INTRODUCTION

Prior to September 1993, the enforcement of prohibited parking was carried out by police traffic wardens. Permitted parking was enforced under criminal legislation and non-payment pursued through Magistrates Courts. London local authorities in particular lobbied the government to allow them to take on the necessary powers as the local authorities already were accountable for the transport policy and traffic regulations, but were unable to enforce the regulations effectively.

Decriminalised parking enforcement (DPE) was first introduced in London in 1993 as a result of legislation in the Road Traffic Act 1991 (RTA ’91). By July 1994 all London Boroughs had converted to DPE and it is now gradually being introduced throughout the United Kingdom as local authorities take on responsibility for the enforcement of parking regulations.

Decriminalised parking enforcement has resulted in the deployment of more parking attendants than there were Traffic Wardens when the police were responsible for enforcement. The deployment of increased numbers of enforcement personnel and the requirement to issue a Penalty Charge Notice (PCN) whenever the parking attendant observes a contravention has resulted in an increase in the number of parking tickets being issued. Traffic wardens were often instructed to try to move the offender on rather than issue a ticket. However this in practice had little beneficial impact on the level of parking offences as there was no real deterrent. Local authorities have also been given powers to clamp or remove vehicles in contravention of parking regulations.

As a result of the RTA ’91, parking contraventions are dealt with as a civil offence. Notice of a contravention is issued in the form of a Penalty Charge Notice (PCN) to the motorist. If the ‘charge’ is not paid the non-payment is treated as a civil debt and bailiffs can ultimately remove property to the value of the penalty plus costs as a means of securing that income, if all other prescribed measures fail. If the charge is paid within 14 days of issue of the Notice (PCN), a discount of 50% is accepted in full and final payment. Liability for the payment of the penalty charge rests with the owner/registered keeper, who has an opportunity to make representations against the Notice to Owner to the local authority. If the representation is rejected, he/she may appeal in writing or in person against the rejection to an independent parking adjudicator. The adjudicator has the power to determine whether the issue of a PCN, fixing of a wheelclamp or removal of a vehicle was within the legislation and can rescind a notice if they feel, having read or heard all the evidence, a contravention did not occur.

Before obtaining approval from the Secretary of State to introduce DPE, local authorities are required to review all on-street parking regulations in their areas to ensure they are appropriate and contribute...
to improving road safety and reducing traffic congestion. They also need to balance the requirements of residents and the commercial sector when developing enforcement policies.

Where local authorities are responsible for parking enforcement, they are able to better target those areas where there is perceived to be a traffic/parking problem. Local authorities also benefit from being able to use any surplus income generated from penalty notices for providing more parking facilities, improving public transport and the road network etc (S55 of the Road Traffic Regulation Act 1984). Authorities operating DPE are required to produce annual accounts of their parking enforcement operations as a means of ensuring that any excess income is used in the prescribed way. These are sent to the Mayor of London (for London boroughs) or the Department for Transport (for authorities outside London).

**CURRENT ISSUES**

**Personnel**

In many urban areas, parking attendants are difficult to recruit due to the nature of the work, the lack of career prospects and the adverse and often excessive reaction against the attendants from drivers and the public. Staff retention is also a problem as there is a frequent turnover of employees and a need for continual training. The verbal (and physical) abuse of parking attendants, who are acting on behalf of the community, is increasing and is causing concern to the police and the attendants’ employers and union representatives. The level of abuse also acts as a negative factor in recruitment and retention.

**Clamping and removal**

For some drivers, the issue of a PCN is insufficient as a deterrent to prevent them parking in contravention of the regulations. For other drivers, because they have not registered their vehicle either correctly or at all with the Driver and Vehicle Licensing Agency (DVLA), there is little fear of debt recovery action as they are unlikely to be traced once they have left the scene of the contravention. For these offenders, clamping acts as a visual reminder to drivers that enforcement is active and removals ensures that vehicles do not obstruct access or prevent disabled drivers using parking spaces designated solely for their use.

**Motorcycles and scooters**

With rapid growth in the use of motorcycles, scooters and other powered two wheelers (PTWs), the demand for on-street parking has increased to such an extent that motorcyclists are increasingly having to park in inappropriate places (e.g., footways, pedestrian areas, forecourts, “pavement lights”). PTW parking is generally provided as an exception to the waiting regulations rather than a permitted parking place (as with meter or pay and display bays).

**Coaches**

Coach operators are claiming it increasingly difficult to set down and pick up passengers safely because of the lack of set down/pick up facilities, the nature of their business and the removal of discretion from parking attendants. Coaches are permitted to stop on a yellow line to drop off and pick up passengers (just as a Licensed Cab or a private car may do), however, they are not permitted to wait while all their passengers assemble themselves from their various excursions/activities before boarding. Coach drivers used to benefit from a lower level of effective enforcement which enabled them to park on yellow lines whilst waiting for their passengers to start boarding. Lack of specific coach parking facilities in the vicinity of their destination also makes it difficult for drivers to wait between dropping off and picking up passengers without parking in contravention of the regulations.

**Loading and unloading**

Because of improved enforcement, delivery companies/couriers claim to find it more difficult to service their customers. The number of parking spaces has increased to try to cope with demand. This has resulted in a reduction in the length of yellow lines that are retained for loading and unloading. Due to the risk of theft, commercial vehicles are not left with the “tailgate” open and therefore there are few if
any outward signs for the parking attendant that loading or unloading may be taking place.
The reduction in the length of yellow lines and the lack of control of deliveries also results in demand for space for loading/unloading exceeding supply. This results in double or other inappropriate (usually short term) stopping by delivery/courier vehicles.

Disabled people

The exemptions afforded by the Disabled “Blue Badge” has lead to an increase in demand for the badge and an increase in the theft of existing badges for sale to other drivers for illegal use. The reduction in details on the display face of the badge has reduced the already small chances of enforcement against those who abuse the system. The increased demand has identified inflexibility in the current benefits afforded to the severely disabled and allowed many less severely disabled people to obtain free parking in permitted parking places and to obstruct loading and unloading on the reduced lengths of yellow lines. The disabled driver associations and lobby groups have recognised that the objective for the disabled must be parking spaces that are safe with conveniently close access to their destinations. In the many cases the current arrangements obstruct rather than further this objective.

CONCLUSION

The need for and benefits of effective parking management and enforcement is recognised and accepted by the majority of the population.

In some cases, the success has been limited by:

- inadequate investment in infrastructure (poor quality or incorrect lines and signs);
- sufficiently well trained and motivated staff;
- poor customer relations;
- lack of recognition of the importance and impact of parking management and enforcement;
- inadequate or misconceived transport and parking policies.

The introduction of DPE has not been without incident or negative media coverage. There has been and probably always will be disquiet amongst a small but vociferous minority of motorists who resent receiving PCNs for parking in contravention of parking regulations.

In summary however, the decriminalisation of parking enforcement is seen to have been a success. This view is supported by research commissioned by the Department for Transport during the early stages of introduction of DPE in London, Winchester and Oxford. There are areas where improvements could be made and these are identified in the recommendations below.

RECOMMENDATIONS

- Local authorities should initiate an information campaign to inform motorists of the benefits of DPE and the need to respect the position of public servants as a means of minimising the levels of abuse (both verbal and physical) directed at parking attendants whilst they undertake their jobs. Some of the problem is caused because motorists do not fully understand why parking attendants have been deployed.

- Despite being short of resources the police should be encouraged to respond more quickly and positively (especially to cases of physical abuse and some of the stronger forms of verbal abuse against parking attendants) to reinforce the standing of public service employees who do a difficult and unpopular job on behalf of us all. It would also indicate to motorists that such behaviour will not be tolerated and offences will be dealt with by the law as serious.

- Local authorities should actively investigate the use of remote systems (such as CCTV) to detect parking contraventions, especially to deter shorter duration contraventions or those requiring continuous observation. These acts, which when aggregated with other parking and minor contraventions over a day, can have a significant impact on road safety and traffic congestion etc.

- The regulatory signs and lines used to inform drivers of the waiting and parking restrictions should be fundamentally reviewed so that the motorist is able to understand them more easily and quickly.

- Consideration should be given to removing all prohibitions which are imposed on the highway and replacing them with permitted actions only – ie unless the sign and/line says
It is felt that, broadly speaking, DPE has been accepted by the general public but that, after ten years of operation, DPE needs reviewing to see what (if any) improvements might be made in the light of experience gained.

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The Parking Forum is an initiative of the British Parking Association and its current members are:

- Automobile Association;
- Association of Chief Police Officers;
- Association of British Drivers;
- Association of London Government;
- Association of Train Operating Companies;
- Bike Parking Security Association;
- British Parking Association;
- British Motorcyclists Federation;
- Confederation of Passenger Transport;
- Disabled Persons Transport Advisory Committee;
- Department for Transport;
- Highways Agency;
- Institution of Highways & Transportation;
- London Transport Users Committee;
- National Federation of Bus Users;
- RAC Foundation;
- Rail Passengers Council;
- Royal Town Planners Institute;
- Road Haulage Association;
- Strategic Rail Authority;
- Transport Research Laboratory.

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