

# **PATROL Adjudication Joint Committee Executive Sub Committee**

## **Agenda**

---

**Date:** Tuesday 13th October 2020

**Time:** 11.00 am

**Venue:** Virtual Meeting

---

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 1 - 10)

To approve the minutes of the PATROL Adjudication Joint Committee Executive Sub Committee held 28 January 2020.

4. **Minutes of the Resources Sub Committee held on 28 July 2020** (Pages 11 - 14)

To note the minutes of the PATROL and BLASJC Resources Sub Committee held 28 July 2020.

5. **Chair's Update**

To note the minutes of the PATROL and BLASJC Resources Sub Committee held 28 July 2020.

6. **Wales Update** (Pages 15 - 16)

To note the progress of civil enforcement in Wales.

7. **Chief Adjudicator Update**

To provide the Joint Committee with a general update since the last meeting.

---

**Contact:** Louise Hutchinson, Director  
PATROL Joint Committee  
Springfield House, Water Lane, Wilmslow, SK9 5BG  
**Tel:** 01625 445565  
**E-Mail:** lhutchinson@patrol-uk.info

8. **Audit Commission Small Bodies Annual Return for the Year Ended 31 March 2020** (Pages 17 - 44)

To note the completion of the external audit of accounts for 2019/20.

9. **Budget Monitoring, Reviewing Reserves and the Basis for Defraying Expenses 2020/21** (Pages 45 - 52)

To note income and expenditure, reserves and the basis for defraying expenses in 2020/21.

10. **ITEMS COMMON TO PATROL and Bus Lane Adjudication Service Joint Committees**

i) **PATROL AND BLASJC Resources Working Group and Sub Committee** (Pages 53 - 58)

To report on the work of the PATROL and BLASJC Resources Working Group meetings held since January 2020.

ii) **Public Affairs Update** (Pages 59 - 156)

To note the Public Affairs Update report. Supporting documentation and publications are provided for information as appendices to the report.

iii) **Appointments to the Advisory Board** (Pages 157 - 162)

To approve the nomination of Richard Waters of Carmarthenshire County Council to the Advisory Board and approve the re-nomination of representatives on a four-year cycle.

iv) **Risk Register** (Pages 163 - 170)

To note the latest assessment of risk.

v) **General Progress Report** (Pages 171 - 186)

To note the general progress report in respect of the Traffic Penalty Tribunal's activities and initiatives.

11. **Dates of Next Meetings**

Tuesday 26 January 2021

Tuesday 13 July 2021

Minutes of a meeting of the

## **PATROL Adjudication Joint Committee Executive Sub Committee**

held on Tuesday, 28th January 2020 at Bishop Partridge Hall, Church House,  
Dean's Yard, Westminster, London SW1P 3NZ

### **PRESENT**

Councillor Stuart Hughes (Devon County Council, in the Chair)

### **Councillors**

Councillor Neil Butters	BATHNES Council
Councillor Chris Turrell	Bracknell Forest Borough Council
Councillor Gary Wilkinson	Brighton & Hove City Council
Councillor Tom Brook	Bristol City Council
Councillor Colin Hutchinson	Calderdale MBC
Councillor John James	PATROL Assistant Chair (Wales)
	Carmarthenshire County Council
Councillor Laura Crane	Cheshire East Council
Councillor Terry Douris	PATROL Assistant Chair
	Dacorum Borough Council
Councillor Marilyn Peters	Dartford Borough Council
Councillor Graham McAndrew	East Herts District Council
Councillor Mike Eyles	Eden District Council
Councillor Graham Burgess	Hampshire County Council
Councillor Phil Bibby	Hertfordshire County Council
Councillor Vanessa Churchman	Isle of Wight Council
Councillor Bob Adams	Lincolnshire County Council
Councillor Roger Jeavons	Newport City Council
Councillor Tony Page	Reading Borough Council
Councillor Margot McArthur	Sevenoaks District Council
Councillor John Woodman	Somerset County Council
Councillor Dan Brown	South Hams District Council
Councillor Lee Wanger	Stoke on Trent City Council
Councillor Peter Robinson	Tameside Metropolitan Borough Council
Councillor Geoff Driscoll	Uttlesford District Council
Councillor Kevin Anderson	Wigan Metropolitan Borough Council
Councillor Simon Cronin	Worcester City Council
Councillor Martin King	PATROL Vice Chair
	Wychavon District Council

### **Officers in attendance**

Marc Samways	PATROL Advisory Board (Chair)
Graham Addicott OBE	PATROL Advisory Board (Vice Chair)
Steve Simpson	Brighton & Hove City Council
Richard Walker	Carmarthenshire County Council
Derek Twigg	Hertfordshire County Council
Sarah Allman	Wokingham Borough Council
Geoff Hislop	Wokingham Borough Council
Louise Hutchinson	PATROL
Iain Worrall	Traffic Penalty Tribunal
Sarah Baxter	Cheshire East Council
Andy Diamond	PATROL

### **34 APOLOGIES FOR ABSENCE**

Apologies for Absence were received from:

Blackpool Council, Bolton MBC, Charnwood Borough Council, Coventry City Council, Durham County Council, Gedling Borough Council, Hambleton District Council, Havant Borough Council, Oldham MBC, Stratford DC, Sunderland City Council and Walsall MBC.

In addition, apologies were received from Caroline Sheppard OBE, Chief Adjudicator, Traffic Penalty Tribunal, George Broughton, Cheshire East Council and Paul Nicholls, Brighton & Hove City Council.

### **35 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **36 MINUTES OF THE MEETING HELD ON 29 OCTOBER 2019**

#### **RESOLVED**

That the minutes of the meeting held on 29 October 2019 be approved as a correct record.

### **37 CHAIR'S UPDATE**

The Chairman welcomed new Members. He explained that usually the Sub Committee would be joined by the Chief Adjudicator, Caroline Sheppard OBE, but she was recovering from a period of ill-health. On behalf of the Sub Committee the Chairman wished Caroline a speedy recovery.

He reported that Caroline had spearheaded the tribunal's digital transformation which was cited as an exemplar within the judiciary. Caroline was invited to speak to an event entitled "Delivering Justice" for senior judges at the Centre for Socio-Legal Studies at Wolfson College, Oxford. The event last Friday was led by Dr

Chris Hodges who featured the Traffic Penalty Tribunal as a case study in his recent publication, "Delivering Dispute Resolution". Louise and Iain gave a presentation in Caroline's absence.

As 2020 gets underway the Sub Committee would now look ahead to the commencement of Charging Clean Air Zones which would be addressed later on in the agenda. Air Quality Management was a fast moving environment with new schemes being announced on a regular basis. What was now apparent was that Leeds City Council, Birmingham City Council and Bath and North Somerset Council were due to commence during the summer and autumn of 2020. The Traffic Penalty Tribunal would decide appeals against penalties issued for failing to pay the charge.

The upcoming demands on the tribunal such as charging clean air zones was a factor that the Resources Working Group and Sub Committee was being asked to consider in its resource planning for the next five years to 2025.

Continuing with the air quality theme, PATROL was aware that many councils were grappling with the issue of supporting electric vehicles or EVs. To this end a workshop would be held in the spring bringing together case studies from authorities that were making strides in this area together with information on support available to councils. If anyone wished to attend, Members were advised to speak to Iain Worrall here today.

A key area of interest for PATROL for some time had been pavement parking which impacted on many individuals and authorities. Due to the election, the nature of the government's response to the recent transport committee's recommendations was not clear. However, in Wales PATROL and the Traffic Penalty Tribunal were working with the Wales Pavement Parking Task Group to identify potential ways forward.

The main area of focus now for PATROL's Public Affairs activities was to provide a helpful contribution to the debate on introducing the remaining powers of Part 6 of the Traffic Management 2004 – i.e. Moving Traffic Powers which were available to authorities in London and Wales but not to outside London authorities.

One of the recommendations PATROL would be bringing to this debate was to promote public information and transparency in reporting if there was an extension of these powers. Many local authorities had taken the opportunity to report on all aspects of their traffic enforcement in their Parking Annual Reports and this was to be encouraged.

The Chairman was delighted that once again Huw Merriman MP for Bexhill & Battle and member of the Transport Committee had agreed to host PATROL's Parking Annual Reports Awards Ceremony. The event would take place after the annual meetings of the Joint Committees between 4 and 6pm on 14th July 2020. This would be an enjoyable event adjacent to the House of Commons terrace. All

members were welcome to attend together with the shortlisted council officers. This was an annual scheme and Members were urged to enquire whether their authority produced a report which could be submitted for the award next year.

**RESOLVED**

That the update be noted.

Prior to consideration of the following item Members received a presentation outlining the role of PATROL and to provide a context to some of the issues discussed at meetings.

During the presentation the merits of providing electronic copies and not hard copies of all future agendas was discussed. Views varied with some Members preferring hard copies and others preferring to have an electronic copy instead. It was agreed that when the Director of PATROL circulated the presentation to Members via email she would carry out a survey of Members preferences with regards to the receipt of all future agendas. Her findings would then be reported to the Resources Working Group and Sub Committee for their consideration. A report on the matter would then be brought to a future meeting of the Joint Committee.

**38 WALES UPDATE**

Consideration was given to a written update from Wales.

The Assistant Chair (Wales), Councillor James of Carmarthenshire County Council provided a summary on the following issues:-

Civil Parking Enforcement (CPE);  
Moving Traffic Enforcement;  
Clean Air Zones;  
Pavement Parking.

**RESOLVED**

That the update be noted.

**39 BUDGET MONITORING 2019/20**

The Director of PATROL introduced the report presenting the income, expenditure and reserves monitoring information for the year to 30 November 2019.

The Tribunal operated on a self-financing basis with income obtained from defraying expenses amongst the Joint Committee member authorities. The revenue budget estimate was established by the Joint Committee for 2019/20 on

the basis that this would reflect the councils who were already members of the Joint Committee. The Joint Committee forecasting model took account of recent income trends (i.e. within the last 12 months).

Additional income was derived from a recharge to the Bus Lane Adjudication Service Joint Committee and the provision of adjudication for appeals arising from road user charging enforcement at the Dartford-Thurrock River Crossing where the Charging Authority was Highways England. Additional income arises from adjudication for the Mersey Gateway Crossing (the Charging Authority was Halton Borough Council who were not members of the Joint Committee).

The Joint Committee's income was derived from a pre-estimate of the number of penalty charge notices (PCNs) each council and Charging Authority would issue. Corrections are applied at the 6-month and 12-month points once the actual number of PCNs issued was known.

It was reported that if there was a need for greater expenditure than that provided for in the approved budget, then there was a recommendation to authorise the Director to incur additional expenditure, provided such expenditure did not exceed the income for the current year. Should it be the case that the revenue account falls into deficit then the surplus from previous years was available. Should there be greater income than expenditure in the year then there was a recommendation that this be transferred into the succeeding year as reserves.

The detailed monitoring position was shown on page 13 of the agenda. Eight months into the financial year, the overall surplus was £262,616 against a budget of £126,134 (favourable variance of £136,081). Of this, £151,763 was ring-fenced to Highways England and Halton Borough Council had shown a deficit of £37,993. The PATROL surplus at 30 November 2019 was £148,846.

## **RESOLVED**

That the income and expenditure and reserves at 30 November 2019 be noted.

### **40 REVENUE BUDGET FOR 2020/21**

Consideration was given to a report requesting the Committee to adopt the revenue budget estimates for 2020/21.

In accordance with the Joint Committee's agreement, it was necessary to establish a budget estimate for the forthcoming year. An assessment had been made of the likely service take up during 2020/21 and therefore, the Adjudicators, administrative support and accommodation needed. The adjudication service was operated on a self-financing basis with income obtained from contributions by PATROL member authorities and the provision of adjudication to third parties.

A table providing an income summary since 2010/11 to 2019/20 was included in the report.

The Joint Committee had determined that member authorities would defray the expenses of the Joint Committee by way of a contribution based on the number of penalty charge notices they issued.

Additional income to the PATROL budget arises from a recharge to the Bus Lane Adjudication Service Joint Committee for the purposes of integrated adjudication services.

During 2020/21, additional income also derived from the Secretary of State for Transport in respect of adjudication of appeals arising from the enforcement of road user charging (RUCA) at the Dartford-Thurrock River Crossing and from charges to Halton Borough Council in respect of adjudication of appeals arising from the enforcement of road user charging at the Mersey Gateway Bridge. These charging authorities were not members of the PATROL Joint Committee. Any surplus/deficit arising from appeals activity in this respect was ring-fenced to those charging authorities. Charges were also agreed separately.

During 2018/19, new powers were introduced to enable Local Authorities in England to undertake civil enforcement of littering from vehicles. Whilst there had been considerable interest from local authorities' level of enforcement had been low and at the time of writing the report, to date only four appeals had been received by the tribunal. The forecast for 2020/21 remained low for this area of enforcement.

It was anticipated that 2020 would see the introduction of road user charging appeals associated with Charging Clean Air Zones. In the absence of estimates, a provisional estimate of £60,000 had been included.

It was queried as to the volume of littering from moving vehicles appeals. The Director confirmed the numbers were low and she would circulate the exact figures as part of the General Progress report at the next meeting.

### **RESOLVED**

That the revenue budget for 2020/21 as detailed in the report, be agreed and adopted.

## **41 RESERVES POLICY STATEMENT**

Consideration was given to a report enabling the Sub-committee to review the Reserves Policy Statement for 2020/21, in order to comply with Financial Regulations.

Clarification was requested in respect of property reserves. The Director explained that the Resources Working Group and Sub Committee had reviewed the Property Reserve and to avoid the peaks and troughs associated with linking it directly to the number of years remaining on the lease, an average of two years would be used each year. It was suggested that an email could be sent out to Members explaining this further if necessary.

**RESOLVED**

- 1 That the proposed Reserves Policy Statement for 2020/21 including the recommendation for a new Research and Innovation Reserve of £50,000 be approved.
- 2 That the total PATROL approved reserve level for 2020/21 of £2,255,631 be agreed. This reflected the contribution from the BLASJC reserve of £332,214. The equivalent amount for 2019/20 was £1,866,984. This after allowing for the proposed Reserve Allocation to BLASJC of £231,304.
- 3 That the balances of any surplus from 2019/20 being carried forward to 2020/21 be approved.
- 4 That the delegation of authority to the Chair and the Vice Chair for authorising the withdrawal of funds from PATROL Free Reserves to meet budgetary deficits be approved.

**42 ANNUAL INVESTMENT STRATEGY**

Consideration was given to a report on investments during 2018/19, requesting the Joint Committee to approve the annual investment strategy for 2020/21.

A concern was raised that British banks were not being used. In response the Director stated that the UK registered banks with the best interest rates were usually used taking into account recommendations from the Host Authority. A further comment in respect of this matter was made which suggested any bank used should have a credit rating of A- or above and that the nationality of the bank wasn't something the Sub Committee should be too concerned with.

**RESOLVED**

That the Annual Investment Strategy 2020/21 be approved.

**43 DEFRAIVING THE EXPENSES OF THE JOINT COMMITTEE 2020/21**

Consideration was given to a report to establish the basis for defraying expenses during the 2020/21, in order to comply with Financial Regulations.

The Joint Committee provided the means to appeal to an independent adjudicator in respect of civil traffic enforcement in England (outside London) and Wales and road user charging. The PATROL agreement provided for the adjudication service to be operated on a self-financing basis with expenses defrayed by member authorities. Where authorities were working in partnership, it was practice to charge those enforcement authorities who managed the enforcement income stream. Table 1 of the report provided an overview of the Joint Committee's basis for defraying expenses since inception.

It was recommended that for 2020/21, the Joint Committee maintain the rate of 30 pence per PCN. The basis for defraying expenses would be reviewed in October 2020 in the light of the six-month income and expenditure information.

## **RESOLVED**

- 1 That for 2020/21, the Joint Committee maintained the rate of 30 pence per PCN for member authorities. This would be reviewed at the October 2020 meeting in the light of actual income and expenditure information for the first half of the year was available. The rate of 30 pence would apply to penalties issued as follows:  
  
Parking - England  
Parking - Wales  
Bus Lanes and Moving Traffic - Wales  
Road User Charging – England and  
Wales Littering from vehicles – England
- 2 There would be no annual charge, nor cost per case.
- 3 Invoicing would be undertaken on a quarterly basis on estimated figures and subsequently adjusted at the 6 month and 12 month points.
- 4 That it be noted that separate charging arrangements be entered into with Highways England and Halton Borough Council who were not members of the Joint Committee but with each of whom the Joint Committee had entered into a Memorandum of Understanding. Ring-fenced balances associated with these schemes were reported separately to the Joint Committee within budget monitoring reports.
- 5 That it be noted that the decision to provide a transcription from the audio recording of proceedings rests with the Adjudicator. Where this had been agreed to, the Joint Committee agree that the incidental costs of making a transcription from the audio recordings of the proceedings at a hearing is charged to the requesting party except when, in the view of the Adjudicator, a disability of the requesting party would make it desirable for that person to receive such a transcript.

#### **44 TRAFFIC PENALTY TRIBUNAL GENERAL PROGRESS REPORT**

Consideration was given to a report providing a summary of the Traffic Penalty Tribunal appeals activity for the period April to November 2019.

Appendix 1 of the report providing an overview of appeals activity for the period 1 April 2019 to 30 November 2019.

A summary of tribunal initiatives was set out in the report including progress on FOAM, Appeals summary from April until November 2019, hearings, case closure, assisted digital support, appellant feedback and Local Authority workshops conducted during the year.

Iain Worrall representing the Traffic Penalty Tribunal informed the Sub Committee that workshops would be taking place in September and October and all Councillors were welcome to attend. It was suggested that some Local Authorities should be strongly encouraged to attend the workshops and could there be a more robust approach in ensuring they did.

In response officers felt they were limited to what they could do in terms of enforcing Councils to attend the workshops however it was suggested it was something which could be looked at in terms of ways to promote the benefits of the sessions and networking opportunities.

#### **RESOLVED**

That the matters reported be noted.

#### **45 PATROL AND BLASJC RESOURCES WORKING GROUP AND SUB COMMITTEE**

Consideration was given to a report on the PATROL and BLASJC Resources Working Group meeting held 7 January 2020.

The July 2019 meetings of the Joint Committees had resolved that the Resources Sub Committee and Working Group would oversee a number of initiatives and report to the Joint Committees and their Executive sub Committees. The last meeting had taken place on 7 January 2020, where a number of items had been considered, including an update on Public Affairs, Traffic Penalty Tribunal statistics and financial reports.

#### **RESOLVED**

- 1 That the matters discussed at the meeting held 7 January 2020 be noted.
- 2 That approval be given to the Resources Sub Committee and Working Group to oversee matters highlighted in the report and appendix and to

report back to the next meeting of the Joint Committees or their Executive Sub Committees.

#### **46 PUBLIC AFFAIRS OVERVIEW**

Consideration was given to a detailed overview of public affairs activity in 2020 and the work planned for the coming year. A wide range of topics were addressed including pavement parking, moving traffic powers, littering from vehicles, clean air zones, the Parking (Code of Practice) Act 2019, and legislation and enforcement in general.

#### **RESOLVED**

That the report be noted and that the Resources Working Group and Sub-Committee monitor the activity and report to meetings of the Executive Sub-Committee.

#### **47 RISK MANAGEMENT FRAMEWORK**

Consideration was given to a report presenting a Risk Management Framework for approval.

The Risk Management Framework report, which was appended at Appendix 1, provided a summary of the most significant threats facing the Joint Committees, which may prevent or assist with the achievement of its objectives.

#### **RESOLVED**

That the Risk Management Framework, as set out at Appendix 1, be noted.

#### **48 DATE OF NEXT MEETING**

It was reported that the next meeting would take place as follows:-

14 July 2020 Church House, Westminster which would be followed by a Member workshop after lunch commencing at 1.15pm and concluding at 2.15pm. After this the Parking Annual Reports by Councils (PARC) Awards would take place later in that afternoon at the House of Commons between 4pm and 6pm.

The meeting commenced at 11am and concluded at 12.38pm

Minutes of a virtual meeting of the  
**PATROL and Bus Lane Adjudication Service Joint Committee**  
**Resources Sub Committee**  
Held on Tuesday 28 July 2020

**PRESENT**

Cllr Stuart Hughes (PATROL Chair), Devon County Council  
Cllr Martin King (PATROL Vice Chair), Wychavon District Council  
Cllr Terry Douris (PATROL Assistant Chair), Dacorum Borough Council,  
Cllr Tony Page, (BLASJC Chair), Reading Borough Council  
Marc Samways (Chair of Advisory Board), Hampshire County Council  
Graham Addicott OBE, (Vice Chair of Advisory Board)  
Paul Nicholls (Member of Advisory Board), Brighton & Hove City Council  
Caroline Sheppard OBE, Chief Adjudicator  
Iain Worrall, Traffic Penalty Tribunal  
Louise Hutchinson, Director PATROL  
Erica Maslen, PATROL  
Rachel Graves – Cheshire East Council (minutes)

**1. Apologies**

Apologies were received from:

Cllr John James (PATROL Assistant Chair Wales), Carmarthenshire County Council

**2. Declarations of Interest.**

No declarations of interest were made.

**3. PATROL (Parking and Traffic Regulations Outside London) Adjudication Joint Committee Draft Annual Return for the Year 2019/20**

The Draft Annual Return would have normally been approved at the Annual Meeting of the Joint Committee in July. However due to Covid-19, and in consultation with the Chair and External Auditors, it was determined that the Joint Committee's Resources Sub Committee would approve the draft Annual Return for 2019/20.

The Report and Appendix 1 set out the expenditure and income for 2019/20. Expenditure for 2019/20 was lower than budgeted by £260,583 (8%), whilst Income was £122,981 (3.5%) adverse to the budget. The Outturn for PATROL was a surplus of £169,537. It was proposed that this surplus be added to the Joint Committee's reserves.

Internal Audit was provided by Cheshire East Council. A copy of the Internal Audit Report for 2019/20 had been circulated in the agenda. The level of assurance for 2019/20 was confirmed as 'Good'. The Committee noted the four recommended actions, which were detailed in Appendix A to the Internal Audit Report.

**RESOLVED:** That the Sub Committee

- 1 note the outturn position against the 2019/20 budget included within the report (Appendix 1), which is subject to audit validation.
- 2 approve the surplus of income over expenditure of £169,537 being added to the Joint Committee's reserves, which excludes £157,265 being the total of Highways England (Dartford-Thurrock River Crossing) and Halton Borough Council (Mersey Gateway Bridge Crossing) surpluses which are ring-fenced to those charging authorities respectively.
- 3 determine that the Executive Sub Committee review the basis for defraying expenses following budget monitoring at the half-year point at their meeting in October 2020.
- 4 approve the 2019/20 draft Annual Return (Appendix 2), note the balance sheet and cash flow (Appendix 3) and the audit timetable.
- 5 note the Annual Internal Audit Report 2019/20 (Appendix 4).

**4. Bus Lane Adjudication Service Joint Committee Draft Annual Return for the Year 2019/20**

The Sub Committee considered Draft Annual Return for the Bus Lane Adjudication Service Joint Committee.

The Report and Appendix 1 set out the Expenditure and Income for 2019/20. Expenditure was higher than budgeted by £113,394 (24.1%), which was due to higher than anticipated recharge for costs from PATROL, in turn due to a higher than anticipated proportion of PCNs issued. Income was also higher than budget - £118,104 (23.5%), due to the higher than anticipated number of PCNs issued. Bank interest continued to out-perform budgetforecast giving rise to a positive variance of £1,881.

The Outturn for 2019/20 was a surplus of £35,666. It was proposed that this surplus be added to the Joint Committee's reserves.

**RESOLVED:** That the Sub Committee

- 1 note the outturn position against the 2019/20 budget included within the report (Appendix 1), which is subject to audit validation.
- 2 approve the surplus of income over expenditure of £35,666 being added to the Joint Committee's reserves.
- 3 determine that the Executive Sub Committee review the basis for defraying expenses following budget monitoring at the half-year point at their meeting in October 2020.
- 4 approve the 2019/20 draft Annual Return (Appendix 2), notes the balance sheet (Appendix 3) and cash flow (Appendix 4).

5 note the Annual Internal Audit Report 2019/20 reported under the previous item.

The Chair confirmed that the draft accounts for 2019/20 were now approved and that the final audited accounts would be presented to the meeting of the Executive Sub Committee in October 2020.

The meeting commenced at 10.45 am and concluded at 10.58 am



This page is intentionally left blank

**PATROL ADJUDICATION JOINT COMMITTEE****Executive Sub Committee****Dates: 13<sup>th</sup> October 2020****Report: Wales Update****1. Civil Parking Enforcement (CPE)**

All local authorities in Wales are now in the civil scheme.

**2. Moving Traffic Enforcement**

There are two authorities undertaking civil enforcement of moving traffic powers (Cardiff Council and Carmarthenshire County Council). Swansea Council is undertaking civil bus lane enforcement.

**3. Pavement Parking**

The Welsh Government established a Taskforce Group in July 2019 to explore the potential regulatory and secondary legislative changes that could be made and determine whether civil enforcement can be used to provide a mechanism to enforcement pavement parking. The Taskforce Group included representation from PATROL, Traffic Penalty Tribunal, a number of Welsh local authorities and other interested parties. It is anticipated that the Welsh Government will consider next steps in response to the recommendations from the Taskforce Group this Autumn.

**4. Clean Air Zones**

Cardiff and Caerphilly councils were asked to submit feasibility study reports to the Welsh Government by the end of June 2019 outlining action that they will take to achieve legal limits for nitrogen dioxide in the shortest possible time frame.

Cardiff Council ruled out a charging CAZ but was instead looking to impose alternatives measures. On 14<sup>th</sup> January 2020 the Welsh Government accepted the council's new proposals to tackle air pollution in the city. The council's revised plan includes a bus retrofitting programme, taxi mitigation measures, city centre public transport improvements and a new active travel package which anticipates that the non-charging measures deliver wider air quality benefits across all of Cardiff when compared directly to the results of the charging Clean Air Zones.

On 15<sup>th</sup> January 2020 Cardiff Council launched its Transport White Paper setting out a ten-year plan to tackle the climate emergency and improve air quality in the Welsh capital. This includes the option to introduce a £2 congestion charge by 2024 on all vehicles from outside the city.

Caerphilly County Borough Council do not have immediate plans for a Clean Air Zone but have identified Air Quality Management Areas.

In August 2020, the Welsh Government launched its air quality strategy “Clean Air for Wales: Healthy Air, Healthy Wales”. Amongst the measures outlined were:

- significant investment in active travel infrastructure, improving rail services and supporting decarbonisation through our aim for a zero tailpipe exhaust emission taxi and bus fleet by 2028.
- investigating measures to support a reduction in personal vehicle use such as road user charging, Clean Air Zones and/or Low Emission Zones.
- implementing our electric vehicle charging strategy and supporting an increase in the proportion of vehicles which are ultra-low emission (ULEV) and promoting a shift to ULEVs for waste collection.

<https://gov.wales/we-have-take-action-now-minister-launches-welsh-governments-clean-air-plan-wales-improve-air>.

## **PATROL ADJUDICATION JOINT COMMITTEE**

### **Executive Sub Committee**

---

**Date of Meeting:** 13th October 2020  
**Report of:** The Director on behalf of the Resources Working Group  
**Subject/Title:** Audit Commission Small Bodies Annual Return for the Year Ended 31 March 2020

---

#### **1.0 Report Summary**

1.1 To report the findings of the external and internal auditors for 2019/20.

#### **2.0 Recommendation**

2.1 To note the findings of the external audit for 2019/20 in the enclosed annual return (Appendix 1 and 2).

2.2 To note the findings of the internal audit for 2019/20 as reported to the PATROL and Bus Lane Adjudication Service Joint Committees' Resources Sub Committee at their meeting on 28<sup>th</sup> July 2020 (Appendix 3).

#### **3.0 Reasons for Recommendations**

3.1 Compliance with PATROL Financial Regulations.

#### **4.0 Financial Implications**

4.1 Set out in the report.

#### **5.0 Legal Implications**

5.1 None at this time.

#### **6.0 Risk Management**

6.1 Internal and external audit findings provide assurance to the Joint Committee on financial management.

#### **7.0 Background and Options**

7.1 The Draft Annual Return would normally be approved at the annual meeting of the Joint Committee in July each year. In the light of the Covid-19 pandemic and in consultation with the Chair and the External Auditors, it was determined that the PATROL and Bus Lane Adjudication Service Joint Committees' Resources Sub Committee would be asked to approve the draft annual return for 2019/20 and note the supporting documents.

- 7.2 The Resources Sub Committee approved the draft annual return for 2019/20 at its meeting on 28<sup>th</sup> July 2020.
- 7.3 The Joint Committee approved the appointment of BDO LLP to audit the annual returns of the Joint Committee for the period 2018/19 to 2020/21 at its meeting in January 2019. BDO LLP have provided the external audit function in accordance with the requirements of the Small Bodies Annual Return, which is utilised for bodies with an annual turnover of less than £6.5 million.
- 7.4 The external auditors have found a minor issue, which relate to presentation of the annual return. A copy of the audited annual return (Appendix 1) and the auditor's Issues Report (Appendix 2) is enclosed.
- 7.5 There is no requirement for the Joint Committee to publish accounts from 2015/16 onwards however at the Joint Committee meeting in June 2015, it was determined that this would continue for the purposes of transparency.
- 7.6 The outturn for 2019/29 is reported elsewhere on this agenda.

#### **8.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Louise Hutchinson  
Designation: Director  
Tel No: 01625 445566  
Email: [lhutchinson@patrol-uk.info](mailto:lhutchinson@patrol-uk.info)

## Joint Committees

### Return for the financial year ended 31 March 2020

---

The return on pages 2 to 5 is made up of four sections:

- Sections 1 and 2 are completed by the person nominated by the Joint Committee
- Section 3 is completed by BDO LLP as the reviewer appointed by the Joint Committee.
- Section 4 is completed by the Joint Committee's internal audit provider.

#### **Completing your return**

Guidance notes, including a completion checklist, are provided on page 6 and at relevant points in the return. Also our extranet contains useful advice for you to refer to, see below.

Complete all sections highlighted in red. Do not leave any red box blank. Incomplete or incorrect returns require additional work and so may incur additional costs.

Send the return, together with your bank reconciliation as at 31 March 2020, an explanation of any significant year on year variances in the accounting statements and any additional information requested, to us, BDO LLP, by the due date.

We will identify and ask for any additional documents needed for our work. Therefore, unless requested, do not send any original financial records.

Once we have completed our work, the completed return will be returned to the Joint Committee.

It should not be necessary for you to contact us for guidance.

**Section 1 – Governance statement 2019/20**

We acknowledge as the members of

Enter name of reporting body here: **PARKING & TRAFFIC REGULATIONS OUTSIDE LONDON ADJUDICATION JOINT COMMITTEE**

Our responsibility for ensuring that there is a sound system of internal control, including the preparation of the accounting statements. We confirm, to the best of our knowledge and belief, with respect to the accounting statements for the year ended 31 March 2020, that:

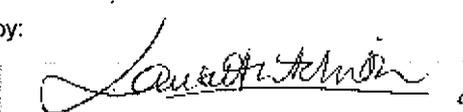
	Agreed		Yes Means that the body
	Yes	No	
1 We approved the accounting statements prepared in accordance with the guidance notes within this Return.	✓		Prepared its accounting statements and approved them.
2 We maintained an adequate system of internal control, including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	✓		Made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge
3 We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with generally accepted good practice that could have a significant financial effect on the ability of the body to conduct its business or on its finances and have reported our financial results to our host authority for inclusion in their accounts.	✓		Has only done what it has the legal power to do and has complied with general accepted good practice
4 We carried out an assessment of the risks facing the body and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✓		Considered the financial and other risks it faces and has dealt with them properly.
5 We maintained throughout the year an adequate and effective system of internal audit of the body's accounting records and control systems.	✓		Arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of the body.
6 We took appropriated action on all matters raised during the year in reports from internal audit and external reviews.	✓		Responded to matters brought to its attention by internal and external reviewers.
7 We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during for after the year-end, have a financial impact on the body and where appropriate have included them in the accounting statements.	✓		Disclosed everything it should have about its business activity during the yea including events taking place after the year-end if relevant.

The governance statement is approved by the Joint Committee and recorded as minute reference

3

Date 28/07/2020

Signed by:   
Chair

Signed by:   
Clerk

**\*Note: Please provide explanations on a separate sheet for each 'No' response. Describe how the joint committee will address the weaknesses identified.**

Section 2 – Accounting Statements 2019/20 for

Enter name of reporting body here:

PARKING & TRAFFIC REGULATIONS OUTSIDE LONDON ADJUDICATION JOINT COMMITTEE

	Year ending		Notes and guidance
	31 March 2019	31 March 2020	
1 Balances brought forward	3,442,141	3,295,412	Total balances and reserves at the beginning of the year as recorded in the body's financial records. Value must agree to Box 7 of previous year.
2 (+) Income from local taxation and/or levy	-		Total amount of local tax and/or levy received or receivable in the year including funding from a sponsoring body. Excluding any grants received.
3 (+) Total other receipts	3467,612	3,341,316	Total income or receipts as recorded in the cashbook less the taxation and/or levy (line 2). Include any grants received here.
4 (-) Staff costs	1,932,773	2,127,214	Total expenditure or payments made to and on behalf of all employees. Include salaries and wages, PAYE and NI (employees and employers)), pension contributions and employment expenses.
5 (-) Loan Interest/capital repayments			Total expenditure or payments of capital and interest made during the year on the body's borrowings (if any).
6 (-) All other payments	1,681,568	1,331,742	Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan interest/capital repayments (line 5).
7 (=) Balances carried forward	3,295,412	3,177,712	Total balances and reserves at the end of the year. Must equal (1+2+3) – (4+5+6)
8 Total cash and short term investments	3,182,671	2,901,016	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – to agree with bank reconciliation.
9 Total fixed assets plus other long term investments and assets			The original Asset and Investment Register value of all fixed assets, plus other long term assets owned by the body as at 31 March
10 Total borrowings			The outstanding capital balance as at 31 March of all loans from third parties (including PWLB)

I certify that for the year ended 31 March 2020 the accounting statements in the return present fairly the financial position of the Joint Committee and its income and expenditure, or properly present receipts and payments, as the case may be.

Signed by Responsible Financial Officer:

[Signature box]

Date 16/07/20

I confirm that these accounting statements were approved by the Joint Committee on:

28/072020

and recorded as minute reference:

3

Signed by Chair of meeting approving these accounting statements:

[Signature]

### Section 3 – External Report 2019/20 Certificate

We present the findings from our review of the return for the year ended 31 March 2020 in respect of:

Enter name of reporting body here:

PARKING & TRAFFIC REGULATIONS OUTSIDE  
LONDON ADJUDICATION JOINT COMMITTEE

Respective responsibilities of the Joint Committee and the reviewer

The Joint Committee has taken on the responsibility of ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The Joint Committee prepares a return which:

- summarises the accounting records for the year ended 31 March 2020; and
- confirms and provides assurance on various governance matters in accordance with generally accepted good practice

This report has been produced in accordance with the terms of our engagement letter dated [date ] ("the Engagement Letter") and in accordance with the International Standard on Related Services 4400 applicable to agreed-upon-procedures engagements as published by IAASB.

We have performed the following work in respect of the return prepared by the Joint Committee:

- agreed to bank reconciliation to the annual return and the bank statements
- agreed the Annual return figures back to the trial balance
- ensured the trial balance and accounting statements adds up
- agreed the precept to the funding body
- agreed any loans to the PWLB or whoever the loan is with
- checked the comparative figures to the prior year accounts
- undertake an analytical review of the figures and investigated any variances in excess of 10%
- agree that the accounting statements and annual governance statement have been signed and dated as required.
- investigated any NO answers to the Annual Governance Statement
- investigated any NO answers in the Internal auditor report

[No exceptions were found / Apart from the following exceptions, noted below, no exceptions were found.]

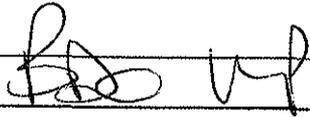
We have not subject the information contained in our report to checking or verification procedures except to the extent expressly stated above and this engagement does not constitute an audit or a review and, as such, no assurance is expressed. Had we performed additional procedures, an audit or a review, other matters might have come to light that would have been reported.

You were responsible for determining whether the agreed upon procedures we performed were sufficient for your purposes and we cannot, and do not, make any representations regarding the sufficiency of these procedures for your purposes.

Our report is prepared solely for the confidential use of the joint committee. Our report must not be used for any purpose other than for which it was prepared or be reproduced or referred to in any other document or made available to any third party without the written permission of BDO LLP.

We accept no liability to any other party who is shown or gains access to this report.

Reviewer signature



BDO LLP

11 September 2020

Section 4 – Annual internal audit report 2019/20 to

Enter name of reporting body here:

PARKING & TRAFFIC REGULATIONS OUTSIDE LONDON ADJUDICATION JOINT COMMITTEE

The Joint Committee's internal audit service provider, acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with relevant procedures and controls expected to be in operation during the financial year ended 31 March 2020.

Internal audit has been carried out in accordance with the Joint Committee's needs and planned coverage.

On the basis of the findings in the areas examined, the internal audit conclusions are summarised in this table. Set out below are the objectives of internal control and alongside are the internal audit conclusions on whether, in all significant respects, the control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of the Joint Committee.

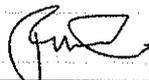
Internal control objective	Agreed? Please choose one of the following:		
	Yes	No	Not covered
A. Appropriate accounting records have been kept properly throughout the year.	✓		
B. The Joint Committee's financial regulations have been met, payments were approved and VAT was appropriately accounted for.	✓		
C. The Joint Committee assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.	✓		
D. The annual taxation or levy or funding requirements resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.	✓		
E. Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.	✓		
F. Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.	✓		
G. Salaries to employees and allowances to members were paid in accordance with the body approvals, and PAYE and NI requirements were properly applied.	✓		
H. Asset and investments registers were complete and accurate and properly maintained.	✓		
I. Periodic and year-end bank account reconciliations were properly carried out.	✓		
J. Accounting statements prepared during the year were prepared on the correct accounting basis, agreed to the cash book, were supported by an adequate audit trail from underlying records, and, where appropriate, debtors and creditors were properly recorded.	✓		

For any other risk areas identified by the Joint committee (list and other risk areas below or on separate sheets if needed) adequate controls existed:

Name of person who carried out the internal audit:

Josie Griffiths

Signature of person who carried out the internal audit:



Date:

14/07/2020

\*Note: If the response is 'no' please state the implications and action being taken to address any weakness in control identified (add separate sheets if needed).

\*\*Note: If the response is 'not covered' please state when the most recent internal audit work was done in this area and when it is next planned, or, if coverage is not required, internal audit must explain why not (add separate sheets if needed).

## Guidance notes on completing the 2019/2020 return

1. Make sure that your return is complete (i.e. no empty red boxes), and is properly signed and dated. Avoid making any amendments to the completed return. But, if this is unavoidable, make sure the amendments are drawn to the attention of and approved by the body, properly initialled and an explanation provided to us. Returns containing unapproved or unexplained amendments will be returned and may incur additional costs.
2. Use the checklist provided below. Use a second pair of eyes, perhaps a member of the committee or the Chair, to review your return for completeness before sending it to us.
3. Do not send us any information not specifically asked for. Doing so is not helpful. However, you must notify us of any change of Clerk, Responsible Financial Officer or Chair.
4. Make sure that the copy of the bank reconciliation or letter confirming the balance held on your behalf which you send with the return covers all your bank balances. If the joint committee holds any short-term investments, note their value on the bank reconciliation. We must be able to agree your bank reconciliation to Box 8 on the Accounting statements. You must provide an explanation for any difference between Box 7 and Box 8.
5. Explain fully significant variances in the accounting statements on page 3. Do not just send in a copy of your detailed accounting records instead of this explanation. We want to know that you understand the reasons for all variances. Include a complete analysis to support your explanation.
6. If we have to review unsolicited information, or receive an incomplete bank reconciliation, or you do not fully explain variances, this may incur additional costs for which we will make a charge.
7. Make sure that your accounting statements add up the balance carried forward from the previous year (Box 7 of 2019) equals the balance brought forward in the current year (Box 1 of 2020).
8. Do not complete section 3. We will complete it at the conclusion of our work.

Completion checklist – No answers mean you may not have met requirements		Done?
All sections	All red boxed have been completed?	✓
	All information has been sent with this return?	✓
Section 1	For any statement to which the response is 'no', an explanation is provided?	✓
Section 2	Approval by the body confirmed by the signature of Chair of meeting approving the accounting standards?	✓
	An explanation of significant variations from last year to this year is provided?	✓
Section 4	Bank reconciliation as at 31 March 2020 agrees to Box 8?	✓
	An explanation of any difference between Box 7 and Box 8 is provided?	✓
	All red boxed completed by internal audit and explanations provided?	✓



**ISSUES ARISING REPORT FOR  
Parking & Traffic Regulations Outside London  
Adjudication Joint Committee  
Audit for the year ended 31 March 2020**

## Introduction

The following matters have been raised to draw items to the attention of Parking & Traffic Regulations Outside London Adjudication Joint Committee. These matters came to the attention of BDO LLP during the audit of the annual return for the year ended 31 March 2020.

The audit of the annual return may not disclose all shortcomings of the systems as some matters may not have come to the attention of the auditor. For this reason, the matters raised may not be the only ones that exist.

The matters listed below are explained in further detail on the page(s) that follow;

## Issues Raised

- Minor issues
-

The following issue(s) have been raised as there are minor errors on the annual return which we wish to draw to the attention of the body so they do not occur again in future years.

**Minor issues**

*What is the issue?*

The following issues have been raised as minor issues or omissions have been identified in the current year's Annual Return:

There are empty boxes in the Accounting Statements of the annual return. We do not believe there should be any figures in these boxes but they should include a nil or zero to confirm this.

*Why has this issue been raised?*

This is to draw these minor errors to the attention of the smaller authority.

*What do we recommend you do?*

The smaller authority should ensure in future years that the above minor errors or omissions are not included in the Accounting Statements.

Further guidance on this matter can be obtained from the following source(s):

Not applicable

**No other matters came to our attention.**

For and on behalf of  
BDO LLP

Date: 11 September 2020

---

This page is intentionally left blank

# Internal Audit – Assurance Report PATROL (Parking and Traffic Regulations Outside London) 2019/20

Report Status: Final  
Report Date: 6<sup>th</sup> July 2020  
Prepared by: Lucy Nelson

## Distribution List and Version Control

*Draft reports should not be shared with anyone outside of the distribution list below without prior approval from the Audit Manager.*

### **Distribution List – Draft Report:**

- Louise Hutchinson – PATROL, Director
- Erica Maslen – PATROL, Central Services Manager

*Final reports should not be shared with anyone outside of the distribution list without prior approval from the Audit Manager and Final Report Owner.*

### **Distribution List – Final Report:**

- Louise Hutchinson – PATROL, Director
- Erica Maslen – PATROL, Central Services Manager

### **Final Report Owner:**

- Louise Hutchinson – PATROL, Director

### **Version Control**

Version Number	Date	Changes
1.0	25.06.20	Draft report prepared
1.1	30.06.20	Draft report reviewed and approved for issue (JG)
2.0	06.07.20	Actions agreed and issued in Final

<b>Galileo Reference</b>	EXT001.0005
--------------------------	-------------

OFFICIAL

## Executive Summary

### 1. Background

1.1 PATROL (Parking and Traffic Regulations Outside London) has been established to enable Councils undertaking civil parking enforcement in England and Wales and civil bus lane and moving traffic enforcement in Wales to exercise their functions under:

- Section 81 of the Traffic Management Act 2004 (TMA) and Regulations 17 and 18 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (the English General Regulations);
- Section 81 of the TMA and Regulations 16 and 17 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) Wales Regulations 2013 (the Welsh General Provisions Regulations);
- Regulations 12 and 13 of The Road User Charging (RUCA) Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (the Road User Charging Regulations).
- Regulation 18 of The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018.

1.2 These functions are exercised through PATROL in accordance with Regulation 16 of the English General Regulations and Regulation 15 of the Welsh General Provisions Regulations.

1.3 The Bus Lane Adjudication Service Joint Committee (BLASJC) has been established to enable councils in England undertaking civil enforcement of bus lanes to exercise their functions under Regulation 11 of The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 (the Bus Lane Regulations).”

1.4 These functions are exercised through BLASJC in accordance with Regulation 12 of the Bus Lane Regulations.

1.5 Under the above legislation and regulations, Councils operating civil traffic enforcement functions are responsible for funding the provision of adjudication. The Councils carry out this function through a Joint Committee. The PATROL and Bus Lanes Adjudication Joint Committees perform this function in accordance with legislation and regulations and the constituent authorities of each Joint Committee defray expenses in such a proportion as the Joint Committees decide.

## Executive Summary

- 1.6 The Traffic Penalty Tribunal also provides adjudication in respect of penalties issued for failure to pay the road user charge at the Dartford-Thurrock River Crossing and the Mersey Gateway Bridge Crossing . PATROL has entered into a Memorandum of Understanding with the Secretary of State for Transport and Halton Borough Council as the respective Charging Authority for these schemes.
- 1.7 PATROL is classed as a small relevant body in accordance with the Accounts and Audit Regulations 2015, and prior to 2015/16 had to complete a Small Bodies Annual Return (SBAR) summarising their annual activities at the end of each financial year. This requirement was removed for 2015/16 by the Accounts and Audit Regulations 2015; however, the Body has decided to still complete the SBAR on an annual basis as good practice and in the spirit of openness and transparency.
- 1.8 Cheshire East Council was appointed as the Host Authority to the PATROL Adjudication Joint Committee and Bus Lane Adjudication Joint Committee on 1st January 2013. As part of this role, the Council has delivered the Body's Internal Audit service.
- 1.9 Where reference is made to policies and procedures within this report, these are PATROL's, not Cheshire East Council's unless specified otherwise.

## 2. Scope of Review and Risks Covered

- 2.1. Following the Covid-19 outbreak and in line with government guidance, the review for 2019/20 has been carried out remotely. Internal Audit has followed the programme of testing as much as possible and has placed reliance on information supplied electronically.
- 2.2. In order to complete Section 4 of the 2019/20 SBAR, we had to determine whether the ten stated internal control objectives have been achieved throughout the 2019/20 financial year to a standard adequate to meet the needs of the Body. The control objectives are:
- A. Appropriate accounting records have been kept properly throughout the year
  - B. The body's financial regulations have been met, payments were supported by invoices, expenditure was approved and VAT appropriately accounted for
  - C. The body assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage this
  - D. The annual taxation or levy or funding requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate
  - E. Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for

OFFICIAL

## Executive Summary

- F. Petty cash payments were properly supported by receipts, expenditure was approved and VAT appropriately accounted for
  - G. Salaries to employees and allowances to members were paid in accordance with body approvals, and PAYE and NI requirements were properly applied
  - H. Asset and investment registers were complete and accurate and properly maintained
  - I. Periodic and year-end bank account reconciliations were properly carried out
  - J. Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, were supported by an adequate audit trail from underlying records, and where appropriate, debtors and creditors properly recorded
- 2.3. In order to satisfy the above control objectives, we carried out a programme of audit testing on the following areas:
- Assets (testing did not include a physical check due to carrying out the audit remotely)
  - Banking and Cheques
  - Budgetary Control
  - Income
  - Payroll
  - Procurement
  - Purchase Cards
  - Petty Cash (testing did not include a physical check due to carrying out the audit remotely)
  - Risk Management
- 2.4. PATROL introduced a petty cash system during 2019/20 with a balance limit of £50, the procedures introduced were reviewed, however physical testing could not be carried out due to the remote review. There are also a number of purchase cards linked to the bank account. As such, and as per the testing carried out in previous years, a review of processes and controls in operation in relation to the cards was also undertaken.
- 2.5. The separate Joint Committees for PATROL Adjudication Service and Bus Lanes Adjudication Service share the same systems and processes. Therefore, where appropriate, audit work focussed on PATROL and assurance can be drawn from this for Bus Lanes.
- 2.6. Where sample testing was undertaken, sampling was proportionate to the volume of transactions in relation to the PATROL, Bus Lanes, RUCA and littering. Furthermore, the samples selected included transactions completed throughout the whole of 2019/20 in order to ensure that the findings are as comprehensive and reliable as possible and also capture an accurate reflection of the practices in place. Although reasonable assurance can be drawn from these findings it is never

OFFICIAL

## Executive Summary

possible to give complete assurance that all issues have been uncovered, as we are unable to test every transaction.

2.7. We have previously issued a draft report to present our key findings and actions, (reported on an exception basis), to confirm the factual accuracy of the findings and to agree recommended actions. This final report is issued now that the recommended actions, along with responsibilities and timescales have been agreed.

### 3. Key Findings and Recommended Actions

3.1. A total of 88 controls have been tested covering all areas detailed in the control objectives on the SBAR. This draft report is intended to highlight the areas where improvements are required, either in the control itself or to improve compliance with the controls.

3.2. As a result of the testing, four recommended actions have been identified which are detailed in full on the attached action plan (**Appendix A**).

3.3. The main areas for improvement are:

- **Control Objective G**
  - Formal authorisation of all expenses incurred by staff should be documented in line with the Expenses Policy.

- **Control Objective H**
  - Arrangements should be in place to ensure all newly acquired items are listed on the asset register.
  - Obsolete IT assets should not be disposed of without prior approval and instruction from the Body.

### 4. Conclusion and Opinion

4.1. The audit concluded that the 10 control objectives detailed on the 2019/20 SBAR are effectively managed for both PATROL and Bus Lane Adjudication Joint Committees. **Appendix B** confirms the results of the audit work as it will be entered on the SBAR.

4.2. The steps taken to address compliance with the controls the Body has established in its processes and procedures are operating satisfactorily.

4.3. Action should now be taken to implement the agreed actions, within the target timescales, in order to improve the robustness of controls operating within the service.

4.4. Internal Audit use a formal opinion system, details of which are given in **Appendix C**. Based upon the findings and actions raised, a "Good Assurance" opinion has been given.

## Executive Summary

### **Good Assurance**

Controls are in place to mitigate against the risks identified in the Terms of Reference. Testing has shown that controls are working effectively and consistently to ensure that key risks are well managed.

- 4.5. In line with our Audit Charter, the agreed action plan will be subject to a follow up review to provide assurance that recommended actions have been implemented.

## Appendix A– Action Plan

<b>G: Salaries to employees and allowances to members were paid in accordance with body approvals, and PAYE and NI requirements were properly applied</b>			
<b>Finding</b>	<b>Implication</b>	<b>Recommended Action</b>	<b>Priority</b>
<p>1</p> <p>Testing highlighted that during 2019/20 there were 11 transactions for car hire, totalling £1,759.11 The expenses policy states that:</p> <p><i>'the hire charge should exceed no more than £40 per day. Line manager approval must be sought if it is necessary to hire a vehicle that exceeds this charge per day.</i></p> <p>7 of those transactions exceeded £40 per day. Although the Director regularly discusses diary commitments and the requirement for car hire with staff, there are no records of formal authorisation.</p> <p>Furthermore, the Body have also reimbursed petrol used for car hire, however as there are no details of the journeys undertaken, there is no assurance that the petrol used is specifically for business use.</p> <p>As such, there is concern over the level of expenditure on car hire and the transparency of the journeys made.</p>	<p>Payments may not be made in accordance with levels of delegated authority and processed without regard to established procedures, which could lead to possible fraud or error.</p>	<p>The Body should review the £40 per day threshold for car hire to consider the appropriateness of the level set. Once reviewed the Expenses Policy should be updated to reflect the revised limit and put to the Advisory Board for approval.</p> <p>Furthermore the Body should ensure they can demonstrate that the reason and requirement for car hire is appropriately documented and authorised in accordance with the approved Expenses Policy.</p> <p>Full journey details should also be provided and appropriately documented to support business use.</p>	<p>Medium</p>
<b>Management Response</b>			
<p><b>Agreed:</b> The £40 threshold is the “base” hire rate and it was on that basis that specific approval was not sought from the Director to hire the vehicle. The additional charges relating to insurances can increase the base rate from, for example, £35 to £53 per day. The expenses policy will be revised to reflect the base rate and documentation will be introduced to evidence the requirement for car hire and journey details.</p>			

## Appendix A– Action Plan

<b>Responsibility:</b> The Central Services Manager <b>Target Date:</b> July 2020
--

<b>G: Salaries to employees and allowances to members were paid in accordance with body approvals, and PAYE and NI requirements were properly applied</b>				
	<b>Finding</b>	<b>Implication</b>	<b>Recommended Action</b>	<b>Priority</b>
2	<p>In addition to the above, the sample testing also identified a payment of £83.33 on 9/4/19, made for damage to the front tyre of a hire car.</p> <p>There is no guidance in the Expenses Policy which sets out the liability for any costs incurred through damage.</p>	<p>Non-compliance with Financial Regulations resulting in unauthorised or improperly authorised transactions.</p> <p>Purchasing arrangements may not demonstrate value for money or prevent waste and fraud.</p>	<p>The Expenses Policy should be updated to set out the responsibilities for incurring any costs for damages through the use of a hire car.</p> <p>The policy should state that the employee will be responsible for any damage caused and costs incurred on the return of the vehicle which is as a result of employee fault or through neglect.</p>	Low
<b>Management Response</b>				
<p><b>Agreed:</b> On this occasion the charge was made in error as the policy included Damage Waiver, however the Expenses Policy will be updated to reflect that Damage Waiver should be taken out and where there is any charge due to damage which is as a result of negligence or error on the part of our member of staff that they will be required to reimburse the organisation.</p> <p><b>Responsibility:</b> The Central Services Manager  <b>Target Date:</b> July 2020</p>				

<b>H: Asset and investment registers were complete and accurate and properly maintained</b>				
	<b>Finding</b>	<b>Implication</b>	<b>Recommended Action</b>	<b>Priority</b>
3	<p>The Body maintains an IT and Equipment Asset register.</p> <p>A review of expenditure identified that new IT acquisitions are included and updated on the IT</p>	<p>Assets may not be adequately recorded and safeguarded.</p>	<p>The asset register should be updated to include the item identified during testing.</p> <p>In addition, appropriate procedures should also be put in place to ensure</p>	Medium

OFFICIAL

## Appendix A– Action Plan

asset register, however, it was noted that although an Apple Ipad & Keyboard were purchased together on 11/2/20, the keyboard was not included on the IT asset register.		that all new acquisitions are included and updated on the register at the earliest opportunity.	
<b>Management Response</b>			
<p><b>Agreed:</b> The Stakeholder Engagement and Systems Manager is now required to check the asset register each quarter to ensure that any anomalies are corrected as soon as possible.</p> <p><b>Responsibility:</b> Central Services Manager</p> <p><b>Target Date:</b> July 2020</p> <p><b>If no, please provide further details:</b></p>			

<b>H: Asset and investment registers were complete and accurate and properly maintained</b>			
<b>Finding</b>	<b>Implication</b>	<b>Recommended Action</b>	<b>Priority</b>
<p>4 The Asset Management Policy includes procedures for asset disposal and states that all disposals will be approved in writing by the Director.</p> <p>A review of purchase card expenditure for 2019/20, highlighted a credit of £120.00 on 16/4/16 from Apple Online Store Ltd for the trade in of 2 Iphone 6s. However, there was no evidence to support that the Director authorised the disposal, authorisation was completed retrospectively on 19/6/20.</p>	Assets may not be adequately recorded and safeguarded.	Disposal of assets & equipment should be appropriately documented and authorised in accordance the Scheme of Financial Delegation prior to disposal.	Medium
<b>Management Response</b>			
<p><b>Agreed:</b> A reminder will be given to all IT staff and their Managers that any item subject to disposal needs to have approval from the Director in writing.</p> <p><b>Responsibility:</b> Central Services Manager</p> <p><b>Target Date:</b> Done</p> <p><b>If no, please provide further details:</b></p>			

## Appendix B– Summary of Audit Results for the 2019/20 Small Bodies Annual Return

Section	Objective	Agreed		
		Yes	No	Not Covered
A	Appropriate accounting records have been kept properly throughout the year	✓		
B	The body's financial regulations have been met, payments were supported by invoices, expenditure was approved and VAT appropriately accounted for	✓		
C	The body assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage this	✓		
D	The annual taxation or levy or funding requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate	✓		
E	Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for	✓		
F	Petty cash payments were properly supported by receipts, expenditure was approved and VAT appropriately accounted for	✓ *		
G	Salaries to employees and allowances to members were paid in accordance with body approvals, and PAYE and NI requirements were properly applied	✓		
H	Asset and investment registers were complete and accurate and properly maintained	✓		
I	Periodic and year-end bank account reconciliations were properly carried out	✓		
J	Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, were supported by an adequate audit trail from underlying records, and where appropriate, debtors and creditors properly recorded	✓		

\* PATROL introduced a petty cash system during 2019/20, the procedures introduced were reviewed, however physical testing could not be carried out due to the remote review. There are also a number of purchase cards linked to the bank account, therefore, a review of processes and controls in operation in relation to the cards was also undertaken.

OFFICIAL

## Appendix C – Audit Opinion and Priority Rating for Individual Findings

### Audit Opinion

An overall opinion on the control environment will be given on completion of the audit work. This opinion relates **only** to those risks identified or systems tested. Where the audit opinion given is either limited or no assurance, consideration will be given to including those areas in the Annual Governance Statement.

There are four possible opinions: good assurance, satisfactory assurance, limited assurance, and no assurance.

The following table explains the various assurance levels in terms of the controls in place and how testing has shown them to be operating. It also gives an indication as to the priority rating of recommendations you might expect at each assurance level, although please note this is for guidance only as the final opinion lies at the discretion of the Auditor.

Assurance Level	Explanation
<b>Good Assurance</b>	Controls are in place to mitigate against the risks identified in the terms of Reference. Testing has shown that controls are working effectively and consistently to ensure that key risks are well managed. No high level recommendations have been made although there may be a small number at medium level. Some changes in the control environment may be beneficial to enhance performance and realise best practice.
<b>Satisfactory Assurance</b>	Controls are adequate to address the risks identified in the terms of reference. Testing has shown that there are some inconsistencies in the application of the controls, and attention is needed to improve the effectiveness of these controls. Recommendations will normally be no higher than medium level.
<b>Limited Assurance</b>	Controls are either not designed to mitigate the risks identified in the terms of reference, or testing has shown there to be significant non-application of controls. There are likely to be a number of high priority recommendations and/or a large number at the medium level. Attention is needed to improve the quality and effectiveness of the control environment in order to ensure key risks can be managed well.
<b>No Assurance</b>	There is an absence of controls to mitigate against the risks identified in the terms of reference. The majority of recommendations made are high priority, and key risks are not being properly managed. Urgent attention is required by management to improve the control environment. This area may be considered for inclusion in the organisation's Annual Governance Statement. It may also be appropriate for this area to be included in the sections/directorate Risk Register, and for the action plan to address these fundamental weaknesses to become part of the Service Delivery Plan.

## Appendix C – Audit Opinion and Priority Rating for Individual Findings

### Priority Rating for Individual Findings

Every audit finding and supporting recommendation will be rated in line with the criteria shown below. Timescales for necessary actions will be discussed with service managers, but the broad expectations for consideration and implementation are outlined below.

Priority	Explanation		
	Risk	Controls and Testing	Timescale
<b>High</b>	<p>Action is required to mitigate against a risk which is assessed as likely to arise, and having a high impact should it do so.</p> <p>A fundamental risk may involve failure to:</p> <ul style="list-style-type: none"> <li>• Meet key business objectives</li> <li>• Meet statutory objectives</li> <li>• Adhere to Cheshire East policies</li> <li>• Prevent fraud or material error</li> </ul>	<p>Controls to mitigate risks identified in the terms of reference are either absent or poorly designed.</p> <p>Testing has shown that controls are significantly failing to work as intended.</p>	<p>This action needs immediate consideration by management.</p> <p>Implementation of necessary actions may take longer, but an action plan to address the issues should be developed immediately.</p>
<b>Medium</b>	<p>Action is required to mitigate against a risk which is assessed as being likely to arise OR having a significant impact if it should arise.</p>	<p>Controls to mitigate risks identified in the terms of reference are in place.</p> <p>Testing has shown that controls are working as intended, with some minor inconsistency.</p>	<p>This action needs to be considered by management within 3 months.</p> <p>Implementation of necessary actions may take longer, but an action plan to address the issues should be developed within 3 months.</p>
<b>Low</b>	<p>Action is required to mitigate against a risk which is assessed as having a low impact or being unlikely to arise.</p> <p>Implementation of these actions will further strengthen internal control and improve potential for achieving best practice.</p>	<p>Controls to mitigate risks identified in the terms of reference are in place.</p> <p>Testing has shown that the controls are being applied consistently and effectively.</p>	<p>This action needs to be considered by management within 6 months.</p> <p>Implementation of necessary actions may take longer, but an action plan to address the issues should be developed within 6 months.</p>

This page is intentionally left blank

## PATROL ADJUDICATION JOINT COMMITTEE Executive Sub Committee

---

<b>Date of Meeting</b>	13 October 2020
<b>Report of:</b>	The Director in consultation with the Resources Working Group
<b>Subject/Title:</b>	Budget monitoring, reviewing reserves and the basis for defraying costs 2020/21

---

### 1.0 Report Summary

1.1 To present income, expenditure and reserves monitoring information.

### 2.0 Recommendation

2.1 To note the income and expenditure position at 31<sup>st</sup> July 2020.

2.2 To note the information the current and forecast reserves position.

2.3 To review the options and determine the basis for defraying expenses for the year 2020/21. The Resources Working Group reviewed these options at their meeting on 29<sup>th</sup> September and recommend **Option A to retain the current basis for defraying expenses at 30 pence per PCN and to review in January 2021.**

### 3.0 Reasons for Recommendations

3.1 Compliance with Financial Regulations

### 4.0 Financial Implications

4.1 Set out in the report.

### 5.0 Legal Implications

5.1 None

### 6.0 Risk Management

6.1 Budget monitoring forms part of the Risk Register.

## 7.0 Background and Options

### Income

- 7.1 The PATROL budget and the resulting basis for defraying expenses was approved for the year 2020/21 at the meeting of the Executive Sub Committee held 28th January 2020 (Appendix 1).
- 7.2 Additional income is derived from recharges to the Bus Lane Adjudication Service Joint Committee, Highways England and Halton Borough Council, giving together with PATROL, a total of four appeal streams.
- 7.3 The Joint Committee forecasting model takes account of recent income trends (i.e. within the last 12 months). The budget was set prior to the introduction of Covid-19 national lockdown measures in April and the subsequent effect on enforcement activity.
- 7.4 The Covid-19 pandemic and associated lockdown has impacted on enforcement and appeals in varying ways across the four appeal streams, and has resulted in insufficient income to meet ongoing costs for the first six months of the current financial year (Appendix 1). Overall income at 31<sup>st</sup> July 2020 was forty per cent of that forecast.
- 7.5 The PATROL Joint Committee has two sets of reserves, Approved Reserves and Free Reserves. Approved Reserves cover the following four headings - General Operating Costs, Technology, Premises, and Research and Innovation.
- 7.7 The Joint Committee also has Free Reserves representing the accumulation of surpluses from previous years. In accordance with the Joint Committees' Financial Regulations, PATROL surpluses (Free Reserves) from previous years (which totalled £930,667 on 1<sup>st</sup> April 2020) have been utilised to meet ongoing costs in consultation with the Chairs of the Joint Committees.
- 7.8 PATROL's Free Reserves combined with anticipated income are expected to meet ongoing costs until January 2021. Beyond this point the General Reserve of £1.8 million is available for drawdown to cover costs. The Technology Reserve payment on FOAM development is being paused until required. The Property Reserve will remain at its current level until 2021/22. The Research and Innovation Reserve is not expected to be used in the current financial year.
- 7.9 2020 has been an unprecedented year and given the current escalation in local Covid-19 restrictions, it is difficult to predict its outcome and so it is necessary to make some assumptions about income. The starting assumption is that PCNs issued during the second half of 2020/21 (October to March) will be roughly equivalent to the first six months of the financial year
- 7.10 The PATROL Joint Committee with the benefit of previous years' surpluses (Free Reserves) is in the positive position of being largely on track to protect its Approved General Operating Reserve of £1.8 million which was put in place to mitigate against unforeseen events as in the current pandemic.

## **8.0 Expenditure**

- 8.1 Expenditure at 31<sup>st</sup> July 2020 was lower than budgeted by £177,222 (16.5%).
- 8.2 Adjudicator costs were lower than budget by £110,969 (26.9%).
- 8.3 Staffing costs were lower than budget by £35,729 (9.4%).
- 8.4 Premises costs also favourable to budget by £9,562 (14.3%). The majority of this relates to refurbishment and maintenance costs which have not been incurred.
- 8.5 Transport costs are favourable to budget by £27,023 (90.3%) due to the absence of face to face meetings during the pandemic.
- 8.6 Supplies and Services were £7,081 (5.6%) lower than budgeted.
- 8.7 Additional expenditure was incurred in respect of IT infrastructure and servers which resulted in expenditure being adverse to budget by £13,505 (17.35%)
- 8.8 Service Management and Support relates to the fee paid to the Host Authority, Cheshire East Council, under the agreed Service Level Agreement.
- 8.9 Audit fees relate to internal and external audit fees for services reported separately on the agenda.
- 8.10 As at September, appeals have returned to 64% of the levels seen last year. Adjudicators are anticipating the introduction of Charging Clean Air Zone appeals in 2021 and at some point, the potential for moving traffic appeals in England (outside London). Given the appeal levels, plans to introduce new staff for Clean Air Zones have been put on hold as it is anticipated that these can be absorbed with the current establishment. The Chief Adjudicator will be reviewing adjudicator requirements in anticipation of the new appeal streams.
- 8.11 Steps have been taken to reduce expenditure including a review of service contracts, reduced running costs due to office closure, reduced travel and meeting hire costs. This review of expenditure will continue across all support services and functions.
- 8.12 Following the successful move to remote working and a recent staff consultation, notice has been served on the current office space in Wilmslow with a view to moving to a small office hub facility and increased remote working. Budget setting for 2021/22 will reflect these anticipated savings.

## **9.0 Income**

- 9.1 Overall income was £849,310 (69.1%) lower than budget comprising:
  - a) PATROL Income, comprising Parking (England and Wales), Bus Lanes and Moving Traffic (Wales), Road User Charging (Durham) and Littering from Vehicles (England) was below that budget by £487,205 (83.9%)

- b) The recharge for bus lane adjudication service costs is adverse to budget by £151,639 (68.5%).
- c) Income from the Dartford-Thurrock River Crossing and the Mersey Gateways Crossing were both lower than budgeted (40.1% and 48.3% respectively).
- d) Bank interest was 6.6% lower than forecast due to reduced cash balances

## 10.0 Apportioning Costs and Reserves

- 10.1 The basis for sharing costs between the four appeals streams (PATROL, BLASJC and non-members (Highways England and Halton Borough Council) is determined by the number of PCNs as a proportion of the whole (in respect of fixed costs) and the number of cases as a proportion of the whole in respect of variable costs. In light of the unprecedented variations in enforcement during this year, the 2019/20 basis for allocating fixed costs will be adopted with any required adjustments being made at the end of the financial year. Costs will not be recharged for April and May to reflect the tribunal putting appeals on hold in the early stages of the pandemic. Variable costs will be apportioned based on 2020/21 actuals.
- 10.2 The PATROL and Bus Lane Adjudication Service Joint Committees established their own charges based on anticipated demands and individual Joint Committee surpluses. The Bus Lane Adjudication Service Joint Committee also contributes towards the PATROL General Operating Reserve. Charges are agreed separately with Highways England and Halton Borough Council taking into account their individual balances where surplus or deficit is ring-fenced.
- 10.3 The position at 31<sup>st</sup> July set out in Appendix 1 in an overall deficit of £518,465 for the first four months of 2020/21 compared to a forecast surplus of £153,623 giving a variance to budget of £672,088.

This deficit breaks down as:

PATROL	- £620,689
Halton Borough Council	+ £12,413
Highways England	+ £89,812

The PATROL deficit will be met from PATROL Free Reserves.

- 10.4 At 30<sup>th</sup> September based on a combination of confirmed income and estimates and that the current basis of defraying expenses at 30 pence per PCN is retained. The following free reserves are forecast at 30<sup>th</sup> September.

	TOTAL	PATROL	Highways England	Mersey Gateway	Bus Lanes
brought forward April 20	<b>3,177,774</b>	<b>3,089,798</b>	<b>73,912</b>	<b>14,064</b>	<b>574,567</b>
<i>Of which are:</i>					
General Operating	1,845,819	1,845,819			
Technology	272,664	272,664			
Property	322,862	322,862			
Innovation and Research	50,000	50,000			
	<b>2,491,345</b>	<b>2,491,345</b>	<b>0</b>	<b>0</b>	<b>0</b>
Reserve allocated to BLASJC	<b>-332,214</b>	<b>-332,214</b>			332,214
PATROL Approved Reserve	<b>2,159,131</b>	<b>2,159,131</b>	<b>0</b>	<b>0</b>	<b>332,214</b>
Free Reserves at April 20	<b>1,018,643</b>	<b>930,667</b>	<b>73,912</b>	<b>14,064</b>	<b>242,353</b>
forecast surplus / deficit to Sept	<b>-539,671</b>	<b>-696,872</b>	132,934	24,266	<b>-48,199</b>
<i>1st Half - 2m to PATROL and 4m based on Other (19/20 %) and Adj (20/21 actual %)</i>					
<b>Forecast Reserves to Sept</b>	<b>2,638,103</b>	<b>2,392,926</b>	<b>206,846</b>	<b>38,330</b>	<b>526,368</b>
<i>Forecast Free Reserves to Sept</i>	<i>478,972</i>	<i>233,795</i>	<i>206,846</i>	<i>38,330</i>	<i>194,154</i>

10.5 In summary, the table above indicates that all appeal streams will have a positive free reserves position at the end of September 2020.

10.6 Projecting this forward to 31<sup>st</sup> March 2021 for PATROL on the basis of

- assuming income in the second six month will equate to that in the first six months and
- the current charge of 30 pence per PCN issued is retained

The following PATROL approved reserve levels are anticipated at the 31<sup>st</sup> March 2021. This indicates that following the drawdown of available Free Reserves, the Approved General Operating Reserve will be reduced by £87,365 (5.8%) and the Technology Reserve by £115,800 (42.5%) giving a total negative variance of £203,165.

	Forecast 31-Mar-21	Approved 1920-21	variance	change
General Reserve (exc BLASJC)	1,426,240	1,513,605	<b>-87,365</b>	-5.8%
Technology Reserve	156,864	272,664	<b>-115,800</b>	-42.5%
Property Reserve	322,862	322,862	0	<i>unless utilised</i>
Innovation & Research Reserve	50,000	50,000	0	<i>unless utilised</i>
	<b>1,955,966</b>	<b>2,159,131</b>	<b>-203,165</b>	

## 11. Options for Defraying Expenses

11.1 The table below provides the history to PATROL's charging to member authorities:

Year	Per PCN
2009/10	60/65 pence
2010/11	65 pence
2011/12	65 pence
2012/13	60 pence
2013/14	60 pence
2014/15	55 pence
2015/16	50/45 pence
2016/17	45/40 pence
2017/18	35 pence
2018/19	35 pence
2019/20	30 pence
2020/21	30 pence

11.2 At the January 2020 meeting, the Joint Committee determined the basis for defraying expenses to member authorities for 2020/21 at 30p per PCN and agreed that this would be reviewed at the October meeting.

11.3 The Resources Working Group has reviewed the income and expenditure information, cash flow projections and impact on Free and Approved Reserves and in the light of the General Operating Reserve largely being preserved recommends Option A below with a view to this being reviewed again the January 2021 meeting of the Executive Sub Committee.

### **Option A Retain the 30 pence per PCN charge in 2020/21**

As set out in 10.6, this would result in a forecast deficit of £203,165 equating to the General Operating Reserve being in deficit by £87,365 and the Technology Reserve being in deficit by £115,800.

### **Option B: Increase the current contribution to 35 pence per PCN with effect from October 2020**

This would reduce the forecast deficit for the year from £203,165 to £151,637 for PATROL (This is made up of a £35,837 deficit on the General Operating Reserve and £115,800 deficit on Technology Reserve)

### **Option C: Increase the contribution to 40 pence per PCN with effect from October 2020**

This would reduce the forecast deficit for the year from £203,165 to £100,110 (a £15,690 positive variance for the General Operating Reserve and £115,800 deficit on the technology reserve)

## **12.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Louise Hutchinson

Designation: Director

Tel No: 01625 445566

Email: [lhutchinson@patrol-uk.info](mailto:lhutchinson@patrol-uk.info)

## Appendix 1: Outturn to July 2020

	Year to Date				Full Year		
	31/07/2020	31/07/2020	31/07/2020	31/07/2020	2020/21	2020/21	2019/20
	Year to Date	Budget	Var to Budget	Var to Budget	Full Year Budget	Var to Budget	Prior Year Result
<b>Income:</b>							
PATROL *	93,798	581,003	(487,205)	-83.9%	1,743,009		1,729,895
Recharge for Bus Lane Adjudication Costs	69,837	221,476	(151,639)	-68.5%	664,428		579,821
<b>Road User Charging:</b>							
RUCA (Dartcharge) - Highways England	173,885	290,324	(116,439)	-40.1%	870,972		816,375
RUCA (Mersey Gateway) - Halton Borough Council	34,777	67,267	(32,489)	-48.3%	201,800		189,001
Clean Air Zones	0	61,008	(61,008)	-100.0%	61,008		56
LFV	0	0	0	0.0%			
Bank Interest	7,471	8,000	(529)	-6.6%	24,000		25,766
Sale of Assets	0	0	0	0.0%	0		402
Contribution (to) / from Reserves	0	0	0	0.0%	0		0
<b>Total Income</b>	<b>379,768</b>	<b>1,229,078</b>	<b>(849,310)</b>	<b>-69.1%</b>	<b>3,565,217</b>	<b>0</b>	<b>3,341,316</b>
<b>Expenditure:</b>							
Adjudicators	264,552	375,521	110,969	29.6%	1,254,564		1,038,590
Staff	343,507	379,236	35,729	9.4%	1,301,715		1,064,988
Premises / Accommodation	57,898	67,550	9,652	14.3%	205,650		192,726
Transport	2,911	29,933	27,023	90.3%	92,800		83,771
Supplies and Services	119,398	126,479	7,081	5.6%	504,771		331,618
IT	91,400	77,895	(13,505)	-17.3%	233,685		246,820
Services Management and Support	17,200	17,200	0	0.0%	51,600		51,600
Audit Fees	1,367	1,640	273	16.7%	4,920		4,400
Contingency	0	0	0	0.0%	54,000		0
<b>Total Expenditure</b>	<b>898,233</b>	<b>1,075,454</b>	<b>177,222</b>	<b>16.5%</b>	<b>3,703,705</b>	<b>0</b>	<b>3,014,515</b>
<b>Surplus / (Deficit)</b>	<b>-518,465</b>	<b>153,623</b>	<b>(672,088)</b>		<b>-138,488</b>	<b>0</b>	<b>326,802</b>
	0	-0					

<b>Breakdown of Surplus</b>	-518,465	153,623			<b>-138,488</b>		326,802
<b>PATROL *</b>	-620,689	99,290			-161,030		169,537
<b>Halton Borough Council</b>	12,413	4,996			-14,131		-47,175
<b>Highways England</b>	89,812	49,338			36,674		204,440

\* PATROL = Parking England and Wales, and Bus Lanes and Moving Traffic Wales, RUC Durham and Littering from Vehicles (England)

**PATROL AND BUS LANE ADJUDICATION SERVICE JOINT  
COMMITTEES  
Executive Sub Committees**

---

<b>Date of Meeting:</b>	13 <sup>th</sup> October 2020
<b>Report of:</b>	The Director on behalf of the PATROL and BLASJC Resources Working Group and Sub Committee.
<b>Subject/Title:</b>	Report of the PATROL and BLASJC Resources Working Group meetings held since the meeting of the Executive Sub Committees in January 2020.

---

**1.0 Report Summary**

- 1.1 To report on the PATROL and BLASJC Resources Working Group meetings held since the Executive Sub Committee Meeting held in January 2020.

**2.0 Recommendations**

- 2.1 To note the matters discussed at the meetings since the Executive Sub Committee in January 2020.
- 2.2 To approve the Resources Working Group and Sub Committee overseeing matters highlighted in the report and reporting back to the next meeting of the Joint Committee in July 2020.

**3.0 Reasons for Recommendations**

- 3.1 To update the Joint Committees.

**4.0 Financial Implications**

- 4.1 The Resources Working Group considered financial matters reported to this meeting.

**5.0 Legal Implications**

- 5.1 None

**6.0 Risk Management**

- 6.1 The Resources Working Group considered the risk management report presented to this meeting.

**7.0 Background and Options**

- 7.1 The July 2019 meetings of the Joint Committees resolved that the Resources Sub Committee and Working Group would oversee a number of initiatives on its behalf.

- 7.2 The Resources Working Group comprises the Chairs of the Joint Committee and representatives from the Joint Committees' Advisory Board. The Resources Sub Committee comprises the Members.
- 7.3 The Resources Working Group met in March, June, July and September 2021.
- 7.4 During the Covid-19 pandemic, the Chairs of the Joint Committees have been appraised of the impact of reduced income on cash flow and the need to drawdown from the reserves from previous years in accordance with the Joint Committees' Reserves Policy.
- 7.5 In June the Chief Adjudicator confirmed that the current adjudicators had been reappointed. Appointments are made for a period of five years and are subject to the consent of the Lord Chancellor.
- 7.6 The Resources Sub Committee held a meeting in July to approve the Draft Annual Returns for 2019/20 reported elsewhere on this agenda.
- 7.7 The Resources Working Group have been consulted in the decision to service notice on the current lease at the Wilmslow office in response to a move to increased remote working and the planned introduction of a smaller office hub following a staff consultation. Adjudicators already work remotely.
- 7.8 The Resources Working Group has also received reports on work of the Five-Year Review Group, which is tasked with reviewing the resource requirements of the Traffic Penalty Tribunal and PATROL in the light of anticipated opportunities and challenges over the period 2020-25. The Chair will report on the work of the Five-Year Review Group under a separate agenda item.
- 7.9 At its meeting on 29<sup>th</sup> September 2020, the Resources Working Group reviewed the following reported elsewhere on this agenda:
  - a) The Public Affairs Update.
  - b) The Traffic Penalty Tribunal's General Progress Update
  - c) Financial and audit reports.
  - f) Reviewed the risk management report, reported separately.
  - e) Reviewed procurement falling outside the Joint Committee's financial regulations,
- 7.10 It is proposed that the Resources Working Group and Sub Committee continue to oversee the above matters and report to the subsequent meetings of the Joint Committee Executive Sub Committees at the annual Joint Committee meetings in July 2021.

**8.0 Recommendation**

- 8.1 To note the matters discussed at the meetings held since the Executive Sub Committee in January 2020.
- 8.2 To approve the Resources Sub Committee and Working Group overseeing matters highlighted in the report and reporting to the annual Joint Committee meetings in July 2021.

**9.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Louise Hutchinson  
Designation: Director  
Tel No: 01625 445566  
Email: [lhutchinson@patrol-uk.info](mailto:lhutchinson@patrol-uk.info)

This page is intentionally left blank

**Appendix 1**

**PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES**

**Resources Working Group and Sub Committee**

**Terms of Reference 2019/20**

**Membership:**

Chairs, Vice Chairs, Assistant Chairs of PATROLAJC and BLASJC supported by a Resources Working Group to include: Chair and Vice Chair of Advisory Board, Director, Chief Adjudicator and such additional representatives that may assist the Working Group and Sub Committee.

**Meetings:**

As and when required.

**Delegation**

Delegation of the following functions from the PATROL Joint Committee or Executive Sub Committee to the PATROLAJC Resources Working Group and Sub Committee.

- (a) Any financial, governance or other matter that the Joint Committee or its Executive Sub Committee determines to delegate to the Resources Working Group to take forward between meetings as far as this does not contravene existing standing orders and governance arrangements and falls within the approved budget.
- (b) Progressing any urgent financial or governance matter including risk items relating to audit recommendations, which fall between Joint Committee and its Executive Meetings as raised by the Chairman or Director on the basis that this falls within the approved budget.
- (c) Accepting tenders for the supply of goods, services, materials, equipment, building and civil engineering works in excess of £250,000 per contract on the basis that they fall within the approved budget or relate to earmarked reserves.
- (d) Noting the recommendations from low-level internal audit reports and monitoring any follow up actions
- (e) Noting reports from the Director on expenditure falling outside the Joint Committee's Financial Regulations.
- (f) Approving human resource proposals which fall outside the delegation from the Joint Committee and Lead Authority to the Director save for those relating to Adjudicators which are delegated to the Chief Adjudicator on the basis that they fall within the approved budget.

**Review**

These terms of reference will be presented to the Joint Committee on an annual basis.

Approved June 2015

Approved July 2016

Approved July 2017

Approved July 2018

Approved July 2019

## **PATROL and Bus Lane Adjudication Service Joint Committees Executive Sub Committees**

**Date of Meeting: 13<sup>th</sup> October 2020**

### **Report of the Director**

## **PATROL Public Affairs Overview October 2020**

### **1. Introduction**

With a membership of over 300 local authorities, PATROL is uniquely placed to understand the local authority perspective on civil enforcement matters whilst at the same time having regard to the issues that matter to motorists through the experience of appeals to the Traffic Penalty Tribunal.

The Resources Working Group and Sub Committee has been overseeing a range of public affairs initiatives on behalf of the PATROL and the Bus Lane Adjudication Service Joint Committees and their Executive Sub Committees.

The following report provides an update on activities in the following categories:

- Current Issues
- Future trends in transport and their impact
- Public Information – Parking Annual Reports

Each sub-section within these categories is split into:

- Background
- Update
- Next Steps

### **2. Current Issues**

#### **a) The impact of COVID-19 on transport**

In summary

Local authorities reduced or stopped enforcement during April and May and also made parking provision available for NHS and Care Workers. Local authorities reported redeploying civil enforcement officers to assist with welfare provision in response to the Covid-19 pandemic.

Authorities are now emerging from lockdown at different pace, and their priorities are likely to be framed by factors including:

- A staged recovery;
- Managing pavements for safe distancing
- Coastal resorts and visitor attractions facing parking pressure when lockdown eased.
- Increasing use of pay by phone
- Responding to resident requests for enforcement, for instance on permit parking.
- Reduced capacity of and use of public transport;
- Increasing reliance on cars
- Addressing the needs of people reliant on public transport
- Promoting active travel (walking and cycling including pop-up cycles lanes
- Use of experimental and temporary traffic regulation orders
- Encouraging dual mode journeys e.g. car and walking/cycling;
- Supporting business and the local economy
- Continued working from home for many workers

The Government through a range of announcements and funding initiatives is promoting active travel (walking and cycling) and hoping to build on the impact of COVID-19 on personal mobility during lockdown.

Statutory guidance was issued local authorities on managing their road networks in response to the coronavirus. Guidance was issued for transport, travel and passengers.

The Government has introduced temporary legislation (Traffic Orders Procedure (Coronavirus) (Amendment) (England) Regulations 2020) to simplify the Traffic Regulation Order process to support the introducing of temporary traffic schemes such as pavement widening or cycle lanes. Whilst meeting urgent needs, consideration needs to given to how these schemes may impact on other traffic management objectives.

The Government introduced a Pavement License allowing license holders to place removable furniture on certain highways adjacent to premises to provide for social distancing within the hospitality industry.

The recovery in terms of use of public transport has been slow and has prompted concerns for how to manage urban centres in the light of increasing car usage. This may involve car parks being used as hubs to transfer to walking or cycling for the “final mile”.

The Government has maintained its commitment to improving air quality and drawing upon the lockdown experience.

MHCLG has convened a fortnightly forum on parking matters in the light of the pandemic. PATROL is participating in this forum

### **Update**

The Department for Transport continues to monitor transport use with the period prior to Covid-19 and in June 2020 commissioned IPSOS Mori to undertake a survey of the public’s attitude to transport.

Local authority enforcement ceased or reduced significantly in April and May with some but not all local authorities showing increasing activity from June onwards as lockdown began to ease.

There have been reports of delays in the DVLA processing changes in ownership on account of the pandemic. Change of ownership is common issue in appeals to the Traffic Penalty Tribunal.

In June 2020, the Department for Transport provided clarification on the (Traffic Orders Procedure (Coronavirus) (Amendment) (England) Regulations 2020 stating that TROs can be permanent, temporary or experimental. The Statutory Instrument introduces an emergency procedure for temporary orders and amends publicity requirements.

Traffic authorities may use the new emergency procedure to put in place measures urgently if they are necessary for purposes connected to coronavirus. The emergency procedure is set out in the newly-inserted [Regulation 18 of Part VI \(Temporary Provisions Applicable During the Coronavirus Pandemic\)](#) of [The Road Traffic \(Temporary Restrictions\) Procedure Regulations 1992 \(SI 1992/1215, as amended by SI 2020/536\)](#).

[Regulation 18\(1\) of Part VI](#) essentially sets out a two-part test. Part one of the test is that the order must be made under [section 14 \(temporary prohibition or restriction on roads\) of the road traffic regulation act 1984](#) (“the 1984 act”). So the traffic authority must be satisfied the traffic on the road should be restricted or prohibited for reasons set out in section 14(1) of the 1984 act. Part two of the test is that the traffic authority must be satisfied the temporary order should be made for purposes connected to coronavirus.

<https://www.gov.uk/government/publications/making-traffic-regulation-orders-during-coronavirus-covid-19>

## **b) Transport Committee 2020**

There are currently three ongoing inquiries:

Young and Novice Drivers  
Coronavirus: Implications for Transport  
Escooters  
Reforming Public Transport after the Pandemic

<https://committees.parliament.uk/committee/153/transport-committee>

## **c) Pavement Parking**

**Objectives: To contribute evidence and solutions to the government’s exploration of how local authorities outside London can more effectively enforce pavement parking, streamlining the regulatory regime and demonstrating the benefits for local communities.**

### **Background**

Consideration of pavement parking has taken place over the last five years:

- In 2016 the then Minister, Andrew Jones, convened a roundtable discussion on pavement parking. Discussion focused on the local authority concerns regarding the ability to introduce and enforce pavement parking prohibitions outside London were issues relating to the processing of Traffic Regulation Orders. PATROL and TPT were represented on that round table.

- In August 2017 the Department for Transport published a consultation document “Accessibility Action Plan Consultation – A Transport System that is open to everyone”. The consultation included a section on unauthorised pavement parking. PATROL submitted a response to the consultation. The consultation document refers to a survey on the wider Traffic Regulation Order (TRO) process in terms of the current situation, the costs and timescales for processing TROs and information about options for change. Representatives from PATROL and the Traffic Penalty Tribunal met with civil servants at the Department for Transport and outlined the challenges of the TRO making process generally and, in particular, for pavement parking and set out the option of introducing obstruction as a contravention. Parking Review invited PATROL to outline its position on pavement parking and this was published in March.
- In 2018 three Pavement Parking Workshops were held one with members and two in the North and South of England with a mixture of local authority members and officers. The latter two received a presentation from the Department for Transport with the lead civil servant listening to the feedback from delegates on this issue. A clear message from PATROL’s workshops is that local authorities are looking to build upon existing powers to tackle pavement parking in a way that meets the specific needs of their community rather than a “one size fits all” approach. Officers attending the workshop said they face constant calls to enforce against obstruction but are currently powerless to intervene. A small number of local authorities have introduced schemes prohibiting footway parking but these tend to focus on geographically distinct areas such as city centres. Authorities shared examples of education projects they were undertaking to raise awareness of the problems of pavement parking and other street clutter. There was a consensus that adding highway obstruction by a stationary vehicle to the list of contraventions for which civil enforcement applies, contained in Part 1 of Schedule 7 of the Traffic Management Act 2004 would provide local authorities with the power to take targeted enforcement action against pavement parking in a proactive and reactive way. There was also considerable interest in the potential of the contravention of obstruction to apply to vehicles parked in proximity to junctions which would be beneficial in terms of road safety. The workshops highlighted that civil enforcement officers were already undertaking dropped kerb enforcement and had demonstrated that this could be done proportionately. Dealing with obstruction in off-street car parks is also commonplace. A number of authorities have outlined the challenges that an overall ban could mean for some communities. There was also overwhelming agreement that any new measures need to be accompanied by public information to ensure that motorists understand what is required of them.
- A meeting was held with the Minister, Jesse Norman, on 18<sup>th</sup> March 2019 to discuss the issue and an explanation was provided of the challenges for some local communities of a national pavement parking ban and the potential of introducing obstruction as a civil contravention which could be introduced quickly without the need for changes to primary legislation.
- The Transport Committee launched an inquiry into Pavement Parking on 2<sup>nd</sup> April 2019 which is ongoing. A briefing note was prepared and a submission to the Transport Committee Inquiry. The Director gave evidence to the Inquiry as part of a Local Authority Panel.
- The Transport Committee published its report and recommendations including consulting on a new offence of obstructive pavement parking, making such an offence subject to civil enforcement under the Traffic Management Act 2004 and introducing relevant legislation by summer 2020. This was a preferred option from the PATROL workshops and featured

in the PATROL submission to the transport committee, providing powers in a timely way pending any plans to introduce a national pavement parking ban.

- The Government responded in March 2020 and this included:
  - Including pavement parking and impact in a wider consultation on the Government's Loneliness Strategy.
  - Consulting on a national ban on pavement parking
  - Considering the possible offence of "obstructive pavement parking" or "unnecessary obstruction" to enhance police powers which potentially could be enforced by the police and local councils.
  - Consult on the challenges of making Traffic Regulation Orders in 2020.

<https://www.patrol-uk.info/pavement-parking-transport-committee-2019/>

The Deputy Minister for Economy and Transport of the Welsh Government announced that a Taskforce Group was to be set up to consider all issues around "Pavement Parking". PATROL and the Traffic Penalty Tribunal are represented on that Group. PATROL has been asked by the Task Group to undertake evaluation of the introduction of a new civil contravention of unnecessary obstruction. The Task Group has concluded its work and the Welsh Government is expected to consider its findings in due course.

### **Update**

The Government has now launched a consultation on Managing Pavement Parking (Appendix 1) and published an associated impact assessment (Appendix 2). The consultation is seeking views on the Traffic Regulation Order making process, the introduction of a new civil contravention of unnecessary obstruction of the pavement and the introduction of an overall pavement parking ban. PATROL will be updating its Pavement Parking briefing note prepared in response to the Transport Committee Inquiry and will circulate in due course. The closing date for submissions is 22<sup>nd</sup> November 2020. PATROL will update its Pavement Parking Briefing note and respond to the consultation.

<https://www.gov.uk/government/consultations/managing-pavement-parking>

## **d) Moving Traffic Powers**

**Objectives: To support and contribute to the call for the government to introduce the remaining powers of Part 6 of the Traffic Management Act 2004.**

### **Background**

- The Traffic Management Act 2004 (TMA) was originally conceived to give local authorities a consistent civil enforcement framework to apply to all parking and traffic management schemes. The Act also offered the public checks and balances beyond the existing Road Traffic Act (RTA), including the redress of procedural impropriety and the imposition of a statutory duty on authorities to consider compelling reasons in appeals.

- The TMA was not, however, brought into force when in 2005, English local authorities instead commenced bus lane enforcement under the Transport Act 2000 (TA). This may have been due to the regulatory process of the TMA having been started but not allowing the bus lane enforcement powers to come under the Act at that time.
- In 2007, the civil enforcement of parking restrictions in England was brought under the TMA; an evolution of powers having previously been first de-criminalised under the RTA. With only Parking enforcement in England coming under the TMA in 2007 – while bus lane enforcement remained under the TA – a disparity and frustration in the ethos of the single, consistent civil enforcement framework originally conceived of the TMA was created.
- The Welsh Government originally followed England’s lead, but realised the importance of bringing parking, bus lane and the additional power to enforce moving traffic restrictions under the TMA.
- Any movement to rectify the disparity in powers coming under different Acts in England has undoubtedly been influenced by issues that have arisen in London, where the civil enforcement of traffic contraventions has been legislated under several London Local Authority Acts.
  
- PATROL has surveyed member authorities in relation to their likelihood of taking up these powers were they made available. It is clear that local authorities in England (outside London) have an interest in these powers and are willing to support any actions taken to raise awareness with Ministers. The Local Government Association (LGA) published a report in 2017 “A country in a jam: tackling congestion in our towns and cities”. PATROL has engaged with the Local Government Association and circulated details of the LGA survey on local authority views on moving traffic enforcement. The LGA survey results were presented to the PATROL Executive Sub Committee meeting in October 2019.
  
- The Transport Committee in two recent inquiries: “Bus Services in England Outside London” published in May 2019 and “Active Travel – increasing levels of walking and cycling in England” (July 2019) included a recommendation that the government should look to introduce moving traffic enforcement in England (outside London) to reduce congestion. The government’s response to the first report was to “consider it carefully” and in relation to the second rejected it citing concerns about the volume of penalties issued and revenue raising.
- In October, Transport Secretary Grant Shapps indicated that he could move to grant English authorities the right to issue penalty charges for moving traffic offences: *“I have been looking at powers outside of London provided to local areas to do some of these things, and think that I’ll shortly be making an announcement.”*
- PATROL has been liaising with the LGA on their communications on these powers and is developing a complimentary briefing document.

### Update

The Government has published its strategy for promoting active travel with the aim of:

- better streets for cycling and people
- cycling and walking at the heart of decision-making
- empowering and encouraging local authorities
- enabling people to cycle and protecting them when they do

The strategy document “Gear Change A bold vision for cycling and walking” is wide-ranging in scope and includes:

- The intention to commence the remaining powers of Part 6 of the Traffic Management Act – moving traffic contraventions including issuing guidance to local authorities on the importance of the public being informed of schemes, effective traffic signs and proposals for warning notices for first time contraventions.
- New standards for pedestrian and cycling infrastructure
- The intention to review the Statutory Guidance as it applies to the Network Management Duty to reflect active travel objectives
- Introduction of a new commissioning body and inspectorate Active Travel England to oversee £5 billion investment over the next five years whose local assessment will be taken into account in relation to funding allocations for other transport schemes.
- A review of the Highway Code

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/904146/gear-change-a-bold-vision-for-cycling-and-walking.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904146/gear-change-a-bold-vision-for-cycling-and-walking.pdf)

PATROL and the Traffic Penalty Tribunal will liaise with the Department for Transport in respect of the introduction of these powers.

## **e) Highway Code Review to improve road safety for cyclists, pedestrians and horse riders**

This is an open consultation which runs to **27<sup>th</sup> October 2020**. The consultation seeking views on proposed changes to The Highway Code to improve safety for vulnerable road users, particularly the groups of cyclists; pedestrians and horse riders.

The main alterations to the code being proposed are:

- introducing a hierarchy of road users which ensures that those road users who can do the greatest harm have the greatest responsibility to reduce the danger or threat they may pose to others
- clarifying existing rules on pedestrian priority on pavements, to advise that drivers and riders should give way to pedestrians crossing or waiting to cross the road,
- providing guidance on cyclist priority at junctions to advise drivers to give priority to cyclists at junctions when travelling straight ahead
- establishing guidance on safe passing distances and speeds when overtaking cyclists and horse riders

[https://www.gov.uk/government/consultations/review-of-the-highway-code-to-improve-road-safety-for-cyclists-pedestrians-and-horse-riders?utm\\_source=b9bd57d7-6a5c-4c50-9688-dbf9a997cf36&utm\\_medium=email&utm\\_campaign=govuk-notifications&utm\\_content=immediate](https://www.gov.uk/government/consultations/review-of-the-highway-code-to-improve-road-safety-for-cyclists-pedestrians-and-horse-riders?utm_source=b9bd57d7-6a5c-4c50-9688-dbf9a997cf36&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate)

## f) Camera enforcement and cycle lanes

### Background

The Department for Transport has been carrying out a cycling and walking safety review, considering how to make cycling and walking safer and more attractive modes of transport.

The Department has now concluded that review and has [announced several new policy measures](#) designed to address some of the problems that have been raised.

The enforcement of cycle lanes was a major theme emerging from the initial call for evidence; many cyclists felt that motorists who drive and park in cycle lanes have little chance of being caught, and consequently there is very little deterrence against this behaviour.

The Department has accepted these concerns, and in response, they have announced that they will make it easier for local authorities to tackle vehicles parking in cycle lanes.

The intention is to amend the 2015 regulations which largely banned the use of cameras by councils for parking enforcement in order to insert an exemption for mandatory cycle lanes. In practical terms, therefore, local authorities will be allowed to use camera devices (e.g. fixed CCTV or camera cars) to enforce parking restrictions (e.g. yellow lines) in mandatory cycle lanes (i.e. cycle lanes marked by solid white lines). There will be no change to the separate moving traffic offence of driving in a mandatory cycle lane; this offence is not being decriminalised and will remain under police enforcement. It is not anticipated at this stage that there will be any further changes to camera enforcement. Evidence suggests that some local authorities are deploying red route enforcement as a result of this.

<https://www.gov.uk/government/publications/cycling-and-walking-investment-strategy>

### Update

The statutory instrument will come into effect for English authorities on 22<sup>nd</sup> June 2020. A Department for Transport Advice Note has been circulated to local authorities.

The Advice Note indicates, the new exemption to the use of cameras for parking enforcement in England does not alter the principle that parking in a cycle lane is not a contravention. It simply enables enforcement authorities to use cameras to enforce yellow line parking restrictions within a mandatory cycle lane, and send PCNs by post. The Advice Note refers to the limitations of camera enforcement where exemptions apply, in particular e.g. where a blue badge is displayed. In the circumstances, this additional exemption to the ban on camera enforcement is of very limited use. As is always the case, local authorities will need to balance the needs of different road users, cyclists, disabled motorists and delivery drivers etc. as the country adjusts to the impact of COVID-19.

English authorities should note that while the London authorities have created contravention code 49, it is only a contravention to park on a cycle **track**, which is signed differently, and has a different meaning to, a cycle lane. Therefore, code 49 does not apply to parking in a cycle lane because it there is no such contravention.

### Update

Statutory Guidance has been updated.

<https://www.gov.uk/government/publications/civil-enforcement-of-parking-contraventions>

## **g) Simplifying the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007**

### **Background**

The Government has confirmed that the lower band of penalty charges will be retained, to give local authorities the discretion to reduce their parking penalties, if elected councillors wish to adopt such a policy. The response points to the intention to adopt the Welsh model of listing higher level contravention types in an Order while publishing the specific contravention codes in guidance. The Government will seek to amend the 2007 Order to this effect.

Currently London Councils performs a coordinating role on behalf of all councils in the review of contravention codes. PATROL has offered to undertake this role on behalf of outside London Councils.

PATROL has confirmed its willingness to undertake this role.

### **Next steps**

To liaise with the Department for Transport to establish when the order might be amended.

## **h) The Parking (Code of Practice) Act 2019**

**Objectives: To bring the experiences of civil enforcement and adjudication to plans to introduce a single Code of Practice to the private parking sector promoting fairness and transparency.**

### **Background**

Sir Greg Knight (Conservative Member of Parliament for East Yorkshire) sponsored this Private Member's Bill in response to a range of concerns private sector car parks including:

- Practices which could be in breach of consumer protection laws, such as companies setting excessive parking charges, or levying excessive penalties for overstaying which are dressed up as official "parking fines".
- Practices that undermine the principle underlying the formation of a contract, including unclear or missing signage, or a lack of transparency on charges and/or fines.
- Failure to treat drivers fairly when they have incurred a penalty, including the failure to provide information, consider appeals fairly and the aggressive use bailiffs.
- Some have called for specific action, including the introduction of a binding code of practice; for mandatory membership of an accredited trade association; or a rethink of whether the rules about access to the DVLA database are robust enough

## The new Act in summary

The Government has stated that the new act will result in:

- End unfair parking fines by rogue private parking firms
- Private parking firms will need to follow a new Code of Practice
- Drivers will be able to challenge unfair fines through a new independent appeals service.
- A new single Code of Practice will ensure parking is consistent, transparent and easier to understand. If private parking firms break it, they could be barred from making data enquiries from the DVLA to enforce tickets.

The then Local Government Minister, Rishi Sunak announced that arrangements would be put in place to develop the code of practice and appeals and scrutiny mechanisms that the Act provides. The Secretary of State will also have the power to raise a levy on the sector to fund the production, publishing and enforcement of the code. That levy will also cover the cost of appointing and maintaining a single appeals service.

A single code is intended to set a higher standard across the sector, especially in the area of appeals

A Car Parks as a Service workshop was held in London in August attended by a range of local authorities with representation from the MHCLG and the Vehicle Certification Agency. The purpose is to establish how local authorities can build upon their experience of delivery a car park service to meet future demands whilst at the same time assisting the introduction of single code or practice for private car park operators. A briefing note is in preparation.

The BSI commenced work on the Single Code of Practice in December 2019, and have convened a group of key stakeholders, representing consumers and the industry to contribute to this process.

The Government committed to developing the Parking Code of Practice this year.

## Update

The Ministry of Housing, Communities and Local Government has launched a six-week consultation on a Private Parking Code Regulation Framework (Appendix 3) simultaneously with The British Standards Institute's six-week consultation on a Draft Code of Practice (Appendix 4). The closing date is 12<sup>th</sup> October 2020

## AIR QUALITY

### i) Clean Air Zones

**Objectives: To bring experiences from road user charging enforcement and appeals to the government and local authority plans to introduce Clean Air Zones, where these are charging clean air zones (CAZ).**

#### Background

In its [Clean Air Strategy 2019](#), the Government identifies nitrogen oxide (NOx) concentrations around roads as an 'immediate and urgent' air quality challenge, with road transport being responsible for some 80% of all NOx concentrations at the roadside.

This follows the *UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations*, published in 2017 and supplemented in 2018, which mandated local authorities in England to develop plans to bring roadside concentrations of nitrogen dioxide (NO<sub>2</sub>) within legal limits in the shortest possible time.

- Five City Councils were originally mandated by the Department for Environment, Food & Rural Affairs (Defra) under the 2017 / 18 plan to reduce NO<sub>2</sub> levels: Birmingham, Derby, Leeds, Nottingham and Southampton. These authorities were also instructed to include the potential of introducing a Clean Air Zone (CAZ) in their plans – and whether this would include a charging scheme.
- In March 2018, a further 23 local authorities were instructed by Defra to take steps to reduce roadside emissions and 33 to carry out studies on reducing NO<sub>2</sub> air pollution in their areas.
- In November 2018, the Welsh Government published its [supplemental plan](#) to the UK plan for tackling roadside nitrogen dioxide concentrations, which directed the councils of Cardiff and Caerphilly to undertake an assessment by 30 June 2019 to achieve NO<sub>2</sub> limit values within the shortest possible time.

#### Types of Charging CAZ

There are four types of Charging CAZ, which will be indicated on signs through the letters A–D.



**A:** Buses, coaches, taxis and private hire vehicles

**B:** As above, plus Heavy Goods Vehicles (HGVs)

**C:** As above, plus Light Goods Vehicles (LGVs)

**D:** As above, plus cars

#### Delay to roll-out due to COVID-19 pandemic

On 8 April 2020, due to the ongoing situation of the COVID-19 pandemic, Defra announced that the timetable for roll-out of CAZs is being reviewed, with the expectation that no zone will launch earlier

than January 2021.

## Guidance and Vehicle Checker

Guidance published by Defra for what to expect when driving in a CAZ can be found online [here](#).

The guidance includes a link to the [online vehicle checker](#) that will allow motorists to find out if their vehicle will be impacted by daily CAZ charges, based on emission standards of the vehicle in question.

The vehicle checker advises users to check / re-check their vehicle details shortly before intending to drive in any CAZs, given that the data will be regularly improved.

The vehicle checker cannot check vehicles registered outside the UK.

See example screenshots from the vehicle checker below.

The screenshot shows the GOV.UK Clean Air Zones website. At the top, there is a 'GOV.UK' logo and 'Clean Air Zones' text. Below this is a 'BETA' banner with the text 'This is a new service - your feedback will help us to improve it.' A 'Back' link is visible. The main heading is 'Enter the registration details of the vehicle you want to check'. Below this, it asks for 'Registration details (number plate)' with an example 'CU57ABC' and a text input field. It then asks 'Where is the vehicle registered?' with radio buttons for 'UK' and 'Non-UK'. A green 'Continue' button is at the bottom.

The screenshot shows the 'Which Clean Air Zone do you want to drive in?' section. It asks to 'Select all locations that apply.' There are two options: 'Birmingham (see Clean Air Zone map)' with a checked checkbox, and 'Leeds (see Clean Air Zone map)' with an unchecked checkbox. A green 'Continue' button is at the bottom.

The screenshot shows the 'Clean Air Zone charge' results page. It displays the vehicle registration as 'Vehicle registration [REDACTED]'. A red-bordered box contains 'Important information about vehicle data' stating: 'The data accuracy of this service is always improving. Therefore, it is recommended you recheck your vehicle shortly before you intend to drive in any Clean Air Zones.' Below this, the heading 'Birmingham' is shown, followed by the text 'The vehicle will not be charged.' and 'There is no charge for driving in Birmingham Clean Air Zone'. It also includes a link to 'different types of Clean Air Zones' and a 'Make your next car electric' section with a 'Go Ultra Low' logo and text: 'Fully electric vehicles could cost from as little as 2p per mile to run - less than a quarter of the cost of the most fuel-efficient petrol or diesel vehicles. Make your next car electric. Click to find out how much you could save.'

## Overview of current local authority plans

A detailed overview of authority plans for Charging CAZs can be found in the table below.

ENGLAND			
Location	Zone proposed	Current status	Further information
<b>Basildon</b>	TBC	<ul style="list-style-type: none"> <li>• Non-Charging CAZ, combined with other air quality measures (submitted to Defra March 2019).</li> <li>• Council voted against the notion of introducing a Charging CAZ</li> <li>• Discussions with Defra ongoing, though Council Leader has requested that the proposal for a zone be removed.</li> </ul>	<a href="#">Essex Highways</a>
<b>Bath</b>		<ul style="list-style-type: none"> <li>• Approved by Councillors in March 2019</li> <li>• Approved by council, pending Defra approval.</li> <li>• Launch delayed until 2021 at the earliest.</li> </ul>	<a href="#">Bath &amp; North East Somerset Council</a>
<b>Birmingham</b>		<ul style="list-style-type: none"> <li>• Approved by Defra March 2019.</li> <li>• Charges: <ul style="list-style-type: none"> <li>○ Cars, Taxis (Hackney Carriages &amp; Private Hire), LGVs: £8 / day</li> <li>○ HGVs, coaches and buses: £50 / day</li> <li>○ A number of exemptions apply</li> </ul> </li> <li>• Further proposals announced in early Jan for a total ban on cars driving through city centre.</li> <li>• Launch delayed until 2021 at the earliest.</li> </ul>	<a href="#">Birmingham City Council</a>  <a href="#">Business Breathes</a>
<b>Bradford</b>		<ul style="list-style-type: none"> <li>• Business case due for submission; Defra has provided funding for business case.</li> <li>• A public consultation in early 2020 showed 66% of respondents were in favour of a CAZ.</li> <li>• The Council is continuing to develop its proposals ahead of submission to Defra.</li> </ul>	<a href="#">Breathe Better Bradford</a>

<b>Bristol</b>		<ul style="list-style-type: none"> <li>• Council has agreed a ban on private diesel cars in central area of the city (£60 penalty considered in plans).</li> <li>• To be accompanied by a Class C zone in outer ring.</li> <li>• CAZ approved by Defra 21 April 2020; diesel ban still pending, together with possible change of zone to Class D.</li> <li>• Measures set to be implemented by April 2021.</li> <li>• In August 2020, the Council reported that alternative plans for the CAZ and diesel ban are now being considered, due to the impact of COVID-19 on air quality levels.</li> </ul>	<a href="#">Clean Air for Bristol</a>
<b>Broxbourne</b>	TBC	<ul style="list-style-type: none"> <li>• Hertfordshire County Council / Broxbourne Borough Council instructed by Defra to draw up plans for Charging CAZ on area surrounding a stretch of the A10 near Broxbourne.</li> <li>• Decision pending.</li> </ul>	<a href="#">Broxbourne Borough Council</a>
<b>Cambridge</b>	TBC	<ul style="list-style-type: none"> <li>• Feasibility study on clean air measures published May 2019.</li> <li>• Further consultation expected.</li> </ul>	<a href="#">Cambridge City Council</a>
<b>Leeds</b>		<ul style="list-style-type: none"> <li>• Approved by Defra January 2019.</li> <li>• Charges: <ul style="list-style-type: none"> <li>○ Taxis (Hackney Carriages &amp; Private Hire): £12.50 / day.</li> <li>○ Minibuses (from 2022): £12.50 / day.</li> <li>○ HGVs, coaches and buses: £50 / day.</li> <li>○ A number of exemptions apply.</li> </ul> </li> <li>• Launch delayed until 2021 at the earliest.</li> <li>• In August 2020, the Council announced that plans for the CAZ had been suspended, due to improvements in air quality as a result of COVID-19.</li> <li>• Government funding for the scheme has been paused, pending an assessment of future air quality forecasts.</li> </ul>	<a href="#">Leeds City Council</a>
<b>Leicester</b>		<ul style="list-style-type: none"> <li>• Draft proposal for CAZ submitted to Government; final business case was expected April 2020 for implementation in 2021.</li> </ul>	<a href="#">Leicester City Council</a>
<b>Liverpool</b>	TBC	<ul style="list-style-type: none"> <li>• Reported on 22 January that plans are currently being</li> </ul>	<a href="#">Liverpool City Council</a>

		<p>worked up by the council (alongside Defra) for a CAZ.</p> <ul style="list-style-type: none"> <li>Whether charging or not, as yet not known.</li> </ul>	
<p><b>Manchester (Greater Manchester Combined Authority)</b> – Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan</p>		<ul style="list-style-type: none"> <li>Proposal submitted to Defra March 2019; changes requested July 2019. <ul style="list-style-type: none"> <li>Funding offered less than requested; final plans were due by December 2019.</li> </ul> </li> <li>Launch date TBC (proposed for two phases: <ul style="list-style-type: none"> <li>Phase 1: Buses, coaches, HGVs, Taxis and PHVs.</li> <li>Phase 2: Vans and minibuses.</li> </ul> </li> <li>Consultation to follow.</li> <li>Launch has now been delayed until 2022.</li> </ul>	<p><a href="#">Clean Air Greater Manchester</a></p>
<p><b>Newcastle, Gateshead and North Tyneside</b></p>		<ul style="list-style-type: none"> <li>Charging Class D zone rejected after public consultation in July 2019.</li> <li>Consultation on alternative plans for a Class C zone closed 27 November, indicating widespread support.</li> <li>Council has backed the plan; Defra approval pending.</li> <li>Any scheme is planned for launch in 2021.</li> <li>The Council is currently assessing the impact of COVID-19 on its plans and remains in discussion with Defra regarding timescales.</li> </ul>	<p><a href="#">Tyneside Clean Air</a></p>
<p><b>Oxford</b></p>	<p>Zero Emission Zone (ZEZ)</p>	<ul style="list-style-type: none"> <li>Consultation underway</li> <li>First phase would be a 'Red Zone' in Dec 2020; expanded to be a complete citywide 'Green Zone' for whole city by 2035.</li> <li>Plans currently on hold due to COVID-19 pandemic – launch of first phase now likely Summer 2021.</li> </ul>	<p><a href="#">Oxford City Council</a></p>
<p><b>Portsmouth</b></p>		<ul style="list-style-type: none"> <li>Plan for Charging Class B zone previously approved by council and Defra.</li> </ul>	<p><a href="#">Portsmouth City Council</a></p>

		<ul style="list-style-type: none"> <li>On 10 July 2020, Defra instructed the council to consult on a Class C zone.</li> <li>A public consultation was run until 31 August 2020, with results to follow.</li> <li>Any zone is planned for implementation by the end of 2021.</li> </ul>	
<b>Sheffield</b>		<ul style="list-style-type: none"> <li>Consultation for scheme backed by large majority of public on 23 March 2020.</li> <li>Launch date originally proposed for 2021.</li> <li>In September 2020, the Council announced that alternative measures to a CAZ are now being considered, following a 33% drop in air pollution during the COVID-19 lockdown period.</li> </ul>	<a href="#">Sheffield City Council</a>
<b>WALES</b>			
<b>Location</b>	<b>Zone proposed</b>	<b>Current status</b>	<b>Further information</b>
<b>Cardiff</b>	TBC	<ul style="list-style-type: none"> <li>Charging CAZ removed from air quality plan following public consultation.</li> <li>Welsh Government instructed authority to reconsider a charging CAZ, but has now agreed alternative non-charging clean air plans as of January 2020.</li> <li>HOWEVER: Council is now considering a congestion charge as part of a wider 10-year transport vision for the city.</li> </ul>	<a href="#">Cardiff City Council</a>

### Update

Leeds City Council and Birmingham City Council were due to commence their schemes in July 2020. However, in the light of the COVID-19 crisis, the Joint Air Quality Unit announced that whilst it would keep the timetable under review, it was not expecting schemes to commence before January 2021.

The current situation in Leeds is that due to significant air quality improvements, plans to introduce a Clean Air Charging Zone are currently being reviewed by Government and Leeds City Council. Birmingham City Council expects to announce the likely commencement date in 2021 this Autumn. Bath and North Somerset Council's website points to a commencement date in early 2020.

In August 2020, the Welsh Government launched its air quality strategy “Clean Air for Wales: Healthy Air, Healthy Wales”. Amongst the measures outlined were:

- significant investment in active travel infrastructure, improving rail services and supporting decarbonisation through our aim for a zero tailpipe exhaust emission tax and bus fleet by 2028.
- investigating measures to support a reduction in personal vehicle use such as road user charging, Clean Air Zones and/or Low Emission Zones.
- implementing our electric vehicle charging strategy and supporting an increase in the proportion of vehicles which are ultra-low emission (ULEV) and promoting a shift to ULEVs for waste collection.

<https://gov.wales/we-have-take-action-now-minister-launches-welsh-governments-clean-air-plan-wales-improve-air>.

### Next steps

- To continue to liaise with local authorities and government to monitor the take up and plans for charging clean air zones

## j) Green Number Plates

The Government has responded to a recent consultation on the introduction of green number plates. Patrol and the Traffic Penalty Tribunal’s response to this consultation can be found at: <https://www.patrol-uk.info/docs/green-number-plates.pdf>

Green number plates are set to be rolled out from autumn, under plans to drive a green economic recovery. As part of the government’s plans to achieve net zero emissions by 2050, drivers will be encouraged to make the switch to electric vehicles through the introduction of green number plates. It is suggested that the plates will make it easier for cars to be identified as zero emission vehicles, helping local authorities design and put in place new policies to incentivise people to own and drive them.

Front plate:



Rear plate:



More information is available at this link <https://www.gov.uk/government/news/green-number-plates-get-the-green-light-for-a-zero-emission-future>

### **viii) Responding to the challenge of electric vehicles**

#### **Background**

The government has issued a “league table” of charging availability across the UK. The recent local authority workshops identified that local authorities face a number of challenges in this area. Brighton & Hove City Council has been instrumental in addressing this issue and is willing to share its experiences as part of a workshop in 2020

Work is being undertaken with Brighton & Hove City Council and the Behavioural Insights Team on a shared communication project with permit holders and general messaging around electric vehicles.

#### **Update**

An Electric Vehicle workshop planned for earlier this year will be reviewed to establish if it can be offered virtually.

**ix) PATROL commitment to improving public information on civil enforcement: PARC Awards (Parking Annual Reports by Councils)**

**Objectives: To support and share best practice in the production of local authority parking annual reports in order to promote transparency and a greater public understanding of traffic management and civil parking enforcement.**

**Background**



The PARC Awards recognise the local authorities that have articulated and communicated on parking services; appeals and finances in their area in a compelling and well-structured way through the production of an Annual Report.

**[Lincolnshire County Council](#) is the Overall Winner of this year's PATROL Parking Annual Reports by Councils (PARC) Awards, which recognised 2018/19 Annual Reports.**

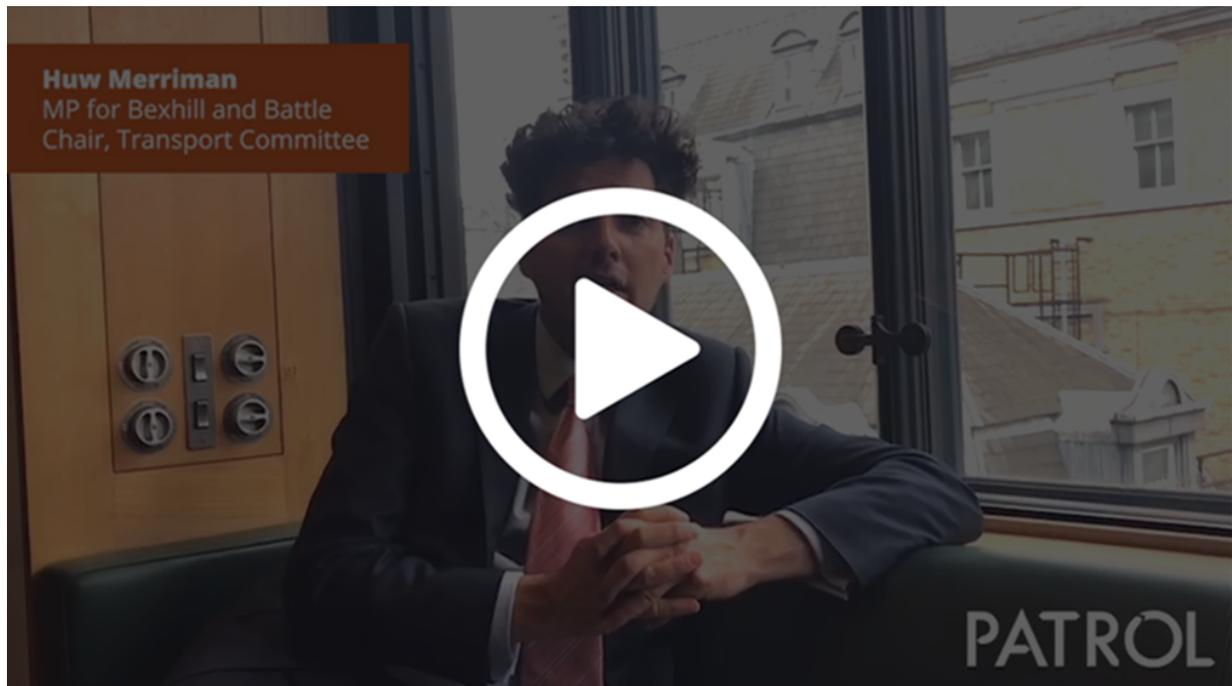
The other award winners were as follows:

- **Highly Commended for Reporting: Innovation and New Services**  
Cardiff Council  
[View report>>](#)
- **Highly Commended for Reporting: Customer Service**  
Cheshire East Council  
[View report>>](#)
- **Best use of Digital Channels**  
Newcastle City Council  
[View report>>](#) [View Video>>](#)
- **Best use of Design**  
Welwyn Hatfield Borough Council  
[View report>>](#)
- **Best Concise Report**  
Borough of Broxbourne Council  
[View report>>](#) [View Video>>](#)

Also commended for their Annual Reports, receiving **Certificates of Recognition**, were:

- Devon County Council  
[View report>>](#)
- Durham County Council  
[View report>>](#)

In the absence of a reception at the Houses of Parliament, Huw Merriman MP for Bexhill and Battle and Chair of the Transport Committee made time in his schedule to record the following video message for this year's winners. Click the image below to watch the video.



Mr Merriman said: *'These are extraordinary times and I just want to thank you [PATROL member authorities] for everything you've been doing throughout them.'*

*'A huge congratulations to Lincolnshire County Council for being this year's overall winner... I very much hope that I can look forward to hosting you all in Parliament in 2021, when these unusual times are behind us. But for now, best wishes to you all.'*



**Paul Nicholls, Parking and Contracts Manager, Brighton & Hove City Council**, who chaired the independent PATROL PARC Review Group, which selected the winners, said: *'It has been an absolute pleasure to chair the independent Review Group this year and, particularly, to see so many high-quality reports submitted. Huge congratulations to the winners and thanks to all those authorities that submitted a report – there are so many great examples of best practice in tackling important local issues. PATROL will be looking to share these moving forward.'*

**Louise Hutchinson, PATROL's Director** said *'I'm sure you will join me in extending a big congratulations to Lincolnshire County Council and all the winning authorities this year. I would also like to say a huge thank you to Paul Nicholls and his fellow judges on the PATROL Park Review Group: Jo Abbott (Communications Manager RAC - Retired); David Leibling (Transport Consultant) and Lizzie Unwin (Freelance Graphic Designer).*

*While it has been a disruptive and challenging year for us all, public information about parking and traffic management remains vital. Therefore, PATROL wishes to recognise authorities that have sought to proactively engage with their communities on the local traffic management challenges they face and the steps they are taking to address them.*

*The work they do will continue to be so critical as towns, cities and communities start to get back on their feet, their bikes, on public transport or in their cars in the wake of the COVID-19 pandemic.'*

## **Next Steps**

PATROL will be refreshing the Annual Report Toolkit micro-site, providing a template for reporting finances and Paul Nicholls will be curating a digest of parking projects from the annual report submissions this year which will provide a useful resource for Parking Managers.

**PATROL**  
**PARC AWARDS**  
Parking Annual Reports by Councils

Local parking and traffic management  
...explained through Annual Reports



This page is intentionally left blank

**PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE**

**PUBLIC AFFAIRS REPORT APPENDICES**

- Appendix 1**     **Department for Transport Managing Pavement Parking Consultation**
- Appendix 2**     **Department for Transport Impact Assessment Pavement Parking Restrictions**
- Appendix 3**     **MHCLG Consultation on Private Parking Code Enforcement Framework**
- Appendix 4**     **British Standards Institute Cover Letter Introducing the Draft Code of Practice Consultation**

This page is intentionally left blank



1. Home (<https://www.gov.uk/>)
2. Transport (<https://www.gov.uk/transport>)
3. Driving and road transport (<https://www.gov.uk/transport/driving-and-road-transport>)
4. Road safety, driving rules and penalties (<https://www.gov.uk/transport/road-safety-driving-rules-and-penalties>)
5. Managing pavement parking (<https://www.gov.uk/government/consultations/managing-pavement-parking>)

1. Department  
for Transport (<https://www.gov.uk/government/organisations/department-for-transport>)

Open consultation

# Pavement parking: options for change

Published 31 August 2020

## Contents

Ministerial foreword

Introduction

How to respond

Freedom of information

Current laws on parking

Progress to date

Proposed options to tackle pavement parking

What will happen next?

Annex A: impact assessment

Annex B: exceptions for certain vehicles in specific circumstances

Annex C: full list of consultation questions

Footnotes

## Ministerial foreword

Transport is at the heart of how we live our lives. It helps us get to work, stay in touch with friends and family, contribute to society and access vital services like healthcare and education. Access to transport is central to building a stronger, fairer society.

While many people take for granted the ability to travel easily from A to B, this is not the reality for everyone. For our ageing population, and the 13.3 million people (21% of the population) who identify as having some sort of disability, access to transport can be far from straightforward.

This government is therefore determined to make sure that disabled people have the same access to transport as everyone else, and that they can travel easily, with confidence and without extra cost. That is why the government's Inclusive Transport Strategy: achieving equal access for disabled people (<https://www.gov.uk/government/publications/inclusive-transport-strategy/the-inclusive-transport-strategy-achieving-equal-access-for-disabled-people>), published in July 2018, aims to create a transport system that provides equal access for disabled people by 2030, with assistance if physical infrastructure remains a barrier. Disabled people will be able to travel confidently, easily and without extra cost. Progress continues to be made in delivering our commitments in the strategy, including on pavement parking.

Through the Department for Transport (DfT)'s close contact with a range of stakeholders, I know that pavement parking can cause real problems for pedestrians, but particularly for wheelchair users, people with visual impairments and those with prams or buggies. We are also told that the current legislative framework may not be as clear or effective as it could be. These are important concerns, and I take them seriously.

However, it is also important to recognise that in many narrow streets pavement parking is necessary to maintain free-flowing traffic, including for emergency services. Local authorities are best placed to assess how parking should be managed in their communities.

Pavement parking has been prohibited in London since 1974. While successive governments have recognised there is no perfect solution to this complex problem, I believe it is time to look again at this issue in detail. Following the DfT's detailed review of pavement parking and the government's response to the Transport Committee's 2019 report on pavement parking (<https://publications.parliament.uk/pa/cm201719/cmselect/cmtrans/1982/1982.pdf>) (published 12 March 2020) this consultation seeks your views on some options to help local authorities to tackle this problem.

I am keen to hear your views.

Baroness Vere of Norbiton

Parliamentary Under-Secretary of State, Department for Transport

## Introduction

Although the 'pavement' is defined as the 'footway' in legislation, the more commonly used term 'pavement' is used in this document to mean the part of a highway which shares its border with the carriageway ('road') on which there is a public right of way on foot. This is distinct from a 'footpath', which does not border a road.

Many towns and cities were not designed to accommodate today's high traffic levels; and at some locations, especially in residential areas with narrow roads and no driveways, the pavement is the only place to park without obstructing the carriageway. However, irrespective of whether pavement

21/09/2020

parking is deemed necessary, there are inherent dangers for all pedestrians; being forced onto the carriageway and into the flow of traffic. This is particularly difficult for people with sight or mobility impairments, and those with prams or buggies. While resulting damage to the pavement and verges is, uppermost, a trip hazard, maintenance and personal injury claims are also a cost to local authorities.

Since 1974, parking on pavements, with certain exceptions, has been prohibited in Greater London by the Greater London Council (General Powers) Act 1974 (<https://www.legislation.gov.uk/ukla/1974/24/contents>). Exemptions at specific locations can be permitted through an administrative resolution and indicated by traffic signs. A national prohibition was enacted in Scotland in November 2019 but has yet to come into force. The reverse applies elsewhere in England, where parking on pavements and verges is permitted unless specifically prohibited by a local authority (either street-by-street or zonally); the prohibition requiring a formal Traffic Regulation Order (TRO). The DfT is currently running a project looking at how the TRO legislative framework can be improved, to make TROs easier to implement, including for pavement parking.

As part of its wider agenda to improve accessible transport, the DfT's commitment to review the laws on pavement parking was featured in its Inclusive Transport Strategy and Cycling and Walking Investment Strategy safety review (<https://www.gov.uk/government/consultations/cycling-and-walking-investment-strategy-cwis-safety-review>). Last year, the DfT completed an exercise to gather evidence on the problems pavement parking causes, the effectiveness of current legislation, and the case for reform.

To further develop its understanding of the pavement parking problem, the DfT is seeking your views on:

- whether its ongoing work (Option 1), explained in more detail below, to improve the TRO process, under which local authorities can already prohibit pavement parking, is sufficient and proportionate to tackle pavement parking where it is a problem; or if not;
- which of 2 specific options you prefer. These were identified in the department's review of the pavement parking problem, and echoed by the Transport Committee; are aimed at providing better tools for local authorities. These options, explained in more detail in this consultation document, are:
  - legislative change to allow local authorities with civil parking enforcement (CPE) powers to enforce against 'unnecessary obstruction of the pavement' (Option 2), or;
  - legislative change to introduce a London-style pavement parking prohibition throughout England (Option 3).
- any alternative proposals you may have for managing pavement parking

The DfT recognises that there are pros and cons for each of the options, and your responses on each will inform how this issue should be addressed.

## How to respond

The consultation period began on 31 August 2020 and will run until 22 November 2020 so ensure that your response reaches us before the closing date. If you would like alternative formats (Braille, audio CD, and so on), contact [pavement.parking@dft.gov.uk](mailto:pavement.parking@dft.gov.uk).

You may respond via:

- the online survey (<https://www.smartsurvey.co.uk/s/2X12G/>), our preferred method
- by downloading the response form and emailing [pavement.parking@dft.gov.uk](mailto:pavement.parking@dft.gov.uk)

- emailing [pavement.parking@dft.gov.uk](mailto:pavement.parking@dft.gov.uk) directly

Due to remote working for the foreseeable future, we cannot accept hard copies of responses but please let us know if you are unable to respond by using the survey or by email.

When responding, state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, make it clear who the organisation represents and, where applicable, how the views of members were assembled.

## Freedom of information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want information that you provide to be treated as confidential, be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department for Transport.

The Department for Transport will process your personal data in accordance with the Data Protection Act (DPA) and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

## Current laws on parking

The Traffic Management Act 2004 ([TMA](https://www.legislation.gov.uk/ukpga/2004/18/contents)) (<https://www.legislation.gov.uk/ukpga/2004/18/contents>) places a network management duty on local authorities to manage their road network to reduce congestion and disruption. The [TMA](https://www.legislation.gov.uk/ukpga/2004/18/contents) also provides specific powers for parking enforcement to be undertaken by local authorities rather than the police. Local authorities have powers under Part I of the Road Traffic Regulation Act 1984 ([RTRA](https://www.legislation.gov.uk/ukpga/1984/27/contents)) (<https://www.legislation.gov.uk/ukpga/1984/27/contents>) to set restrictions or exemptions relating to parking within specific areas via the use of TROs, or Traffic Management Orders within London. For the purposes of this document, the term '[TRO](https://www.legislation.gov.uk/ukpga/1984/27/contents)' means either legal mechanism.

Local authorities can use a [TRO](https://www.legislation.gov.uk/ukpga/1984/27/contents) to create local road traffic measures; for example, yellow line parking restrictions, 'no entry', 'no left turn' / 'no right turn' on roads for which they are responsible for managing. These measures can be applied to specific locations or larger areas. They can apply at all times or during specific time periods and can exempt certain classes of traffic. Under [RTRA](https://www.legislation.gov.uk/ukpga/1984/27/contents) Sections 4 and 6, the conditions of a [TRO](https://www.legislation.gov.uk/ukpga/1984/27/contents) are indicated to the road user by traffic signs and/or road markings, either prescribed by regulations (currently the Traffic Signs Regulations and General Directions 2016 (<https://www.legislation.gov.uk/uksi/2016/362/contents/made>)) or specially authorised by the Secretary of State.

## Civil parking enforcement

Part 6 of the [TMA](https://www.legislation.gov.uk/ukpga/2004/18/contents) allows most types of parking contraventions to be enforced by local authorities as a civil matter, instead of as a criminal matter by the police. Local authorities are not forced to do so, but they may choose to take on these [CPE](https://www.legislation.gov.uk/ukpga/2004/18/contents) powers by applying to the Secretary of State for the

power to enforce parking restrictions within geographical local areas. As the parking offences are no longer criminal in such areas:

- enforcement ceases to be the responsibility of the police and becomes the responsibility of the local authority
- Civil Enforcement Officers (CEOs) instead of 'traffic wardens' place Penalty Charge Notices (PCNs) on offending vehicles
- the penalty charges are civil debts, due to the local authority and enforceable through a streamlined version of the normal civil debt recovery processes
- motorists wishing to contest the validity of a PCN may make representations to the local authority. If rejected, they may then appeal to independent adjudicators, whose decision is final (meaning there is no right of further appeal through the courts)
- the local authority retains the proceeds from the penalty charges, which are used to finance the enforcement and adjudication systems. Any surpluses must be used for prescribed purposes only.

Endorsable parking offences, like those involving dangerous parking (where a driver's licence can be endorsed with penalty points), remain criminal and can only be enforced by the police. Stopping offences at pedestrian crossings may be enforced by the police or the local authority, but police action takes precedence.

Currently, 96% of local authorities in England have acquired CPE powers. Elsewhere, all parking offences remain subject to criminal law and enforceable by the police. Furthermore, on trunk roads and motorways, the police are responsible for enforcing traffic regulations, so illegal parking on these roads is a criminal offence.

## Powers to tackle pavement parking

A pavement parking prohibition was introduced in London in 1974. Local authorities in England (outside London) can enforce against pavement parking where:

- vehicles are parked in contravention of existing waiting restrictions (for example yellow lines, which also apply to the verge and the pavement)
- a designated prohibition has been implemented through a TRO and prescribed, or authorised, traffic signs and bay markings; or
- the vehicle parked is a 'heavy commercial vehicle' with an operating weight of over 7.5 tonnes

## Unnecessary obstruction of the highway

The offence of unnecessary obstruction of the highway, which includes the road as well as the pavement, already exists and has not been decriminalised. There are existing statutes and regulations which allow proceedings to be brought by the police under criminal law for situations where parking on the pavement, in such a way as to cause obstruction, is deemed to be avoidable. These include:

- section 137 of the Highways Act 1980 (<https://www.legislation.gov.uk/ukpga/1980/66/contents>), as amended; for wilfully obstructing the free passage along a highway

power to enforce parking restrictions within geographical local areas. As the parking offences are no longer criminal in such areas:

- enforcement ceases to be the responsibility of the police and becomes the responsibility of the local authority
- Civil Enforcement Officers (CEOs) instead of 'traffic wardens' place Penalty Charge Notices (PCNs) on offending vehicles
- the penalty charges are civil debts, due to the local authority and enforceable through a streamlined version of the normal civil debt recovery processes
- motorists wishing to contest the validity of a PCN may make representations to the local authority. If rejected, they may then appeal to independent adjudicators, whose decision is final (meaning there is no right of further appeal through the courts)
- the local authority retains the proceeds from the penalty charges, which are used to finance the enforcement and adjudication systems. Any surpluses must be used for prescribed purposes only.

Endorsable parking offences, like those involving dangerous parking (where a driver's licence can be endorsed with penalty points), remain criminal and can only be enforced by the police. Stopping offences at pedestrian crossings may be enforced by the police or the local authority, but police action takes precedence.

Currently, 96% of local authorities in England have acquired CPE powers. Elsewhere, all parking offences remain subject to criminal law and enforceable by the police. Furthermore, on trunk roads and motorways, the police are responsible for enforcing traffic regulations, so illegal parking on these roads is a criminal offence.

## Powers to tackle pavement parking

A pavement parking prohibition was introduced in London in 1974. Local authorities in England (outside London) can enforce against pavement parking where:

- vehicles are parked in contravention of existing waiting restrictions (for example yellow lines, which also apply to the verge and the pavement)
- a designated prohibition has been implemented through a TRO and prescribed, or authorised, traffic signs and bay markings; or
- the vehicle parked is a 'heavy commercial vehicle' with an operating weight of over 7.5 tonnes

## Unnecessary obstruction of the highway

The offence of unnecessary obstruction of the highway, which includes the road as well as the pavement, already exists and has not been decriminalised. There are existing statutes and regulations which allow proceedings to be brought by the police under criminal law for situations where parking on the pavement, in such a way as to cause obstruction, is deemed to be avoidable. These include:

- section 137 of the Highways Act 1980 (<https://www.legislation.gov.uk/ukpga/1980/66/contents>), as amended; for wilfully obstructing the free passage along a highway

- regulation 103 of the Road Vehicles (Construction and Use) Regulations 1986 (<https://www.legislation.gov.uk/ukxi/1986/1078/contents/made>) as amended; for causing or permitting a motor vehicle or trailer to stand on a road so as to cause any unnecessary obstruction of the road

Local authorities are currently unable to enforce against obstruction using their civil parking enforcement powers.

## Revenue raised from parking enforcement

Parking schemes should be self-financing and the law does not allow local authorities to use parking enforcement schemes for the purpose of raising revenue. Section 55 of the RTRA (as amended) requires that any surplus made on parking enforcement operations is directed towards the costs, incurred by the local authority, of other schemes to improve local transport and environment, including:

- local public transport schemes
- highway or road improvement projects
- improvement measures to reduce environmental pollution

## Progress to date

### Parking evidence review

Last year the department completed an evidence review looking at the problems caused by pavement parking, the effectiveness of current legislation, and the case for reform. The review was structured around 3 main questions:

1. How severe are the problems caused by pavement parking?
2. How effective is the current legislation?
3. Do any of the potential reform options have merit?

The department met a broad range of stakeholders, including Guide Dogs; Living Streets; the Disabled Persons Transport Advisory Committee; the British Parking Association; the parking adjudicators inside and outside London (London Tribunals and The Traffic Penalty Tribunal respectively); AA and RAC; and Local Government Association, London councils and over 40 local authority parking managers.

A wide range of evidence was gathered from a variety of sources including local authority parking managers, council reports, stakeholder surveys, site visits, road safety data, photographs, tweets, newspaper articles, to understand the problems caused by vehicles parking on pavements, and the effectiveness of the current regime.

The evidence gathered was comprehensive in its breadth but not in its depth, although we believe the review yielded sufficient information to enable reliable conclusions to be drawn.

Of the 68 local authority responses to a survey carried out by the department, 57 reported that pavement parking was a widespread problem in their area.

The findings confirmed that vulnerable pedestrians are most at risk, and in particular: people with visual impairments; people who use mobility aids, including guide dogs, wheelchairs, and mobility scooters; young children and people with prams and pushchairs. A review of surveys carried out by organisations representing disabled people, as well as cycling and walking, and the correspondence

submitted by members of the public provided anecdotal evidence of pedestrians being injured or very nearly injured, because of vehicles parking on pavements. The surveys indicated that 95% of visually impaired people had had a problem with vehicles parked on pavements in the previous year. This figure rose to 98% of wheelchair users. A survey found that 32% of respondents with vision impairments were less willing to go out on their own because of pavement parking. The figure was 48% for wheelchair users.

However, there was little quantitative data on the safety implications of pavement parking. While it is possible to say with some confidence the number of pedestrians injured or killed on pavements, identifying the direct cause of these accidents proved more difficult. Moreover, the number could be further obscured by pedestrians being killed or injured in the road while navigating around vehicles parked on the pavement.

Of the 68 local authority responses to how many pedestrians had been hurt in the previous year; either by being hit by a vehicle while walking in the road to pass a parked vehicle or by a vehicle driving on the pavement to park:

- 3 estimated up to 10 incidents
- 4 estimated more than 10 incidents
- 7 confirmed no incidents
- 54 did not know

National statistics and datasets were found to be neither granular enough nor collected in a manner that enabled the department to identify and quantify individual cases where the injury or fatality was primarily a consequence of a vehicle having parked on a pavement. It is also possible that the number of such occurrences is lower as a result of some people going out less often. While it was not possible to quantify on a national level the safety risk posed by vehicles parking on pavements, the department does not dispute that pavement parking can endanger the safety of pedestrians.

Several disability organisations shared stories submitted by their members and service users, confirming that many people do find pavement parking to be a very substantial obstacle to the journeys they need to make to carry out their daily lives.

Pavement parking may also have a negative financial impact on local authorities, arising from repairs to pavements and liability for personal injury claims resulting from pedestrian trips or falls on cracked or uneven paving surfaces.

In response to our enquiries as to whether they had to repair pavements damaged by parking vehicles in the previous year, 39 out of the 68 local authority responses confirmed they had, most of which in more than 10 instances; while only 2 said that they had not. The remaining 27 did not know, as they either do not record the cause of damaged pavements or said that it would be difficult to ascertain the causes in some cases.

The costs reported varied considerably. One authority estimated that 10 to 20% of the pavement repair budget of £500,000 is spent repairing pavements damaged because of pavement parking each year.

The evidence review identified 2 main options for possible legislative change, should this be considered necessary.

- Option 2 - to enable local authorities to enforce against an offence of 'causing an unnecessary obstruction of the pavement', as deemed by the CEO; or
- Option 3 - to introduce a national prohibition on pavement parking, except at locations where local authorities choose to allow it

These are described in more detail in Chapter 3.

## The Transport Committee inquiry into pavement parking

In April 2019, the Transport Committee launched an inquiry into pavement parking. Their report (<https://www.parliament.uk/business/committees/committees-a-z/commons-select/transport-committee/inquiries/parliament-2017/pavement-parking-17-19/>) was published on 9 September 2019. In line with the department's view, they recommended that the government consult on allowing local authorities to enforce against obstructive pavement parking, with a view to making such an offence subject to civil enforcement under the TMA 2004. They also recommended that, in the long term, the government legislate for a nationwide prohibition on pavement parking across England, outside London, enforceable by local authorities.

The Transport Select Committee published the government's response on 12 March 2020.

## Proposed options to tackle pavement parking

### Option 1: to rely on improvements to the existing TRO system

Existing legislation allows local authorities to introduce TROs to manage traffic; the requirements of which must be conveyed to the motorist via prescribed or authorised traffic signs and road markings. Local authorities make TROs for many reasons, for example, to restrict traffic manoeuvres (one-way or banned turns) or to set speed limits. TROs also allow local authorities the freedom to decide if and how they wish to restrict or prohibit pavement parking in their local area. The combination of a TRO with the necessary traffic signs and road markings creates a pavement parking restriction, which local authorities with CPE powers can enforce against by issuing PCNs. Parking enforcement remains the responsibility of the police where a local authority does not have CPE powers.

However, because it had become clear that the process for making TROs can be time-consuming and burdensome for local authorities, the department announced in August 2019 that it would be reviewing the legislation associated with TROs. The first stage of this review involved the department developing proposals for legislative change in partnership with a broad range of stakeholders.

User research was carried out on behalf of the department into the current legal process for making TROs. This looked at 'pain points' experienced by those who interact with the TRO process (local authorities and applicants) and recommended changes to legislation. This review drew on the findings of the TRO Discovery report that encouraged the department to determine whether the legislation could be simplified. It made other recommendations for reform, including looking at how traditionally paper-based TRO data, which is a rich source of information, could be digitised to support the transport network of the future.

These recommendations will be subject to further consultation in 2020; and the scope of legislative change, and whether change will require primary and/or secondary legislation, will require careful consideration in light of the consultation findings.

### Option 2: to allow local authorities with CPE powers to enforce against 'Unnecessary obstruction of the pavement'

The offence of unnecessary obstruction of the highway, i.e. the road, verges, pavement, bridleways, and so on, already exists; although this is only enforceable by the police as a criminal matter.

Option 2 proposes to allow local authorities with CPE powers to enforce unnecessary obstruction as a civil matter, by issuing PCNs to vehicles found to be causing an 'unnecessary obstruction of the pavement'. This would enable CEOs to address instances of unnecessarily obstructive pavement

parking as and when they find it, without the need to prohibit it nationally. The guidelines contained in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (<https://www.legislation.gov.uk/uksi/2007/3487/contents/made>) provide for the higher PCN charge level of £70 for pavement parking.

We do not, at this stage, propose full decriminalisation (meaning completely removing enforcement from the police) as there may be some circumstances where a particularly dangerous obstruction of the pavement is more appropriately dealt with by the police as a criminal matter. Under this option, unnecessary obstruction of the pavement could therefore be enforced by either the police service (via fixed penalty notices (FPNs) or by local authorities (via PCNs)), although we would expect police intervention to be the exception. In the unlikely event of 2 penalties being simultaneously issued to the same vehicle, a police FPN would take precedence over a PCN issued by a local authority which would be required to cancel the PCN and refund any payment. Unnecessary obstruction of the highway other than the pavement would remain a police matter.

Option 2 would be achieved by splitting the 'pavement' from 'road' in regulation 103 of the Road Vehicles (Construction and Use) Regulations 1986 - which makes unnecessary obstruction of the road an offence - and adding it to the list of contraventions subject to civil enforcement in schedule 7, paragraph 4(2) of the TMA, using the powers under paragraph 5 of that schedule.

This option would also include exceptions, for example, breakdown or emergency service vehicles; highway maintenance vehicles; utility maintenance vehicles; or where it can be proved that a vehicle had been used for loading and unloading goods (for up to 20 minutes, or longer if the authority permits it). A proposed list is at Annex B.

However, while it is considered necessary to include exemptions for emergencies, and to maintain free-flowing traffic and sustainability for delivery firms, we do not propose to exempt Blue Badge holders, or any businesses not concerned with deliveries. The aim of the policy is to keep the pavement free of obstruction as far as possible; and we believe that other exemptions would defeat this objective.

It is acknowledged that the concept of 'unnecessary obstruction' is inherently vague. To help mitigate this, we could recommend in guidance to local authorities that their schemes provide for the use of warning notices on the first occasion an individual vehicle is identified as causing an obstruction.

### **Some advantages**

This option would enable local authorities to issue PCNs to vehicles which are deemed to be causing an unnecessary obstruction of the pavement, without the need to prohibit pavement parking nationally.

This option would require secondary legislation and could be implemented relatively quickly. Pavement parking would not become an offence in all cases, so local authorities would not need to carry out costly and time-consuming audits of their road networks; nor would it be necessary to place traffic signs and bay markings to indicate where pavement parking would need still to be permitted. This is particularly relevant in rural areas where pavement parking is less likely to be a problem, and where placing signs to permit it would be disproportionate.

Enforcement against this offence would be more targeted than a general prohibition of pavement parking. Local authorities would be able to penalise pavement parking where the pavement has clearly been blocked unnecessarily.

### **Some disadvantages**

Parking offences currently subject to local authority civil enforcement are violations of clearly defined restrictions indicated by traffic signs and road markings, for example, yellow lines or white bay markings. By contrast, 'unnecessary obstruction' is more difficult to define, vulnerable to misinterpretation and would require detailed assessment in each case.

Unlike most other parking offences, there would be no traffic signs or bay markings informing motorists of local regulations: 'obstruction' is a general offence that may occur anywhere so it cannot be indicated by traffic signs or bay markings.

If this option was pursued, secondary legislation and/or guidance would be needed to clarify the definition of an 'unnecessary obstruction of the pavement' in order to prevent inappropriate and inconsistent enforcement.

### **Defining 'Unnecessary obstruction'**

'Unnecessary obstruction' does not lend itself to a simple definition that works in all circumstances. It would be almost impossible to anticipate all the possible real-world circumstances and to prescribe them in regulations. This would almost certainly result in situation overload, with a list that appears exhaustive but with unforeseen situations still being overlooked. Instead, we would propose to define the scenarios where pavement parking would, and would not, be deemed appropriate in updated statutory guidance. The benefit of this approach is that statutory guidance would be more responsive to any necessary changes, avoiding the time-consuming process of updating regulations.

However, it may still not be possible to comprehensively define what we mean by unnecessary obstruction in guidance. It may be relatively easy to define a pavement obstruction but not so easy to define when it is necessary. For example, 'Obstruction' could be determined by whether the pavement width between the vehicle and the backline of the pavement is sufficiently wide so as not to obstruct the passage of a wheelchair user or person with a pram or buggy. Leaving a minimum width of 1.5m between the parked vehicle and the back edge of the pavement could be deemed to be not causing an obstruction of the pavement. This width is derived from Section 3 of the DfT's inclusive mobility guidance (<https://www.gov.uk/government/publications/inclusive-mobility>); it is the absolute minimum required for a wheelchair user and a person on foot to pass one another.

The more difficult question, if the space left by the vehicle was less than 1.5m and so causing an 'obstruction', is how to determine whether this was 'unnecessary'.

One approach could be to establish that a vehicle is parked unnecessarily on the pavement where it could otherwise be parked fully on the carriageway without blocking either one-way or two-way traffic (allowing that two-way traffic may have to give way to vehicles approaching in the opposite direction). However, this wouldn't work in all scenarios. It might be reasonable for traffic to give way on quiet residential roads, but it could cause significant congestion on heavily trafficked roads of the same size, so there may be a case for vehicles being on the pavement.

Furthermore, the following sequence of events could occur which might give the wrong impression of unnecessary pavement parking:

- Event 1 - Vehicle A is already parked fully on the carriageway
- Event 2 - Vehicle B arrives and parks directly opposite on the pavement so as not to block traffic
- Event 3 - Vehicle A drives off
- Event 4 - Vehicle B is left appearing to a CEO to be unnecessarily pavement parked

Another way might be to say that two-way traffic must be able to freely pass without giving way. However, this would result in pavement parking on many roads as it would mean allowing pavement parking on all roads where the carriageway is less than (say) the width of at least 4.5 vehicle widths

(to allow for vehicles to park on both sides of the carriageway and two-way traffic to pass freely between them).

Thus, we begin to see that a precise definition of 'unnecessary obstruction' may be difficult to achieve. We may only be able to issue scenario-based guidance to local authorities, which still might not cover all situations that could arise.

### Option 3: a national pavement parking prohibition

Option 3 would in effect extend the existing London-wide pavement parking prohibition. This option would require changes to primary legislation to prohibit pavement parking by default, except at locations where local authorities decide to allow it. This could be done as a general default prohibition across England, or defined in certain circumstances (for example urban areas), as informed by this consultation.

The existing London pavement parking prohibition allows for London councils to introduce exemptions by passing administrative resolutions (for example for narrow streets where pavement parking is essential to ensure traffic flows and to prevent vehicle displacement where there is nowhere else to park). New legislation prohibiting pavement parking in Scotland requires that the exemption of particular streets must be by the making of an order by the local authority in much the same way that English authorities currently make TROs. We would propose basing the regime on the London model, as recommended by the Transport Committee.

Local authorities would be expected to decide where pavement parking remained necessary and to introduce the necessary exemptions and to place traffic signs and bay markings to indicate where pavement parking is permitted. The bay could be placed completely on the pavement where there is sufficient width, or ['part on / part off' as shown in Figure 1].

The legislation for both London and Scotland also includes exceptions to the prohibition for certain vehicles including, for example, breakdown or emergency service vehicles; highway maintenance vehicles; utility maintenance vehicles; or where it can be proved that a vehicle had been used for loading and unloading goods (for up to 20 minutes, or longer if the authority permits it). Our proposal for exceptions is at Annex B.

However, while it is considered necessary to include exemptions for emergencies, and to maintain free-flowing traffic and sustainability for delivery firms, we do not propose to exempt Blue Badge holders, or any businesses not concerned with deliveries. The aim of the policy is to keep the pavement free of obstruction as far as possible, and we believe that other exemptions would defeat this objective.

**Figure 1.** A residential London street with an exemption from the London-wide pavement parking prohibition. Upright traffic signs show the start and end of permitted pavement parking, and white bay markings show how much of the pavement drivers may occupy.



### Some advantages

This option would establish a general rule against pavement parking except where there is specific permission for it. We propose this would mirror the London pavement prohibition; with exemptions in place at many locations.

Motorists would benefit from a consistent rule: 'you must not park on a pavement except where signs permit'. Traffic signs and bay markings would show drivers where pavement parking was still allowed.

Local authorities could introduce exemptions to permit pavement parking by the simpler means of administrative resolution<sup>1</sup> instead of promoting TROs to prohibit pavement parking. This is because the default position is an enforceable pavement parking prohibition whereas the exemption is a simple 'permission' that requires signing but no enforcement.

This approach would foster active management of pavement space. It would require local authorities to decide where vehicles should have priority over pedestrians and vice versa.

### Some disadvantages

A national pavement parking prohibition would be the most significant change to English parking law in several decades, and local authorities would need to undertake a substantial amount of work to prepare for it.

In many areas pavement parking is essential, so it is important that it should continue to be allowed where this is the case. Each local authority would need to survey their road network, identify areas where pavement parking is routine, determine where it remains necessary, pass resolutions to permit it, and place traffic signs and bay markings to inform drivers where pavement parking is still permitted.

It is likely that the introduction of a national prohibition would need a significant implementation period. This process of identifying and implementing exemptions could be time consuming and expensive. Local authorities have indicated that the scale of this task should not be underestimated. It is not known how many streets would need to be exempted from a national prohibition, nor how many streets may need to be exempted in any single town or city. One authority has estimated the cost at around £670,000. Some authorities we talked to stated that they depend on pavement parking to preserve traffic flow in terraced areas, and believe they would need to exempt large residential areas from the prohibition.

Currently, pavement parking is partly self-regulating and fluctuates in response to spikes of parking demand, such as community events, local festivals, etc. By restricting pavement parking only to those areas indicated by traffic signs and bay markings, this option would fix the provision of pavement parking at a relatively static level. The local authority may authorise enough pavement parking bays for residents, but not enough to accommodate an unknown level of visitors.

A national prohibition might be inappropriate in rural areas, such as country roads where pavement parking may be safer. It would be difficult to comprehensively assess all rural settings and may be disproportionate to direct resources to place traffic signs on quiet country roads. There is also a greater dependence on private transport in rural areas. Suburban areas may also face specific challenges.

The implementation of a national prohibition would also be particularly difficult in environmentally sensitive areas, such as historic towns and villages, where there is likely to be strong resistance to placing of traffic signs and bay markings to indicate where parking is permitted. Moreover, reducing traffic sign clutter was a key aim of the DfT's traffic signs policy review, and a major update to the regulations<sup>2</sup> governing the appearance and use of traffic signs included a number of changes to facilitate this.

London is more conducive to a pavement parking prohibition, with much lower levels of car ownership per household and higher mode shares for public transport. Elsewhere car ownership per household tends to be higher and consequently, the demand for parking is greater.

## What will happen next?

A summary of responses will be published within 3 months of the consultation closing. Paper copies are available on request.

If you have questions about this consultation contact [Pavement.parking@dft.gov.uk](mailto:Pavement.parking@dft.gov.uk).

## Annex A: impact assessment

The impact assessment is listed separately

([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/912033/annex-a-impact-assessment-pavement-parking-restrictions.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/912033/annex-a-impact-assessment-pavement-parking-restrictions.pdf)).

## Annex B: exceptions for certain vehicles in specific circumstances

B.1 The table below sets out those vehicles which we propose should not be subject to the prohibition proposed in Option 2 or Option 3.

Vehicle when being used for:

- fire brigade purposes
- police purposes

- parking in accordance with a direction given by a constable
- ambulance purposes
- the provision of, or in connection with, urgent or emergency health care, by a registered medical practitioner, registered nurse or registered midwife
- the purpose of saving life or responding to another similar emergency
- the purpose of providing assistance at an accident or breakdown
- postal services (within the meaning of section 125(1) of the Postal Services Act 2000)
- delivery, collection, loading or unloading of goods to, or from any premises, in the course of business; where this cannot reasonably be carried out without the vehicle being parked on a pavement; and the vehicle is so parked for no longer than is necessary for these purposes, and in any event for no more than a continuous period of 20 minutes
- collection of refuse by, or on behalf of, the local authority
- street cleansing purposes by, or on behalf of, the local authority
- gritting or salting or the clearance of snow by, or on behalf of, the local authority
- road works by, or on behalf of, the local authority
- road maintenance (including street furniture) by, or on behalf of, the local authority
- street works by, or on behalf of, the local authority or statutory undertakers, including utility companies
- to comply with the duty in section 170 of the Road Traffic Act 1988 to stop after an accident

Other situations - in respect of Option 3 only:

- any vehicle authorised by the council to be parked in a specified place at a specified time

## **Annex C: full list of consultation questions**

### **Introductory Questions**

#### Question 1

For contact purposes only:

- Your name
- Your email

#### Question 2

Are you responding as:

- an individual?
- on behalf of an organisation?

### **Questions for individuals**

#### Question 3

Do you think vehicles being parked on the pavement is a problem in your area?

- Yes

21/09/2020

Pavement parking: options for change - GOV.UK

- No
- Don't know

## Question 4

Pavement parking causes you problems because:

- you have a sight impairment
- you have a mobility impairment
- you use a buggy or pram to transport children
- another issue

## Question 5

Would you leave home more often if there was no pavement parking?

- Yes
- No

## Questions for all respondents

### Question 6

Do you think vehicles parked on the pavement is a problem in your area?

- Yes
- No
- Don't know

### Question 7

Do you prefer:

- option 1?
- option 2?
- option 3?
- an alternative option? (please describe it)

**Option 2 - to allow local authorities with CPE powers to enforce against 'Unnecessary obstruction of the pavement'**

### Question 8

How would you define an 'unnecessary obstruction of the pavement'?

### Question 9

Do you think a warning notice should be given for first-time offences of causing an unnecessary obstruction by parking on the pavement?

- Yes
- No

- Don't know

## Question 10

What do you think are the advantages and disadvantages associated with Option 2?

**Option 3 - England-wide pavement parking prohibition**

## Question 11

Do you think a national prohibition should apply:

- on no roads (since you are against the proposal)?
- on all public roads within the country?
- only on roads with speed limits up to 40mph (this includes roads in villages, towns and cities); or
- in an alternative way of your description? (please describe)

## Question 12

Should a national prohibition apply to:

- pavements only?
- pavements and verges?

## Question 13

What are your views on the impact this would have on the built and historic environment?

## Question 14

What do you think are the advantages and disadvantages of Option 3:

- for rural areas including villages?
- for suburban areas?
- for town and city centres?
- overall?

## Question 15

Do you believe Option 2 or Option 3 would have an impact on the environment?

## Option 2

- Yes
- No
- Don't know

## Option 3

- Yes
- No
- Don't know

If answering "Yes" to an option, please explain the impact you think will occur and whether it is positive or negative.

#### Question 16

For both options 2 and 3, we propose exceptions for those vehicles listed in Annex B. (The final listed exception applies to option 3 only.)

- What, if any, other additional vehicles or services would you like to exempt and why?

### Questions on the equality duty

#### Question 17

In respect of people who share any of the following protected characteristics:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race
- religion/belief
- sex
- sexual orientation

Please describe any negative impacts that the options in this document might have on these objectives:

- eliminating discrimination
- advancing equality of opportunity
- fostering good relations

Please clearly identify the specific consultation option, the protected characteristic affected, which objective is affected and the nature of any negative impact.

### Final comments for all respondents

#### Question 18

Do you have any other comments?

### Questions for organisations (other than local authorities)

#### Question 19

Your organisation's name is?

#### Question 20

Is your organisation a commercial business?

- Yes
- No

21/09/2020

## Question 21

Does your organisation routinely make deliveries as part of its business?

- Yes
- No

## Question 22

Do you agree that 20 minutes of pavement parking would be adequate for a delivery?

- Yes
- No

If you answered "No", why not?

## Question 23

If you answered "No", of all the daily deliveries that you may make, what percentage do you think will take longer than 20 minutes each to be completed?

## Question 24

In your opinion, what types of delivery that you make would require greater than 20 minutes?

### Questions for local authorities

## Question 25

Are you representing a council?

- Yes
- No

## Question 26

Has your authority introduced a TRO, or TROs, to implement pavement parking restrictions?

- Yes
- Don't know
- No

If you answered 'No', why not?

If you answered 'Yes': \* How many has your authority introduced in each of the last 10 years? \* Typically, how long does a TRO take for you to put into place (in weeks)? \* What was the average monetary cost (to the nearest £) of introducing a single TRO? (please breakdown costs eg administration, legal, advertising, traffic sign purchase / installation & road marking creation).

## Question 27

Could you please provide where possible, for each of the 5 years 2015-2019, figures or estimates (please specify which) for your local authority:

- the number of injury claims made to your local authority

- the number of injury claims made due to pavement parking
- the number of injury claims for which compensation was paid
- the number of injury claims made due to pavement parking for which compensation was paid
- the total compensation paid for injury claims
- the total compensation paid due to pavement parking

## Question 28

What was the:

- total spend on pavement repairs for each of the 5 years 2015 to 2019?
- the percentage of this total spend due to pavement parking: for each of the 5 years 2015 to 2019?

## Option 2

### Question 29

If your council has civil enforcement powers and was permitted to enforce the offence of 'unnecessary obstruction', would your council elect to do this?

- Yes
- No
- Don't know

### Question 30

If you answered "Yes" or "Don't know", what number of staff, in your authority, would need to learn the new enforcement guidance?

### Question 31

Can you foresee any additional, unfunded costs outside of the normal issuing and processing of PCNs?

- Yes
- No
- Don't know

### Question 32

What are these costs (list the individual costs and the total average expenditure based on a per annum basis)?

## Option 3

### Question 33

In your authority area, estimate based on your total road network, on how much road is pavement parking necessary to ensure free-flowing traffic is maintained? Give the amount:

- in kilometres

21/09/2020

- as a percentage of the total road length

## Question 34

What do you expect an assessment of your road network, to identify exemptions, to cost overall and how do the costs break down individually (£)?

## Question 35

Would your authority need to provide more parking provision to implement option 3?

- Yes
- No
- Don't know

Please provide any relevant evidence to support this view.

## Question 36

Please provide an estimate of the cost of implementing exemptions in your area, including:

- staff costs
- traffic signing costs
- bay marking costs
- removal of traffic signing for previously implemented TROs restricting pavement parking in your area

## Question 37

Can you foresee any additional, unfunded costs beyond the normal costs of issuing and processing PCNs?

- Yes
- No
- Don't know

## Question 38

Give an explanation and breakdown of the number of additional:

- staff for your local authority?
- salary costs for your local authority?
- hiring costs for your local authority?
- training costs for your local authority?

## Question 39

What additional staff roles do you envisage?

## Question 40

Do you expect any other, non-staff, costs to arise from a national pavement parking prohibition?

- Yes
- No
- Don't know

## Question 41

What are these costs (list the individual costs and the total average expenditure based on a per annum basis)?

## Question 42

What potential benefits, if any, do you think there will be for your authority from a national pavement parking prohibition (such as existing costs being reduced)? Provide any monetary benefit where possible.

## Question 43

The government is looking to local authorities to introduce more cycle facilities to encourage active travel. Do you think this will cause issues for a national pavement parking prohibition?

- Yes
- No
- Don't know?

If you answered "Yes", please describe the issues.

## Final comments

### Question 44

Do you have any other comments?

## Footnotes

- 
1. An official decision that is made after a group or organisation has voted. ↩
  2. [The Traffic Signs Regulations and General Directions 2016  
(<http://www.legislation.gov.uk/uksi/2016/362/contents/made>) ↩

<b>Title:</b> Pavement parking restrictions  <b>IA No:</b> DfT00419  <b>RPC Reference No:</b> <b>Lead department or agency:</b> Department for Transport  <b>Other departments or agencies:</b> [MHCLG, MoJ]	<b>Impact Assessment (IA)</b>			
	<b>Date:</b> 07/02/2020			
	<b>Stage:</b> Consultation			
	<b>Source of intervention:</b> Domestic			
	<b>Type of measure:</b>			
<b>Contact for enquiries:</b> <a href="mailto:Pavement.parking@df.gov.uk">Pavement.parking@df.gov.uk</a>				
<b>Summary: Intervention and Options</b>				<b>RPC Opinion:</b> RPC Opinion Status

Cost of Preferred (or more likely) Option (in 2016 prices)			
Total Net Present Social Value	Business Net Present Value	Net cost to business per year	Business Impact Target Status
N/A	N/A	N/A	Non-qualifying provision
<b>What is the problem under consideration? Why is government intervention necessary?</b> At some locations, e.g. residential areas with narrow roads, the pavement is the only place to park without obstructing the carriageway. However, parked vehicles can cause negative externalities including obstruction which can force pedestrians onto the carriageway, presenting a hazard for vulnerable road users, such as people with sight or mobility impairments. Pavement damage is also a financial burden to local authorities, both in terms of maintenance and responding to personal injury claims.			

<b>What are the policy objectives and the intended effects?</b> The policy objective is to enable safe use of the pavement by all pedestrians and in particular people with sight and mobility impairments, or users of buggies and prams, and to prevent social exclusion by enabling these groups to make the journeys necessary to live their lives. The policy aim is enshrined in the Department for Transport publications: 'The Road Safety Statement 2019: A Lifetime of Road Safety'; 'The Inclusive Transport Strategy: Achieving Equal Access for Disabled People'; Cycling and Walking Investment Strategy: Safety Review. The policy also aims to reduce consequential costs to local authorities arising from damaged pavements and personal injury claims. Any legislative change must be proportionate.
--

<b>What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)</b> There is currently no preferred option at this consultation stage, a preferred option will be decided at the final stage. The Department is reviewing existing legislation under which local authorities can make Traffic Regulation Orders (TROs) to prohibit pavement parking; to establish the scope to streamline and modernise the process. This is described in option 0 – continue with TRO reform only. We will consult separately on this in 2020. In the meantime, this consultation will seek views on whether simplifying this process might be sufficient to tackle pavement parking without the need for further legislation. In 2018/19 the Department carried out a pavement parking evidence review; eliciting a range of qualitative evidence from a sample of stakeholders. However, sufficient evidence was gathered to produce two legislative options: (a) to allow local authorities with civil parking enforcement (CPE) powers to enforce an offence of 'unnecessary obstruction of the pavement', or (b) to introduce a London-style pavement parking prohibition across England, (except where specifically permitted by way of an administrative resolution, at locations indicated by traffic signs). Both options would include necessary exceptions for certain vehicle classes such as for emergency services.
---

<b>Will the policy be reviewed? It will be reviewed. If applicable, set review date:</b> TBC				
Does implementation go beyond minimum EU requirements?		N/A		
Is this measure likely to impact on international trade and investment?		No		
Are any of these organisations in scope?	Micro	Small	Medium	Large
	Yes	Yes	Yes	Yes
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)	Traded:		Non-traded:	
	N/Q		N/Q	

***I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.***

Signed by the responsible Minister:

*Vere of Norwich*

- Date:

20 June 2020

## Summary: Analysis & Evidence

## Policy Option 0

**Description:** The Department is reviewing existing legislation under which local authorities can make Traffic Regulation Orders to prohibit pavement parking; to establish the scope to streamline and modernise the process. Option 0 could be done in conjunction with either option 1 or option 2.

### FULL ECONOMIC ASSESSMENT

Price Base Year N/Q	PV Base Year N/Q	Time Period Years N/Q	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate: N/Q

COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	Optional	N/Q	Optional	Optional
High	Optional		Optional	Optional
Best Estimate	N/Q		N/Q	N/Q

#### Description and scale of key monetised costs by 'main affected groups'

There are no monetised costs for option 0 in this consultation stage impact assessment.

#### Other key non-monetised costs by 'main affected groups'

Changes to the existing TRO legislation could lead to increased implementation of TROs including costs to local authorities i.e. cost of traffic signs and bay markings, sealing the order, publishing notices in the local paper and staff costs. At the same time, changes could reduce these costs on a per TRO basis for example by lowering the staff costs by decreasing the time it takes. LA's could also potentially face the cost of digitising traditionally paper based TRO data. Some of these costs could potentially be monetised at a later stage.

BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	N/Q	Optional	Optional
High	Optional		Optional	Optional
Best Estimate	N/Q		N/Q	N/Q

#### Description and scale of key monetised benefits by 'main affected groups'

There are no monetised benefits for option 0 in this consultation stage impact assessment.

#### Other key non-monetised benefits by 'main affected groups'

If changes to TRO legislation lead to increased implementation of TROs, in particular TROs restricting pavement parking, there could be benefits similar to those set out in option 1. However, the relative scale of these benefits is uncertain. Benefits to pedestrians and vulnerable road users could include prevention of injuries or casualties caused by pavement parking, social inclusion benefits associated with improved accessibility and health benefits from walking. Local authorities with CPE powers could experience benefits in the form of cost savings from spend on injury claim compensation and pavement repair.

#### Key assumptions/sensitivities/risks

The process of reviewing existing legislation concerning the process under which local authorities can implement TROs is at an early stage. The exact form that any changes would make and hence the resultant impacts are uncertain.

#### Discount rate

N/Q

### BUSINESS ASSESSMENT (Option 0)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs: N/Q	Benefits: N/Q	Net: N/Q	
			N/Q

## Summary: Analysis & Evidence

## Policy Option 1

**Description:** To allow local authorities with civil parking enforcement (CPE) powers to enforce against an offence of 'unnecessary obstruction of the pavement', where necessary.

### FULL ECONOMIC ASSESSMENT

Price Base Year 2019	PV Base Year 2021	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -6.9	High: -3.4	Best Estimate: -5.2

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	3.5	Optional	3.4
High	7	Optional	5.9
Best Estimate	5.3	N/Q	5.2

#### Description and scale of key monetised costs by 'main affected groups'

The cost to government of a nationwide multimedia campaign is estimated to be £3.5m in the first year and £1.75m in the second year. These are at the midpoint of estimated ranges. The answers provided to the questions set out in this impact assessment will inform the monetised costs and benefits in the final stage impact assessment.

#### Other key non-monetised costs by 'main affected groups'

The only non-monetised costs are familiarisation costs to local authorities. It is expected these familiarisation costs will be estimated at the final stage based on the number of LAs that would be expected to enforce.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate	N/Q	N/Q	N/Q

#### Description and scale of key monetised benefits by 'main affected groups'

There are no monetised benefits for this consultation stage impact assessment. The answers provided to the questions set out in this impact assessment will inform the monetised costs and benefits in the final stage impact assessment.

#### Other key non-monetised benefits by 'main affected groups'

Benefits to pedestrians and vulnerable road users identified include prevention of injuries or casualties caused by pavement parking, social inclusion benefits associated with improved accessibility and health benefits from walking. Local Authorities with CPE powers are expected to experience benefits in the form of cost savings for spend on injury claim compensation and pavement repair.

<b>Key assumptions/sensitivities/risks</b>	<b>Discount rate (%)</b>	3.5
--	--------------------------	-----

Seeing as enforcement of the new offence would be elective, the scale of benefits would depend on the number of CPE local authorities that decide to use it and how they enforce it. Due to the subjective nature of 'unnecessary obstruction' there is scope for local authorities to adopt different interpretations and enforcement practices. This may cause confusion for Civil Enforcement Officers (CEOs) and motorists. Some motorists could potentially receive unwarranted Penalty Charge Notices (PCNs). To mitigate this, the department will issue guidance to promote consistency in approach.

Scenario analysis undertaken has considered low (25%), medium (50%) and (75%) high levels of LAs electing to take on enforcement against the offence and the corresponding familiarisation cost.

### BUSINESS ASSESSMENT (Option 1)

<b>Direct impact on business (Equivalent Annual) £m:</b>			<b>Score for Business Impact Target (qualifying provisions only) £m:</b>
Costs: N/Q	Benefits: N/Q	Net: N/Q	
			N/Q

## Summary: Analysis & Evidence

## Policy Option 2

**Description:** To introduce a London-style pavement parking prohibition across England, except where specifically permitted by way of an administrative resolution, at locations indicated by prescribed traffic signs.

### FULL ECONOMIC ASSESSMENT

Price Base Year 2019	PV Base Year 2021	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -60.3	High: -16.8	Best Estimate: -38.7

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	17.6	Optional	16.8
High	62.7	Optional	60.3
Best Estimate	40.3	N/Q	38.7

#### Description and scale of key monetised costs by 'main affected groups'

The cost to government of a nationwide multimedia campaign is estimated to be £3.5m in the first year and £1.75m in the second. These are at the midpoint of estimated ranges. The familiarisation cost to local authorities (LAs) for staff in parking and civil enforcement occupations is estimated to be £0.14m. The costs to LAs of an assessment of roads for exemptions and implementation of exemptions (signs and bay markings) are estimated to be £7.3m and £27.5m respectively. The answers provided to the questions set out in this impact assessment will inform the monetised costs and benefits in the final stage impact assessment.

#### Other key non-monetised costs by 'main affected groups'

Key non-monetised costs include costs to Local Authorities with Civil Parking Enforcement (CPE) powers including those associated with removal of redundant TROs. A potential cost to motorists is increased journey times. Less passing trade could be a cost to businesses.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate	N/Q	N/Q	N/Q

#### Description and scale of key monetised benefits by 'main affected groups'

There are no monetised benefits for this consultation stage impact assessment. The answers provided to the questions set out in this impact assessment will inform the monetised costs and benefits in the final stage impact assessment.

#### Other key non-monetised benefits by 'main affected groups'

Benefits to pedestrians and vulnerable road users identified include prevention of injuries or casualties caused by pavement parking, social inclusion benefits associated with improved accessibility, health benefits from walking and potentially improved townscape. CPE Local Authorities are expected to experience benefits in the form of cost savings for spend on injury claim compensation, pavement repair and fewer TROs.

<b>Key assumptions/sensitivities/risks</b>	<b>Discount rate</b>	3.5
Potential risks: <ul style="list-style-type: none"> <li>- Some local authorities' assessments of the road network are not sufficiently comprehensive so that necessary exemptions are not made. A lot of parking is displaced with an increase in on-street parking causing congestion in some areas outside London. Origin to destination journey times are increased.</li> <li>- Under-enforcement of the national prohibition so that anticipated benefits are not met.</li> <li>- England campaign fails to reach the majority of the targeted audience so that a high level of pavement parking continues after the prohibition.</li> </ul>		

### BUSINESS ASSESSMENT (Option 2)

<b>Direct impact on business (Equivalent Annual) £m:</b>	<b>Score for Business Impact Target (qualifying provisions only) £m: N/Q</b>
Costs: N/Q	Benefits: N/Q
Net: N/Q	

A full list of Impact Assessment Consultation questions is set out in **Annex A**.

## 1.0 Policy Rationale

### Policy background

1. With increasing traffic levels and limited road space, parking is a contentious policy area generally, and there is the potential for policy conflict between maintaining traffic flow and the drive to promote healthier choices through active travel. Local authorities must strike a fine balance between the Network Management Duty, imposed on them by the Traffic Management Act 2004 (TMA) to secure the expeditious movement of traffic on their roads, while also ensuring the safety of pedestrians.
2. Many towns and cities were not designed to accommodate today's high levels of vehicle ownership. At some locations, especially in residential areas with narrow roads and no driveways, the pavement is the only convenient place to park for a motorist without obstructing the carriageway. However, pavement parking may be inconsiderate and potentially dangerous. The action of parking on the pavement can endanger pedestrians; as in the case of a four-year-old girl killed in 2016 by a van mounting the pavement. Obstructing vehicles can also force pedestrians onto the carriageway into the path of oncoming traffic, presenting a hazard for vulnerable road users, such as people with sight or mobility impairments. London has a pavement parking prohibition and organisations representing pedestrians have called for a similar regime for the rest of England.
3. Damage to the pavement and verges is also a financial burden to local authorities, both in terms of highway maintenance and possible personal injury claims.
4. In April 2019, the Transport Select Committee launched an inquiry into pavement parking. The TSC published its pavement parking report<sup>1</sup> on 9 September 2019, and subsequently published the Government's response<sup>2</sup> on 12th March 2020. The Chair requested a detailed timeframe and committed to a further evidence session 12 months thereafter. It recommended that the Government consult on allowing local authorities to enforce against obstructive pavement parking, with a view to making such an offence subject to civil enforcement under the Traffic Management Act 2004. It also recommended that, in the long term, the Government legislates for a nationwide prohibition on pavement parking across England, outside London, enforceable by local authorities.

### Problem under consideration

5. The Greater London Council (General Powers) Act 1974 prohibits parking on pavements and verges within Greater London, except where specifically permitted by way of an administrative resolution, at locations indicated by traffic signs.
6. The reverse currently applies elsewhere in England, where parking on pavements and verges is generally permitted, unless specifically prohibited by a local authority (either street-by-street or zonally), using powers under Part I of the Road Traffic Regulation Act 1984 (RTRA) to set restrictions or exemptions relating to parking via the use of Traffic Regulation Orders (TROs).
7. The TMA also allows local authorities to apply to the Secretary of State for civil parking enforcement (CPE) powers to enable them to take over responsibility for parking enforcement as a civil matter. At present, 314 out of 327 (96%) of English local authorities have been granted CPE powers<sup>3</sup>, which means they can enforce against pavement parking contraventions under paragraph 4(2)(b) in Schedule 7 to the Traffic Management Act 2004, without reliance on the police.
8. A 2014 YouGov poll of people aged 65 and over, commissioned by the UK charity Living Streets, found that pavement parking was a problem for 73% of older people in their local area; 50% of

---

Pavement Parking: Thirteenth Report of Session 2017-2019  
<https://publications.parliament.uk/pa/cm201719/cmselect/cmtrans/1982/1982.pdf>

<sup>2</sup> Pavement Parking: Government response to the Committee's Thirteenth Report of Session 2017-2019  
<https://publications.parliament.uk/pa/cm5801/cmselect/cmtrans/158/15802.htm>

<sup>3</sup> Civil parking enforcement in England, Areas in England where local authorities operate civil parking enforcement  
<https://www.gov.uk/government/publications/list-of-local-authorities-with-civil-parking-enforcement-powers>

respondents said that they would be more likely to walk outside if the pavements were clear of vehicles parked on them<sup>4</sup>. In 2018, a freedom of information request by Living Streets to local authorities in England revealed that 94% of them had received letters from members of the public complaining about pavement parking.

9. A TRO is a legal document that allows a local authority to restrict traffic or parking in their area. A Living Streets freedom of information request found that 37 percent of local authorities outside London that had responded had introduced TROs to prohibit pavement parking in the previous two years (2016-2018); suggesting that most authorities were still not making use of the available TRO regime<sup>5</sup>. Living Streets did not disclose the total number of responding authorities. A problem could therefore be the relatively low level of TRO take up. The Department is reviewing existing legislation under which local authorities can make TROs; to establish scope to streamline and modernise the process. We will consult separately on this in 2020. In the meantime, this consultation will seek views on whether simplifying this process might be sufficient to tackle pavement parking without the need for further legislation.
10. In 2019, Guide Dogs, a UK charity for the blind conducted a survey on the impact of pavement parking<sup>6</sup> with 1,920 respondents, including 481 people with vision impairments and 120 wheelchair users. It indicated that 95% of visually impaired respondents had had a problem with vehicles parked on pavements in the previous year; this figure was higher for wheelchair users with 98% of those responding having had a problem. Furthermore, 32% of respondents with vision impairments were less willing to go out on their own because of pavement parking. The figure was 48% for wheelchair users.
11. Separately, in 2018/19 the Department carried out a pavement parking evidence review; eliciting a broad range of qualitative evidence from a sample of stakeholders, although quantitative data was limited. However, sufficient evidence was gathered to inform two legislative options: (a) to allow CPE local authorities to enforce an offence of 'unnecessary obstruction of the pavement', or (b) to introduce a London-style pavement parking prohibition across England (except where specifically permitted by way of an administrative resolution, at locations indicated by traffic signs). Both options would include necessary exceptions for certain vehicle classes such as for emergency services.
12. The view of disability groups, and the active travel lobby, is that the law in London is clearer and more effective; and they would like to see a London-style default prohibition to be extended to the rest of England. A national pavement parking prohibition (with exceptions) was introduced in Scotland by the Transport (Scotland) Act 2019, which came into effect on 15th November 2019.
13. In addition to limiting accessibility, particularly for people with sight, hearing or mobility impairments, pavement parking can cause injuries by forcing pedestrians onto the carriageway and potentially into oncoming traffic. Pavement parking can also damage the pavement to impose maintenance costs onto local authorities and increase the risk of pedestrians tripping on the pavement. Personal injury claims due to pedestrian injuries are another cost faced by local authorities resulting from pavement parking.

## Rationale for intervention

14. Unnecessary pavement parking is a long-standing problem that will not resolve itself without action. Problematic pavement parking will not be resolved through any market or stakeholder lead changes. Pavement parking occurs because pavement-parking motorists do not face private costs equivalent to the external social costs (negative externalities) imposed by pavement parking. Pavement parking imposes undesirable costs on society including:
  - Causing an obstruction for pedestrians, forcing them onto the carriageway into oncoming traffic. These obstructions are a particular problem for vulnerable road users, such as people with sight, or mobility impairments.

---

<sup>4</sup> Living Streets – Pavement parking  
<https://www.livingstreets.org.uk/policy-and-resources/our-policy/pavement-parking>

<sup>5</sup> Written evidence submitted by Living Streets to the Transport Select Committee inquiry into pavement parking  
[http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/transport-committee/pavement-parking/written/102252.html#\\_edn2](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/transport-committee/pavement-parking/written/102252.html#_edn2)

<sup>6</sup> Written evidence submitted by Guide Dogs to the Transport Select Committee inquiry into pavement parking  
<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/transport-committee/pavement-parking/written/102038.html>

- Causing injuries due to poor pavement condition worsened by pavement parking. Vulnerable road users, particularly people with sight or mobility impairments are more prone to such injuries.
  - Reducing pavement accessibility and usage for trips. The Guide Dogs Survey discussed at paragraph 10 shows vulnerable road users are less likely to make journeys due to pavement parking obstructions.
  - A financial burden on local authorities in maintaining pavements and responding to personal injury claims. While our evidence review only managed to elicit limited data on damage directly attributable to pavement parking, we hope the consultation will provide more robust data.
15. Local authorities are responsible for managing and enforcing parking restrictions, but they rely upon legislative tools provided by government. A Living Streets' 2018 freedom of information request found that only 37% had used TROs to control pavement parking in the previous two years (2016-8). This suggests that the current TRO powers are not addressing the problem and so government intervention may be required to provide more effective tools.
16. The health and safety of vulnerable pedestrians is at stake. There are existing TRO powers available to local authorities to restrict pavement parking and we are taking forward a project looking at how this process can be streamlined and modernised. However, notwithstanding the outcome of that project, it is possible that further legislative restrictions on pavement parking would still be the most effective means of bringing about a permanent and effective nationwide shift in behaviour.

### **Policy objective**

17. The policy objective is to address problematic pavement parking, to enable safe use of the pavement by all pedestrians; and in particular people with sight or mobility impairments or those with buggies and prams, and to prevent social exclusion by enabling these groups to make the journeys necessary to live their lives. The policy aim is enshrined in the Department for Transport publications: 'The Road Safety Statement 2019: A Lifetime of Road Safety'; 'The Inclusive Transport Strategy: Achieving Equal Access for Disabled People'; and the Cycling and Walking Investment Strategy: Safety Review. The policy also aims to reduce consequential costs to local authorities arising from damaged pavements and personal injury claims. Any legislative change must enable proportionate enforcement by local authorities with CPE powers.

### **Impact of pavement parking in other countries**

18. Pavement parking is permitted in Northern Ireland except on clearways; and national prohibitions are in place the Republic of Ireland, France, Germany, Belgium, Netherlands, Denmark and Norway.
19. A national pavement parking prohibition was introduced in Scotland in November 2019. In the supporting consultation 81% of responses said that pavement parking was a problem in local areas; the majority encountering it daily.
20. At least 83% called for a national prohibition as it was noted that the definition of obstruction was dependent on a police officer's interpretation of the situation. But, although a blanket prohibition was the most preferred option, some felt that, in some small villages, this would be disruptive for the whole community; and that local authorities should carry out locally based exemptions based on specific criteria, such as road widths.
21. While 56% thought that a national prohibition would have no unintended consequences, 44% (276) suggested shortages of parking provision could cause displacement with congestion blocking access, which in turn could create conflict between residents. This could affect residents living in flats and tenements on narrow roads and near public institutions like hospitals.
22. A Taskforce Group is considering options to tackle pavement parking in Wales.

### **Options considered**

23. A preferred option has not been identified in this consultation stage impact assessment. The decision of a preferred option will be informed by consultation responses. Option 0 – continuing to develop potential TRO reforms could be done in conjunction with either option 1 or option 2. Each option is considered against a baseline where there are no further reforms to TROs.

**Option 0 – ‘Do minimum’ – Continue with TRO reform only**

24. Highway authorities including local authorities can place temporary, experimental or permanent restriction on traffic or parking within their areas by way of a TRO. Existing legislation allows local authorities to introduce TROs to manage traffic; the requirements of which must be conveyed to the motorist via prescribed traffic signs and road markings. Amongst other things, TROs allow local authorities the freedom to decide if and how they wish to restrict or prohibit footway parking in their local area. The combination of a TRO with the necessary traffic signs and road markings creates a pavement parking restriction, which local authorities with CPE powers can enforce against by issuing Penalty Charge Notices (PCNs). Parking enforcement remains the responsibility of the police where a local authority does not have CPE powers.
25. Because it had become clear that the process for making TROs can be time-consuming and burdensome for local authorities, the Department announced in August 2019 that it would be reviewing the legislation associated with TROs. Since then the Department has worked with a broad range of stakeholders, looking at how the legislation could be changed and, where possible, simplified. The review will also look at how traditionally paper-based TRO data, which is a rich source of information, could be digitised to support the transport network of the future. The Department will consult separately on recommendations for TRO reform in 2020.
26. This option would remove the need to introduce legislation aimed specifically at pavement parking, while giving the Department the opportunity to observe and learn any lessons from the national pavement parking prohibition in Scotland, which was recently introduced in the Transport (Scotland) Act 2019. Scottish local authorities have powers to enforce the national prohibition, while the Act allows for exceptions, such as for emergency service vehicles and vehicles delivering goods.
27. While the Department’s ongoing work to improve the TRO progress aims to reduce the associated burden on local authorities of using the current regulatory regime, uncertainty surrounding the level of take up among local authorities means the extent to which this would reduce the problem of pavement parking remains questionable. Based on evidence gathered and the issues identified with existing legislation e.g. a 2018 Living Streets Freedom of Information request to local authorities which found that only 37% of responding LAs outside London introducing TROs, we believe Options 1 and 2 may be more effective means of improving enforcement of pavement parking and reducing the instances of obstruction.

**Option 1 – Allow CPE local authorities to enforce against ‘unnecessary obstruction of the pavement’**

28. We understand that the view of many local authorities is that the high costs associated with placing the necessary traffic signs and road markings, mean a national pavement parking prohibition (Option 2) would be difficult to implement. Instead many would favour powers to issue Penalty Charge Notices (PCNs) to vehicles causing an ‘unnecessary obstruction’ of the pavement.
29. The offence of causing an unnecessary obstruction is currently a police matter in both London and the rest of England. This option would add the offence of unnecessary obstruction of the pavement to the list of contraventions subject to civil enforcement in Schedule 7 of the TMA. This could be done using secondary legislation. This would enable Civil Enforcement Officers to address instances of unnecessary pavement parking as and when they find it, without the need for a national prohibition. This option would also include exceptions for example, breakdown or emergency service vehicles; highway maintenance vehicles; utility maintenance vehicles; or where it can be proved that a vehicle had been used for loading and unloading goods (for up to 20 minutes, or longer if the authority permits it). While it is considered necessary to include exemptions for emergencies, and to maintain free-flowing traffic and sustainability for delivery firms, we do not propose to exempt Disable Badge holders or any businesses not concerned with deliveries. The aim of the policy is to keep the pavement free of obstruction as far as possible; and we believe that other exemptions would defeat this objective.
30. However, the definition of ‘obstruction’ is ambiguous so there is a risk of unfair penalties being issued and local authorities adopting differing interpretations when enforcing. To help mitigate this, we could recommend in guidance to LAs the use of warning notices on the first occasion a vehicle is identified as causing an obstruction. The Department would also need to work with stakeholders to refine the definition and the nature of the offence.

**Option 2 - Introduce London-style national pavement parking legislation**

31. To introduce a default prohibition on pavement parking, except at locations where local authorities choose to permit it. This would extend the system in London (and Scotland) to the rest of England. Alternatively, the prohibition may apply only in built-up areas, or on some other basis. This option would require primary legislation.
32. Motorists would only be allowed to park on the pavement where indicated by traffic signs and bay markings; as in London, the local authority would be able to permit pavement parking by way of an administrative resolution, and issue Penalty Charge Notices (PCNs) to vehicles parking wholly or partially on the pavement outside of permitted bays. The legislation would include exceptions for example, breakdown or emergency service vehicles; highway maintenance vehicles; utility maintenance vehicles; or where it can be proved that a vehicle had been used for loading and unloading goods (for up to 20 minutes, or longer of the authority permits it). While it is considered necessary to include exemptions for emergencies, and to maintain free-flowing traffic and sustainability for delivery firms, we do not propose to exempt Disable Badge holders or any businesses not concerned with deliveries. The aim of the policy is to keep the pavement free of obstruction as far as possible and we believe that other exemptions would defeat this objective.

## 2.0 Costs and Benefits

### Option 0 – ‘Do minimum’ – Continue with TRO reform only

33. Currently pavement parking in England (outside London) may be prohibited by a local authority (either street-by-street or zonally); by the introduction of a formal Traffic Regulation Order (TRO).
34. TROs must be accompanied by prescribed traffic signs and road markings. Local authorities make TROs for many reasons, for example to restrict traffic manoeuvres (one-way or banned turns) or to set speed limits. TROs also allow local authorities the freedom to decide if and how they wish to restrict or prohibit pavement parking in their local area. The combination of a TRO with the necessary traffic signs and road markings creates a pavement parking restriction, which local authorities with CPE powers can enforce against by issuing PCNs. Parking enforcement remains the responsibility of the police where a local authority does not have CPE powers.
35. The process for making TROs can be time-consuming and burdensome for local authorities. Evidence given to the Transport Select Committee cited a Living Streets 2018 freedom of information request indicating that only 37% of responding LAs had used a TRO to control pavement parking in the years 2016-18. A simple TRO can take 14 weeks to process. The costs of putting in the signs and lines, sealing the order, publishing notices in the local paper and paying staff costs can be £2,500-3,000 per street. This data was derived from the Department’s evidence review which included interviews with up to 80 local authority parking managers.
36. Consequently, the Department announced in August 2019 that it would be reviewing the legislation associated with TROs. Since then the Department has worked with a broad range of stakeholders, looking at how the legislation could be changed and, where possible, simplified. The review will also look at how traditionally paper-based TRO data, which is a rich source of information, could be digitised to support the transport network of the future. The Department will consult on recommendations for reform in 2020.
37. The benefits of this work could be a quicker and cheaper process for LAs. However, whether this will lead to sufficient uptake to adequately address the pavement parking problem is unknown.

### Option 1 – Allow CPE Local Authorities to Enforce Against an Offence of ‘Unnecessary Obstruction of the Pavement’

38. This section sets out an assessment of the expected costs and benefits of option 1 – to allow CPE local authorities to enforce an offence of ‘unnecessary obstruction of the pavement’. The costs identified at this stage include the cost to government of the nationwide multimedia campaign to raise awareness of the new offence and civil enforcement familiarisation costs to local authorities. Benefits to pedestrians and vulnerable road users identified include prevention of injuries or casualties caused by pavement parking, social inclusion benefits associated with improved accessibility and health benefits from walking. Local Authorities are expected to experience benefits in the form of cost savings for spend on injury claim compensation and pavement repair. Seeing as enforcement of the offence would be elective, the scale of benefits would depend on the number of local authorities that decide to use it and how they enforce it. There is limited quantitative evidence at this stage.
39. For appraisal purposes we have assumed a Present Value base year of 2021.

#### Summary

There are no monetised benefits at this stage.

#### *Monetised Costs*

- Nationwide multimedia campaign cost to government (direct)

#### *Unmonetised Costs*

- Parking and civil enforcement occupations familiarisation costs to local authorities (direct)

#### *Unmonetised Benefits*

- Prevention of pedestrian injuries caused by pavement parking (direct)
- Prevention of pedestrian injuries caused by poor condition pavement (indirect)
- Fewer injury claims and compensation paid by local authorities (direct)
- Increased accessibility for pedestrians (direct)

- Health benefits from increased walking for pedestrians (indirect)
- Cost savings on pavement repairs for local authorities(direct)
- Slightly improved townscape for pedestrians (direct)

## Costs

### *Monetised Cost*

#### *Transition cost to Government*

40. **Nationwide Multimedia Campaign:** The introduction of a new pavement parking related offence would require significant public engagement in order to encourage the necessary behaviour change. A nationwide multimedia campaign to cover TV, radio, digital and printed formats would be the preferred approach for government to raise awareness. The financial memorandum for the Transport (Scotland) SP Bill 33 (now Transport (Scotland) Act 2019) gave an estimate of around £500,000 for a nationwide campaign based on previous campaigns of a similar scale in Scotland.
41. DfT Marketing estimates suggest the cost of a campaign in England could range from £2 to £5 million in the first year including developing a strategy, creating content, implementation and management of a campaign. To maintain behavioural shift, the cost of the campaign in the second year could range from £1.5 to £2 million. These cost estimates are specific to third party costs focused on communications i.e. production and media placement.

### *Unmonetised Costs*

#### *Transition cost to Local Authorities*

42. **Civil enforcement officer familiarisation costs:** in order to estimate the cost of civil enforcement officers learning new guidance, the number of relevant staff would be required. Specifically, the Local Authorities that would elect to enforce the offence and their respective staff numbers would be needed. We aim to quantify this cost at final stage based on responses.

Q. If your council has civil enforcement powers, and is permitted to enforce the offence of 'unnecessary obstruction', would your council elect to do this?

Q. If you answered "Yes", what number of staff, in your authority, would need to learn the new enforcement guidance?

Q. Can you foresee any additional, unfunded costs outside the normal issuing and processing of PCNs?

Q. What are these costs (list the individual costs and the total average expenditure based on a per annum basis)?

#### *On-going cost to Local Authorities*

43. This new power would be elective - local authorities would not be obliged to use it. It represents an additional enforcement tool that CEOs could use to address ad-hoc instances of unnecessary pavement parking. We do not envisage LAs needing to recruit extra CEOs and in any case civil enforcement should be financed from penalty charge revenues. As a result, we have assumed LAs would not require additional staff and there would be no additional economic cost of CEOs patrolling for obstructive pavement parking. Enforcement costs are recovered through penalty charge notices issued at £60-70 per higher level offence.

#### *On-going costs to business*

44. The key businesses that are likely to be affected by this legislation are delivery firms/drivers. This option is expected to include exceptions for breakdown or emergency service vehicles, utility maintenance vehicles and vehicles that are loading and unloading goods. The latter exception would cover delivery firms and drivers. The loading and unloading exception is for 20 minutes, or longer if the LA permits. We would expect this to be sufficient for most deliveries to be carried out and therefore do not expect any costs arising for most businesses from this option.

45. Any costs to business in the form of PCNs or FPNs would depend on the level of parking done by business vehicles that is deemed to be causing unnecessary obstruction and exceeds the time allowance following the introduction of the offence. As these fines would be due to non-compliance with the law, they would not be classified as costs in an Impact Assessment under the Better Regulation Framework<sup>7</sup>.

Q. (For commercial businesses that make deliveries) Do you agree that 20 minutes of pavement parking would be adequate for a delivery?

Q. If not, why not?

Q. Of all the daily deliveries that you may make, what percentage do you think will take longer than 20 minutes each to be completed?

Q. In your opinion, what types of delivery that you make would require greater than 20 minutes?

### *On-going fines to private motorists*

46. Penalty charge notices (PCNs) issued to private motorists for unnecessary obstruction would not be classified as costs in an Impact Assessment as they are fines due to non-compliance. Local authorities outside London set PCNs according to guidelines in the Schedule to The Civil Enforcement of parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007<sup>8</sup>. Unnecessary obstruction would be a higher-level offence, £60-£70. The costs of non-compliance with this regulation have not been calculated at this stage as the potential level of non-compliance is not known. These costs are excluded from the Business Impact Target under the Better Regulation Framework.

## **Benefits**

### *Unmonetised Benefits*

47. **Benefits for pedestrians would be expected to include prevention of injuries caused by pavement parking.** Parked vehicles causing obstruction can force pedestrians onto the carriageway and into the path of oncoming traffic, presenting a hazard especially for vulnerable road users. Pavement parking also causes the condition of pavement to deteriorate at a faster rate than would have otherwise occurred. Poor pavement condition leads to more injuries due to pedestrians tripping.
48. DfT Transport Analysis Guidance (TAG) data book<sup>9</sup> Table A4.1.1 presents the average economic value of prevention per casualty by severity and element of cost in £ (2010 prices and values). In conjunction with estimates of the number of slight, serious and fatal casualties that could be prevented for this option, these values could be used to estimate the economic benefits of casualty prevention for this option.
49. **Fewer injury claims caused by pavement parking would reduce Local Authority administration and compensation costs.** The number of injuries on the pavement due to cars parking on the pavement is not known. However, a freedom of information request by the AA in 2018 revealed that over the 12 months ending 31 May 2018, 10,329 injury claims were made by pedestrians to local authorities in the UK<sup>10</sup> of which 10,200 claims were for trips and slips on pavements.
50. In the 18/19 DfT pavement parking evidence review, of the 81 responses from local authorities, the vast majority did not know approximately how many pedestrians had been injured in their

<sup>7</sup> Better regulation framework

<https://www.gov.uk/government/publications/better-regulation-framework>

<sup>8</sup> The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007

<http://www.legislation.gov.uk/uksi/2007/3487/schedule/made>

<sup>9</sup> Department for Transport Analysis Guidance (TAG) Data Book

<https://www.gov.uk/government/publications/tag-data-book>

<sup>10</sup> Automobile Association, <https://www.theaa.com/about-us/newsroom/the-shocking-state-of-pavements>

area as a result of either being hit by a vehicle while using the carriageway to pass a pavement parked vehicle or by a vehicle driving on the pavement to park. Of the limited number of range estimates provided, ranges included 1 to 5, 6 to 10 and more than 10.

- Q. For each of the last 5 years (2015-2019), what was the:
- a. number of injury claims made to your local authority?
  - b. number of injury claims made due to pavement parking?
  - c. number of injury claims for which compensation was paid?
  - d. number of injury claims made due to pavement parking for which compensation was paid?
  - e. total compensation paid for injury claims?
  - f. total compensation paid due to pavement parking?

51. **Increased accessibility and more trips made.** Less pavement parking would make pavements more accessible for vulnerable road users such as people with sight or mobility impairments as well as pram users. We expect these vulnerable road users would be more inclined to make trips using the pavement and trips without obstruction would be higher quality. This would be expected to bring social inclusion benefits i.e. access to employment, services, friends, etc for people who may otherwise be deterred from going out alone due to the challenges they face from pavement parking. This would improve vulnerable road users' wellbeing. Pedestrians would be expected to experience health benefits of increased walking. In a 2014 poll carried out by Living Streets, 50% of older people said they would be more likely to walk outside if the pavements were clear of vehicles parked on them<sup>11</sup>.

52. **LAs would be expected to experience cost savings on spend to repair footways** due to reduced pavement damage caused by pavement parking. As an indicative figure, the Highways Manager at a south of England Council has estimated that 10–20% of the footway repair budget of £500,000 is spent repairing pavements damaged because of pavement parking each year.

- Q. For each of the last 5 years (2015-19), what was the:
- a. total spend on pavement repairs?
  - b. the percentage of this total spend due to pavement parking?

53. **Benefits due to improved landscape/townscape.** Reducing the level of pavement parking causing unnecessary obstruction could potentially improve the overall appearance and physical characteristics in areas where the offence is introduced.

54. DfT transport analysis guidance (TAG) provides information on the role of transport modelling and appraisal of transport schemes. It is also relevant in the context of these legislative options for restricting pavement parking. Sections 6 and 7 in TAG unit A3 environmental impact appraisal provide advice on the appraisal of impacts on landscape and townscape. Characteristics of landscape and townscape can make a significant contribution to local distinctiveness and community perception of value. They may also have strong cultural associations. Impacts on landscape and townscape are not readily monetizable but should be taken into consideration.

## Option 2 – A National Pavement Parking Prohibition

55. This section sets out an assessment of the expected costs and benefits of option 2 – national pavement parking prohibition. In addition to the cost to government of a nationwide multimedia campaign and local authority familiarisation costs identified for option 1, there would be costs to LAs including those associated with an assessment of roads for exemption, implementation of exemptions and removal of redundant Traffic Regulation Orders (TROs). All of the benefits identified for option 1 are relevant to option 2 although they are expected to be larger due to a more significant reduction in pavement parking. As well as these benefits, LAs would experience

<sup>11</sup> Living Streets – Pavement parking  
<https://www.livingstreets.org.uk/policy-and-resources/our-policy/pavement-parking>

cost savings associated with fewer Traffic Regulation Orders. There is limited quantitative evidence at this stage.

56. For appraisal purposes we have assumed a Present Value base year of 2021.

## Summary

There are no monetised benefits at this stage.

### *Monetised Costs*

- Nationwide multimedia campaign cost to government (direct)
- Parking and civil enforcement occupations familiarisation costs to local authorities (direct)

### *Unmonetised Costs*

- Local authorities' assessments for exemptions (direct)
- Implementation of exemptions including the cost of putting up signs and making bay markings by local authorities (direct)
- Removal of existing TROs by local authorities (direct)
- Increased journey times for motorists (direct)
- Potentially less passing trade for some businesses (indirect)

### *Unmonetised Benefits*

- Prevention of pedestrian injuries caused by pavement parking (direct)
- Prevention of pedestrian injuries caused by poor condition pavement (indirect)
- Fewer injury claims received, and compensation paid, by local authorities (direct)
- Increased accessibility for pedestrians (direct)
- Health benefits from increased walking for pedestrians (indirect)
- Cost saving on pavement repairs for local authorities (direct)
- Potential for improved landscape/townscape (direct)
- Cost saving from fewer Traffic Regulation Orders (TROs) required by local authorities (direct)

## Costs

### *Monetised transition costs*

57. **Nationwide multimedia campaign:** Similar to the offence of 'unnecessary obstruction of the pavement' option, national pavement parking prohibition would involve a systematic government campaign to raise awareness of the new legislation and its implications leading up to it taking effect. A campaign to cover the same mediums at a comparable scale would have similar costs i.e. £2 to £5 million in the first year and £1.5 to £2 million in the second year according to DfT Marketing estimates. These cost estimates are limited to third party costs focused on communications i.e. production and media placement.

58. **Civil enforcement officer familiarisation costs:** according to data from Labour Market Information (LMI) for All<sup>12</sup>, the total UK workforce employed in parking and civil enforcement occupations is approximately 17,918 with an average hourly pay of £10. Note that these figures may include staff not employed by or on behalf of local authorities. Assuming a similar number of staff at each local authority and adjusting for the number of local authorities with CPE powers excluding London i.e. 282<sup>13</sup> out of around 358 in the UK, the workforce is approximately 13,806. Assuming it takes an hour for each employee to learn the guidance for enforcing against the national parking prohibition, the cost of familiarisation would be approximately £138,000.

### *Unmonetised costs*

#### *Transition costs*

59. Local authorities would bear costs associated with assessment of their roads and implementation of the pavement parking prohibition.

---

<sup>12</sup> Labour Market Information (LMI) for All  
<https://www.lmiforall.org.uk/>

<sup>13</sup> Civil parking enforcement in England, Areas in England where local authorities operate civil parking enforcement  
<https://www.gov.uk/government/publications/list-of-local-authorities-with-civil-parking-enforcement-powers>

60. **Assessment for exemptions:** LAs will be able to exempt certain footways where the prohibition on pavement parking is not deemed appropriate e.g. narrow residential streets or rural roads where pavement parking is necessary to maintain free-flowing traffic. LAs will need to assess the local road network and roadside footways to identify footways for exemption. Assessment could be demanding on local authorities' resources. Costs will depend on whether the assessment is carried out with site visits or desk-based e.g. using google maps/street view or a combination. This will allow the local authorities to create a road map and identify the roads and pavement to exempt from this legislation.

61. The financial memorandum for the Transport (Scotland) Act 2019 on pavement and double-parking estimated an average cost of full assessment (consisting of site visits) of the street network of £25,000 per local authority based on estimates of £40k and £10k for Edinburgh and Aberdeen councils respectively. It was noted this could be reduced if database surveys were used. Based on these estimates, the cost of an assessment of the network in the 293 local authorities in England excluding those in London could range from £2.9m to £11.7m with a midpoint estimate of £7.3m.

Q. In your authority area, estimate based on your total road network, on how much road is pavement parking necessary to ensure free-flowing traffic is maintained? Give the amount:

- a. in kilometres
- b. as a percentage of the total road length

Q. What do you expect an assessment of your road network, in order to identify exemptions, to cost overall and how do the costs break down individually (£)?

62. **Potential assessment of the need for new parking provisions.** Given that a national prohibition of footway parking may reduce the available parking for motorists and in turn possibly reduce passing trade for some businesses, there may be a need for an assessment of the need for new parking provisions. At a stakeholder event for the Transport (Scotland) Act 2019 on pavement and double parking:

The Confederation of Passenger Transport (CPT) acknowledged that the parking restrictions should be treated as part of a wider transport and land-use strategy which reduces the negative impact on town centre businesses through additional off-street facilities, efficient and affordable Park & Ride Schemes, affordable public transport systems and more designated stops for buses.

Q. Would your authority need to provide more parking provision to implement option 2?

Q. Please provide any evidence to support this view.

63. **Implementation of exempt roads or areas.** Following the road network assessment would involve purchase and installation of traffic signs and bay markings to indicate where parking would be permitted and the removal of any local restrictions previously in place.

64. The financial memorandum for the Transport (Scotland) Act 2019 estimated costs of signing and administering exemptions ranging from £38k to £150k per local authority. Based on these estimates, the cost of signing and administering exemptions in the 293 local authorities in England excluding those in London could range from £11.1m to £44m with a midpoint estimate of £27.5m. However, one authority in the north of England has estimated that exempting 10% of its roads would cost £666,000.

Q. Provide an estimate of the cost of implementing exemptions in your area including:

- a. staff costs
- b. traffic signing costs
- c. bay marking costs
- d. removal of signage for previously implemented TROs restricting pavement parking in your area

65. **Removal of existing TROs.** Following the national prohibition, existing TROs that prohibit pavement parking will no longer be necessary. LAs will bear the cost of removing signs for unnecessary TROs.

*On-going Costs*

66. Civil enforcement should be financed from penalty charge revenues, so we have not assessed any change in costs for LAs. Enforcement costs are recovered through penalty charge notices issued at £60-70 per higher level offence. The costs of non-compliance with this regulation have not been calculated as potential non-compliance is not known. Fines are excluded from the Business Impact Target under the Better Regulation Framework<sup>14</sup>.

67. For delivery firms and drivers, similar to option 1, this option will provide a 20 minute or longer allowance for loading and unloading goods. This should be sufficient for most deliveries to be carried out without significant costs.

Q. Can you foresee any additional, unfunded costs beyond the normal costs of issuing and processing PCNs?

Q. Give an explanation and breakdown of the number of additional:

- staff for your council
- salary costs for your council
- hiring costs for your council
- training costs for your council

Q. What additional staff roles do you envisage?

68. **Increased journey times could be a cost of compliance for motorists.** In a location where pavement parking becomes prohibited there would be either a reduction in the effective width of the road for through traffic or a reduction in parking spaces available. Reducing the effective width of road for traffic could potentially create congestion and hence increase journey times. Similarly, fewer parking spaces could cause motorists to park further from their destination, leading to increased journey times and potentially use paid parking.

69. Motorists that do not observe the pavement parking prohibition, will face penalty charge notices (PCNs) or fixed penalty notices (FPNs). These would not be classified as costs in an Impact Assessment as these are fines. Local authorities outside London set PCNs according to guidelines in the Schedule to The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007<sup>15</sup>; £60-£70 depending on the offence band chosen.

Q. Do you expect any other non-staff costs to arise from a national parking prohibition?

Q. What are these costs (list the individual costs and the total average expenditure based on a per annum basis)?

<sup>14</sup> Better regulation framework  
<https://www.gov.uk/government/publications/better-regulation-framework>

<sup>15</sup> The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007  
<http://www.legislation.gov.uk/uksi/2007/3487/schedule/made>

70. **Potentially less passing trade for businesses currently accessible by pavement parking.** At a stakeholder event for the Transport (Scotland) Act 2019 on pavement and double parking:
- The freight industry acknowledged that local businesses in rural areas may experience issues with a parking prohibition if they cannot obtain passing trade by enabling customers to park.
  - In addition, the Chartered Institution of Highways and Transportation (CIHT) felt banning pavement parking may only have a marginal effect on such matters<sup>16</sup>.

## Benefits

### *Unmonetised Benefits*

71. The range of benefits for pedestrians and Local Authorities from a national prohibition would include the same benefits that would follow the new obstruction offence:
- **Fewer injuries caused by pavement parking.**
  - **Lower injury claim admin and compensation costs for LAs.**
  - Social inclusion benefits associated with **improved accessibility** i.e. access to employment, services, friends, etc for people who may otherwise be deterred from going out alone due to the challenges they face from pavement parking.
  - **Health benefits of increased walking.**
  - **Cost savings for LA spend on pavement repair:** LAs would be expected to experience cost savings on spend to repair footways due to reduced pavement damage caused by pavement parking. As an indicative figure, the Highways Manager at a south of England Council has estimated that 10–20% of the footway repair budget of £500,000 is spent repairing pavements damaged because of pavement parking each year i.e. £50,000-£100,000.
  - **Potential for improved landscape/townscape** i.e. less pavement parking could improve the appearance and physical characteristics in some areas. On the other hand, the signage necessary for exemptions could have an adverse effect on landscape/townscape.

A national pavement parking prohibition would be expected to lead to a greater reduction in pavement parking because it would apply across England outside London by default in contrast with option 1 which would be electable. For a given LA, the prohibition would be a more comprehensive restriction on pavement parking. For these reasons, the scale of these benefits common across options 1 and 2 could be larger than for option 2. However, this would depend on the level of enforcement.

72. **Fewer Traffic Regulation Orders (TROs) would result in a cost reduction for LAs.** A national prohibition of pavement parking would reduce the need for TROs for pavement parking restrictions and hence reduce the costs associated with them. There are a number of pieces of evidence that could inform estimates of reduced cost:
- Of the local authorities who responded to Living Streets' 2018 freedom of information request, 37% had used TROs to control pavement parking in the previous two years (2016-8).
  - Data from LAs and the Institute of Highway Engineers suggests costs average at £5,000 (or more) per street for putting in the signs and lines, sealing the order, notices published in the local paper and staff cost.
  - A CIHT survey in 2010 found that Highway Authorities in England alone are estimated to be spending £22.3 million per annum on statutory advertising.
  - In terms of time, TROs can take 14 weeks to introduce.

<sup>16</sup> Pavement and double-parking prohibitions – Transport Scotland Bill, Final Business and Regulatory Impact Assessment  
<https://www.transport.gov.scot/media/43117/bria-final-august-2018-pavement-and-double-parking-transport-bill.pdf>

Q. Has your council introduced a TRO, or TROs, to implement pavement parking restrictions?

a. Yes or no?

b. If **'Yes'**, for each of the last 10 years:

i. How many?

ii. Typically, how long does a TRO take for you to put into place (in weeks?)

iii. What is the average monetary cost of implementing a single TRO? (Please provide a breakdown of costs i.e. overall, administration costs, legal costs, for advertising, for traffic signs purchase/installation and road marking creation).

c. If **'No'**, why not?

Q. Describe, including monetary estimates if possible, any potential benefits you think there will be for your authority from a national parking prohibition (such as existing costs being reduced)?

## Costs and benefits summary table

73. Options 1 and 2 could lead to both a reduction in the instances of pavement parking and greater enforcement, though Option 2 is expected to involve significant implementation costs which have not been monetised at this stage.

Impact	Expected scale of impact	
	Option 1	Option 2
<b>Monetised costs</b>		
Multimedia campaign in England cost to government (£m)	5.25	5.25
Civil Enforcement Occupations familiarisation costs to LAs (£m)	N/Q	0.15
<b>Unmonetised costs</b>		
LA assessments for exemptions	N/A	High
LA implementation of exemptions i.e. signs and markings	N/A	High
Removal of existing TROs by LAs	N/A	High
Increased journey times for motorists	N/A	Medium
Less passing trade for some businesses	N/A	Medium
<b>Unmonetised Benefits</b>		
Prevention of pedestrian injuries caused by pavement parking	Low	High
Prevention of pedestrian injuries caused by poor pavement condition	Low	High
Fewer injury claims and compensation paid by LAs	Low	High
Increased accessibility for pedestrians	Low	High
Health benefits from increased walking for pedestrians	Low	High
Cost savings on pavement repairs for local authorities	Low	High
Potential for improved landscape/townscape	Low	Uncertain
Cost saving from fewer TROs required by LAs	N/A	Medium

## Business Impact Target Calculations

74. No significant direct costs to business are expected from either enforcement against the offence of 'unnecessary obstruction of the pavement' or national pavement parking prohibition. This is because it is expected the unlimited time exemption for utility business vehicles and the 20-minute allowance for loading and unloading goods for delivery businesses would prevent direct costs from arising for both options. There are no plans to exempt any businesses that are not chiefly concerned with the delivery of goods to other business or residential premises. The overriding policy objective is to keep pavements free of obstructing parked vehicles as much as possible; and we consider that broadening exemptions further would defeat the policy objective.

75. An unintended indirect cost that may arise for either option 1 or option 2 is less passing trade for businesses that are currently accessible by pavement parking.
76. There could potentially be benefits to private parking businesses in the event that parking is displaced to private car parks. These potential benefits have not been estimated or monetised at this stage.

### Indirect Costs and Benefits

77. The first indirect benefit from option 1 includes prevention of injuries caused by poor pavement condition caused in part by pavement parking. The second indirect benefit is the health benefit from increased walking resulting from less pavement parking causing unnecessary obstruction.
78. Indirect benefits from option 2 also include prevention of injuries caused by poor pavement condition and health benefits from increased walking.

### Sensitivity Analysis

79. For option 1 – allowing CPE LAs to enforce against ‘unnecessary obstruction of the pavement’, the percentage of local authorities that will elect to enforce against the offence or the number of civil enforcement staff that will be enforcing it is not known. In order to gauge the scale of familiarisation costs for this option we have assumed low, medium and high scenarios set out in the table below.

Table 1

Scenario	Low	Medium	High
Assumption	25%	50%	75%
Cost (£), 2019 prices	35,000	69,000	104,000

## 3.0 Risks and unintended consequences

80. Option 1 is likely to be difficult to enforce consistently across the country. Due to the subjective nature of ‘unnecessary obstruction’ there is scope for local authorities to adopt different interpretations and enforcement practices. This may cause confusion for CEOs and motorists so that pavement parking causing unnecessary obstruction continues or results in some motorists receiving unwarranted PCNs. There is a risk that the distraction of challenging unwarranted PCNs could place a disproportionate burden on those businesses chiefly concerned with the delivery of goods.
81. Potential risks for option 2 include:
- Some local authorities’ assessments of the road network are not sufficiently comprehensive so that necessary exemptions are not made. A lot of parking is displaced with an increase in on-street parking causing congestion in some areas outside London. Origin to destination journey times are increased.
  - Under-enforcement of the national prohibition so that there is not enough incentive for motorists to change their behaviour and the anticipated benefits are not met.
  - England campaign fails to reach the majority of the targeted audience so that a high level of pavement parking continues after the prohibition.

## 4.0 Wider impacts

### *Small and Micro Business Assessment*

82. Both options 1 and 2 include an unlimited time exemption for utility business vehicles and a 20-minute exemption for vehicles loading and unloading goods that would prevent costs arising for relevant businesses.
83. BEIS business population estimates for the UK and regions 2019: detailed tables<sup>17</sup> include the following industry groups that could potentially be directly affected by restrictions to pavement parking:
- Freight transport by road and removal services: 83% micro and 14.1% small businesses;

<sup>17</sup> BEIS Business population estimates 2019  
<https://www.gov.uk/government/statistics/business-population-estimates-2019>

- Support activities for transportation: 74.8% micro and 18% small businesses;
- Postal activities under universal service obligation: 92% micro and 7.7% small businesses;
- Other postal and courier activities: 86.1% micro and 11.5% small businesses.

84. Industry groups that could potentially be indirectly affected by restrictions to pavement parking include:
- Restaurants and mobile food service activities: 79.3% micro and 18.9% small businesses;
  - Event catering and other food service activities: 79.7% micro and 16.7% small businesses.
85. The options described apply to all businesses equally irrespective of size. We do not expect a disproportionate impact on small and micro businesses.

*Equalities Impact Assessment*

86. The consultation document asks specifically for information on how the options will affect those with protected characteristics and whether there may be any negative impact.

*Innovation Test*

87. Both options 1 and 2 are expected to have a low impact on, and due to, innovation. The options in play are limited to keeping the pavement free of parked vehicles beyond what is necessary for emergencies, highway works or deliveries. Emerging SMART parking initiatives are inherently focused on where vehicles are permitted to park and, as such, would be unaffected by these proposals beyond possible increased parking demand.
88. Future innovations towards carpooling and automation could have implications for the concept of vehicle ownership; potentially reducing the need to park at all. However, the proposed measures would have bearing on such innovation.

*Justice Impact Test*

89. A JIT will be completed if and when the government decides to proceed with one of the options.

*Trade Impact*

90. All of the options are purely domestic and have no impact on trade barriers.

*Rural Proofing*

91. Option 2 could have a disproportionate impact on rural areas if a nationwide prohibition was implemented. For this reason, we have asked whether any prohibition should be limited to only urban areas.

## 5.0 Post implementation review

92. We intend to carry out a review of the policy 5 years after it has commenced.

1. **Review status:** Please classify with an 'x' and provide any explanations below.

<input type="checkbox"/>	Sunset clause	<input type="checkbox"/>	Other review clause	<input checked="" type="checkbox"/>	Political commitment	<input type="checkbox"/>	Other reason	<input type="checkbox"/>	No plan to review
--------------------------	---------------	--------------------------	---------------------	-------------------------------------	----------------------	--------------------------	--------------	--------------------------	-------------------

Regulations to be reviewed every five years to ensure continued suitability.

2. **Expected review date** (month and year, xx/xx):

<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>	Five years from when the Regulations come into force
----------------------	----------------------	---	----------------------	----------------------	--

3. **Rationale for PIR approach:**  
 As part of a PIR, local authorities, interest groups, businesses and the general public would be surveyed to determine:

- To what degree local authorities enforce against the unnecessary obstruction for option 1 or against pavement parking for option 2. This should include the number of penalty charge notices issued per year over the 5 years post implementation as well as how many of these were either paid or challenged. Qualitative evidence on enforcement would also be collected.
- Whether the policy has reduced the number of injuries each year due to pavement parking. This could be informed by the number of injury claims LAs receive due to pavement parking.

**Key Objectives, Research Questions and Evidence collection plans**

<b>Key objectives of the regulation(s)</b>	<b>Key research questions to measure success of objective</b>	<b>Existing evidence/data</b>	<b>Any plans to collect primary data to answer questions?</b>
<p>Enable safe use of the pavement by all pedestrians and in particular people with sight, or mobility impairments as well as users of buggies and prams.</p>	<p>Has problematic pavement parking decreased?</p> <p>Controlling for other factors, has there been a decrease in the number of injury claims caused by pavement parking?</p> <p>Controlling for other factors, has there been an increase in the number of trips made using the pavement across all road users generally and for vulnerable road users in particular?</p>	<p>Existing evidence on these measures is limited. Consultation responses may inform estimates of the current levels of these measures.</p>	<p>TBC</p>

## **Annex A: Full list of Consultation Questions**

### **Option 1 – Allow CPE Local Authorities to Enforce Against an Offence of ‘Unnecessary Obstruction of the Pavement’**

#### **Question 1**

If your council has civil enforcement powers, and is permitted to enforce the offence of ‘unnecessary obstruction’, would your council elect to do this?

If you answered “Yes”, what number of staff, in your authority, would need to learn the new enforcement guidance?

#### **Question 2**

Can you foresee any additional, unfunded costs outside of the normal costs of issuing and processing PCNs?

What are these costs (list the individual costs and the total average expenditure based on a per annum basis)?

#### **Question 3**

(For commercial businesses that make deliveries) Do you agree the time of 20 minutes of pavement parking to be adequate for a delivery? If not, why not?

Of all the daily deliveries that you may make, what percentage do you think will take longer than 20 minutes each to be completed?

In your opinion, what types of delivery that you make would require greater than 20 minutes?

#### **Question 4**

For each of the last 5 years (2015-2019), what was the:

- a. number of injury claims made to your local council?
- b. number of injury claims made due to pavement parking?
- c. number of injury claims for which compensation was paid?
- d. number of injury claims made due to pavement parking for which compensation was paid?
- e. total compensation paid for injury claims?
- f. total compensation paid due to pavement parking?

#### **Question 5**

For each of the last 5 years (2015-2019), what was the:

- a. total spend on pavement repairs?
- b. the percentage of this total spend due to pavement parking?

### **Option 2 – A National Pavement Parking Prohibition**

#### **Question 6**

In your authority area, estimate based on your total road network, on how much road pavement parking is necessary to ensure free-flowing traffic is maintained, give the amount:

- a. in kilometres
- b. as a percentage of the total road length.

What do you expect an assessment of your road network, in order to identify exemptions, to cost overall and how do the costs break down individually (£)?

#### **Question 7**

Would your authority need to provide more parking provision to implement option 2? Provide any relevant evidence to support this view.

**Question 8**

Provide an estimate of the cost of implementing exemptions in your area including:

- a. staff costs
- b. traffic signing costs
- c. bay marking costs
- d. removal of signage for previously implemented TROs restricting pavement parking in your area

**Question 9**

Can you foresee any additional costs beyond issuing and processing PCNs?

Give an explanation and breakdown of the number of additional:

- a. staff for your council
- b. salary costs for your council
- c. hiring costs for your council
- d. training costs for your council

What additional staff roles do you envisage?

**Question 10**

Do you expect any other, non-staff, costs to arise from a national parking prohibition?

What are these costs (list the individual costs and the total average expenditure based on a per annum basis)?

**Question 11**

Has your council introduced a TRO, or TROs, to implement pavement parking restrictions?

- a. Yes or no?
- b. If **'Yes'**, if possible, for each of the last 10 years:
  - i. How many?
  - ii. Typically, how long would implementation of a TRO take in weeks?
  - iii. What is the average monetary cost of implementing a single TRO? (Please provide a breakdown of costs i.e. overall, administration costs, legal costs, for advertising, for traffic sign or road marking creation and installation costs).
- c. If **'No'**, why not?

**Question 12**

Describe, including monetary estimates if possible, any potential benefits you think there will be for your authority from a national parking prohibition (such as existing costs being reduced)?



Ministry of Housing,  
Communities &  
Local Government

## Parking Code Enforcement Framework consultation

Enforcing the Private parking Code of Practice (PAS 232 –  
Privately managed parking – Operation and management –  
Specification)



© Crown copyright, 2020

*Copyright in the typographical arrangement rests with the Crown.*

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

This document/publication is also available on our website at [www.gov.uk/mhclg](http://www.gov.uk/mhclg)

If you have any enquiries regarding this document/publication, complete the form at <http://forms.communities.gov.uk/> or write to us at:

Ministry of Housing, Communities and Local Government  
Fry Building  
2 Marsham Street  
London  
SW1P 4DF  
Telephone: 030 3444 0000

For all our latest news and updates follow us on Twitter: <https://twitter.com/mhclg>

August 2020

# Contents

<b>Scope of the consultation</b>	<b>4</b>
<b>Background</b>	<b>6</b>
<b>Determination of appeals</b>	<b>7</b>
<b>Enforcing the Code of Practice</b>	<b>9</b>
Scrutiny and Standards Board	10
<b>The level of parking charges</b>	<b>11</b>
The Three-tiered system	11
Mirroring the Local Authority system	12
Appeals Charter	14
<b>Levy</b>	<b>16</b>
<b>Full list of questions</b>	<b>17</b>
<b>About this consultation</b>	<b>20</b>
<b>Annex A</b>	<b>21</b>

## Scope of the consultation

Topic of this consultation:	<p>This consultation seeks views on a Code Enforcement Framework for private parking operators, which will ensure they comply with the new Publicly Available Specification for private parking. It covers the following areas:</p> <ol style="list-style-type: none"> <li>1. Determination of appeals</li> <li>2. Enforcing the Private parking Code of Practice</li> <li>3. A Scrutiny and Standards Board</li> <li>4. The level of parking charges</li> <li>5. Appeals charter</li> <li>6. Levy</li> </ol>
Scope of this consultation:	<p>The Ministry of Housing Communities and Local Government is consulting on a Code Enforcement Framework, following the Parking (Code of Practice) Act 2019.</p> <p>In parallel, the British Standards Institute are consulting on a Publicly Available Specification for the private parking sector, which will in effect create a single Code of Practice as described in the Act.</p>
Geographical scope:	These proposals relate to England, Wales, and Scotland.
Impact Assessment:	N/a

## Basic Information

To:	This consultation is open to everyone. We are keen to hear from a wide range of interested parties from across the public and private sectors, as well as from the general public.
Body/bodies responsible for the consultation:	The Ministry of Housing, Communities, and Local Government
Duration:	This consultation will last for 6 weeks from 31 August 2020 to 23:59 12 October 2020
Enquiries:	<p>For any enquiries about the Parking Enforcement Framework consultation please contact:</p> <p><a href="mailto:parking@communities.gov.uk">parking@communities.gov.uk</a></p> <p>For any enquiries about the Parking Code of Practice Publicly Available Specification, which is being consulted on in parallel please contact: <a href="mailto:cservices@bsigroup.com">cservices@bsigroup.com</a></p>

How to respond:	<p>You are not obliged to answer all the questions.</p> <p>Please respond to the Code Enforcement Framework Consultation by completing an online survey at:  <a href="https://forms.office.com/Pages/ResponsePage.aspx?id=EGG0v32c3kOociSi7zmVgAVPFAOtwRxLhHRwQ610oEIUMzhQSVo0WUQ4SERVSEZaUU9DTUhfQ1VMUy4u">https://forms.office.com/Pages/ResponsePage.aspx?id=EGG0v32c3kOociSi7zmVgAVPFAOtwRxLhHRwQ610oEIUMzhQSVo0WUQ4SERVSEZaUU9DTUhfQ1VMUy4u</a></p> <p>If any of your responses exceed either:  4,000 characters per response to a single question (approximately 500 words)  or  16,000 characters for the entire form response (approximately 2,500 words) then please complete and email the template here to <a href="mailto:parking@communities.gov.uk">parking@communities.gov.uk</a></p> <p>If you are responding in writing, please make it clear which questions you are responding to.</p> <p>Written responses should be sent to:  Parking enforcement consultation  Ministry of Housing, Communities and Local Government,  3rd Floor, South East Fry Building  2 Marsham Street  LONDON  SW1P 4DF</p> <p>When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:</p> <ul style="list-style-type: none"> <li>- your name,</li> <li>- your position (if applicable),</li> <li>- the name of organisation (if applicable),</li> <li>- an address (including post-code),</li> <li>- an email address</li> </ul> <p>To respond to the Code of Practice consultation being run in parallel, please complete the online survey:  <a href="https://standardsdevelopment.bsigroup.com/projects/2020-00193">https://standardsdevelopment.bsigroup.com/projects/2020-00193</a></p>

## Background

1. The Ministry of Housing, Communities and Local Government is consulting on new measures to improve the regulation of the private parking industry.
2. Parking is a crucial part of our transport infrastructure. We all have an interest in how car parks are managed, especially given the important link between transport accessibility and the vitality of our high streets and town centres.
3. In response to widespread concerns about the poor practice and behaviour of some parking operators, the Government supported the Parking (Code of Practice) Act 2019, which was introduced by Sir Greg Knight MP. It will lead to the creation of an independent Code of Practice for private parking companies. We are also consulting on the process for managing appeals against private parking charges.
4. The Secretary of State for Housing, Communities and Local Government must have regard to a failure to act in accordance with the parking code when deciding whether a parking operator should have Approved Operator Scheme (AOS) status. Without AOS status the Driver and Vehicle Licensing Agency (DVLA) will not release data. This data includes information on the vehicle keeper, so a company blocked from accessing it would be unable to pursue parking charges.
5. On 3 November 2019, the government announced that the British Standards Institution (BSI) would write the Code in consultation with consumer and industry groups and would carry out a full consultation once the draft is ready.
6. The BSI is now carrying out this consultation. They will be hosting the consultation on the BSI portal, and are inviting respondents to comment on individual clauses of the draft Code. This part of the consultation can be found here:  
<https://standardsdevelopment.bsigroup.com/projects/2020-00193>
7. The Code, however, is only one part of a wider regulatory framework. Government is consulting on the Code Enforcement Framework via this document and is inviting views on how we can improve the regulation of the private parking industry for the benefit of consumers, parking operators and landowners alike.

## Determination of appeals

8. There are two trade associations representing parking operators: the British Parking Association (BPA) and the International Parking Community (IPC). Currently, they both offer separate appeals services for the parking operators which belong to their Approved Operator Schemes (AOS). These appeals services are the Parking on Private Land Appeals (POPLA) and the Independent Appeals Service (IAS) respectively.
9. From correspondence, media reports and parliamentary debates, government has heard widespread concerns with the existing way that appeals are handled in the private parking sector. Issues include a perceived lack of independence of the appeals services from the industry and confusion amongst consumers about the existence of multiple appeals services.
10. Section 7 of the Parking (Code of Practice) Act 2019 gives the Secretary of State the power to appoint a single appeals service to handle appeals against private parking charges, if the Code of Practice requires it.
11. The government is supportive in principle of a single appeals service to bring increased consistency, fairness and transparency over how appeals are heard and decisions are made. We are consulting on this point as we want to understand the views of the public and relevant stakeholders on how parking appeals should be managed.
12. There are several different models for how appeals services could operate. Parking appeals for Penalty Charge Notices (PCNs) issued by local authorities are dealt with by a tribunal. Tribunals have a statutory basis and their appeals are handled by legally qualified adjudicators.
13. POPLA and IAS have no statutory basis but offer an Alternative Dispute Resolution (ADR) service to motorists. Though ADR adjudicators are not required to be legally qualified, these services provide training to their staff in relevant parking law and how to handle appeals.
14. Some appeals services offer the option of in-person hearings, while others are online only or provide telephone hearings. In recent years, online portals have been developed to enable parking operators, local authorities and motorists to upload evidence, ask questions and comment on evidence provided by other parties.
15. We do not intend the costs per appeal to operators in any new system to be substantially different than the current industry average.
16. The appeals service could be self-funding, through charging operators directly for handling parking appeals. This would incentivise parking operators only to issue legitimate tickets and to resolve issues before they reach the appeal stages.

**Q1** Do you agree or disagree that members of APAs should be required to use a single appeals service appointed by the Secretary of State? *Strongly agree/Somewhat agree/Neither agree nor disagree/Somewhat disagree/Strongly disagree*

**Q1.1** Please explain your answer *Free text box*

**Q2** Please provide any other feedback on the determination of appeals, including the funding model and features that an appeal service should offer e.g. telephone or in-person hearings, the ability to submit evidence online *Free text box*

## Enforcing the Code of Practice

17. Under the current system of self-regulation, the parking trade associations (ATAs) are responsible for auditing their members' compliance with the voluntary industry-produced Codes of Practice.
18. Parking operators must belong to an ATA-operated Approved Operator Scheme (AOS) in order to have the ability to request data from the Driver and Vehicle Licensing Agency (DVLA) vehicle register in order to pursue parking charges. If they breach the Code, they risk losing their ability request DVLA data, and therefore will not be able to enforce parking charges through the post where they have no other means of identifying the driver or registered keeper of the vehicle in question.
19. We propose to build on and strengthen this system of ATA auditing by creating additional safeguards to ensure parking operators are adhering to the new Code of Practice.
20. Section 5 of the Parking (Code of Practice) 2019 obliges the Secretary of State to have regard to a failure to act in accordance with the parking code when deciding whether an operator is able to request DVLA data or whether "a person should be, or should continue to be, an accredited parking association."
21. Therefore, firstly, we propose that the Secretary of State will only enable members of an ATA to have the ability to request data from the DVLA if the Secretary of State is satisfied that the ATA itself has robust processes for auditing operators' compliance with the Code.
22. In order to be approved, the Secretary of State will expect the ATAs to produce a Certification Scheme based on the Code of Practice, outlining how they will ensure that its operators meet the new standards mandated by the Code. Government will ask the United Kingdom Accreditation Service (UKAS) to assess the Certification Schemes before awarding accredited certification to the ATAs.
23. The Certification Schemes could cover such issues as processes for operators submitting signs, parking charge notices and the length of consideration periods to the ATA for approval, to ensure that they meet the criteria specified by the Code of Practice.
24. The Certification Schemes could also contain a Sanctions Scheme detailing how the ATA will deal with alleged breaches of the Code of Practice, and how the details of these breaches and any investigations will be reported.

**Q3** Please provide any comments you have on the proposal to enforce the Code by combining the ATA's existing audit procedures with additional safeguards. *Free text box*

**Q4** Please outline any alternative means by which the Code could be monitored and enforced. You may wish to cite evidence from other regulatory frameworks which are relevant. *Free text box*

## Scrutiny and Standards Board

25. In addition to the system of accredited certification by UKAS, the government proposes to establish a Scrutiny and Standards Board. This programme board could comprise representatives from MHCLG, DVLA, Devolved Administrations and industry and would oversee the operation of the new regulatory system.
26. Its articles of association would guarantee that the government representatives would have a majority vote.
27. These functions could include, for example:
- a. A regular meeting of ATAs, DVLA and MHCLG representatives to review comments from the public, media coverage and other relevant information.
  - b. Consideration of regular reports from the ATAs into their investigations into their members' compliance with the Code.
  - c. Advising ATAs on the findings of investigations revealing breaches of the Code by their members, in particular where they warrant the application of sanctions.
  - d. Producing an annual report covering the Body's activities and such general conclusions as it may draw from its audit, investigation and scrutiny of data.
  - e. Reviewing and commenting on the pre-publication drafts of Accredited Parking Associations' Annual Reports.
  - f. Providing advice and guidance on appropriate standards of performance and professionalism in the parking industry, including amendments to the Code as it may deem desirable to deliver its purpose more effectively.
  - g. Advising SoS on applications from Parking Associations for accreditation.
  - h. Advising SoS on withdrawal or suspension of accreditation of a Parking Association.
28. The Board could also review information and data relevant to the operation of the new regulatory framework. For example:
- a. The number of parking charges issued by parking operators
  - b. The number of requests made to the DVLA by each APA member<sup>1</sup>
  - c. The number of appeals accepted by parking operators
  - d. The number of appeals brought to the single appeals service by parking operators
  - e. The number of appeals upheld by the single appeals service against parking operators
  - f. The number of parking charges issued by parking operators

**Q5** Please provide any feedback you have on the proposed governance arrangements for monitoring the new Code of Practice *Free text box*

---

<sup>1</sup> Published quarterly by the DVLA

## The level of parking charges

29. Currently, both ATAs set a voluntary limit of £100 on the amount that can be charged as a penalty for an alleged breach of the terms and conditions of the car park. Higher amounts require approval from the ATA. We are consulting on two new systems which could replace this: the Three-tiered system and Mirroring the Local Authority system.
30. In implementing both approaches, the Code could require that operators follow schema developed by the APAs. APAs would include their parking charge system in their Certification Schemes which would then be assessed both by UKAS and the Scrutiny and Standards Board to ensure that they are sufficiently aligned and meet the objectives of the new regulation.
31. The Certification Schemes could stipulate a maximum cap for parking charges. This would be assessed by UKAS and the Scrutiny and Standards Board.
32. If an operator wishes to set a parking charge higher than that cap, the Certification Scheme could detail a robust procedure for how the APA would weigh up that evidence before deciding whether a higher level of parking charges is permitted. Factors to consider would include the effectiveness of the deterrent and proportionality to the tariff (in the case of permitted paid-for parking). These procedures would, in turn, be monitored by UKAS and the Scrutiny and Standards Board.

## The Three-tiered system

33. Through the Code development process, a new system has been proposed which offers a tiered approach to parking charges.
34. In addition, APAs would need to set out how parking charges are proportionate to the site in question, taking into consideration, for example, the cost of parking if the site is 'paid for'.
35. The tiered approach would create three tiers, outlined below with indicative sums and discount rates for early payment within 14 days:

### **UPPER LEVEL BREACH UP TO A CAP OF £120 (DISCOUNTED WHERE APPROPRIATE TO £70)**

36. This tier would be for the most serious breaches; those which, for example, put motorists or others in danger. Without limitation, these could include, for example:
  - a. Parking in an accessible bay (Blue Badge bay)
  - b. Parking where parking not permitted such as in an ambulance bay or outside fire escape
  - c. Obstructive or dangerous parking to the detriment of others
  - d. Parking in service/loading areas and/or yellow box, hatched areas

### **MIDDLE LEVEL BREACH UP TO A CAP OF £100 (DISCOUNTED TO £60)**

37. A middle tier would relate to breaches, whilst not as serious or dangerous as those in the upper level, still impact upon businesses, landowners, the environment and genuine customers or car park users. For example, these could include:

- a. Parking in a reserved bay (parent and toddler)
- b. Parking on pavement where parking is not permitted
- c. Parked in Staff Parking Only area
- d. Overstay of maximum free period or paid-for tariff
- e. Vehicle exceeds maximum weight and/or height and/or length permitted in the area
- f. Parking across multiple bays

**LOWER LEVEL BREACH UP TO A CAP OF £80 (DISCOUNTED TO £50)**

38. While not dangerous, this level includes selfish and poor parking i.e. breaches of terms and conditions that are in place to regulate appropriate use and the reduction of inconvenience to other car park users. This could include, for example:

- a. Parking in bays for other classes of vehicles such as motorcycles or scooters, bicycles or taxis
- b. Use of an expired permit
- c. Re-parking / returning within period prohibited
- d. Parking where parking not permitted such as grass verges or landscaped areas
- e. Parking with engine running where prohibited
- f. Permit displayed not valid for area occupied

## Mirroring the Local Authority system

39. Alternatively, consumer groups often call for alignment with the council system, which is defined in section 4 of the statutory guidance for local authorities on enforcing parking restrictions<sup>2</sup>. The primary purpose of penalty charges is to encourage compliance with parking restrictions. In pursuit of this, enforcement authorities should adopt the lowest charge level consistent with a high level of public acceptability and compliance. It's important to recognize the Local Authority system is based in civil, or in some cases, criminal law, which private parking operators cannot operate under as non-statutory bodies. However, it is still possible to adopt similar principles for setting parking charge levels for private parking.

### **Outside of London**

40. Outside of London, there are two tiers with discounts for early payment which are as follows<sup>3</sup>. Councils can choose a slightly lower charge, depending on local circumstances and as long as they apply it consistently:

**UPPER LEVEL BREACH BETWEEN £60 – 70 (DISCOUNTED TO £30 – 35)**

41. Contraventions that qualify for this higher amount are set out in a table, and include:

- a. Parked in a suspended bay/space or part of bay/space

---

<sup>2</sup> <https://www.gov.uk/government/publications/civil-enforcement-of-parking-contraventions/guidance-for-local-authorities-on-enforcing-parking-restrictions#setting-charges>

<sup>3</sup> [https://www.legislation.gov.uk/ukSI/2007/3487/pdfs/ukSI\\_20073487\\_en.pdf](https://www.legislation.gov.uk/ukSI/2007/3487/pdfs/ukSI_20073487_en.pdf)

- b. Parked in a residents' or shared use parking place without clearly displaying either a permit or voucher or pay and display ticket issued for that place
- c. Parked in a restricted area in a car park
- d. Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge

**LOWER LEVEL BREACH BETWEEN £40 – 50 (DISCOUNTED TO £20 – 25)**

42. All other contraventions would fall into this penalty charge level

**Greater London**

43. For Greater London, penalty charges are set by the London local authorities acting jointly and by Transport for London, with the approval of the Mayor (and provided that the Secretary of State does not object.) There are two tiers with a higher penalty charge level and different contraventions that fall into each level<sup>4</sup>. Again, lower-tier councils can choose a slightly lower charge, as long as they apply it consistently:

**UPPER LEVEL BREACH BETWEEN £110 – 130 (DISCOUNTED TO £55 – 65)**

44. Contraventions that qualify for this higher amount are set out in a table and include<sup>5</sup>:

- a. Parked in a loading place or bay during restricted hours without loading
- b. Parked in a restricted area in a car park
- c. Parked in a designated disabled person's parking places without displaying a valid disabled person's badge in the prescribed manner

**LOWER LEVEL BREACH BETWEEN £60 – 80 (DISCOUNTED TO £30 – 40)**

45. Contraventions that qualify for this lower amount are set out in a table and include<sup>6</sup>:

- a. Parked in a car park when closed
- b. Parked after the expiry of a paid for time
- c. Parked for longer than permitted

***Increase of charge following a Charge Certificate***

46. In the circumstances where the PCN remains unpaid, for both Greater London and Outside of London, **the penalty level will increase by 50% following the issuance of a Charge Certificate.** Any court fees for the registration of a debt will add £8 to this fine level. If no payment is made after this the council will pass the case on to Civil Enforcement Agencies following the issue of a Warrant of Control.

**Q6** Which parking charge system is most appropriate for private parking?

- a) *the Three-tiered system*
- b) *Mirroring the Local Authority system*

---

<sup>4</sup> <https://www.londoncouncils.gov.uk/services/parking-services/parking-and-traffic/parking-advice-members-public/parking-and-traffic>

<sup>5</sup> <https://www.londoncouncils.gov.uk/services/parking-services/parking-and-traffic/parking-information-professionals/contravention-code>

<sup>6</sup> <https://www.londoncouncils.gov.uk/services/parking-services/parking-and-traffic/parking-information-professionals/contravention-code>

**Q6.1** Please explain your answer. You may, for example, wish to make reference to other deterrent frameworks (for example, for railway tickets or traffic violations) *Free text box*

**Q7** What level of discount is appropriate: 40% as is currently offered in private parking and suggested in the three-tiered system, or 50% as is offered in Local Authority parking?  
a) 40%  
b) 50%

**Q7.1** Please explain your answer, including whether the discount should be set at a different level *Free text box*

**Q8** How should the level of parking charges be set and how should the levels be revised in future? *Free text box*

## Appeals Charter

47. Building on industry best practice, the government is interested in views on the concept of an Appeals Charter to ensure fairness, public confidence, transparency, proportionality and improved standards in the private parking sector.
48. By an Appeals Charter, we mean a statement of the way certain grounds of appeal based on innocent error or mitigating circumstances will be handled by the parking operator. This would be a safety net to ensure that responsible motorists who overstay or make an error are not penalised unfairly for doing so.
49. This could apply to both the three-tiered system or Mirroring the Local Authority system.
50. It could include the following provisions for reducing parking charges to between £0 and £20, depending on the nature of the issue.
  - a. Keying Error - Minor - £0 (no charge incurred by the motorist).
    - i. For example: 0 instead of o; l instead of L; 1 instead of I; One letter wrong or removed; One number wrong or removed; Two characters swapped
  - b. Keying Error - Major – Parking Charge reduced to between £0 and £20
    - i. For example: Motorist entered their partner's car registration; Motorist entered something completely unrelated to their registration; Motorist made multiple keying errors (beyond one character being entered incorrectly; Motorist has only entered a small part of their VRM, for example the first three digits.
  - c. Significant evidence of mitigation - £0 (no charge incurred by the motorist) and Parking Charge cancelled.
  - d. Evidenced vehicle breakdown - £0 (no charge incurred by the motorist or recovery vehicle - where relevant) and Parking Charge cancelled.
  - e. Non-evidenced mitigation if accepted between £0 and £20 dependent upon the circumstances.

- f. Failure to display permit (copy of permit then supplied) - Parking Charge reduced to between £0 and £20.
- g. Failure to display Blue Badge (copy of Blue Badge supplied) - Parking Charge reduced to between £0 and £20.
- h. Failure to display P&D ticket (copy of ticket supplied) - Parking Charge reduced to between £0 and £20.

**Q9** Do you agree or disagree in principle with the idea of the Appeals Charter? *Strongly agree/Somewhat agree/Neither agree nor disagree/Somewhat disagree/Strongly disagree*

**Q9.1** Please explain your answer *Free text box*

**Q10** Do you agree or not that the examples given in the Appeals Charter are fair and appropriate? *Strongly agree/Somewhat agree/Neither agree nor disagree/Somewhat disagree/Strongly disagree*

**Q10.1** Please explain your answer. You may wish, for example, to suggest additional cases to be covered in an Appeals Charter or query existing examples. *Free text box*

## Levy

51. Section 7 of the Parking (Code of Practice) Act allows the raising of a levy for the purposes of meeting the costs of the new regulation. These costs include:

- a. the development costs of producing the Code of Practice.
- b. the creation of a UKAS accreditation scheme to assess potential conformity assessment bodies to audit for compliance with the Code.
- c. start-up costs for the single appeals service, with an aspiration to the appeals service becoming self-funding through charging operators or the trade associations.

**Q11** Do you agree or disagree that the parking industry should contribute towards the cost of the regulation? *Strongly agree/Somewhat agree/Neither agree nor disagree/Somewhat disagree/Strongly disagree*

**Q11.1** Please explain your answer. *Free text box*

## Full list of questions

**Q1** Do you agree or disagree that members of APAs should be required to use a single appeals service appointed by the Secretary of State? *Strongly agree/Somewhat agree/Neither agree nor disagree/Somewhat disagree/Strongly disagree*

**Q1.1** Please explain your answer *Free text box*

**Q2** Please provide any other feedback on the determination of appeals, including the funding model and features that an appeal service should offer e.g. telephone or in-person hearings, the ability to submit evidence online *Free text box*

**Q3** Please provide any comments you have on the proposal to enforce the Code by combining the ATA's existing audit procedures with additional safeguards. *Free text box*

**Q4** Please outline any alternative means by which the Code could be monitored and enforced. You may wish to cite evidence from other regulatory frameworks which are relevant. *Free text box*

**Q5** Please provide any feedback you have on the proposed governance arrangements for monitoring the new Code of Practice *Free text box*

**Q6** Which parking charge system is most appropriate for private parking?

- a) *the Three-tiered system*
- b) *Mirroring the Local Authority system*

**Q6.1** Please explain your answer. You may, for example, wish to make reference to other deterrent frameworks (for example, for railway tickets or traffic violations) *Free text box*

**Q7** What level of discount is appropriate: 40% as is currently offered in private parking and suggested in the three-tiered system, or 50% as is offered in Local Authority parking?

- a) *40%*
- b) *50%*

**Q7.1** Please explain your answer, including whether the discount should be set at a different level *Free text box*

**Q8** How should the level of parking charges be set and how should the levels be revised in future? *Free text box*

**Q9** Do you agree or disagree in principle with the idea of the Appeals Charter?  
*Agree/Disagree*

**Q9.1** Please explain your answer *Free text box*

**Q10** Do you agree or not that the examples given in the Appeals Charter are fair and appropriate? *Agree/Disagree*

**Q10.1** Please explain your answer. You may wish, for example, to suggest additional cases to be covered in an Appeals Charter or query existing examples. *Free text box*

**Q11** Do you agree or disagree that the parking industry should contribute towards the cost of the regulation? *Agree/Disagree*

**Q11.1** Please explain your answer. *Free text box*



## About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the EU General Data Protection Regulation, and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included at Annex A.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](#).

# Annex A

## Personal data

The following is to explain your rights and give you the information you are be entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

### 1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at [dataprotection@communities.gsi.gov.uk](mailto:dataprotection@communities.gsi.gov.uk)

### 2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

### 3. Our legal basis for processing your personal data

The Data Protection Act 2018 states that, as a government department, MHCLG may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

### 3. With whom we will be sharing your personal data

The Ministry of Housing Communities and Local Government may anonymise personal data before sharing it with relevant government departments, including the Department for Transport and the Department for Health and Social Care

### 4. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for two years from the closure of the consultation

### 5. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

6. **Your personal data will not be sent overseas**
7. **Your personal data will not be used for any automated decision making.**
8. **Your personal data will be stored in a secure government IT system.**

# COVER LETTER

for

## **PAS 232 Privately managed parking – Operation and management – Specification**

### **Background**

Following Parliament passing the Parking (Code of Practice) Act 2019, which was introduced by Sir Greg Knight MP and supported by the government, the Ministry of Housing, Communities and Local Government (MHCLG) is producing a Code of Practice for private parking operators.

This is part of the government's efforts to improve the regulation of the private parking industry. A single Code of Practice will bring consistency and create a level playing field across the industry – benefitting motorists, operators, and landowners alike. Alongside this consultation on the content of the Code of Practice, there is also a separate government consultation on the enforcement of this code and the introduction of a single appeals service to manage appeals against private parking charges. If you would like to comment on this Code Enforcement Framework then please visit the consultation page on gov.uk:

<https://www.gov.uk/government/consultations/parking-code-enforcement-framework>.

The Code is being produced (and referred to within this document) as a PAS (Publicly Available Specification), which is a sponsored, fast-track, consensus-building informal standard produced by the UK national standards body, BSI Standards Limited.

Development of this document is governed by its Steering Group, assembled of technical experts from a range of interested stakeholder groups. The Steering Group works with the Technical Author to deliberate on the content of the PAS, ensuring that it meets the needs of motorists, landowners and the parking industry.

Private parking companies are not simply engaged in the management of publicly available car parks – their activities can include the management of reserved parking at residential and office premises, handling trespass on private land where public access is restricted, managing car parks that are operated under site-specific byelaws, through to managing 'no stopping' rules on publicly accessible roads within private land (e.g. within the perimeter of airports) which is not about 'parking' in the conventional sense at all.

Covering all these aspects in one code is a challenge, not least because the remedies available are different, but our ambition is to capture as many aspects of parking management as we can. To that end we are particularly interested to hear views on the extent to which the draft code (the PAS) properly represents the circumstances that arise and presents the appropriate standards for their management.

## Public Review

BSI is running a public consultation on the draft Code of Practice through this PAS public review: <https://standardsdevelopment.bsigroup.com/projects/2020-00193>.

The closing date for consultation is **12 October 2020**.

Please note that only comments submitted electronically through the online Draft Review System by the date given will be accepted. The Code Enforcement Framework is being consulted on separately and provides a postal address for those that have no other option in responding.

Government would like to thank in advance all those who send in technical comments to BSI as part of this PAS public review.

## Summary of the PAS

While we would encourage feedback on the whole draft, below is a summary of the PAS and key questions which we would welcome views on in particular. **Please note that the summary of the PAS in this cover letter is given for reference only. For the actual wording of the requirements as currently drafted, please refer to the text of the PAS itself.**

### **Sections 0 to 3 – Introduction, Scope and definitions**

These sections introduce the PAS, define its scope and key definitions used within it. Of note is the introduction of the term Accredited Parking Association – this is distinct from the current Accredited Trade Associations: currently the British Parking Association and the International Parking Community. Both bodies allow their members access to an Approved Operator Scheme (AOS) with the Driver Vehicle and Licensing Agency (DVLA), which means they can request the details of the registered keeper of a vehicle.

The PAS adds new requirements for the parking industry to follow, which will be overseen by a new Code Enforcement Framework which MHCLG is consulting on in parallel. The existing ATAs and their members will have to comply with these standards, before they can become APAs and their members continue to request access to an Approved Operator Scheme with the DVLA.

In particular, the Code Enforcement Framework consultation is asking more detailed questions on how appeals should be managed, the principles behind how the level of parking charges should be set and how the Code will be implemented, funded, enforced and monitored.

This includes consulting on the proposal to establish a Scrutiny and Standards Board, comprising representatives from the government and industry to oversee the operation of the new regulatory system, suggest improvements and ensure that the industry is operating to the highest standards.

The Code Enforcement Framework also includes the concept of an Appeals Charter. The Appeals Charter is a statement of how specific categories of appeal and supporting evidence, including mitigating evidence, are to be handled on appeal to the parking operator. Though it is referenced at Annex C of the PAS, comments on

the Appeals Charter should be submitted through the Code Enforcement Framework consultation.

If you would like to comment on this Code Enforcement Framework then please visit the consultation page on gov.uk:

<https://www.gov.uk/government/consultations/parking-code-enforcement-framework>.

### **Section 4 to 5 (and Annex B) - Signs and accessible parking**

Signs and surface markings are used to provide information to drivers to indicate that they are entering a car park or other controlled land, display terms and conditions, and direct traffic movements.

They should be clearly displayed, legible and comprehensible (Clause 4.1). In addition, where there are adjoining premises with different terms and conditions, this should clearly be shown (Clause 4.2). Any changes to the terms and conditions should be clearly displayed with additional temporary notices (Clause 4.4). The time taken to read and understand signs is factored into the 'consideration period' and not the 'parking event', for which there is often a fee.

At least one sign should be viewable without the driver needing to leave the vehicle, so that motorists with a disability can decide whether to park. Operators should also ensure that designated disabled bays are not blocked by others and, if appropriate, show that the Blue Badge scheme is being recognized.

**Q1. How else can parking operators effectively communicate the terms and conditions of car parks and other controlled land?**

### **Section 6 – Duration of parking event**

Defines the parking event, including the 'consideration period' of no less than five minutes, which gives motorists time to enter a car park and comply with the terms and conditions (e.g. pay) or leave (Clause 6.2 and Annex A). In addition, a 'grace period' of 10 minutes is added to the duration of a parking event (Clause 6.3.)

**Q2. What should parking operators and Accredited Parking Associations take into account when determining an appropriate consideration period? Please comment on the clauses in Section 6 and Annex A where possible.**

### **Section 7 and 8 – Payment of parking tariffs and Camera technology**

Payment machines should have clear instructions and if an on-site payment machine is not available, it should be clear whether this absolves the driver from making payment or whether they should leave within the appropriate consideration period.

If a vehicle registration is entered incorrectly, the parking operators will follow a policy to avoid issuing a parking charge (more detail in Annex C or the appeals charter section of the Code Enforcement Framework consultation).

Where pay-and-display is in use, parking operators should conduct a thorough check of the windscreen and side windows. Where a parking charge is issued, a time-stamped image of the dashboard should be sent to the registered keeper.

Where cameras and other technology is in use, they should be fit for purpose and display the name of the parking operator.

**Clauses 7.1 and 7.2 - Do you agree or disagree that the PAS should require a minimum of two methods of payment on site?**

**Clause 7.1.2.c - What approach should be taken in cases when the motorist is unable to pay due to machine failure and no reasonable alternative payment methods are available?**

### **Sections 9 to 11 (and Annexes D, E) - Parking charges and enforcement**

Parking charges should clearly explain the explain the process of paying or appealing the charge. In the first instance this is to an operator who should consider the appeal in a timely manner, and then through the single appeals service (more detail is in the proposed MHCLG Code enforcement framework, which can be viewed through the separate government consultation).

Only debt collection agencies which are authorised by the Financial Conduct Authority and members of Accredited Parking Associations, and therefore overseen by the Code enforcement framework, may be contracted where a parking charge is not paid (including after unsuccessful appeal).

Parking operators will retain information on parking charges and appeals, which the Accredited Parking Association and Authorized Body will use to determine whether the operator is taking remedial action to avoid further parking charges being issued, where possible.

**Clauses 10 and 11 – What process should parking operators follow in the event that the recipient fails to respond, appeal or pay the charge within a reasonable period?**

### **Section 12 to 14 – Complaints, Insurance and Professional Standards**

Complaints should be reviewed in a timely manner and aligned with process of appeals outlined at Clause 9.4. Complaints information should be stored and provided to authorized bodies.

Parking operators should have necessary insurance and ensure that staff or contractors are competent and act in compliance with the PAS. Parking attendants should be identifiable and training records should be kept for authorized bodies to review.

**Q3 What can parking operators learn from other businesses about running a good service?**

### **Section 15 (and Annex H) Relationship with landowner**

Many parking operators are not landowners themselves, and instead are contracted to control the use of land. Written confirmed should be obtained by the landowner to show they understand the terms and conditions of the service offered (including the any responsibilities they retain around maintenance), the method of enforcement (e.g. pay-and-display or Automatic Number Plate Recognition (ANPR)), and approach for handling first stage appeals.

Authorised bodies can request to see landowner agreements to ensure parking operators are complying with the PAS.

### **Section 16 - 'Self-ticketing'**

Some parking operators allow businesses or members of the public to provide evidence so that parking charges can be issued. The PAS places a requirement for these operators to train anyone supplying photographic evidence to the standards outlined in Clause 14.1, provide no incentives to anyone who is not a member of staff or contractor, nor an incentive to staff to increase the number of parking charges issued.

### **Annex G**

The PAS lists examples of instances where the driver, keeper or hirer of a stopped vehicle is to be exempt from liability a parking charge. Further examples proposed include:

- a vehicle temporarily stopped while a driver asks for directions or gets their bearings (e.g. in a large or multi-use site), is waiting for a gate, door or other barrier to be opened, or leaves the vehicle (without causing obstruction) to sign in/out or obtain/return a permit to park, an entry pass, fob or key, or to open/close the barrier;
- a vehicle halted to allow the boarding or alighting of passengers (without causing obstruction), including liveried taxis, private hire vehicles, or where a driver leaves the vehicle for no longer than is necessary to accompany a passenger who needs escorting or assistance to/from adjacent premises, with or without luggage;
- a vehicle being used for loading or unloading purposes for as long as is reasonably necessary. Exempt loading/unloading includes commercial deliveries and collections as well as individual activity involving picking up or dropping off items to/from adjacent premises;
- unless causing an obstruction (such as blocking an exit), the activity of boarding/alighting (whether assisted or not) on double or single yellow lines.

We would welcome consultees' views on the list of exemptions, and the practicability of stopping a parking charge being issued versus the admissibility of evidence to support an appeal.

**Q4 Please provide comments on any further aspects which you believe should be covered in the PAS.**

This page is intentionally left blank

## **PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES**

### **Executive Sub Committees**

---

**Date of Meeting:** 13<sup>th</sup> October 2020  
**Report of:** The Director on behalf of the Advisory Board  
**Subject/Title:** Appointments to the Advisory Board

---

#### **1.0 Report Summary**

**1.1** This report sets out the terms of reference for the Advisory Board and recommendations for appointments for 2020/21

#### **2.0 Recommendation**

**2.1** That the Joint Committees adopts the terms of reference and composition of the Advisory Board set out in the Appendix to this report.

**2.2** Approves the following:

- a) The appointment of Richard Waters of Carmarthenshire County Council
- b) The re-appointment of Paul Nicholls of Brighton & Hove City Council

To the Advisory Board for a period of four years until the Joint Committees' annual meetings in July 2024.

#### **3.0 Reasons for Recommendations**

**3.1** Appointments to the Advisory Board are reviewed on an annual basis.

#### **4.0 Financial Implications**

**4.1** The budget makes provision for the Advisory Board

#### Legal Implications

**5.0** The Joint Committee's governance arrangements make provision for the appointment of an Advisory Board.

#### **6.0 Risk Management**

**6.1** The Advisory Board scrutinises the Joint Committee's Risk Management Strategy and associated documentation.

**7.0 Background and Options**

- 7.1 The Standing Orders provide for the Joint Committee to establish and appoint an Advisory Board comprising the Lead Officer and other such officers and persons appointed by the Joint Committee to advise it on its functions.
- 7.2 The attached Terms of Reference enable an effective and efficient arrangement for matters relating to the PATROLAJC and the Bus Lane Adjudication Service Joint Committee BLASJC
- 7.3 At the meeting held in October 2013, the PATROL Joint Committee determined to appoint a representative from the Department for Transport in respect of road user charging enforcement.
- 7.4 At the meetings held in July 2019 the Joint Committee confirmed appointments to the Advisory Board. These are detailed in the attached document.
- 7.5 The Joint Committee is invited to adopt the terms of reference and make the appointments recommended in the appendix to this report.

**8.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Louise Hutchinson  
Designation: Director  
Tel No: 01625 445566  
Email: lhutchinson@patrol-uk.info

## Appendix 1

### **PATROL AND Bus Lane Adjudication Service Joint Committees' Advisory Board**

#### **Terms of Reference**

1. To assist and advise the Joint Committees on the overall policies and strategies for administering the adjudication service and on their responsibilities under
  - section 81 of the Traffic Management Act 2004 (TMA) and Regulations 17 and 18 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (the English General Regulations);
  - section 81 of the TMA and Regulations 16 and 17 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) Wales Regulations 2013 (the Welsh General Provisions Regulations);
  - Regulations 12 and 13 of The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (the Road User Charging Regulations).
  - Regulation 18 of The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018

These functions are exercised through PATROL in accordance with Regulation 16 of the English General Regulations and Regulation 15 of the Welsh General Provisions Regulations.

2. The Advisory Board has no remit to consider or influence decisions of adjudicators and the function of the adjudication service as an Independent Tribunal.
3. To receive and monitor progress against the Performance Management Strategy produced by the Director and to review the service structure, organisation and administration and to scrutinise recommendations for changes before they are put before the Joint Committees.
4. To monitor and review the service revenue budgets and to scrutinise recommendations for changes before they are put before the Joint Committees.
5. To assist and advise the Director on the preparation of an annual service plan

6. The Board shall consist of always the Lead Officer plus up to eleven people:
- Seven representatives of local authorities as follows:
    - - At least one representing an English Authority
      - At least one representing a Welsh Authority
      - At least one representing a District Council
      - At least one representing a County Council
      - At least one representing a Unitary or Metropolitan Council
      - At least one representing a Civil Bus Lane Enforcement Council.
    - A representative from the Department for Transport (road user charging).
    - A representative from a motoring association.
    - An independent person with knowledge of judicial or tribunal systems.
    - An independent consumer representative

The DfT, WG, Motoring Association and Independent members would act as ex-officio members.

Department for Transport and Welsh Government representatives will be welcomed to attend meetings or provide updates.

The Joint Committees shall make appointments to the Advisory Board based on recommendations received from the Advisory Board. Such appointments are to be for four years but may be subject to reappointment. Except for the Lead Officer, members shall retire on a four-year rotation cycle.

The Advisory Board shall recommend to the Joint Committees representatives of an appropriate motoring organisation and appropriate independent persons who should sit on the Board.

The DfT shall nominate a specific representative for road user charging.

Advisory Board members should not be day-to-day managers of parking services and should where possible include representatives from legal and financial backgrounds as well as those responsible for parking.

The Board shall elect a Chairman, a Vice-Chairman and a Secretary from within the membership of the Board.

Where a representative has been unable to attend three consecutive meetings, the Chair will draw this to the attention of the Board to determine whether an alternative representative be sought.

## **Appointments and four-year cycle**

### **Local Authority Members**

The following local authority members were appointed by the Joint Committees and retire as set out below.

#### **October 2020**

Brighton & Hove City Council	Paul Nicholls	Unitary Authority
Carmarthenshire Council	Richard Waters	Welsh Authority

#### **July 2021**

City of Stoke on Trent	Michael Clarke	Bus Lane Authority
------------------------	----------------	--------------------

#### **July 2022**

Hampshire	Marc Samways	English Shire
-----------	--------------	---------------

#### **July 2023**

Cheshire East Council	George Broughton	Lead Authority
South Lakeland Council	Pat Knowles	English District
Calderdale Council	Ian Hughes	Metropolitan

### **Welsh Government Member**

This is a matter for the Welsh Government Transport Directorate to decide from time to time. Currently Owen Jones Williams is their representative.

### **Department for Transport Member**

This is a matter for the DfT to decide from time to time. Dana Bourne is currently their representative in respect of road user charging.

**Independent Member**

The Joint Committee has appointed Graham Addicott OBE, as the independent member for a four-year period ending July 2021.

**Motoring Organisation Member**

The Advisory Board considers it appropriate that from time to time. This appointment should be rotated between the RAC Foundation and the AA Motoring Trust.

**Bus Lane Member**

The Bus Lane Joint Committee has appointed Michael Clarke of City of Stoke on Trent.

**Recommendations**

The below named are appointed for a four-year period to July 2024

Brighton & Hove City Council (re-appointment)	Paul Nicholls	Unitary Authority
--	---------------	-------------------

Carmarthenshire Council (new appointment)	Richard Waters	Welsh Authority
--	----------------	-----------------

## PATROL AND BUS LANE ADJUDICATION SERVICE JOINT COMMITTEES Executive Sub Committees

---

**Date of Meeting:** 13<sup>th</sup> October 2020  
**Report of:** The Director in consultation with Resources Working Group  
**Subject/Title:** Risk Register

---

### 1. Report Summary

The report presents the current assessment of risk.

### 2. Recommendation

To note the current assessment of risk (Appendix 1).

### 3. Reasons for Recommendations

To report on arrangements for identifying, managing and reporting risk.

### 4. Financial Implications

As reported within this report and financial reports on the agenda.

### 5. Legal Implications

None

### 6. Risk Management

Provides a framework for risk management.

### 7. Background and Options

The Risk Register is set out at Appendix 1.

### 8. Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Louise Hutchinson  
Designation: Director  
Tel No: 01625 445566  
Email: [lhutchinson@patrol-uk.info](mailto:lhutchinson@patrol-uk.info)

## Appendix 1

# Risk Management Framework

## 1. Introduction

This report provides a summary of the most significant threats facing the Joint Committees which may prevent or assist with the achievement of its objectives. We are grateful to input from Cheshire East Council in reviewing our approach to managing and reporting risks and feedback from officers and members.

It is the role of the Joint Committee's Resources Working Group and Sub Committee to review the report prior to consideration by the Joint Committees or their Executive Sub Committees. This review aims to provide assurance on the adequacy of the risk management framework and internal control environment. Risk management is not about being risk averse, it is about effectively managing risks that could affect the achievement of objectives and ensuring that an appropriate risk culture is in place.

A risk is concerned with a threat, or a possible future event, which will adversely or beneficially affect the Joint Committee's ability to achieve its objectives. Risk management is central to good governance and is all about people making the best decision at all levels within the organisation.

A strong risk framework:

- Strengthens governance effectiveness
- Provides a focusing mechanism
- Balances the scale of risk and reward
- Enables better decision making

## 2. Corporate Risks

The Joint Committee summarises its risk appetite as follow:

*"We will avoid risks that threaten our ability to undertake our principal objectives in a way that provides quality and value. We will maintain a sufficient level of reserves to support liquidity and absorb short-term fluctuations in income and expenditure beyond our control."*

There are presently five threats on the Corporate Risk Register. These are currently measured as being "low" or "medium" scale risks. The classification of risk is set out below.

**Risk Matrix**

		Consequence				
		5	4	3	2	1
Likelihood	5	25	20	15	10	5
	4	20	16	12	8	4
	3	15	12	9	6	3
	2	10	8	6	4	2
	1	5	4	3	2	1

**3. Background to Corporate Risks:**

Local authorities who undertake civil parking and bus lane enforcement are required by statute to make provision for independent adjudication. The relationship between the adjudicators and the Joint Committee is derived from and governed by the Traffic Management Act 2004 and, in the case of the Bus Lane Adjudication Service Joint Committee, the Transport Act 2000.

The main function of the Joint Committee is to provide resources to support independent adjudicators and their staff who together comprise the Traffic Penalty Tribunal. The tribunal's appeal streams include:

- Parking
- Bus Lanes
- Moving Traffic (Wales only)
- Road User Charging
- Littering from vehicles

The objectives of PATROL include:

- a) A fair adjudication service for Appellants including visible independence of adjudicators from the authorities in whose areas they are working.
- b) Consistency in access to adjudication.
- c) A cost effective and equitable adjudication service for all Parking Authorities and Bus Lane authorities in England and Wales.
- d) Flexibility to deal with a wide range of local authorities with varying levels of demand for adjudication.

The relationship between the adjudicators and the PATROL and Bus Lane Adjudication Service Joint Committees is underpinned by a Memorandum of Understanding. The overriding principle of this memorandum is that the adjudicators are independent judicial office holders exercising a judicial function.

The adjudicators and joint committees are committed to a fair adjudication service for appellants including visible independence of adjudicators from the authorities in whose area they are working.

A core principle for the tribunal has been providing an accessible tribunal which is proportionate to the jurisdiction. It is recognised that for most appellants, appealing to the tribunal will be the only time they come into contact with the judiciary. For this reason, the tribunal seeks to provide access to adjudication which is simple to use and timely for appellants in England and Wales.

The focus for the delivery of adjudication is:

***“a tribunal service that is user-focused,  
efficient, timely, helpful and readily accessible”***

The Traffic Penalty Tribunal is committed to the principles of Digital by Design and the provision of Assisted Digital Support to support people who are unable to or need assistance to appeal online. The tribunal's online appeal system has received national and regional awards and its levels of customer service has also been commended. The FOAM (Fast Online Appeal Management) initiative and the collaboration between more than 300 local authorities has been cited as a digital exemplar.

#### **4. Review**

The Director is responsible for coordinating the review of the Risk Management Framework and reporting to the Joint Committee's Officer Advisory Board and the Resources Working Group and Sub Committee whose terms of reference include the review of risk. Following this scrutiny, the Risk Management Framework is report to the PATROL and Bus Lane Adjudication Service Joint Committees or their Executive Sub Committees.

Additional assurance is provided by Internal and External Audit. PATROL and the Bus Lane Adjudication Service is not required to prepare and publish audited accounts but does so to promote transparency.

## 5. Corporate Risks

Ref & Type	Risk Description (Including Cause, threat and impact upon outcomes)	Risk Owners	Rating and Direction	Comments
CR1	<p><b>Inability to meet demand for service</b> (Cause) The tribunal provides a statutory function which is available to all vehicle owners who receive a Notice of Rejection of Representations in respect of specified penalties. (Threat) the tribunal is unable to meet its statutory obligations (impact) appellants are unable to appeal penalties</p>	Chief Adjudicator and Stakeholder Manager.	4 ↔	<p>The net risk rating is 4 (low). The tribunal has a fully scalable online system and a flexible adjudicator and staffing model.</p> <p>The online process is complimented by assisted digital support for appellants who are unable to make their appeal on line. The tribunal continues to refine and develop the online system in response to user feedback.</p> <p>The tribunal has demonstrated a seamless transition to homeworking for staff in response to Covid-19 which has also seen a reduction in appeals.</p> <p>A further assessment of adjudicator requirements will be undertaken in Autumn 2020.</p>
CR2 Threat	<p><b>Lack of Financial Resilience</b> (Cause)The basis for defraying Joint Committee expenses is based on variable rather than fixed charges. This means that the Joint Committee must manage unforeseen significant fluctuations in either Income or Costs such that (threat) Reserves are significantly eroded and (impact) financial obligations cannot be met.</p>	Director and Central Services Manager	15 ↔	<p>This rating remains at 15 as reported in June 2020. This reflects continued uncertainty with the potential for the re-introduction of local lockdowns over the winter months. The current position has been mitigated by increased income from June onwards which if current pattern persist will reduce the draw on the Joint Committees' approved reserves. Expenditure and therefore</p>

				drawdown from that reserve will be kept under strict review during this period.
CR3 Threat	<p><b>Loss of Data Integrity</b> (Cause) The Tribunal operates an on-line appeal system to improve the quality and flexibility for tribunal users. Support systems are also underpinned by a range of technologies. With this deployment of technologies, the risk of security breaches increases. This could result in the inability of IT to support the needs of the organisation and users such that (threat) the statutory service is not accessible to all and (impact) appeals cannot be adjudicated online. Potential breach of General Data Protection Regulations 2016 and Data Protection Act 2018.</p>	Director and Stakeholder Manager	9 ↔	<p>This rating remains unchanged - medium. A range of security monitoring features, data management procedures and training are being reviewed/deployed in the light of the General Data Protection Regulation 2016 and Data Protection Act 2018. These measures have been reviewed in the light of homeworking.</p>
CR4 Threat	<p><b>Lack of Resource Planning</b> (Cause) Insufficient adjudicator or staff resources to support the needs of the organisation such that (threat) the organisation is unable to meet its statutory obligations and (impact) the quality or timeliness of the adjudication process, administrative standards or the achievement of development objectives compromised</p>	Chief Adjudicator & Director	4 ↔	<p>This rating remains at 4 in the light of reduced appeals during the first quarter of 2020/21.</p> <p>Continued monitoring of workload and capacity, training and appraisals combined with documentation of processes and procedures and the delegations to the Resources Sub Committee act to mitigate this risk including the development of a five-year plan to meet future demands.</p> <p>A further part-time adjudicator recruitment exercise will be undertaken in late 2020.</p>

CR5 Threat	<p><b>Lack of preparation for business continuity</b> (Cause) that an internal or external incident occurs which renders the organisation unable to utilise part or all of its infrastructure such that (impact) the organisation is unable to deliver some or all of its services resulting in (impact) reduced accessibility to our service.</p>	Central Services Manager & Stakeholder Engagement Manager	5 ↔	<p>This rating remains at 5 and reflects the flexibility demonstrated in moving from an office based to remote workforce with no unplanned loss of service. Planned technology upgrades have taken place to further support business continuity.</p> <p>A detailed DR plan is held and reviewed each quarter. This is accessible to all managers and has clearly defined responsibilities. This plan acts to mitigate this risk. This plan is due to be reviewed and as such is on the 'watch' list</p>

This page is intentionally left blank



## General Progress Report

### 1 April 2020 – 31 July 2020

#### 1. Introduction and context of COVID-19 impact on enforcement / appeals

##### 1.1

This report provides an overview of Traffic Penalty Tribunal (TPT) statistics, trends and initiatives for the period 1 April 2020 to 31 July 2020.

This period has seen a **59.2% decrease in penalty charge notices (PCNs) appealed** when compared to the same period last year.

##### 1.2

This huge impact on appeal activity is explained by the onset of significant COVID-19 pandemic restrictions, with the *Health Protection (Coronavirus, Restrictions) (England) Regulations 2020* (the 'Lockdown Regulations') coming into effect on 26 March 2020.

The Lockdown Regulations brought about widespread closure of businesses, retail and hospitality, as well as restrictions on freedom of movement.

##### 1.3

The TPT was well placed to respond to the pandemic, even before the Lockdown Regulations were announced, with adjudicators having always been based from home and – from 17 March – all administrative and office staff able to transfer seamlessly to home working.

##### 1.4

The TPT was advised, however, that many authorities' staff – who had also started to work from home – did not have full access to their enforcement and notice processing systems, allowing them to respond to appeals. Consequently, many authorities took the decision to put their penalty charge processing systems 'on hold'.

For the authorities in question, in each case where a PCN had been issued it was held at the stage it had reached in the process at that time. These authorities were also not referring any

unpaid penalty charges to the Traffic Enforcement Centre (TEC) at the Northampton County Court, or instructing bailiffs. Authorities also started to work to adapted office hours.

## 1.5

Following the Lockdown Regulations, the Tribunal also received many enquiries from appellants whose financial circumstances had been affected by recent events. While these appellants would normally be told that they should explain this to the authority concerned, it became apparent that most authorities would not be in a position to deal with the requests and queries about payment.

## 1.6

Responding to the potential impact on appellants, as well as the adapted enforcement and working practices of authorities, the TPT took the decision to put on hold all appeal activity, including decisions being made on cases, for a minimum of 8 weeks, effective Monday 30 March.

Appellants and would-be appellants were advised of the hold period via a message on the TPT website and – in the case of appeals registered before 30 March – an individual message on their case in the online appeals system (or a letter by post if not using the system).

By effectively, ‘stopping the clock’, each case at the Tribunal was held at the stage it had reached and adjudicators stopped issuing any decisions. Timescales within the online appeals system (e.g. relating to the submission of evidence on a case) were also increased.

## 1.7

During the hold period on appeal activity, both the adjudicators and customer support staff contributed to project work, aimed at generating data and content for publication through reports and other channels.

## 1.8

In May, the Tribunal surveyed local authorities to establish their approach to enforcement in the light of COVID-19, how easily they were able to respond to appeals in the TPT’s online appeals system (given the numbers of authority staff working from home) and how they were reviewing cases in the light of the Lockdown Regulations. As an example of the results, many authorities had introduced policies to deal with financial hardship resulting from the pandemic.

The results of the survey assisted the Tribunal in deciding to start considering cases again.

## 1.9

The Government began the partial easing of the Lockdown Regulations during May and June, announcing that retail shops and public-facing businesses would be able to reopen from 15 June.

## 1.10

Following the temporary hold on appeal activity, TPT took the decision to start considering cases again, effective 11 June.

The parties of each appeal in the system were contacted as to how their case would proceed, including an update on the progression of Telephone Hearings, where applicable.

As was the case during the ‘stop the clock’ hold period, those wishing to submit new appeals continued to be able to do so as normal through the Tribunal’s online appeals system. New cases were registered and progressed as normal.

Those with appeals ongoing or making a new appeal were able to put forward any information or evidence surrounding the circumstances of their case, which may have come as a consequence of the COVID-19 situation. This information was taken into account by the adjudicators.

## 1.11

The Government eased Lockdown Regulations more significantly throughout July, including the reopening of the hospitality sector and further high street businesses (including hairdressers and beauty salons).

## 1.12

During the ongoing COVID-19 situation, TPT staff – themselves working entirely remotely – have been able to continue to support appellants, respond to queries from authorities and receive new appeals, including registering appeals over the phone (rather than relying on paper forms and post) for those appellants who wished to proceed without going online.

This is a credit to all involved and a testament to the flexibility of the TPT's online appeal system, as well as its 'digital first' approach and solutions.

**This introduction and background prefaces the significant differences between appeal numbers for 1 April 2020 to 31 July 2020, as well as other data points relating to appeal activity reported in this document, compared with the same period in 2019/20.**

At the time of publication (September 2020), there are signs of increased enforcement activity from authorities. This has implications for future levels of appeals, although the picture is varied across England and Wales. This will be examined further in the next report.

## 2. TPT Background

### 2.1

The TPT decides appeals against penalties issued for traffic contraventions by local authorities and charging authorities in England (outside London) and Wales. This includes appeals against civil enforcement penalties issued by local authorities for parking, bus lane, littering from vehicles and (in Wales only) moving traffic contraventions, as well as appeals arising from road user charging enforcement.

The road user charging schemes for which the TPT sees appeals for include the:

- Dartford-Thurrock River Crossing ('Dart Charge'), where the charging authority is the Secretary of State for Transport
- Mersey Gateway Bridge Crossings ('Merseyflow'), where the charging authority is Halton Borough Council
- Durham Road User Charge (Zone), where the charging authority is Durham County Council.

## 2.2

Appeals arising from enforcement of forthcoming Charging Clean Air Zones (CAZs), anticipated in 2021, will be a new road user charge appeal stream for the TPT.

## 2.3

The TPT comprises 26 part-time adjudicators (wholly independent lawyers whose appointments are subject to the consent of the Lord Chancellor) working remotely with the support of 14 administrative staff, who provide customer support and process appeals.

## 2.4

The Chief Adjudicator is Caroline Sheppard OBE and the Deputy Chief Adjudicator is Stephen Knapp.

## 2.5

The TPT is funded by the PATROL Joint Committee of over 300 local authorities. PATROL fulfils a statutory duty to make provision for the independent adjudication provided by the TPT.

## 2.6

TPT adjudicators are independent, judicial office holders, exercising a judicial function, and not employees of the Joint Committee. Together they constitute the independent and impartial tribunal for the determination of appeals made to them. The adjudicators and their administrative staff are, for convenience, described collectively as the Traffic Penalty Tribunal.

## 2.7

The relationship between the TPT and the PATROL Joint Committee is derived from and governed by the *Traffic Management Act 2004* and *Transport Act 2000* and the regulations made under the Acts. The TPT and PATROL have also established a Memorandum of Understanding, reviewed each year.

## 3. Appeals summary, April – July 2020

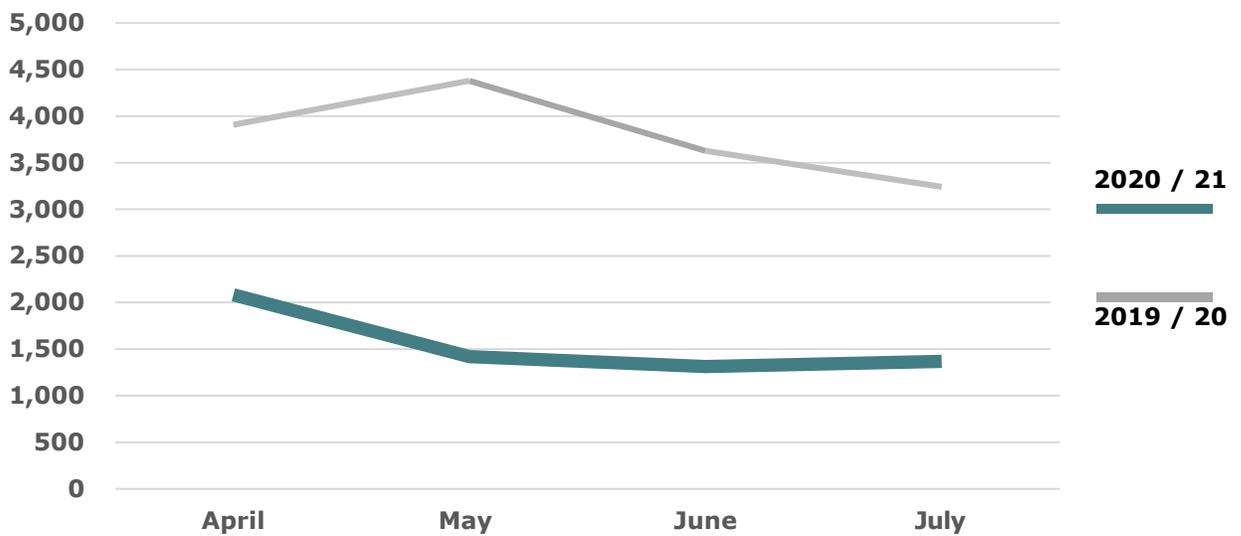
*Please note: The figures within this section include all PCNs dealt with by the Tribunal. This includes Witness Statements. It should be noted that the PCN figures will also include a small number of duplicated PCNs, and those PCNs not registered by the adjudicator*

### 3.1 PCNs appealed: All appeal streams

The below table and graph show all PCNs appealed to the Tribunal from 1 April – 31 July this year (2020/21), against the same period in the year 2019/20. The figures for 2020/21 show a 59.2% decrease Year-on-Year (YOY).

	2019/20	2020/21
<b>April</b>	3,905	2,083
<b>May</b>	4,379	1,422
<b>June</b>	3,627	1,314
<b>July</b>	3,240	1,368
<b>TOTAL</b>	<b>15,151</b>	<b>6,187</b> <b>(-59.2% YOY)</b>

**FIG 1: PCNs appealed: All appeal streams**  
(Apr–Jul 2020/21 vs. 2019/20)



### 3.2 PCNs appealed: Specific appeal streams

The below table breaks down all PCNs appealed to the Tribunal by separate appeal stream between 1 April – 31 July this year (2020/21). Totals for the same period in 2019/20 are also shown, together with the % increase or decrease Year-on-Year (YOY).

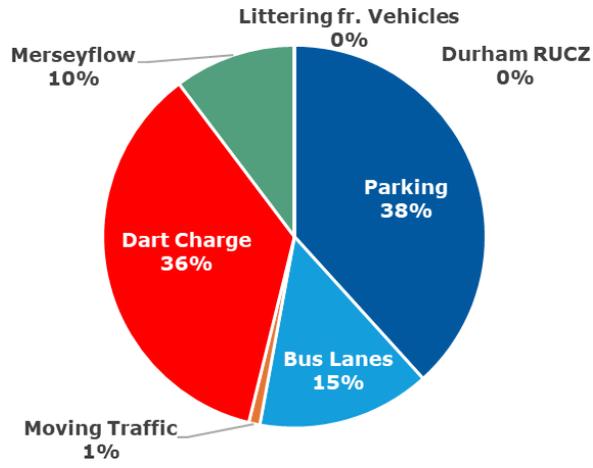
2020/21							
	Parking	Bus Lanes	Moving Traffic	Dart Charge	Merseyflow	Durham RUCZ	Littering fr. Vehicles
<b>April</b>	742	305	26	725	285	0	0
<b>May</b>	614	184	16	457	151	0	0
<b>June</b>	525	178	10	510	91	0	0
<b>July</b>	488	237	6	528	109	0	0
<b>TOTAL</b>	<b>2,369</b>	<b>904</b>	<b>58</b>	<b>2,220</b>	<b>636</b>	<b>0</b>	<b>0</b>
Totals for Apr-Jul 2019/20	4,251	1,913	72	3,341	5,573	0	1
	<b>-59.2% YOY in 2020/21</b>	<b>-52.7% YOY in 2020/21</b>	<b>-19.4% YOY in 2020/21</b>	<b>-33.6% YOY in 2020/21</b>	<b>-88.6% YOY in 2020/21</b>	<b>~ YOY in 2020/21</b>	<b>-100% YOY in 2020/21</b>

The decreases in PCNs appealed across all appeal streams can be attributed to the onset of COVID-19 restrictions (see Page 1–3), with fewer vehicles on the road, generally, and many authorities not enforcing restrictions.

The relatively lower decreases in Moving Traffic and Dart Charge appeals could be explained by the fact that camera enforcement of these schemes continued throughout the period. The relatively larger decrease in Merseyflow appeals, particularly compared with Dart Charge appeals, may reflect the Dartford-Thurrock River Crossing forming part of the strategic highway network – as part of the M25 London orbital motorway – while the Mersey Gateway Bridge serves a predominantly local demographic.

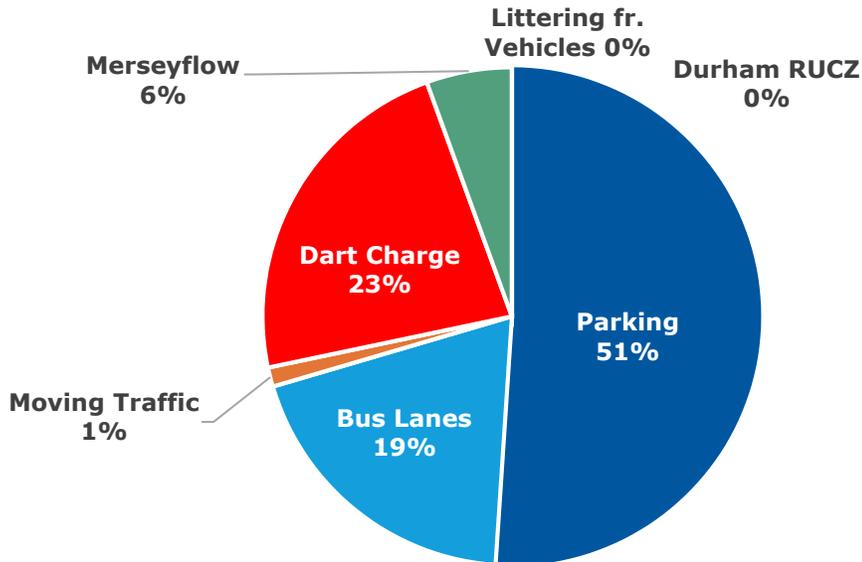
The pie charts on the following page show the types of appeal stream as a percentage of the total number of PCNs appealed to the Tribunal this year (2020/21).

**FIG 2: PCNs appealed by appeal stream, as percentage of total appealed (Apr–Jul 2020/21)**



The pie chart below shows the types of appeal stream as a percentage of the total number of cases appealed to the Tribunal this year (2020/21). Cases may consist of more than one PCN, particularly in the case of the road user charging schemes.

**FIG 3: Cases by appeal stream, as percentage of total (Apr–Jul 2020/21)**



### 3.3 PCNS appealed: England

The below table provides a breakdown of PCNs appealed to the Tribunal issued from England Parking and Bus Lane schemes, as well as Littering from Vehicles enforcement, from 1 April – 31 July this year (2020/21).

2020/21			
	Parking England	Bus Lanes England	Littering from Vehicles
<b>April</b>	696	300	0
<b>May</b>	566	171	0
<b>June</b>	488	174	0
<b>July</b>	435	226	0
<b>TOTAL</b>	<b>2,185</b>	<b>871</b>	<b>0</b>
Totals for Apr-Jul 2019/20	3,962	1,818	1
	<b>-44.9% YOY against 2020/21</b>	<b>-52.1% YOY against 2020/21</b>	<b>-100% YOY against 2020/21</b>

### 3.4 PCNs appealed: Wales

The below table provides a breakdown of PCNs appealed to the Tribunal issued from Wales Parking, Bus Lane and Moving Traffic schemes from 1 April – 31 July this year (2020/21).

2020/21			
	Parking Wales	Bus Lanes Wales	Moving Traffic Wales
<b>April</b>	46	5	26
<b>May</b>	48	13	26
<b>June</b>	37	4	10
<b>July</b>	53	11	6
<b>TOTAL</b>	<b>184</b>	<b>33</b>	<b>68</b>
Totals for Apr-Jul 2019/20	289	95	72
	<b>-36.3% YOY against 2020/21</b>	<b>-65.3% YOY against 2020/21</b>	<b>-5.6% YOY against 2020/21</b>

### 3.5 PCNs appealed: Dartford-Thurrock River Crossing ('Dart Charge') – Charging Authority: Secretary of State for Transport

The below table provides a breakdown of PCNs appealed to the Tribunal that were issued from the Dart Charge scheme from 1 April – 31 July this year (2020/21).

2020/21	
	Dart Charge
<b>April</b>	725
<b>May</b>	457
<b>June</b>	510
<b>July</b>	528
<b>TOTAL</b>	<b>2,220</b>
Totals for Apr– Jul 2019/20	3,341
	<b>-33.6% YOY against 2019/20</b>

### 3.6 PCNs appealed: Mersey Gateway Bridge Crossings ('Merseyflow') – Charging Authority: Halton Borough Council

The below table provides a breakdown of PCNs appealed to the Tribunal that were issued from the Merseyflow scheme from 1 April – 31 July this year (2020/21).

2019/20	
	Merseyflow
<b>April</b>	285
<b>May</b>	151
<b>June</b>	91
<b>July</b>	109
<b>TOTAL</b>	<b>636</b>
Totals for Apr– Jan 2018/19	5,573
	<b>-88.6% YOY against 2020/21</b>

The relatively larger decrease in Merseyflow appeals, particularly compared with Dart Charge appeals, may reflect the Dartford-Thurrock River Crossing forming part of the strategic highway network, while the Mersey Gateway Bridge serves a predominantly local demographic.

### 3.7 PCNs appealed: Durham Road User Charge Zone (Congestion Charge)

The below table provides a breakdown of PCNs appealed to the Tribunal that were issued from the Durham Road User Charge Zone (RUCZ) from 1 April – 31 July this year (2020/21).

2020/21	
	Durham RUCZ
<b>April</b>	0
<b>May</b>	0
<b>June</b>	0
<b>July</b>	0
<b>TOTAL</b>	<b>0</b>
Totals for Apr– Jul 2019/20	0
	<b>~YOY against 2020/21</b>

### 3.8 PCNs appealed: Littering from Vehicles: England

The below table provides a breakdown of PCNs appealed to the Tribunal that were issued from Littering from Vehicles schemes from 1 April – 31 July this year (2020/21).

2020/21	
	Littering from Vehicles
<b>April</b>	0
<b>May</b>	0
<b>June</b>	0
<b>July</b>	0
<b>TOTAL</b>	<b>0</b>
Totals for Apr– Jul 2019/20	1
	<b>-100% YOY against 2020/21</b>

## 4. Hearings

### 4.1

The TPT's Fast Online Appeals Management (FOAM) system has transformed the way that appeals are handled, and this is particularly evident in the figures for Hearings. The ability to message, comment on evidence and request that extra evidence be uploaded within the FOAM system has meant that most cases can be resolved without a Hearing (through an e-Decision). In addition, an appellant only has the option to request a Hearing once all the evidence is available to the parties, and the adjudicators are able to review cases in advance to see whether a Hearing is actually required.

### 4.2

Telephone Hearings have replaced Face-to-Face Hearings as the primary Tribunal Hearing method (Face-to-Face is still an option, where circumstances necessitate it), requiring no travel or related costs by either party or the TPT, and a decision often given during a call.

The TPT began to trial video hearings in 2018, and is increasingly rolling these out as an alternative to Telephone Hearings.

### 4.3

The table below shows a breakdown of the different Hearing types (together with e-Decision) selected by appellants for 1 April to 31 July 2020/21, alongside figures for the same period in 2019/20.

Breakdown of decision method					
	TOTAL Cases	e-Decision	Face-to-face Hearing	Telephone Hearing	Video Hearing
<b>2020/21 (Apr-Jun)</b>	<b>3,133</b>	<b>3,027</b> (96.62% of total)	<b>0</b> (0% of total)	<b>106</b> (3.38% of total)	<b>0</b> (0% of total)
<b>2019/20 (Apr-Jun)</b>	<b>9,285</b>	<b>7,997</b> (86.13% of total)	<b>2</b> (0.02% of total)	<b>1,277</b> (13.75% of total)	<b>9</b> (0.10% of total)

## 5. Case Closure

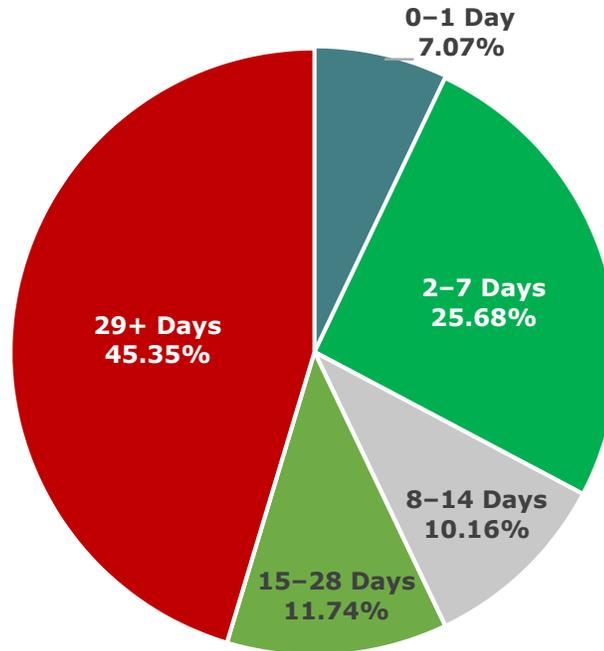
### 5.1

Appealing to the Traffic Penalty Tribunal is a judicial process and whilst it is not appropriate to set rigid timescales, the TPT's objective is to provide a tribunal service that is user-focused, efficient, timely, helpful and readily accessible. For appellants and authorities, case resolution times provide a clear window on the efficiency and usability of the online system and associated improved business processes.

## 5.2

The pie chart below shows appeal case closure times from 1 April to 31 July this year (2020/21).

**FIG 4: Case closure times (all decisions) (Apr–Jul 2020/21)**



- 7.07% of cases were resolved in 0–1 day
- 25.68% within 2–7 days
- 10.16% in 8–14 days
- 11.74% in 15–28 days
- 45.35% in 29 days+

The significant increase in the percentage of cases taking 15 days+ (57.09%) to be closed in this period can be explained by the decision taken by TPT to put on hold all appeal activity, including decisions being made on cases, for a minimum of 8 weeks from Monday 30 March.

By effectively, ‘stopping the clock’, each case at the Tribunal was held at the stage it had reached and Adjudicators stopped issuing any decisions.

For comparison, case closure figures from a similar reporting period last year (April – June 2019) can be seen below:

- 12% of cases were resolved in 0–1 day
- 21% within 2–7 days

- **20%** in 8–14 days
- **21%** in 15–28 days
- **26%** in 29 days+

### 5.3

It is understandable that cases which have a Hearing involved will take longer to be finalised. When appellants request a Hearing, the time to close their case will typically allow for a Hearing date 7–10 days away, and where adjudicators are seeking to clarify points using messaging, the time taken to close cases will also be affected.

## 6. Helping ‘offline’ appellants

### 6.1

While more than 90% of all appeals to the TPT are now submitted online through the Fast Online Appeals Management (FOAM) system, introduced in 2016, appellants who cannot or prefer not to submit their appeal online are supported by the TPT customer service team.

### 6.2

For the small percentage of people who do find it initially difficult to go online, the TPT provides ‘Assisted Digital’ support. In line with the stipulations set out in the Government’s Digital Service Standard, Assisted Digital at the TPT provides an active form of customer engagement with appellants, to ‘walk through’ the online appeal submission process and / or complete it on their behalf (by ‘proxy’). Contact with the TPT customer service team remains available throughout the process should it be required, including through instant messaging and Live Chat functionality within FOAM.

### 6.3

This support has taken on a greater significance with the onset of COVID-19 Lockdown Restrictions. With TPT staff now working entirely remotely, in order to restrict the number of incoming and outgoing mail, efforts have been made to help those not appealing online still further, with cases being registered over the phone, rather than by post.

### 6.4

The Tribunal does recognise, however, that there will be appellants who, because of their ability, confidence or preference, still choose to request a paper form be sent to them. Once returned, these cases will be submitted to the online system by the TPT customer service team. The case is shown as online for the authority, but all communications to the appellant will be carried out via post.

To reduce post in and out in relation to those appellants unable to appeal online or preferring to appeal offline, the customer support team offered to register appeals over the phone, rather than sending forms. This has been successful and we will continue to do this. This won’t necessarily reduce proxies but that number is already low. They can opt to convert to an online appellant but more often than not they continue as proxy

### 6.5

While support is there for appellants who need it, the percentage of cases submitted by proxy has declined to low levels (reporting from April 2017, in the year after the introduction of FOAM), although this is regularly monitored.

**FIG 5: Percentage of proxy cases as a total of all appeals**  
(Apr 2017 – Jul 2020)



## 7. Live Chat

### 7.1

In August 2018, a Live Chat facility was added to the appeal pages on the TPT website and within the Fast Online Appeals Management (FOAM) system.

### 7.2

Live Chat has since become an extra channel for case-related enquiries and enhances the TPT's 'Assisted Digital' offer by being a useful support channel for appellant queries when creating their cases online

- TPT customer service staff are able to add links to the chats, which can take appellants to the exact page they need to be in FOAM.
- TPT customer service staff can see the website pages the appellant has already viewed and whether they have a case already.

### 7.3

Live Chat has continued to provide a useful and convenient means of contacting the Tribunal in the wake of the COVID-19 Lockdown Restrictions and the impact they have had on appeal activity (see Pages 1–3).

### 7.4

A recent review has taken place of the common themes arising from the chats, which will help the team further develop FOAM and provide the best user experience possible

The team are also looking to roll-out the Live Chat function across further areas of the TPT website to encourage more use.

**7.5**

The latest Live Chat figures will be included in the next report.

This page is intentionally left blank