the Community Conference. These have been divided, as far as possible, into **General Comments** and issues around **Environment**, **Performance Management** and **Policy and Practice**, as follows:

General

- ◆ The introduction of DPE on 1st September 2001 has generally been a success;
- ◆ Awareness that DPE is now responsibility of SBC;
- ◆ DPE required to be self-financing;
- ◆ The industry accepts that there will always be number of persistent evaders;
- ◆ There has been a marked improvement in the relationship between local traders and the PAs. Profile been raised;
- ◆ Instructions on paying PCNs are clear;
- ◆ Instructions on appeal process is clear;
- ◆ Perception that PAs are over-diligent in some areas;

Environment

- ◆ Impact on general traffic movement and safety – difficult to measure;
- ◆ PAs should be able to provide advice to disabled persons e.g. on alternative parking;
- ◆ Concern over possible abuse of the Blue Badge system (*there are 6 – 7,000 in Borough*);
- ◆ Constant problem of parking on zigzags near to/outside schools; safety issue.

Policy & Practice

- ◆ London Road – need for parking to be freed up for shoppers and for bus stops to be kept clear;
- ◆ Strategic routes within the town are generally kept clear;
- ◆ Clamping – the Borough has clamping powers but decided not to use them. The clamped vehicle remains an obstruction and contravention. Considered better to go for removal of contravening vehicles;
- ◆ Patrolling – observation periods are set to 5 mins to ascertain if loading/unloading is taking place. For commercial vehicles, loading/unloading periods are set at 30 mins – possible to change these. Policy issue. PAs could issue 'instant' penalty charge (but good-practice issue, equity and fairness and public perception, and there would be an increase in cancellations);
- ◆ Digital cameras – CPS & NPAS urged that this should be considered, as evidence suggests PCN collection rate increases by 3%;
- ◆ Inadequate enforcement of Regulations in some locations e.g. in designated bus stops;

- ◆ Marked increase in removal of abandoned vehicles. Priority for police as reduction in numbers of untaxed vehicles has a noticeable impact on crime;
- ◆ Review of some yellow lines needed;
- ◆ Evening enforcement – need for this (but don't want residents to be penalised when trying to park near home) and for PAs to patrol over longer hours. Police keen to see evening enforcement;
- ◆ Parking on pavements.

Performance Management

- ◆ A mixed view on the level and effectiveness of patrols.

4. CONCLUSIONS

4.1 The Committee undertook a thorough review, in line with the objectives of the study, including a significant and wide-ranging input from stakeholders, which gave it a thorough understanding of DPE policy and processes.

4.2 The Committee now has a full understanding of the advantages decriminalised parking has brought to Southend, has gained an understanding of processes and obtained information on best practice and understanding from various stakeholders.

4.3 The Committee concluded:

- ◆ that the introduction of DPE has been a success, and the contract arrangements have worked well;
- ◆ the public are generally aware that the Council is the parking enforcement authority. However, more publicity on the Council's PCN collection process is required;
- ◆ there is awareness that there has been more enforcement in the Borough since 1st September 2001, and that in most cases this was felt to be beneficial;
- ◆ enforcement policy and practice since 1st September 2001 has been well balanced, although in some areas residents consider there should be more enforcement, whilst in others there are claims of over-zealous enforcement. There is a need to keep enforcement policy under review and target areas to ensure compliance, in particular, areas such as London Road;
- ◆ evening enforcement is desirable but should take into account the needs of residents;
- ◆ clamping is not appropriate for Southend, but vehicle removal, whilst costly, could be an option in certain circumstances, particularly for persistent evaders. It was noted that clamping/removals was not in general use in DPE authorities;
- ◆ traffic and safety issues - whilst there is no direct measurable evidence of improvements in traffic flow and safety, improved compliance with parking requirements since DPE would indicate that these objectives in DPE are being met;
- ◆ PCNs rose to 52,000 per year and are currently at 49,000 per year, indicating improved on-street compliance. There has been an increase in off-street car-park usage;
- ◆ PCN collection rate is around the average and continues to increase. Persistent evaders, bailiff collection rates, and cancellation rates are the factors which need to be addressed to improve PCN collection rates;
- ◆ enforcement and collection rates may be able to be improved by considering the use of digital cameras by all PAs, reviewing the observation times before issuing a PCN, continually reviewing the processing system as experience develops, and an efficient regime for maintaining lines and signs;
- ◆ potential abuse of the Blue Badge scheme is a concern in relation to the issue and monitoring. However, the Committee recognises the need to be sensitive to legitimate use.

5. RECOMMENDATIONS

Following detailed research and evidence-gathering from stakeholders and experts in parking management, the Committee advocates the following recommendations to enhance the operation of decriminalised parking activities within Southend-on-Sea.

5.1 Environment

Evidence given at the witness sessions clearly identified that the enforcement of Road Traffic Orders, and hence the smooth flow of traffic, can be enhanced by increasing the public's perception of efficient PCN issues and collection. It is therefore recommended that the following is introduced:

5.1.1 Regular publicity demonstrating Southend's effective enforcement and collection of PCNs is placed in the Civic News.

5.1.2 Information regarding the correct use and display of disabled drivers' (Blue) badges is included within the above publicity.

5.1.3 That an information leaflet is produced on the Borough's parking provisions ('a pocket parking guide'). This guide is to be available at all Council information points and from Parking Attendants.

5.2 Policy and Practice

The Committee have reviewed the current Policies and Practices employed by Southend in line with information given by similar councils, The National Parking Adjudication Service, The British Parking Association, and observations from local stakeholders, and conclude that the following changes be implemented:

5.2.1 The following observation periods be reduced for a trial period of six months:

- ◆ **the observation time for loading/unloading for cars is reduced from 5 minutes to 3 minutes**
- ◆ **the observation time for loading/unloading for commercial vehicles is reduced from 30 minutes to 20 minutes.**

The Director of Technical & Environmental Services should closely monitor the effects of this change in order that an effective review can be undertaken.

5.2.2 The Director of Technical & Environmental Services considers the financial implications of removing vehicles in contravention of Road Traffic Orders and its introduction in Southend (for reasons detailed earlier within the report, Members preferred the removal of vehicles as opposed to clamping of the vehicles) but that this be for persistent evaders only.

5.2.3 The current practice of allowing disabled drivers two contraventions before enforcing collection is reduced to one.

5.2.4 In order to ensure the maximum availability of short-term parking spaces along the London Road route into Southend, the Director of Technical & Environmental Services should continue to regularly undertake targeted enforcement of this area.

5.2.5 The provision of digital cameras to all Parking Attendants is pursued by the Director of Technical & Environmental Services. This provision should be self-financing.

- 5.2.6 **A joint Members and Officers working group is established to look into the potential extension of Parking Attendants' hours of enforcement. The group should specifically ensure residents' parking is sensitively considered. The Director of Technical & Environmental Services should amend enforcement hours over time, in the light of the views of the working group and in consultation with the relevant portfolio holder.**
- 5.2.7 **All signs, lines and Traffic Regulation Orders are properly maintained and reviewed as part of the DPE process and, in time, a self-financing team be established to undertake these tasks.**
- 5.2.8 **Consideration is given to an integrated "real time" link between the Council's cash receipting system and the PCN processing system, in order that the receipt of payments does not potentially delay PCN processing.**

5.3 **Performance Management**

Whilst it was established that PCN collection rates are average and improving, the Committee advocate the following measures to monitor PCN collection and drive continuous improvement:

- 5.3.1 **That quarterly performance reports be reported to the Traffic & Parking Working Party.**
- 5.3.2 **The Director of Technical & Environmental Services continues to undertake consultations in the parking industry to determine the most efficient and effective method of PCN processing and collection and parking enforcement practice, so that any identified improvements can be built into the current process and included within the next parking enforcement contract tender² .**

² the current contract terminates in August 2006 (plus a possible extension of 1 year).

6. APPENDICES:

APPENDIX 1 – GLOSSARY OF TERMS USED

APPENDIX 2 - ATTENDANCE AT SCRUTINY COMMITTEE MEETINGS

APPENDIX 3 - BACKGROUND INFORMATION TO DPE

APPENDIX 4 – FURTHER INFORMATION ON DPE

APPENDIX 5 - NOTES FROM WITNESS SESSION HELD 8TH JANUARY 2004

APPENDIX 6 - NOTES FROM WITNESS SESSION HELD 14TH JANUARY 2004

APPENDIX 7 - NOTES FROM WITNESS SESSION HELD 21ST JANUARY 2004

APPENDIX 8 - NOTES FROM WITNESS SESSION HELD 13TH FEBRUARY 2004

7. CONTACT DETAILS

For further information relating to this report, or general enquiries about Scrutiny, please contact:

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GLOSSARY OF TERMS USED

Decrim	Decriminalised Parking Enforcement
DPE	Decriminalised Parking Enforcement
DTES	Department of Technical and Environmental Services
DVLA	Driver Vehicle Licensing Agency (Swansea – provides Registered Keeper from VRM)
ECC	Essex County Council
ECN	Excess Charge Notice – (issued by former Council Parking Meter Attendants)
FPN	Fixed Penalty Notice - (issued by former Police Traffic Wardens)
HHCT	Hand Held Computer Terminals
LTP	Local Transport Plan
NtO	Notice to Owner
NPAS	National Parking Adjudication Service – (Appeals by motorist against Council decision)
P&D	Pay and Display
PA	Parking Attendant
PcFEA	Parking Committee for East Anglia
PCfL	Parking Committee for London
PCN	Penalty Charge Notice - (issued under RTA'91 by Council Parking Attendants)
PMA	Parking Meter Attendant – (prior to 1 st September 2001)
PPA	Permitted Parking Area
RTA'91	Road Traffic Act (1991)
SPA	Special Parking Area
SoSBC	Southend-on-Sea Borough Council
TEC	Traffic Enforcement Centre – (County Court – Northampton)
TRL	Transport Research Laboratory
TRO	Traffic Regulation Order- (e.g. Prohibiting Waiting, Loading, Restricted Waiting)
VRM	Vehicle Registration Mark – (Number)

APPENDIX 2

Attendance at Scrutiny Committee & Witness Sessions

Attendance at the Environmental Scrutiny Committee meetings and Witness Sessions was as follows:-

Councillor	Role	30.10.03. ³ at 18.30	04.12.03. at 17.00	08.01.04 at 13.30.	08.01.04. at 15.00	14.01.04. at 14.30	21.01.04. at 14.30	13.02.04. at 13.30
Cllr. R Price	Chair	✓	✓	✓	✓	✓	✓	✓
Cllr. J Garston	Vice-Chair	✓	✓	✓	✓	✓	✓	✓
Cllr. Ayles		✓				Apologies	Apologies	
Cllr. Brown		✓	✓	Apologies	✓	✓	✓	Apologies
Cllr. Clinkscales		✓	✓	✓	✓	✓	✓	
Cllr. Miss Cushion	Substitute	✓	N/A	N/A	N/A	N/A	N/A	N/A
Cllr. Davy		✓	✓	Apologies	✓	✓	✓	Apologies
Cllr. Mrs Evans		✓	✓	✓	✓	✓	✓	Apologies
Cllr. Mrs Merrison		✓	✓	✓	✓	✓	✓	✓
Cllr. Mrs Robertson		✓	✓	✓	✓	✓	✓	✓
Cllr. R. Weaver		✓	✓	✓	✓	Apologies	✓	Apologies
Cllr. Wexham		✓	Apologies	Apologies	Apologies	Apologies	Apologies	Apologies
Cllr. Mrs Holland	Executive	✓						
Cllr. Mrs Horrigan	Executive	✓		✓	✓			
Cllr. Kelly	Executive	✓	✓	✓	✓	✓	✓	Apologies
Cllr. Waite	Executive	✓						
Cllr. Garne		✓						
Cllr. Terry		✓						
Cllr. Crystall	Substitute	N/A	✓	N/A	N/A	N/A	N/A	N/A
Cllr. Jarvis		Apologies	✓	✓	✓	✓	✓	✓
Cllr. Mrs McMahon			✓					
Cllr. Royston		Apologies	✓	✓	✓	Apologies	Apologies	Apologies
Cllr. Baker	Substitute	N/A	N/A	✓	✓	N/A	N/A	✓

³ This meeting was an 'ordinary' meeting of the scrutiny Committee, not a special meeting dealing solely with this issue

DECRIMINALISATION OF PARKING ENFORCEMENT

Information considered at meeting on 4th December 2003

Background

- 2.1 The Road Traffic Act (RTA) 1991 provided for the decriminalisation of non-endorsable on-street parking offences in London. These were amended to permit similar arrangements to be introduced by all Unitary Councils.

Southend-on-Sea was granted an order for "decriminalised" status on 1st September 2001. At that time there were 38 other 'orders' in operation outside of London. Currently 86 authorities are 'decriminalised' and the Department of Transport is aware of a further 63 authorities in preparation.

The Act allows local traffic authorities to apply to the Secretary of State for an order decriminalising certain parking offences. As such:

- Enforcement ceases to be the responsibility of the police and becomes the responsibility of the local traffic authority.
- Parking Attendants issue Penalty Charge Notices (PCNs) on vehicles contravening parking regulations and can, in appropriate cases, authorise the towing away or wheelclamping of the vehicles.
- The penalty charges become civil debts collected by the local authority and enforceable through a streamlined version of the normal civil debt recovery process.
- Motorists wishing to contest liability for a penalty charge notice may make representations to the local authority and, if these are rejected, they may have grounds to appeal to independent adjudicators whose decision is final (i.e. there is no right of further appeal through the courts).
- Any surplus is retained by the authority for use for Highways management purposes (as set out within the RTA 1991).
- Local authorities can implement their parking policies more efficiently and effectively, resulting in an improved traffic flow, better traffic management, fewer accidents, and a fairer distribution of available parking places.

The Police, however, retain responsibility for:

- Enforcing other parking offences, principally endorsable offences such as dangerous parking, obstruction, failure to comply with Police "no parking" signs placed in emergencies, and parking offences at pedestrian crossings.
- Enforcing the full range of moving traffic offences.
- Taking action against any vehicle where security or other traffic policing issues are involved, including the need to close roads or set up diversions.

2.2 **Situation Prior to Decriminalisation**

Prior to the introduction of Decriminalisation ("Decrim."), the Council was responsible for enforcing:

- failure to display a valid parking ticket or permit when parked within an appropriate parking bay.
- exceeding the time paid for on a valid parking ticket
- incorrect use of a marked bays

The Police were responsible for:

- enforcing all on-street yellow lines
- limited waiting areas
- loading/unloading bans

As such there was a significant overlap of patrolled areas by the Police Traffic Wardens and the Council's Parking Meter Attendants. In addition, the Traffic Wardens were often diverted to other duties by the Police.

2.3 **Lead in to Decriminalisation**

Following the success of decriminalisation in London and other approved areas, the Director of Technical & Environmental Services commissioned the RTA Associates to undertake a feasibility study with regard to its introduction in Southend.

In June 2000 Cabinet approval was obtained to proceed with proposals for Parking Decriminalisation within Southend. After the Secretary of State's approval, the Council was awarded a Special Parking Area Order that commenced from September 2001 giving the Council control over the enforcement and collection of all non-endorsable on-street parking offences to be operated in conjunction with its existing off-street collection under the following statutory procedures.

2.4 **The Decriminalised Parking Enforcement (DPE) Process**

The Road Traffic Act 1991 details the statutory processes by which decriminalised parking enforcement is operated. These processes are summarised as follows:

Value of PCN

- The RTA 1991 requires the Secretary of State to give guidance to authorities on the value of Parking Charge Notices. The charging authority is then required to adopt the level which they believe will achieve the highest degree of compliance with parking controls.
- Southend has adopted a charge of £60.00

Issuing of PCNs

- The use of Parking Attendants (PAs) to patrol various "beats" in order to enforce road traffic orders.
- The issue of Parking Charge notices to vehicles in contravention of Road traffic orders and in accordance with the council's policy.
- The correct issue of Parking charge notices by affixing them to the contravening vehicle's windscreen.

Processing and Collection

- The reduction of the charge by 50% if paid within 14 days.
- The provision to obtain owner information from the DVLA if not paid within 14 days.
- The issue of an official notice to the registered owner if not paid within 14 days.
- The issue of a charge certificate if the PCN is not paid within 28 days from the date of the notice to owner.
- To apply for the debt to be registered if the debt is not paid within 14 days from the Charge certificate.
- TO apply for a warrant and instruct bailiffs is the debt is not paid within 21 days of a notice of registration.

Appeals & Representations

- The cancellation of PCNs following successful representations.
- The debt to be cancelled upon successful appeal via the national Parking Adjudication Service.

2.5. **Staffing**

The Director of Technical & Environmental Services, in order to fulfil the additional functions of decriminalisation and following competitive tenders, commissioned Central Parking System (CPS) under a 5-year contract to enforce parking restrictions and provide computing support for the collection process. The Council's internal Parking section took control for enforcement, responsibility for contract compliance, performance monitoring, answering written and verbal enquiries, representing the Council at Adjudications, pursuing recovery at Bailiff stages, and any additional issues arising from the process in accordance with the recommendations made by an RTA feasibility study & Government Guidance. Despite the RTA feasibility study recommending a set-up timetable of at least 18 months, the decriminalisation of parking enforcement within Southend commenced within a period of 13 months.

2.6. **The Effects of Decrim**

From the information obtained during the review it is evident that the introduction of Decriminalised parking within Southend has been a success. However:

- During the first year of operation, a reaction from many of those motorists caught in contravention was that "the Regulations have changed since the Traffic Wardens have stopped doing it". Whilst the "Regulations" had not changed, the patrolling activity had increased many-fold and remains more positive. (We were aware that part of the rationale behind RTA'91 was that the Police resources were previously over-burdened.)
- There were many instances of communication that reported the increased "zeal" and frequency of visits. For instance, many disabled drivers were found to be parking illegally on double yellow lines where a loading/unloading ban existed. The claim was that "the Traffic Wardens left us alone".
- There are many factors that affect parking in all its aspects. These include availability of legitimate parking places, volume of traffic, proximity of retailers, re-location of commercial activity, the weather, etc. Consequently, it may be difficult to isolate and establish quantitatively the effect of one particular factor, e.g. Decrim. This is the case here, and apart from anecdotal evidence it may be difficult to establish improvement.
- In 1997/8, the number of FPNs issued by the Police Traffic Wardens in the Borough was 14,000. In 2002, PAs issued approximately 31,000 PCNs in comparable areas and circumstances.
- Traders and others in areas such as Leigh Broadway, Hamlet Court Road and London Road have commented that the enforcement of the 1 in 4 hour (or 2 in 4 hour) parking bays has improved car turnover and the likelihood of shoppers and visitors obtaining a space.
- The number of PCNs issued rose to a particular level and has now reduced indicating improved compliance. At the same time off-street car-park usage has increased.
- The Council is developing the possibility of introducing or expanding Controlled Parking Zones on a self-financing basis to assist in managing on-street parking spaces in areas of high demand to give some priority to residents, visitors, etc to the detriment of the long-stay commuter and as part of

- the Local Transport Plan strategies.
- The impact on general traffic movement and safety by reducing the incidence of inappropriate parking, which was a key reason for introducing decrim parking, is difficult to measure, and will only really become evident over time.

2.7. **Financial Aspects**

Whilst the review has determined that the costs of Decriminalisation are self-financing, there is very little excess to drive future enhancements. Indeed the process is subject to less income the more effective it becomes at enforcing road traffic orders (i.e. fewer contraventions results in less income).

The review has also concluded that whilst PCN collection is average, there is scope for improvement and therefore additional revenue.

Payment to NPAS and PEC

Income from PCNs in 2003/04 is budgeted as follows:

	£k
Off-street pay-and-display car parks	450
On-street pay-and-display spaces	144
On-street yellow lines and restricted parking areas	<u>729</u>
Total	<u>1,323</u>

Information considered at meeting on 8th January 2004

Traffic Management and Road Safety

One important factor for undertaking DPE is to improve compliance with parking regulations and therefore improve traffic circulation and safety, which in turn is linked to the policies in the Local Transport Plan. There does not appear to be a way of linking the success or otherwise of DPE with improved traffic flow and safety as there are many other contributory factors.

However, by improving compliance it can be assumed that there will be a proportionate improvement in traffic flow and safety – the prime reasons for introducing yellow-line measures.

Since taking up Decrim. powers in September 2001, there is evidence of improved compliance. The number of PCNs issued for on-street yellow-line contraventions reached a peak and then decreased – in spite of enforcement patterns being reviewed and changed to target different areas/approaches to use enforcement resources to best effect.

There has been an increase in the use of off-street car parks (and an increasing issue of PCNs on off-street car parks – which, to, may peak and then fall to a certain level).

Parking Attendants are relating that compliance has improved on-street – but drivers are tending to be aware of the ‘observation period’ and are therefore using this to park (i.e. for a short period - but not for loading/unloading).

Parking Policy development

In the lead-in period to the start of DPE, the yellow lines and marked parking bays across the Borough were checked to ensure that the lines and signing were in accordance with regulations – and the lines/signs were replaced/remarked where necessary. This was to ensure that there was an enforceable layout on the introduction of DPE. At the same time, a geographical database of signs/lines was developed.

In this lead-in period, no new lines or signs were introduced (unless part of an LTP traffic/safety scheme) and no lines were reviewed for appropriateness (many lines had been in place for many years).

A ‘consolidation order’ was made just prior to 1 September 2001 which put all the on-street parking regulations, which had been made at various times, into one order. There was no possibility of objections to the ‘consolidated order’ (except on procedural grounds) as there were no changes to the regulations.

The proposals for developing a parking policy and the priorities for reviewing the measures in the ‘consolidated order’ were agreed at the Cabinet meeting on 24 July 2001.

In accordance with that agreed policy, and subsequent reports to Cabinet, 3 large areas have been the subject of consultation for possible Controlled Parking Zones (CPZs) across the Borough. Two areas are being progressed for a possible CPZ, with a further detailed consultation taking place in January 2004. The remaining parts of these 3 large areas have been the subject of a review of yellow lines, to increase parking space where appropriate, and traffic regulation orders (TROs) for these are being advertised in the near future.

In addition, a desktop review of yellow lines across the remaining areas of the Borough has been undertaken. There will be an increasing demand to manage on-street parking, with increasing car ownership and use, and the development of CPZs under DPE powers provides the Council with important tools.

Clamping

The Borough has clamping powers, but has so far not elected to use these. In respect of clamping, the following aspects need consideration:

- Southend-on-Sea Borough Council has the powers – need to set and advertise charges and need to set up operation;
- may clamp on-street and in car parks;
- Parking Attendants will issue PCN and authorise certain vehicles for clamping or removal, depending upon the policy and criteria set by the Council;
- Only vehicles in contravention may be clamped;
- Cannot clamp simply because the driver is a persistent contravener or evader;
- Minimum over-stay to be 15 minutes;
- No clamping of disabled vehicles;
- The clamped vehicle provides a visible deterrent;
- The clamped vehicle remains an obstruction and contravention;
- Vehicles clamped but un-claimed undermine the effectiveness;
- Vehicle removals operation cannot deal with as many vehicles as a clamping operation;
- The vehicle owner need only pay the charge for de-clamping and the related PCN to secure release;
- The person re-claiming the vehicle may give details which would help recovery of earlier debts;
- Council will decide on Policy and Practice for removals e.g. "priority de-clamping"; point at which a clamp is 'on or off' etc.;
- Manchester have stopped clamping because the clamped vehicle remains in contravention and a danger (Manchester decided that clamping had no role to play in keeping roads clear and discouraging illegal parking, have "relaxed" their stringency of enforcement and in favour of their broader transportation objectives – "Parking Review" Dec. 2003 (have raised PCN from £40 to £60 as old level did not provide sufficient deterrent);
- Secretary of State has prescribed maximum release fee at £40 initially;
- Council not to make a surplus;
- No punitive element to be in the charge;
- TRL London study showed clamping to be an effective measure in the enforcement of Penalty Charge Notices;
- Clamping is most effective in collaboration with a removals operation;
- Police liaison essential for un-clamping of vehicle;
- Small-scale system may have to be administered manually;
- Parking Attendants must be specially trained;
- The "Authorising Officer" must be independent of the Clamping Contractor;
- Some Authorities remove, but very few clamp.

Removals

Similarly, the Council has removal powers under DPE. Aspects considered were as follows:

- Southend-on-Sea Borough Council has the powers – need to set and advertise charges and need to set up operation;
- Parking Attendants will issue PCN and authorise certain vehicles for clamping or removal, depending upon the policy and criteria set by the Council;
- Only vehicles in contravention may be removed;
- Circular 1/95 recommends policy and priority guidelines (8.27 p.49 and Annex 8.2 p.52);
- Council will decide on Policy and Practice for removals, e.g. point at which removal is in effect; priority of removals; unclaimed vehicles; etc.;
- Home Secretary prescribes at £105 vehicle removal;
- £12 for each 24 hours or part vehicle storage;
- £50 disposal of unclaimed vehicle;
- Council not to make a surplus;

- No punitive element to be in the charge;
- Police liaison essential;
- Small-scale system may have to be administered manually;
- Manchester have stopped removals except where vehicle has a PCN and is causing an obstruction (Manchester have "relaxed" their stringency of enforcement in favour of their broader Transportation objectives – "Parking Review" Dec. 2003);
- Removals may be "tacked on" to the current DVLA "Removal of un-taxed vehicles" initiative. Contractor uses "Full lift" truck. Entry not required to vehicle being removed;
- Parking Attendants must be specially trained;
- The "Authorising Officer" must be independent of the Clamping Contractor;
- After removal, the safety and condition of the vehicle is the responsibility of the Council.

Matters of Policy and Practice

These matters are included in the Parking Management Section "P & P" Manual which was sent to Members. The most critical aspects were considered:

Patrolling:

- 01 - Observation periods are set at 5 minutes to ascertain if loading/unloading is taking place, i.e. the PA must not issue a PCN until at least 5 minutes have elapsed since the PA first logged the vehicle as being in contravention. It is apparent that many motorists are aware of the "5-minute" Rule and are taking advantage of this to "pop" into a shop or "cash-point" whilst parking, often on yellow lines near a junction. Whilst 5 minutes is the norm, some Authorities have less.
- 01 - Loading/unloading observation periods are currently set at 30 minutes for commercial vehicles.
- Members considered the possibility/practicality in changing these observation periods.

Processing:

- The "P & P" document and the "PCN Manual" provide Parking Attendants and PCN Administration staff with a comprehensive set of criteria, guide-lines, operating practices, etc.

Digital Cameras

A number of authorities are now using digital cameras as extra enforcement aides for PAs.

Some factors to consider are:

- The use of cameras in connection with PCN issues involves the PA taking appropriate photos after the issue of the PCN to clearly indicate the details of the contravention for evidential purposes. This usually requires up to 4 photos.
- The system receives the photos and assigns them to the appropriate PCN case.
- NPAS encourages Local Authorities to provide this photographic evidence to accompany Council's evidence package for motorist appeals.
- Local Authorities (e.g. Edinburgh) estimate an increase of 3% in PCN Payment Collection Rate.
- A 3% increase in Southend would yield around £36,000 p.a.
- The cost of introducing the system is estimated at £60,000 in the first year and £24,100 in each subsequent year – i.e. break-even in 3 years.
- Time taken to issue each PCN is increased.
- Chances of collection are improved.
- Would require a change of policy; i.e. not accepting the subsequent provision of a valid "fee-paid" ticket when the original was "not displayed".

Enquiries of other Authorities' data for comparison.

The Director of Technical and Environmental Services wrote on 16th December 2003, on behalf of the Project Team, to 11 different Local Authorities for information on their operation of DPE. The Authorities include the other 6 Coastal Unitaries, some comparators identified by the project team, and Authorities requested by a Member at the meeting on 4th December. Responses were reported at a later stage in the project.

In addition, an e-mail was sent to all members of the National Decriminalised Parking Association on 12th December 2003. The e-mail explained the lack of consistent indicators and explained one method currently used by Southend Officers.

Effectiveness of Patrolling

In order to ensure that the most effective use is made of the Parking Attendants, the patrol beats and methods are continuously being reviewed with the Contractor (CPS). Effective patrolling is in the interests of both parties. Members received information on patrolling - valid streets for November 2003 and included all the streets in the Borough upon which there are parking regulations.

Members noted that some of the streets appeared to have zero visits, e.g. Alley Dock. However, Alley Dock is a short street off High Street, Leigh, which was visited 23 times. The Parking Attendant logged the visits to the High Street and would have glanced into Alley Dock whilst passing. If no vehicles were in contravention, the PA would have carried on and not logged the "visit" to Alley Dock. Similar practices are adopted whilst patrolling main roads, such as London Road, for the side roads containing extended junction protection.

It was felt that the following needed further investigation:

- further information on patrols in London Road;
- payment rates/income;
- possible publicity on bailiff collection.

**WITNESS SESSION NO.1
8th January 2004**

ATTENDEES

- (a) Mrs Joyce Lambert – Southend Business & Tourism Partnership
- (b) Mr Eddie Cornish - West Leigh Residents;
Mr Alan Abbott – COBRA;
Mr Dilip Jesudasen - Milton Community Partnership.
- (c) Apologies for absence were received from Mr A Reece-Sheerin – Disabled Access Working Party

1. INTRODUCTION

- 1.1 Members of the In-Depth Scrutiny Committee had previously been circulated with background papers relating to the decriminalisation of parking enforcement, which came into effect on 1st September 2001.
- 1.2 The purpose of the Scrutiny is to examine the effects of decriminalisation of parking enforcement for residents, businesses, visitors and general road users, and to this end representatives from different sectors of the public were invited to attend a series of witness sessions, and Members of the Committee were circulated with the questions that had been posed.

2. RESPONSES TO QUESTIONS

2.1 QUESTIONS TO SOUTHEND BUSINESS & TOURISM PARTNERSHIP

Mrs Joyce Lambert responded as follows to the questions previously submitted on behalf of the Committee:-

Question 1

What are the main parking enforcement issues for the Business & Tourism Partnership? Has there been any improvement (or deterioration) since decriminalisation of parking enforcement?

Answer

Mrs Lambert reported that there had been a marked improvement in the relationship between local traders and Parking Attendants (PAs), who were felt to have improved their attitude and become more approachable.

She confirmed the level of PA patrols was felt to be adequate.

Question 2

Are there areas for improvement? What are the worst/best areas – what are the issues? What priorities/improvements given the competing needs of using kerbside parking space?

Answer

Mrs Lambert drew particular attention to the Hamlet Court Road, where the recent improvements are generally recognised to have been very successful. The new echelon parking at the south end of Hamlet Court Road has been particularly successful. She was not aware of any problems within the narrower roads off the London Road and Hamlet Court Road, where there are more restaurants than shops, but felt that the restaurant trade didn't really start until late evening anyway, and so was not really affected.

Mrs Lambert identified one of the worst areas as the junction between Valkyrie Road and Canewdon Road, where a surgery has recently been enlarged. There is insufficient parking on the surgery site, and cars are frequently parked on the yellow lines in the immediate vicinity.

Mrs Lambert felt there had been a marked improvement in the removal of abandoned cars.

Mrs Lambert raised the possibility of echelon parking along Westcliff Parade. However, Mr Dare confirmed that part of this area is being considered for a controlled parking zone. Echelon parking had also been considered along the seafront, but it would have meant a reduction in the number of carparking spaces, and, when consulted, traders had been reluctant to lose any spaces.

Additional points:-

- Mrs Lambert showed the Committee a copy of a parking leaflet that she had received from the Chelmsford Chamber of Commerce, giving a map and details of parking within the town. She suggested that Southend could usefully produce a similar leaflet.
- Mrs Lambert suggested that it would be useful to have road signs for lorries using the Hamlet Court Road, to direct them to the Cliffs Pavilion.
- Members spoke out in favour of echelon parking, but Mr Dare cautioned that, depending on individual circumstances, it was not always the best solution, and frequently led to there being fewer parking spaces available.

2.2 **QUESTIONS TO RESIDENTS' GROUPS – COBRA, MILTON COMMUNITY PARTNERSHIP, WEST LEIGH RESIDENTS' ASSOCIATION**

Mr Eddie Cornish (West Leigh Residents' Association), Mr Alan Abbott (COBRA) and Mr Dilip Jesudasan (Milton Community Partnership) responded as follows to the questions previously submitted on behalf of the Committee:-

Question 1

What are the main parking enforcement issues which you have identified? Have you seen any improvement since decrim (i.e. has anyone noticed the difference)?

Answer

Mr Cornish reported that there seemed to be inadequate enforcement of regulations, and that there was a perception that the limited parking along the London Road was too often clogged up by shop workers. He also gave examples of motor traders who were perceived as flouting the regulations. He emphasised that it was important for the public to see that the regulations were being enforced.

He drew attention to the problem of parking on both sides of yellow lines. Mr Dare confirmed that the regulations applied equally to both sides. He also raised the issue of evening enforcement; Mr Dare was able to tell him that although there is generally little evening enforcement at present, this is being reviewed. Mr Cornish made the point that detection rates were low due to the lack of parking attendants. A person could park in contravention and not be detected for a period and if they then get a PCN they might then look upon the £30 as being a 'cheap form of parking'.

Mr Abbott told Members that residents from his Association were pleased with the new system, but again identified a desire for evening enforcement to enable residents returning home after work to park near their own homes. He felt there was a need for more PAs patrolling over longer hours. He raised the issue of motor traders; his Association felt very strongly that they should trade within the limits of their own premises, and should not park their vehicles on the surrounding road and pavement space. Mr Dare confirmed that pavement parking as such is not illegal – the police can only intervene in cases of obstruction. The Essex Act applies only to grass verge parking, and is also very difficult to enforce.

Mr Jesudasan reported that the new scheme had been implemented sensitively, and that, generally, the parking situation had improved. He did, however, voice the Association's concern that residents were still unable to park near to their homes. His Association was also opposed to the idea of evening enforcement. He was very anxious to have a residents' parking scheme, and was pleased to learn that plans for a scheme in Milton Ward are under consideration.

All three witnesses agreed that there was a need for more stringent enforcement.

Question 2

Do you believe that residents are aware of the change – did they notice the publicity?

Answer

All three witnesses agreed that the change had been well publicised. In addition, Mr Jesudasen reported that his Association had publicised it in their newsletter. There was general agreement that residents had been disappointed that the scheme had not lived up to their expectations as it was viewed as not being enforced rigorously enough.

Question 3

What priorities/improvements do you identify, given the competing needs of using kerbside parking space?

Answer

Mr Cornish identified the shops along the London Road, where there was a need for parking to be freed up for shoppers.

Mr Abbott identified the A13 as a problem area, as traffic is often brought to a standstill when large vehicles unload. Mr Dare explained the difficulties of providing loading bays as they use valuable parking space but inevitably are often empty. It is also difficult to site them where they will be most useful.

Mr Jesudasen drew attention to the fact that the College will be opening in August, and that it is imperative to have residents' parking protected by a scheme before then.

There was agreement that the Farringdon car park should be renovated so that its use could increase; it is anticipated that the College will be encouraged to use it.

Additional points:-

- There was much discussion around the issue of motor traders seemingly abusing the parking regulations in several areas around the town. However, the problem could resolve itself in the foreseeable future as the smaller traders are "feeling pressure" from larger outlets.
- Mr Dare reported that the scheme should be self-financing, so that any money raised can go straight back into the scheme. He confirmed that there is no excess money from the scheme.
- Mr Dare issued caution on implementing evening enforcement, as residents would also be penalised.

2.3 QUESTIONS TO DISABLED ACCESS WORKING PARTY

Mr Reece-Sheerin was unable to attend the meeting, but responded in writing to the questions previously submitted on behalf of the Committee:-

Question 1

Has there been any improvement or reduction in inconsiderate parking since decrim.?

Answer

Mr Reece-Sheerin reported that his feedback suggested there had been an improvement, but acknowledged that there would always be a number of recurrent offenders who would abuse any system.

He drew attention to the issue of permitted pathway parking in certain narrow streets to alleviate congestion, as he felt this presented a hazard to a disabled person, in particular a blind/partially-sighted person, or indeed a wheelchair-user.

Question 2

What parking issues can decrim assist in addressing for disabled persons?.

Answer

Mr Reece-Sheerin expressed the hope that people would act reasonably since they were being treated reasonably by the law. However, his findings demonstrated that the deterrent is not sufficient to stop certain persistent offenders, but he conceded that higher fines would be considered too punitive by those in the lower-income bracket.

He raised the issue of ensuring that signs are strategically placed, and that their message is clear.

Question 3

What are the main parking issues for disabled persons (e.g. footway parking)?

Answer

Mr Reece-Sheerin's findings demonstrated the growing concern about parking abuse that takes place countrywide as well as locally. He emphasised, from his own personal experience, the difficulties experienced by wheelchair-users when going shopping, in finding parking space close enough.

He told the Committee that he receives a growing number of complaints about so-called accessible parking bays that in fact do not meet current recommendations, and while he applauded the intention to provide parking for disabled people, he emphasised the need to make sure they met current recommendations. He also drew attention to the number of parking bays that have pathways next to them or kerbings, resulting in the disabled person having to negotiate the roadway in order to access the bay, but he was confident that recent revised regulations would ensure that all new bays have hatchings either side, and that they are long enough to make rear access possible.

He felt it was important to mark clearly whether a parking area is seasonal, and that signs should meet the needs of those they serve. He also felt that PAs should be available to assist disabled persons if need be, and that they should be able to advise on alternative parking places for visitors and inhabitants alike.

Mr Reece-Sheerin felt that when there was an event on the seafront the needs of disabled people in terms of access should be taken into account. He suggested signposting visitors to a drop-off point for blue badge holders only. He also felt that stands should not be permitted unless they are fully compliant with the DDA.

Additional points:-

- In relation to Mr Reece-Sheerin's last point, Members defended the Council's provision of disabled access on the seafront. It was felt that the provision needed to be more visible.

- Mr Reece-Sheering voiced concerns about the Blue Badge system. He felt that an overhaul of the system was long overdue as it was open to abuse.

**WITNESS SESSION NO.2
14th January 2004**

ATTENDEES

- (a) Mr Shuttleworth (Arriva)
Mr Spicer (First Thamesway)
- (b) Chief Superintendent M Thwaites (Southend Police)
- (c) Mr Clarke and Mr Fenwick (Fire & Rescue Service)

1. RESPONSES TO QUESTIONS

1.1 QUESTIONS TO LOCAL BUS COMPANIES

Mr Shuttleworth and Mr Spicer responded as follows to the questions previously submitted to the local bus companies on behalf of the Committee:-

Questions

- To what extent is parking an issue for the operation of buses?
- Has there been any change/improvement since decrim?
- To what extent can the Council assist further with respect to parking enforcement?
- Are there any specific areas/matters which need attention?

Answers

Both Mr Shuttleworth and Mr Spicer agreed that the main issue for the operation of the buses was the problem of illegally-parked cars and lorries unloading, particularly along the London Road. Both of these factors affected the free-flow of traffic and hence the reliability of the buses. They both reported that parking regulations in designated bus stops and loading bays do not appear to be enforced rigorously enough. They also reported problems around school times. They felt that in fact most members of the public observed the regulations, and that the problems were caused by a hardcore of persistent offenders.

Mr Dare invited Mr Shuttleworth and Mr Spicer to identify particular areas and times where there were recurrent problems, and these could then be targeted by the Parking Attendants. It was felt that although this would deal with the illegal parking in the short term, it would not stop it happening again, and that in the longer term it was more important to educate the public.

Mr Shuttleworth reported that the profile of PAs seemed to have been raised, but although there seemed to be more PAs on the streets there did not seem to be a corresponding improvement in the free-flow of traffic.

Mr Spicer felt that there had been an improvement in double-parking, but that in the area of the London Road between The Cricketers and Hamlet Court Road the problems were caused more by parking in the bus stops and along the side of the road where there is no parking.

Mr Shuttleworth and Mr Spicer both voiced the perception that PAs are seen more frequently in the car parks than on the streets. Mr. Dare explained that this is the case as there are more vehicles in car parks than on-street. They both emphasised the importance of enforcing the regulations so that the public learns there is a guarantee of being caught on a regular basis if they park illegally. They queried what happens to the resources raised by the PCNs, and Mr Dare confirmed that the scheme is self-financing and that any excess must, by law, go back into Transport and Highways expenditure.

Mr Shuttleworth asked for clarification on how far a car has to encroach on a bus bay before it is illegal, and Mr Wright explained that if just one wheel was in the bay, that was enough to constitute a contravention.

Mr Shuttleworth told the Committee that the contractors have free travel on the buses to encourage them to travel on them and to monitor the parking problems for themselves. Both representatives confirmed that they welcomed the continuing input of the contractor, and were anxious to maintain close contact. They felt it would be useful to have a meeting with the contractor to discuss the various problems. They also told the Committee that sometimes it took a little time for information to filter its way back from the bus drivers, and agreed that it was important that information should be passed on as quickly as possible.

Both representatives agreed that there were rarely illegally-parked vehicles in bus lanes – they felt the public recognised the need to keep them clear.

Additional points:-

- Members urged a zero-tolerance policy in respect of illegal parking in bus bays. Mr Dare confirmed that even stopping in a bus bay is illegal, and it was felt that it could be advantageous to carry out some publicity spelling out the penalties.
- Members felt that bus bays were not always clearly marked, and Mr Dare conceded that some needed to be reviewed.
- Members asked why buses were sometimes seen to wait at bus stops, even when there were no passengers to pick up, and they were told that sometimes a bus arrived at a stop before its departure time, and so waited until that time before moving off.
- Mr Shuttleworth and Mr Spicer provided officers with a list of roads in the Borough where parking was an issue (attached as Appendix) and has now been forwarded to CPS.

1.2 **QUESTIONS TO SOUTHEND POLICE**

Chief Superintendent Thwaites responded as follows to the questions previously submitted to Southend Police on behalf of the Committee:-

Question 1

What benefits or disbenefits has decrim brought for the police operations? Is joint working satisfactory – where can improvements be made? Are there any issues with police supporting the Parking Attendants?

Answer

Chief Superintendent Thwaites felt that decrim still had a long way to go. However, he welcomed the fact that it was now the responsibility of the Authority as it freed up police personnel who had previously been used. He was keen to see evening enforcement as he felt it was vital that taxi ranks should be kept for the purpose for which they were intended and that roads should be kept clear so that people could get out of town quickly at the end of the evening. He emphasised that there is a move towards a 24-hour economy, and so a policy of 9-5 enforcement is no longer relevant. Much dangerous parking takes place in the evenings, and he was keen to promote cooperation with the Authority to deal with this.

He advised that if PAs were to be working late in the evening in an environment where they could be at risk they should have the necessary self-defence training. He recommended that protocols should be developed. Mr Dare confirmed that the contractor has its own radio link system, linked to the CCTV control room which is linked to the Police, and that all PAs already have radios with a panic button. The contractor does carry out its own risk assessment before embarking on this course.

Chief Superintendent Thwaites drew attention to the problem of 'cruisers' around the seafront area, who often park up in Western Esplanade and cause a nuisance to the residents. While the police were more concerned about the bad driving involved, he hoped the Authority could deal with the parking issues, which otherwise used valuable police resources.

Generally, he felt that the Authority were able to give parking matters a higher priority than the police, whose resources were already over-stretched, but he urged the importance of maintaining close liaison.

Question 2

Do the police perceive any improvements in the parking situation since decrim in terms of safety/traffic flow?

Answer

Chief Superintendent Thwaites felt that improvements were hard to measure, but he felt that strategic routes within the town were certainly being kept clear.

Question 3

The Police still retain enforcement powers for moving and other traffic offences – obstruction of driveways etc. is a recurrent issue with residents/businesses – to what extent are the police able to assist in cases of obstruction? Are there any further possibilities for joint working on untaxed/abandoned cars linked to the parking operation? Police’s view on clamping/removal? (The local authority has these powers but has decided not to use them)

Answer

In the case of vehicles obstructing driveways, Chief Superintendent Thwaites admitted that these were not a priority for the police, but moving abandoned vehicles was more of a priority. He stated that there was a correlation between those who commit offences involving a vehicle and those committing other minor crimes, and emphasised the importance of working together to identify such offenders. PAs are able to help by reporting abandoned vehicles and vehicles without tax, and since 10% of abandoned vehicles have a link to other crime he felt it was vital that information should be exchanged. He believed that clamping untaxed vehicles had a noticeable impact on crime. Mr Dare also drew attention to the fact that of the 1300 cars that had recently been removed from the streets, only 30% had been claimed.

Members voiced concerns that the process of bringing offenders to account is time-consuming and costly, but the Chief Superintendent believed that it should be a priority to remove offending vehicles from the road. Although Members wondered if the current penalties were too low, Mr Dare confirmed that the maximum level of penalties is set by the Government.

Additional Points:-

- Mr Wright confirmed the persistence of the Authority’s pursuit of persistent contravenors, and confirmed that, with the help of information from the DVLA, they did not give up on contravenors who attempted to hide their identity.

1.3 **QUESTIONS TO FIRE & RESCUE SERVICE**

Mr Clarke responded as follows to the questions previously submitted to the Fire & Rescue Service on behalf of the Committee:-

Questions

What benefits or disbenefits has decrim brought for the fire & rescue operations? Is joint operation/working satisfactory – where can improvements be made? Do you perceive any improvements in the parking situation since decrim in terms of safety/traffic flow? Are the police able to assist you in cases of obstruction?

Answers

Mr Clarke told the Committee that the biggest problem for the Fire & Rescue Service was badly-parked vehicles. The Service uses large vehicles, and they meet frequent obstructions in some of the narrower roads around the town to the extent that fire-fighters sometimes have to physically move a vehicle out of the way. This obviously causes delays for the Service getting through. He felt there had been some improvement since decrim, however, and recognised that Southend has many narrow streets and a dense population which inevitably makes the situation difficult, but he emphasised the importance of his Service being able to get through the streets without obstruction.

Mr Clarke felt it was very important to educate the public about parking, and to this end he told the Committee that the Service in Leigh had recently developed a strategy of putting a card under the wiper of badly-parked cars, drawing attention to the fact that the way the car was parked would obstruct emergency vehicles getting through, and asking the owner to park with more consideration in the future. He reported that the scheme was proving very successful.

It was agreed that liaison between the Service and the Authority to identify particular problem areas was important, although Mr Wright pointed out that PAs could only issue PCNs where regulations were in place. Mr Clarke identified certain areas around school times where there were particular problems.

Mr Clarke expressed concern about cars for sale that were left on the edge of the highway, as he felt they could represent a potential arson target.

Mr Clarke reported that the Service has very good liaison with the Borough Patrol, who had always been very helpful.

In response to further questions, Mr Clarke confirmed that he is not aware of any problems encountered by the Service from road-calming measures, such as speed humps, though he recommended that consultation was always helpful before implementing any such measures so that the Service could recommend on measurements.

Additional points:-

- Members discussed the use of PAs on mopeds, so that they could move quickly to a problem area. Mr Dare confirmed that there were currently two PAs with mopeds in operation – the intention is for them to patrol the more remote parts of the Borough as well as to respond to particular situations.

LIST OF ROADS SUBMITTED BY BUS COMPANY REPRESENTATIVES WHERE PARKING IS A PARTICULAR ISSUE

Hadleigh Road / London Road junction

Canvey Road

Hamlet Court Road / London Road

Fleetwood Avenue

Leigh Broadway

Middlesex Avenue

Carlton Avenue

Norwich Avenue / Pantile Avenue

**WITNESS SESSION NO.3
21st January 2004**

ATTENDEES

- (a) Central Parking System:
Mr Coltman
Mr Hutchings
Mr Swanwick
- (b) Mr D Pulham (NPAS)
- (d) Mr Strauss (London Road Traders' Association)

1. **RESPONSES TO QUESTIONS**

1.1 **QUESTIONS TO CENTRAL PARKING SYSTEM**

Mr Coltman responded as follows to the questions previously submitted to the Central Parking System on behalf of the Committee:-

Question 1

Could you provide Members of the Committee with some background to the company?

Answer

Mr Coltman gave a short PowerPoint presentation to provide Members with some background to the company. The company is American owned, and is the largest parking company in the world, operating mostly in the US and Canada but currently expanding in the UK and Europe. It employs approximately 20,000 staff around the world, 1,000 of them in the UK where the company currently has 16 on-street contracts. The company holds the Investors in People award, and has an accredited training centre. Mr Coltman presented the company as a strong, financially sound organisation with a turnover of £8million.

Question 2

Could you indicate the size/scale of operation at Southend?

Answer

Mr Coltman explained the management structure in Southend, where 3 teams of 10 Parking Attendants (PAs) are managed by 3 supervisors, who, in turn, report to managers. The team also has its own training supervisor. He told Members that of the 1million PCNs issued by the company per annum, Southend accounted for 60,000.

Question 3

Could you explain how 'beats' are managed?

Answer

Mr Coltman told Members that there are 16 foot beats which are patrolled Mon-Sat. He defined a foot beat as an area that could be covered within an hour. In addition, there are 4 mobile beats, where the PAs use mopeds, and 6 beats within the Town Centre and along the seafront which are patrolled on Sundays. There is also a mobile response unit. The beats are reviewed quarterly, or more frequently if necessary, and Mr Coltman explained that the PAs are rotated around the different beats.

Question 4

Do you think that there are any areas for improvement? Are there particular issues in Southend compared with other contracts?

Answer

- Mr Coltman recommended more extensive use of digital cameras. He explained that when the contract with Southend was initially set up they were comparatively new; nowadays, their use is included in all new contracts, and he maintained that there is generally a 3% increase in recovery rates after a camera has been installed.
- Enforcement hours could be extended. Mr Coltman particularly recommended extending the hours on Thurs/Fri/Sat evenings.
- Mr Coltman recommended reducing some of the suggested observation times. In particular, he felt that the current observation time of 5 minutes for vehicles parked in bus bays was unnecessary. He also felt that the 30 minutes allowed for loading/unloading was over-generous.
- Mr Coltman drew attention to the problem of persistent contravenors, and told Members that there is currently an outstanding debt of £179,000 owing from persistent offenders with 4 or more tickets. The rate of PCNs issued to persistent offenders has now dropped from 9% of all PCNs issued to 7%, but there are still 983 vehicles on the road with 4 or more tickets, and Mr Coltman felt there was a need to get them off the road.
- Mr Coltman emphasised the need for Traffic Regulation Orders (TROs) to be up-to-date.

Question 5

Could you provide information on the turnover of PAs since start of decrim. and also information on the training of PAs?

Answer

Mr Coltman told Members that the staff turnover within the industry was around 43%. Within CPS itself the turnover is 35%, and in Southend it has been running at 19% over the 2+ years since decrim.

Question 6

What PCN collection rates would you expect to achieve in the first 3 years of collection if you were running/given the contract in Southend? What PCN collection rates does your company achieve elsewhere?

Answer

Mr Coltman told Members that the standard recovery rate within the industry is around 65%. Since decrim, the rate in Southend has been 60%, though it is now running at 67%, and it is expected that the rate will improve. Recovery rates vary in different areas, and Mr Coltman estimated that Southend is in the bottom quartile, but he believed that a future recovery rate of 70-75% should be an achievable target.

Question 7

Your views on clamping, not charging for disabled drivers. (The local authority has these powers but has decided not to use them)

Answer

Mr Coltman felt that the removal of offending vehicles was preferable to clamping, as clamping leaves the vehicle on the street. Once removed, it costs the driver £130 to recover the car, and he felt that this was a real deterrent for persistent contravenors.

Question 8

Of the other authorities you have contracts with, what is the average cost of issuing PCNs to the authority (based on the total PCNs issued in financial year divided by cost of the service)?

Answer

Mr Coltman confirmed that the average cost of issuing PCNs in Southend is £14 per PCN. Costs in other authorities vary from £14 to £25, depending on the level of service offered, but he felt that Southend was in the lower quartile.

Additional points:-

- Members expressed concerns about the safety of PAs if enforcement is extended into the evenings. Mr Coltman confirmed that the safety of PAs is paramount, and that he would not be prepared to deploy staff into an area where they might be at risk. PAs patrolling in the evenings generally work in pairs, and they all have radios with panic buttons. The radio room can contact the police immediately, and the mobile response unit can be deployed very quickly if PAs encounter a problem.
- Members again expressed a wish to see zero-tolerance for stopping or parking in bus bays.
- Members were concerned that there were still areas where the TROs were out of date. Mr Dare explained that this was largely due to the remake of the London Road, but that new signs, bringing the TROs up to date, would be installed very soon. Mr Kenyon reported that signs are frequently damaged or defaced, rendering the TROs inoperative, but that they are repaired or replaced very quickly after being reported by the PAs.

1.2 **QUESTIONS TO NATIONAL PARKING ADJUDICATION SERVICE**

Mr Pulham responded as follows to the questions previously submitted to the NPAS on behalf of the Committee:-

Question 1

Could you provide the Committee with an overview of NPAS operation, the role of NPAS when it was established?

Answer

- i) The National Parking Adjudication Service (NPAS) was established in 1999, in parallel with the enactment of 'The Road Traffic (Parking Adjudicators) (England and Wales) Regulations 1999' (SI 1999 No. 1918). These Regulations created parking adjudication arrangements in respect of SPA/PPA councils in England and Wales outside London. Members have been issued with a copy of these Regulations.
- ii) NPAS is a tribunal with two constituent elements. There are 31 independent parking adjudicators, of which 30 are part time. There is a small administrative staff of around 12 that support the work of the adjudicators.
- iii) S73 of the Road Traffic Act 1991 (RTA91) details the appointment and function of parking adjudicators whose appointment is made by the NPAS Joint Committee (NPASJC) and confirmed on an individual basis by the Lord Chancellor. For the purpose of this appearance before the Environmental Scrutiny Committee Members may wish to think of 'NPAS', as the parking adjudicators, discharging their functions on an individual or collective basis. All adjudicators are solicitors or barristers with at least five years experience and are appointed on a renewable, five year term.
- iv) The role of NPAS is outlined in S73 of the RTA91 and in the above 'Adjudicator Regulations', made pursuant to S73 (11) & S73 (12) of the Act. In essence the parking adjudicator receives and decides appeals against individual enforcement decisions of those local authorities in England and Wales outside London that enforce parking on a 'decriminalised' basis under the RTA91. Schedule 6 (PCN only) and S71 (PCN + clamp or tow away) place adjudication in its proper context within the overall enforcement process.
- v) NPAS is not a regulatory body, ombudsman or legal advice service although approaches are made on a daily basis by appellants and councils seeking to engage with the Service on this basis. A significant area in which the parking adjudicators have a statutory duty outside of their principal

function of deciding individual appeals is that they are required by the RTA91 (S73) to make an annual report to the NPASJC and thence to the Secretary of State for Transport on their activities during the year.

Question 2

Could you please provide some examples of adjudication outcomes?

Answer

- i) It is important to recognise that adjudicators' decisions do not set legal precedent and also that individual appeals turn on their facts. Thus appeals that superficially appear to concern similar issues can prompt different findings of fact and therefore different outcomes. It is also important to acknowledge that on average, in England and Wales (outside London) only 0.4% of all PCNs issued by councils proceed to appeal before the parking adjudicator. In 2002/03, 0.85 of PCNs issued by Southend-on-Sea Borough Council led to an appeal before the adjudicator. Key statistics taken from recent NPAS annual reports have been issued to Members.
- ii) Approx. 8,200 appeals were heard by adjudicators in the calendar year 2003. The overwhelming majority were uncomplicated and straightforward and therefore unremarkable (except perhaps to the parties concerned). Many appeals concern issues of ownership or disputes as to whether the alleged contravention actually occurred. It tends to be the unusual and complex appeals that councils, appellants and sometimes the media take note of, although they are not representative of the norm.

Two Southend cases have been offered to Members and these are perhaps of the latter type. The first (B & Others) demonstrates certain aspects of adjudication in action;

- a) the consolidation of similar cases or cases involving the same appellant and vehicle (Regulation 13)
- b) the procedure for application for review of an adjudicator's decision (Regulation 11)
- c) the dimension of 'reasonableness' within parking appeals.

The second, 'SAH' is perhaps more typical and concerns an appeal brought on the basis that 'the alleged contravention did not occur' on the basis that the lines were allegedly non-compliant with the TSRGD.

Question 3

Could you identify areas for improvement for local authorities?

Answer

- i) There are two principal routes by which a local authority might wish to use the decision of adjudicators to identify areas for improvement. The first is by examining individual adjudicator decisions and assessing the extent to which these decisions might inform their future policies and practices. The second is by reference to the broader themes and recommendations set out in the adjudicators' annual report. A copy of this report is issued to each council's Member on the NPASJC and to council officers. It is also available on the NPAS website at www.parking-appeals.gov.uk
- ii) Key recommendations in the 2001/02 Annual Report include a recommendation to the Secretary of State that his Guidance 1/95 is updated and incorporates car parks and that councils accurately reflect the nature of the costs provision within their letters.
- iii) Key recommendations in the 2002/03 Annual Report include a recommendation to local authorities that their signs, lines and Traffic Regulation Orders are continually reviewed and properly maintained as part of the DPE process.

- iv) General areas for improvement often cited by adjudicators include apparent failure by councils to acknowledge that they enjoy complete discretion to cancel a penalty charge (or mitigate the charge) at any stage during the enforcement process.

Question 4

Could you provide information on the proposals for development of NPAS?

Answer

- i) Immediate proposals for development at NPAS centre around a need to accommodate the growth in the number of councils taking on DPE in England and Wales. (The NPASJC will reach 100 on 2 February 2004).
- ii) The extension to SPA/PPA councils of powers to enforce bus lanes, currently enjoyed by London local authorities only and possibly from 2004, will signify an expansion and development of the role of NPAS.
- iii) The Traffic Management Bill, published on 12 December 2003, envisages 'decriminalising' a further range of traffic offences, for example box junctions and banned turns and it is likely that NPAS will have its jurisdiction expanded to include this.
- iv) In parallel with the above, NPAS has tendered for a new case management system (due to be commissioned in autumn 2004) and has invested in communications links between the adjudicators and NPAS to enable cases to be decided on a remote basis. At the same time, developments are underway to allow councils to compile and transmit their appeal evidence by electronic data transfer direct from their computerised systems to NPAS. NPAS is also about to trial 'appeal on line' whereby potential appellants are able to complete an electronic version of the Notice of Appeal and email it to NPAS.
- v) A government commissioned report by Sir Andrew Leggatt, "Tribunals for Users", has acted as stimulus for many other developments under way at NPAS. These tend to centre around raising awareness of the tribunal and the right to appeal to the independent parking adjudicator. The NPAS website and the recent adoption of a press agency to respond effectively to press inquiries about adjudication in particular and enforcement issues in general are examples of such developments.

Question 5

How does NPAS ensure consistency and balance with authorities' policies and individual car driver's issues?

Answer

- i) NPAS adjudicators decide individual appeals against individual penalty charges. NPAS is not concerned with matters of council policy, neither is it a regulator or ombudsman. In deciding an appeal an adjudicator is establishing whether the penalty charge is payable and, if yes, by whom. As a part of this process the adjudicator will wish to ensure that a valid Traffic Regulation Order was in effect at the time, as a contravention only occurs if it is a contravention of a valid Order. Of course, should it become apparent to an adjudicator in the case of deciding an appeal that the council has acted unlawfully or "wholly unreasonably" in its conduct of the case, this is likely to be addressed in the adjudicator's decision.
- ii) The issue of consistency in decision making among adjudicators is occasionally raised. It is important to recognise that all 31 adjudicators are appointed as independent adjudicators. As members of the judiciary they operate independently of each other as well as the parties to the appeal. Appeals are decided on the basis of 'balance of probability' rather than the criminal test of 'beyond reasonable doubt' and thus are often finely balanced. In addition, as suggested earlier, cases that may appear superficially the same in nature may in fact turn on different facts or a different combination of facts, leading on occasion to different outcomes. That said, there are

internal mechanisms within NPAS for interesting cases to be communicated and discussed among the adjudicators.

Question 6

Your views if the local authority decided to introduce 'zero tolerance' instead of there being some leeway for drivers to anyone who regularly flaunts the parking rules. In your view, is it possible for the PA to act more quickly in some cases?

Answer

- i) As stated above, council enforcement policies are not a matter for the adjudicator, unless they operate counter to law or in ways that are "wholly unreasonable". Councils can only do what the law permits them to do and when deciding an appeal the adjudicator will wish to confirm that a valid Traffic Regulation Order was in force at the time the alleged contravention occurred. One of the purposes of the Road Traffic Act 1991 in giving parking enforcement powers to local authorities, was to allow councils to tailor the nature of the enforcement regime according to the perceived priorities of the council. Thus, although according to the Secretary of State Members have no role to play in respect of individual enforcement decisions, they have a key role to play in agreeing the framework and policies against which the councils will undertake its enforcement activities.
- ii) In addition to legislative and regulatory frameworks within which councils and NPAS must operate, there are certain conventions, or 'custom and practice' which exist in the area of parking enforcement and it is perhaps this area where some councils review their practices from time to time. For example:

When they come across a vehicle that is parked and unattended on a yellow line, most Parking Attendants are instructed to allow an observation period of a few minutes before a penalty charge is issued. There is no basis for this practice in law, therefore PAs could issue 'instant' penalty charges rather than giving a period of observation. It is suggested however that the reason for giving this observation period is rooted in good practice.

In many cases, a council's TROs grant exemption to motorists parked upon yellow lines for the act of loading or unloading. Were 'instant' tickets to be issued, it is likely that a significant number of recipients would make representations to the council that they were loading and unloading, with the consequence that many would be cancelled. In respect of any that were not cancelled, the motorist would of course enjoy the right to appeal to the independent parking adjudicator.

- iii) When considering the possible adoption of a 'zero tolerance' strategy Members and officers may wish to consider the wider effects of their proposals, including considerations of equity and fairness and public perception, understanding and acceptance of the rationale for the approach.

Additional Points:-

- Members asked for clarification of the cost to the Council every time an appeal is brought. Mr Pulham explained that every Council in the scheme pays a 65p levy to the NPAS for every valid PCN, and in addition pays a one-off annual charge of £250.
- Members raised the issue of loading bays, Mr Pulham advised that in the context of an appeal, it is generally for the council to satisfy the adjudicator that a contravention occurred, although if a motorist seeks to rely on an exemption it is for the motorist to satisfy the adjudicator that this exemption applied on this occasion.

1.3 QUESTIONS TO LONDON ROAD TRADERS' ASSOCIATION

Mr Strauss responded as follows to the questions previously submitted to the London Road Traders' Association on behalf of the Committee:-

Questions

- What are the main parking enforcement issues which you have identified?
- Have you seen any improvement since decrim (i.e. has anyone noticed the difference)?
- Do you believe that residents/traders are aware of the change – did they notice the publicity?
- What priorities/improvements do you identify, given the competing needs of using kerb-side parking space?

Answers

Mr Strauss circulated copies of letters received from other members of the Association, but explained that there had not been time to have a meeting to find a consensus of response.

Mr Strauss identified the main parking enforcement issue along the London Road as that of enforcement within the loading bays. He reported that, since it is not always possible to use the bays closest to his premises, many of his customers are receiving PCNs because they are away from their vehicles for too long when collecting goods from his premises. He recognised the value of the loading bays for vehicles making deliveries both to his and to other traders' premises, but regretted that whereas previously customers had an hour in which to park up and collect their goods, they now only have a few minutes. There are now 4 loading bays between The Cricketers and the Hamlet Court Road, and he felt that these could be used much more effectively for parking.

Mr Dare confirmed that it is legitimate for customers to use the loading bays to load or unload goods, but that they cannot be used for any other purpose. He explained the difficulties of achieving a balance between providing space for parking and space for loading/unloading. Members suggested that Mr Strauss should give his customers a collection note so that they could prove to PAs that they had been legitimately collecting goods.

Mr Strauss also reported that although enforcement can be seen to be carried out for illegal parking on yellow lines, there is not such visible enforcement for the regulation limiting parking time to one hour. Mr Dare explained that some of the TROs have been inoperative while the remake of the London Road has been in process, but that these are being addressed and should be operative again soon.

**WITNESS SESSION NO.4
13th February 2004**

ATTENDEES

- (a) Mr Alan Clark – President, British Parking Association
- (b) Mr Ken Ellcome – Chairman, National Decriminalised Parking Association
- (c) Apologies were received from:
Mr Trevor Magner, British Motorcyclists Federation;
Mr. James Howard, Trafford Council;
Mr. Ian Taylor, Bolton Council;
Ms. Linda Baker, Watford Council.

1. **RESPONSES TO QUESTIONS**

1.1 **QUESTIONS TO BRITISH PARKING ASSOCIATION**

Question 1

Could you provide Members of the Committee with some background to the Association, its role, when it was established, why it was formed (objectives) and current membership?

Answer

Mr Clark explained that the British Parking Association had originally been formed as a trade association in 1977, funded mainly by NCP. Over the years it has changed to include Local Authorities, consultants, service providers and manufacturers, and it now has around 580 Corporate Members. Its structure is based on the old-style Council structure, with 25 elected Council Members (Directors) and a Secretariat (Officers). It has a President and 2 Vice Presidents.

The primary objective of the BPA is to raise standards in parking.

Question 2

Could you please provide some information on the types of issues the Association deals with?

Answer

Mr Clark outlined some of the issues that the BPA deals with:

- It has drafted a code of Practice and Conduct for wheelclampers on private land, and is lobbying the Government on behalf of the industry to license both wheelclampers and removers on private land;
- It has now taken over the administration of the Secure Car Park Scheme for ACPO from the AA;
- It is drafting a new enforcement contract between LAs and contractors, and is looking to license users;
- The BPA has been the prime mover in establishing NVQs for parking operatives, and is also looking to certificate PAs;
- It publishes Parking News. It has created the Parking Forum - which brings together various parking issues. It promotes workshops, seminars and professional networking;
- It has become the public voice for parking, and is now consulted by the DfT and other Government departments;
- It has recently hosted the European Parking Association Congress, and also organised Parkex, the biggest parking exhibition in the world;
- It is a member of the European Parking Association, through which it hopes to have influence in Brussels.

Question 3

Could you provide some information on the Association's views on the different methods of calculation of PCN collection rates and what factors affect the rate or level of collection?

Answer

Mr Clark told Members that potential collection rates vary between LAs because of different circumstances; he referred to his own personal experience with Wandsworth Borough Council (80% collection rate – high percentage of residents' vehicles) and Westminster City Council (60% to 65% collection rate, with a small number issued to residents). He emphasised the importance of accurate PCNs which could be loaded on to the system and would not subsequently be cancelled, but he believed that there will always be around 5-10% who manage to evade all the systems. He felt it was important that the LA is committed to enforcing the policy, and is seen to be firm. Persistent contravenors should be pursued, and he could see no justification for extra leniency in the case of disabled motorists once they had been advised/warned, i.e. cancel one/two PCNs but no license to park illegally. Rough figures: Paid at discount stage – between 40% and 60%; NtO stage - approx 10% to 15%; after NtO stage - only 1%; 10% to 30% cancelled; 10% at warrant stage with bailiffs collecting 2 in 10 of these.

He identified the following factors which affect the level of collection:

- Price of the PCN
- accuracy, clarity and quality of signs and lines;
- correctness and appropriateness of orders;
- quality and completeness of the PA's pocketbook information;
- level of law abidingness and area demographics;
- the number of unregistered vehicles;
- timeliness of process – NtO, CC, NoDR, WoE;
- accuracy of data and handling;
- accuracy and speed of the whole process – sufficient staff (No. of processing staff frequently underestimated and backlogs, once, developed are a nightmare to clear);
- delay in transferring data from the finance system to the parking management system, if the two are separate (risk of part payments being accepted, orphaned payments);
- no "pigeonholes" on system, no backlogs;
- publicity;
- determination, especially in dealing with persistent evaders and disabled motorists.

He particularly emphasised the importance of accuracy and speed throughout the enforcement process.

Question 4

Information on the Association's views on benefits/disbenefits of clamping/removals (the local authority has these powers but has decided not to use them).

Answer

Mr Clark felt the Association did not have strong views on clamping and removals. Generally, he believed that PCNs are sufficient deterrent, but where this is not the case then clamping/removal may be appropriate (possibly for persistent evaders). Clamping at least ensures payment, and removal has the added advantage of establishing the owner's name and address, but can lead to other costs and complications as it would be necessary to run a pound 24/7 (very expensive). The BPA supports enforcement methods used in moderation for the right reasons. Most authorities in London do not do either clamping or removals.

Question 5

Are there industry standards for walking and issuing rates by parking attendants and also collection rates?

Answer

Mr Clark stressed that areas vary, and that there are no industry standards, although there is a very general walking figure of around 2km an hour. However, 2km of yellow line is quicker to enforce than 2km of permit bays. No-one can afford full enforcement. In London he estimated that there is now a 1 in 10 chance of receiving a PCN (before decrim it was 1 in 180).

Question 6

Your views if the local authority decided to introduce 'zero tolerance' instead of there being some leeway for drivers to anyone who regularly flaunts the parking rules. In your view, should the PA be able to act more quickly in some cases?

Answer

Mr Clark drew on his previous experience with Westminster City Council where there is no five minute observation period. This does result in a higher number of cancelled tickets, however Westminster had tried 20 minutes and 5 minutes observation and found that many drivers parked and then drove away, 'making a mockery' of the enforcement regime. He stressed that the motorist will always take advantage of any leniency, and advocated the use of CCTV cameras.

Additional Information:

- Members raised the issue of motor traders who are persistently abusing the system, and Mr Clark agreed that the issue needs addressing. He suggested an initial meeting with the traders to discuss the problem, but stressed the need to remain firm once the LA had spelled out its policy. He reminded Members that it is illegal to advertise or trade on the highway and suggested using trading standards or highway powers.
- Members also raised the issue of parking on the double yellow lines in Leigh Old Town. Mr Clark again stressed the importance of enforcing the policy, and there was discussion around how best to implement it.
- Mr Clark was asked for his views on evening enforcement. He confirmed that in many areas where residents have permits and parking is controlled between 8.30am and 6.30pm, then permit-holders are allowed to park from 5.30pm through to 9.30am on meters and pay & display bays. He told Members that some LAs charge a different rate for evening parking.

1.2 **QUESTIONS TO NATIONAL DECRIMINALISED PARKING ASSOCIATION**

Question 1

Could you provide Members of the Committee with some background to the Association, its role, when it was established, why it was formed (objectives) and current membership? Could you please provide some information on the types of issues the Association deals with?

Answer

Mr Ellcome explained that the Association started as a self-help group for out-of-London Parking Managers when the parking decriminalisation legislation was extended beyond the London Boroughs. In January 2001 it was decided that the group had a bigger role to play in providing support for LAs enforcing the decriminalisation of parking, and the Association was formed. Its objectives are:

- to present a partnership approach on behalf of LAs to Government, industry, and other interested parties with respect to parking matters;

- to provide a forum and network for members to exchange ideas and experiences regarding adjudication matters;
- to provide a forum and network for members to exchange ideas and experiences regarding any other issues relating to decriminalised parking, and to discuss these matters with the relevant body.

Membership of the Association now includes 100 LAs, and is increasing rapidly.

Question 2

Could you provide some information on the Association's views on the different methods of calculation of collection rates and what factors affect the rate or level of collection? Information on the Association's views on benefits/disbenefits of clamping/removals (the local authority has these powers but has decided not to use them). Are there industry standards for walking and issuing rates by parking attendants and also collection rates?

Answer

Mr Ellcome told Members that collection rates vary between the different LAs, who all have different circumstances, and it is very difficult to compare like with like. He referred to his own experience within Portsmouth City Council, and emphasised the importance of keeping up to date with the follow-up administration of enforcements. This has implications for staffing levels. He also believed that the number of PAs is very important, and their quality is vital so that the PCNs are reliable and accurate. Some LAs prefer to keep some of the enforcement administration in-house, making them feel more in control, whereas other LAs contract it out completely. He stressed the importance of speed throughout the enforcement process.

Question 5

Your views if the local authority decided to introduce 'zero tolerance' instead of there being some leeway for drivers to anyone who regularly flaunts the parking rules. In your view, should the PA be able to act more quickly in some cases?

Answer

Mr Ellcome told Members that Portsmouth has already tried a zero-tolerance policy on the zigzags outside schools, targeting a different set of schools each day, but generally they allow a 10-minute observation for parking on yellow lines. It is difficult to implement a zero-tolerance policy without extensive staff resources. Mr Ellcome drew attention to the level of the enforcement charge – he believed it was important to get the level right, so that it was a deterrent, but was nonetheless affordable.

Additional information:

- Mr Ellcome told Members that PAs in Portsmouth have been issued with digital cameras, which have been found to be very effective.
- Portsmouth issues approx 50,000 PCN's p.a and has up to 70% paid and 10% cancelled

1.3 QUESTIONS TO BRITISH MOTORCYCLISTS FEDERATION

Mr Magner was unable to attend the meeting, but sent a response in writing.

He expressed concerns about the principle of decriminalised parking enforcement. He accepted that the replacement of the Traffic Warden Service was often imposed on local authorities by the local constabulary's withdrawal of the Traffic Warden Service, and was sometimes necessary in order to improve the effectiveness of the enforcement of parking violations. This, in turn, removes obstructions which prevent traffic from flowing freely, but he felt there are potential downsides which need to be addressed.

- He believed that the training given to Parking Attendants is less exacting than that given to Traffic Wardens, and that its emphasis should be on customer care. In addition, Traffic Wardens are considered to be more accountable since they operate under the control of the police.
- He was worried that parking enforcement could become penalty led, since PAs have less discretion than Traffic Wardens, and there is a pressure for their employment to be self-financing. He felt they should be encouraged to use their discretion with the primary requirement of keeping traffic moving. Issuing a penalty to someone making a short stop rather than moving them on is likely to have the reverse effect, since they may well “get their money’s worth” by leaving the vehicle there for longer.
- He advocated using Watford Council as a rôle model as they are seen to be ‘firm but fair’. He urged Southend to avoid using the London Boroughs as an example as he believed they sometimes adopted questionable practices.
- He felt there was a lack of clarity about the level of the penalty while an appeal was pending. He encouraged Southend to make it clear that the initial ‘discounted’ penalty is frozen until the completion of the appeal, and that in the event of the appeal being unsuccessful then that amount is payable within a set period of notification before being subject to increases.
- He believed that there was a lack of consistency between different local authorities, and that PAs should be clearly recognisable by their uniforms, while not being confused with the police.
- He also called for better clarity of whether informal parking by PTWs (powered two-wheelers) in areas inaccessible to cars but not officially designated for PTWs, where no obstruction is caused, should be allowed. He suggested that authorities should be consistent in formalising such parking areas, and that additional PTW parking provision should be added if the existing provision is inadequate.
- Mr Magner asked for better clarity with regard to the practice of PTWs parking behind building lines, i.e. in alcoves, where no obstruction to pedestrians is caused.
- He felt that since PTWs occupy only a fraction of the space taken up by a car, thus causing commensurately less obstruction, they should be subject to levels of penalty which reflect the extent of obstruction caused.
- He pointed out that visitors to Southend bring prosperity, and that more visitors can be accommodated if dedicated motorcycle parking is provided. He also felt that there should be dedicated provision for those who travel to work by PTW, and in residential areas where there is otherwise no option but to park on the street.
- Mr Magner believed that dedicated motorcycle parking should be free of charge, not subject to time limits and, wherever possible, employing street furniture to which motorcycles can be secured. It should be provided both on-street and off-street in car parks, and should be clearly signed at the outskirts of the town and at the point of use. Rigorous enforcement should be applied to unauthorised vehicles using dedicated motorcycle parking bays.
- He believed that using clamps for PTWs is problematical. He understood that there are no suitable clamps, although PTWs can be immobilised by the use of secondary locks, but was worried that riders might adopt questionable tactics to free their machines. He also believed that the proper removal of PTWs requires specialised equipment and training if damage to machines is to be avoided. He regarded the concept of employing private clampers and vehicle impounders as abhorrent since, particularly without adequate accountability, their tactics are often dubious. He considered it better not to consider these options, particularly with regard to PTWs.

1.4 **QUESTIONS TO 3 COMPARATOR LOCAL AUTHORITIES**

1.4.1 **Watford Council** responded as follows to the questions previously submitted on behalf of the Committee:-

Question 1

Information on the operation of decrim in your area (when the authority decided to do this and reasons behind the decision).

Answer

As agents for Hertfordshire County Council, Watford Council adopted decriminalised parking enforcement powers in October 1997, which allowed them to carry out the on street enforcement which was previously carried out by the police traffic warden service. However, the level of this enforcement was strictly limited because of restricted police resources and they were unwilling to carry out enforcement of any new controlled zones.

Introducing tighter on street parking controls and ensuring effective enforcement were key elements of a package of measures designed to address Watfords' traffic problems. This strategy stemmed directly from South West Herts Transportation Study, adopted by the Council in 1996 and also endorsed by the government.

Residents living close to the town centre had great difficulty in parking close to their homes because of all day parking by commuters, shoppers and workers and repeatedly asked the Council for residents parking schemes. The police were not prepared to increase the number of traffic wardens and by adopting decriminalised enforcement powers, the Council were able to give residents, their visitors and short term parkers priority, whilst at the same time discouraging long stay parking.

The scheme which was introduced in 1997 was designed following two separate public consultation exercises in 1996 and 1997 and was amended in the light of comments by residents and local business proprietors. The majority of residents in each zone had to be in favour of the scheme before the council would agree to adopt it; indeed in some cases the controlled zones were not implemented as a result (Callowland ward rejected the proposals).

Once the new arrangements were in place, a full review was carried out by the Councils' parking consultants, Arup, the following year and addressed such issues as displacement parking and allowed for "fine tuning" of permit criteria, number of vouchers etc.

The original seven zones, A to G, that were part of the initial scheme, have now grown considerably, particularly in the area close to the football stadium and West Watford. Some remaining as full controlled parking zones and some benefiting just from enforcement on match days at the stadium with a third category benefiting from both).

Question 2

Which areas of your decrim service are internal or external?

Answer

Watford has contracted out parking enforcement, pay and display maintenance and cash collection, notice processing, IT, collection of payments and the operation of a Parking Shop to Parking Contractor, Vinci Park UK. The in-house team deal with post NTO representations, appeals, court registration, bailiff liaison, and contract management and monitoring.

Question 3

The value of your Penalty Charge.

Answer

The Penalty Charge in Watford is £60, discounted to £30. Originally £40 (£20 discount) but increased in April 2003.

Question 4

The total cost of the service in 2002/03 financial year (for on-street and off-street) and the revenue collected for PCNs.

Answer

Total cost of Parking Service for 2002/3 - £979,971
Total income from PCN's for 2002/3 - £573,980 (other income from Pay and Display and Permits not shown).

Question 5

In your opinion, what benefits or disbenefits has decrim brought?

Answer

The benefits of the scheme have primarily allowed the Council to respond to resident's pleas for Controlled Parking Zones. Prior to adopting decrim powers in 1997, the Council had a small CPZ and which enforcement by Ward was very limited. The Police would not agree to undertake enforcement of any new zones and decrim allowed us to initially implement five more zones, that total had now increased to a total of sixteen zones, four of which operate on Match Days only, around Watford Stadium.

The income from the penalties has allowed us to grow and develop these controlled zones at no cost to Council Tax payers, responding to resident's requests.

The controlled zones bring order to the streets and there is evidence that car crime reduces. Abandoned vehicles are easily identified and car park usage has increased in the Town Centre. All residents are given a fair opportunity to park because permits are restricted to two per household.

On street pay and display bays have provided short stay, quick turnover parking and which has improved viability of businesses in secondary shopping streets. Previously if a customer wanted to use one of the specialist shops in these areas, the spaces were entirely filled with commuters and shopkeeper's cars.

The disbenefits are firstly that displacement parking from CPZ's has led to demands for extension to CPZ's and which could not be implemented quickly enough, to satisfy residents. Although the Council have advised residents of the likely affect, in advance of CPZ's going live, they generally refuse to accept that it will affect them. The day a CPZ goes live in the adjacent streets, they change their minds and demand a CPZ immediately. This has caused difficulties in Watford, mainly because of availability of traffic engineering resources. It is a fairly slow process and we have been faced with a process of implementing CPZ's on a street-by-street basis because of political intervention, rather than on a zonal basis, as at the start.

Resident's expectations for enforcement can be very demanding and often they expect a reactive service, rather than routine patrols, because they have bought a permit, however, residents do not like paying parking penalties and many believe that a permit entitles them to park on yellow lines.

In my experience, local authorities invariably under resource their operations and this often results in difficulties for their staff in managing work load. It is a very stressful business and staff turnover can be a problem.

Question 6

Your views on 'zero tolerance' instead of there being some leeway for drivers who regularly flaunt the parking rules. In your view, should the PA be able to act more quickly in some cases?

Answer

In Watford a zero tolerance regime was strongly dismissed and our motto is "firm but fair". We find that by having a five-minute observation period for most contraventions makes for a more user-friendly regime. Discretion is sometimes difficult to train; particularly to Contractors staff and we have found it safest to calibrate hand held computers to only issue tickets after observation has taken place. There are exceptions to this rule for certain contraventions, instant tickets are given for loading bans, school zigzags, disabled bays, bus stops and taxi ranks but not otherwise, as a general rule. Unfortunately there are parking attendants that would abuse this rule.

Question 7

Your views on benefits/disbenefits of clamping/removals (Southend obviously has these powers but has decided not to use them).

Answer

In Watford we do not do clamping, at all although like Southend we do have the power to do so. Removals are only done on an occasional basis (once a fortnight) and we only lift multiple evaders with five or more unpaid tickets. The majority of these vehicles are unregistered and we destroy more than get claimed. It is costly and we rarely get a result where all outstanding penalties are paid, however, our view is that the Council needs to demonstrate that it has teeth.

Question 8

What are the factors that affect the collection rate for PNCs?

Answer

Quality of first letters by contractors and prompt full answering of letters can drastically affect payment at the discount rate.

Fair tickets get paid, generally, unfair tickets don't. Over zealous PA's get more complaints, appeals etc.

Consistency is vital.

The quality of the pocket books is essential to good upholds and to winning appeals and each case must be looked at and letters answered individually.

Evidence should always be obtained before granting cancellations.

Prompt processing with no un-necessary delays in progressions.

Question 9

What are your views on attempting to compare one authority with another?

Answer

Almost impossible unless someone can come up with a meaningful performance indicator.

Question 10

Which comparators/Performance Indicators would you like all decrim authorities to use?

Answer

The number of cases to NPAS as a percentage of total PCN's is a good indicator. If you are getting it right, your appeals will be few.

Overall payment rate (measured in following year) is a good indicator but demographics can affect this figure, particularly in depressed areas.

Compliance would be a good indicator, but I have yet to hear of a reliable measurable method of this which could be used anywhere.

Number of first letters as a percentage of live PCN's is a possible indicator, but again demographics affect the figure.

1.4.2 **Bolton Council** responded as follows to the questions previously submitted on behalf of the Committee:-

Question 1

Information on the operation of decrim in your area (when the authority decided to do this and reasons behind the decision).

Answer

Bolton commenced the process of introducing DPE in December 1998 (18 months prior to implementation).

There were several reasons behind the decision:

- It is essential for Bolton Council to maintain an effective parking policy if it is to strengthen its competitive position in the North West. No parking policy is likely to be effective without adequate enforcement.
- To improve access for public transport.
- The role of the police with regard to traffic enforcement had diminished dramatically prior to decriminalisation.
- Reducing congestion.
- Accident reduction.
- Improve traffic management in the borough through better enforcement.

Question 2

Which areas of your decrim service are internal or external?

Answer

Only ticket issuing has been externalised.

Question 3

The value of your Penalty Charge.

Answer

£60 discounted to £30 if the debt is settled within 14 days.

Question 4

The total cost of the service in 2002/03 financial year (for on-street and off-street) and the revenue collected for PCNs.

Answer

On-street function – cost £826k, income £1,056k

Question 5

In your opinion, what benefits or disbenefits has decrim brought?

Answer

Benefits:

- The Council have been able to ensure that their parking policies have been implemented effectively, with consequent benefits through improved traffic flow, better management of overall traffic levels, fewer accidents, a fairer distribution of available parking places and a more pleasant environment.
- The integration of enforcement and parking policy responsibilities has provided better monitoring of the effectiveness and value of parking controls, so much so, that parking provision has become more responsive to public needs.
- Bolton Council has the ability to introduce the parking controls they deem necessary. This means that planners can plan without having to worry whether their efforts will be nullified by ineffectual parking controls. The engineers have the ability to promote traffic management and parking controls knowing these can be made effective.
- Financially, and this cannot be overlooked, there will be benefits from the income stream from PCN's and from greater compliance with the paid parking provisions.

Disbenefits:

- Negative publicity through the local media.
- The need to review all Traffic Regulation Orders.
- Cost and effort. A larger parking operation costs both money and effort to establish and more money and effort than the existing operation to run.

Question 6

Your views on 'zero tolerance' instead of there being some leeway for drivers who regularly flaunt the parking rules. In your view, should the PA be able to act more quickly in some cases?

Answer

In order for enforcement to be effective, zero tolerance is a necessary requirement in certain circumstances e.g. parking where a loading ban is in force; non purchase of a pay and display ticket. In other instances, it will be necessary to allow a degree of tolerance e.g. observation times in loading bays; a one strike and out policy for people displaying their Blue Badges incorrectly; five minutes leeway following the expiry of a pay and display ticket. (There is a need for a heart and minds campaign here).

Question 7

Your views on benefits/disbenefits of clamping/removals (Southend obviously has these powers but has decided not to use them).

Answer

Bolton does not operate either of these services. My view is that clamping should only be considered were persistent offending and/or evading payment is taking place.

Question 8

What are the factors that affect the collection rate for PNCs?

Answer

Tight timescales are essential in the effective recovery of debt. Most of the 'trigger points' are set through legislation. It is important that you have a system that can respond positively.

It is also important that your letters advise the offender of the consequences of non-payment i.e. increase in level of charge, the use of bailiffs to recover the debt. My advice is to appoint more than one bailiff and measure their performance against each other.

Question 9

What are your views on attempting to compare one authority with another?

Answer

Very difficult due to the fact that all authorities are made up differently. My advice is to set reasonable standards to begin with and then revise them year on year.

Question 10

Which comparators/Performance Indicators would you like all decrim authorities to use?

Answer

Please refer to my comments to question 9.