
Regeneration and Transport Scrutiny Task Group Review of the introduction and operation of Civil Enforcement of parking regulations in Leicester

1. PURPOSE OF REPORT

- 1.1 For Cabinet to receive from the Overview and Management Scrutiny Board (OSMB) a completed report of the Regeneration and Transport Scrutiny Task Group.

2. SUMMARY

- 2.1 The Regeneration and Transport Scrutiny Task Group has conducted a scrutiny review of the introduction and operation of the civil enforcement of parking regulations in Leicester"
- 2.2 The OSMB considered this report on 18 September 2008. It resolved:

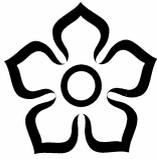
"That the Board approves the report to be submitted to the Cabinet"

It was also proposed that any Cabinet recommendations to implement the recommendations arising from this review should include consultations with the Task Group Leader.

3. RECOMMENDATIONS

- 3.1 That Cabinet notes the contents of the Report as referred by OSMB and to make any additional comments.
- 3.2 That the Regeneration and Transport Service Director be asked to prepare an appropriately costed implementation programme.
- 3.3 That Cabinet comments be reported to OSMB.

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Leicester
City Council

CABINET 16th FEBRUARY 2009
OVERVIEW AND SCRUTINY MANAGEMENT BOARD 18 SEPTEMBER 2008

**Report of the Regeneration and Transport Scrutiny Task Group Review
of the introduction and operation of Civil Enforcement of parking regulations
in Leicester**

1. Purpose of report

1.1 To present the findings of the Task Group inquiry into the introduction of civil enforcement of parking regulations in Leicester.

1.2 To ask Cabinet to agree the recommendations set out below.

2. Recommendations

2.1 Short term recommendations

2.1.1 Map areas identified by the emergency services, Biffa and public transport operators to prioritise problem areas to allow for increased/improved signs and lines or enforcement patrols.

2.1.2 Identify the improvements needed to make signs and lines enforceable and a timetable for carrying out the required work. Prepare plans for how this can be carried out on an ongoing reactive basis following the reporting from Vinci Parking Services' (Vinci) community enforcement officers or the overturning of tickets.

2.1.3 Continue to receive reports from Vinci on problems with lines and signs.

2.1.4 Develop further co-operation between the Fire Service and local councillors in a campaign to highlight problems associated with parking problems.

2.1.5 Ensure a pictorial Signs & lines Guide is available in each group room so councillors can request appropriate lines and reduce confusion over enforcement.

- 2.1.6 Link with Voluntary Action Leicester, access advocate groups and the Primary Care Trust to explain process for complaining about alleged problems with a CEO (the procedure involves the enforcement officer to provide badge number and time, though not a name).
- 2.1.7 Ensure police and Vinci staff are clearly aware of their powers and responsibilities in respect of enforcement against illegally parked vehicles.

2.2 Medium term recommendations

- 2.2.1 Introduce a high profile public towing service along the lines of the Watford model (involving part-time access to car pound for drivers to recover towed vehicles).
- 2.2.2 Extend the use of Clearway lines at bus stops, prioritising those with raised kerbs and in consultation with local councillors.
- 2.2.3 Introduce at least two additional moped beats to allow CEOs to respond quickly to parking hotspots identified by Councillors, beat police officers, members of the public, Community Wardens etc.
- 2.2.4 Ensure all new Residents' Parking Schemes are enforced to a sufficiently high standard for them to be taken seriously by drivers.

2.3 Long term recommendation

- 2.3.1 Explore use of CCTV ticketing for key arterial routes, bus lanes and hot spot areas, including bus stops.

3 How the Review was conducted and evidence provided

- 3.1 The Review was agreed by the Overview and Scrutiny Management Board in September 2007, (<http://cabinet.council.leicester.gov.uk/ieListDocuments.asp?CId=427&MId=2052&Ver=4>) and the application to OSMB cited:
 - i. A high level of interest in the implementation and development of the on-street parking regime
 - ii. Interest in the uses to which higher than expected levels of income from on-street parking fines
 - iii. Inquiry into the relationships between wardens and city residents, businesses and motorists

- iv. Development of coverage of the warden system to other parts of the city
 - v. City-wide issue affecting several wards.
- 3.2 The Review was carried out through a series of meetings with interested and affected groups and the gathering and assessment of data from a range of sources both within the Council and external bodies, including the Council's contractor for the decriminalised parking service (Vinci Parking Services, or Vinci).
 - 3.3 Council minutes, documents and other information were also assessed and meetings took place with departmental staff.
 - 3.4 The Task Group met five times, on 15th October 2007, 26th February 2008, 10th April 2008, 10th July 2008 and 21st July 2008.
 - 3.5 Officers within the Transport Development team were asked to provide a range of information relating to the background to change to civil enforcement, for information from other authorities about how well the process to civil enforcement had gone, and information about the relationships between the emergency services, Vinci and the Council.
 - 3.6 Information was also obtained from other authorities, asking how well the scheme had been introduced and for data relating to the operation of the system.
 - 3.7 The first meeting set out a series of lines of inquiry, including information on how well the scheme had been introduced in other authorities.
 - 3.8 The second meeting, in February reviewed information obtained to date. Main points arising then were:
 - 3.8.1 Income from the first year of the scheme was greater than expected as offences within the city centre remained at a higher level than expected.
 - 3.8.2 Concern about problems with street access by the emergency services, and by the council's refuse collection contractor, Biffa, in some parts of the city, notably the Highfields and the Clarendon Park areas.
 - 3.8.3 Consideration was being given to the introduction of a clamping or tow-away scheme for serious serial non-paying offenders, though a tow-away scheme was considered a better option.
 - 3.9 There was some concern that the cost of freeing a vehicle from being impounded and paying unpaid penalties might be greater than the value of the vehicle itself, with vehicles therefore just being left at the

pound and it being difficult to recover costs from the owner. Around 50 vehicles had 20 or more unpaid penalty notices.

- 3.10 Reports from other councils (Derby, Nottingham and Stoke) reflected the experience in Leicester, which was of a similarly smooth transfer to the new system. A summary of their responses was presented to the meeting.
- 3.11 A meeting arranged with Vinci Parking Services took place in April 2008. Jane Wharton, Vinci's contract manager, provided information about how the CEOs were deployed on beats through the city
- 3.12 Ms Wharton said the rate of compliance in the multi-storey car parks was notably higher than for on-street parking. In the case of the latter, she said motorists were taking a gamble that they would be caught rarely enough to make the occasional fixed-penalty notice worth their while.
- 3.13 Problems facing her enforcement staff included an early warning system in some parts of the city which saw motorists being warned of their approach, moving their vehicles away and then putting them back again after the CEOs had gone.
- 3.14 There were also problems with enforcing against the misuse of Blue Badges, where some Vinci staff were being threatened with violence.
- 3.15 In a wider context, threats against enforcement staff happened in some parts of the city, and CEOs would go out in pairs rather than risk working alone.
- 3.16 Ms Wharton said there were difficulties in that the police and police community support officers seemed unclear of their own powers and responsibilities.
- 3.17 She also said the failure of the City Council to provide proper lines and signs to support traffic orders was a significant barrier to effective parking enforcement across the city.
- 3.18 A meeting was held in July with emergency services representatives to discuss relationships between themselves and the City Council in respect of the way in which the system was operating, to identify possible problems and possible joint actions.
- 3.19 Police and fire representatives both reported clear, regular and helpful lines of communication with the Council, and with Vinci, though there continued to be what were described as "teething problems."
- 3.20 Members explored earlier concerns about a lack of clarity over the divisions of responsibility between parking enforcement staff and

police. Mr Compton, representing Leicestershire Police, insisted that the divisions were clear and clearly understood.

- 3.21 He recognised that traffic enforcement was a matter of public interest and concern and required a balance of views between administration of the law and the need to keep the public onside. In the case of obstruction, for example, a clear police enforcement duty, officers would take action against “wilful” obstruction.
- 3.22 A concern for councillors was that emergency services might be blocked from getting to a fire, accident or criminal incident. The Fire Service said that there were reduced reports of fire tenders being blocked by parked traffic. Mr Stone, for the Fire Service, said that in some cases vehicles were just lifted out of the way or hoses run past pinch points to an incident.
- 3.23 Another concern was the time taken to get routine reports of parking “hot spots” back to CEOs on the streets. A weekly schedule of such hot spots was not thought to be responsive enough.
- 3.24 The meeting also discussed the problem of bus stops in particular being blocked up by parked vehicles. Only bus stops with appropriate lines and signs saying there was a complete ban on parking (clearway regulations) could be effectively kept clear. Around 200 of the 1,400 bus stops in the city had clearway regulations.
- 3.25 The final meeting of the task group on 21st July revisited the issues which had given most concern during the review and agreed the recommendations set out in section two.
- 3.26 Both council and public witnesses were adamant that despite statements to the contrary, police officers and community support officers were not clear about what their powers and responsibilities were in terms of enforcing the regulations.

4 Background and commentary

- 4.1 One of the most contentious issues facing communities, businesses and road users is where to park. For communities, there is growing pressure on available parking spaces as the numbers of households with cars increases, and the numbers of cars within households is also rising.
- 4.2 Typically, these pressures are greatest in the oldest parts of the city, where there is little off-road parking and high-density terraced streets. The problem has been made worse because these areas are within walking distance of the city centre and those working in or visiting the city centre are increasingly tempted to park and then walk in.

- 4.3 Other problem events which have in the past caused parking problems include major sports events which have given rise to haphazard parking, especially in residential areas which have seen streets or pavements obstructed by parked cars.
- 4.4 Increasingly enforcement had been perceived as an administrative inconvenience into which beat police officers and community police were reluctant to become involved.
- 4.5 National legislation paved the way for local authorities to take over the running of decriminalised parking (now known as civil enforcement), and Cabinet agreed this on 30 November 2006.
[http://www.cabinet.leicester.gov.uk/Published/C00000081/M00001624/AI00013157/\\$nov06implementationofdecriminalisedparkingenforcement.doc.pdf](http://www.cabinet.leicester.gov.uk/Published/C00000081/M00001624/AI00013157/$nov06implementationofdecriminalisedparkingenforcement.doc.pdf)
- 4.6 The above link refers to that report, and to previous reports setting out the pathway to that decision, including the Council decision of 26th May 2005 to seek powers to take over decriminalised parking enforcement.
- 4.7 The terms of the tender documents for the letting of the contract for civil parking enforcement had useful baseline information. They showed that the Council operated two multi-storey car parks, at Newarke St and the Haymarket Centre, providing around 1,600 places, and a further 1,300 on-street parking places, with 180 pay and display machines (contract specification) when it went out to tender for the decriminalised parking contract in 2006.
- 4.8 The contract split the split project into the following segments:
- City centre
 - Off-street car parks, including the multi-storey car parks
 - Suburban shopping areas
 - Residential Areas
 - Bus Corridors
 - Schools
 - Provision for disabled people
 - Main arterial routes
- 4.9 As envisaged by the Council, Vinci would concentrate first on improving compliance within the city centre itself, then moving on to other priorities.
- 4.10 A programme of enforcement in areas outside the core city centre area was delayed because of the continued high level of traffic contraventions in the city centre.
- 4.11 The contract also requires civil enforcement officers to actively discourage car crime, both through reporting suspicious characters and

advising motorists not to leave items in their cars. Theft from cars is a greater problem than theft of cars.

- 4.12 Whenever a fixed notice is issued, the contract says the enforcement officer should take three photographs with digital cameras issued by the contractor. This is to provide back-up evidence in the case of a legal challenge.
- 4.13 The contract spells out that “the contractor’s ability to operate effectively will in part be determined by the condition and accuracy of the signs and lines denoting the parking restrictions.” (Section 17.8 of the contract document).
- 4.14 The contract also spells out the contractor’s responsibility to report damaged or missing lines and signs, to provide strong evidence to back all tickets issues against motorists, and to provide help and assistance to motorists and the public in general.
- 4.15 The framework for enforcement is the network of Traffic Regulation Orders (TROs) across the city. These are designed to keep key streets and amenity areas clear of parked or obstructive traffic at specified times.
- 4.16 The TROs have to be backed up by legal and visible lines and signs. Failure to have the proper lines and signs can have two outcomes:
 - CEOs will not issue tickets because they are unenforceable
 - Tickets which have been issued may be challenged.
- 4.17 In the latter case, a successful challenge might in some cases lead to a need to pay back significant sums of money because the terms of the challenge also applied to a significant number of other tickets. (A report in the Leicester Mercury on 17 November 2007 highlighted problems caused by enforcement by officers who had started ticketing some vehicles before the relevant Orders had come into effect).
- 4.18 The importance of the integrity of the lines and signs within the city to support the regulations became of increasing consequence as the Review developed, and was highlighted by Vinci as an important issue in their ability to effectively enforce the regulations. This sometimes disregarded part of the infrastructure needs significant attention and the evidence and recommendations reflect this.
- 4.19 While Vinci has been praised for its training programmes, the Council recently (24 July 2008) ran a training programme for CEOs to ensure the quality of evidence being provided to support the issuing of parking tickets was adequate.

- 4.20 One area of frustration for the Task Group was the problem of vehicles parking at bus stops, causing difficulties to passengers trying to get on and off buses and disrupting traffic flows.
- 4.21 The Review considered the possibility of extending clearway orders from the current 200 bus stops to all the city's bus stops but drew back in the light of the draconian powers the regulations provided and the impact on nearby homes and businesses.

5 Departmental Comments and financial implications

- 5.1 The Department welcomes this report, particularly its recognition of the value to the community in Leicester of Civil Enforcement, the problems effective enforcement faces, and the new developments identified for the medium and long term.
- 5.2 We are taking steps to improve the standard of existing and new regulatory "Signs and Lines" by improved design and maintenance. The short-term improvements proposed will be included in our improvement programme.
- 5.3 In the medium and long term, the department is seeking actively the funds which will enable these recommendations to be implemented. The Department supports them but recognises that there could be other competing financial pressures on the Council more generally.
- 5.4 It would be our intention to implement a towing service (2.2.1) and an enhanced moped service (2.2.3) as soon as suitable funding becomes available. The long term implementation of a CCTV scheme remains aspirational at present but is not opposed in principle.

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6 Legal implications

- 6.1 The Council began Decriminalised Parking Enforcement of waiting restrictions on the 2nd January 2007 by way of Statutory Instrument's made under the Road Traffic Act 1991.
- 6.2 On 31st March 2008 part of the Traffic Management Act 2004 (TMA 2004) came into force replacing the Road Traffic Act 1991, the legislation under which the Council operated Decriminalised Parking Enforcement (DPE) since 2007.

- 6.3 Under the TMA 2004, Decriminalised Parking Enforcement became known as Civil Parking Enforcement (CPE) and Parking Attendants became known as Civil Enforcement Officers (CEOs).
- 6.4 New powers under the TMA 2004 will allow councils to use closed circuit television (cctv) and other technology to enforce parking and other restrictions, such as keeping bus lanes clear.
(http://www.opsi.gov.uk/acts/acts2004/ukpga_20040018_en_1)
- 6.5 Guidance for the legislation suggests that the use of cctv to issue notices for parking enforcement is not a preferred option. CEOs should be used where possible. However the Department of Transport is assessing a number of devices to be approved in the use of enforcing parking and moving traffic offences.

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Key Decision	No
Reason	N/A
Appeared in Forward Plan	N/A
Executive or Council Decision	Executive (Cabinet)