

PATROL Adjudication Joint Committee Executive Sub Committee

Agenda

Date: Tuesday 28th January 2014
Time: 12 Noon
Venue: The Local Government Association, Local Government House,
Smith Square, London, SW1P 3HZ

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 Meeting held on 29 October 2013 (Pages 1 - 8)**

To approve the minutes of the PATROL Adjudication Joint Committee Executive Sub Committee held on 29 October 2013

4. **Wales Update**

To note the progress of civil enforcement regulations in Wales

5. **Government Response to the Transport Committee's Report on Local Authority Parking Enforcement and the Current Consultation on Local Authority Parking (Pages 9 - 54)**

To note the Government's response to the Transport Committee's report on Local Authority Parking Enforcement and the current consultation on local authority parking

Contact: Louise Hutchinson, Head of Service
PATROL, Springfield House, Water Lane, Wilmslow, SK9 5BG
Tel: 01625 445565
E-Mail: lhutchinson@patrol-uk.info
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6. **Annual Report of the Adjudicators**

To receive the annual report of the Adjudicators

7. **General Progress and Services Standards (Pages 55 - 62)**

To provide general information in respect of the Tribunal's initiatives and standards

8. **PATROL Agreement and Services Level Agreement with Cheshire East Council**

To provide an update on the PATROL Agreement and Service Level Agreement with the Host Authority

9. **Budget Monitoring 2013-14 (Pages 63 - 68)**

To note income and expenditure to 31 December 2013-

10. **Revenue Budget 2014-15 (Pages 69 - 74)**

To establish the Joint Committee's Revenue Budget for 2014-15

11. **Reserves Policy Statement (Pages 75 - 78)**

To approve the Reserves Policy Statement for 2014-15

12. **Annual Investment Strategy (Pages 79 - 82)**

To approve the Annual Investment Strategy 2014-15

13. **Defraying the Expenses of the Joint Committee 2014-15 (Pages 83 - 86)**

To approve the basis for defraying the expenses of the Joint Committee 2014 -15

14. **Chair of Advisory Board**

To note the retirement of John Satchwell (Bournemouth Council) and that the Advisory Board has appointed Kathryn Eldridge (Bath and North East Somerset Council) as the new Chair

15. **Date of Next Meeting**

The next meeting of the Joint Committee is on Wednesday 25 June 2014 at the Smith Square Conference Centre, London

PATROL ADJUDICATION JOINT COMMITTEE

Minutes of a meeting of the
PATROL Adjudication Joint Committee Executive Sub Committee
 held on Tuesday, 29th October, 2013 at Holiday Inn Kings Cross Bloomsbury,
 1 King's Cross Road, Bloomsbury, London, WC1X 9HX.

PRESENT

Councillor Jamie Macrae	Cheshire East Council, in the Chair
Councillor Tony Page	Reading Borough Council
Councillor Mike Carver	East Hertfordshire District Council
Councillor Stuart Hughes	Devon County Council
Councillor David Chadwick	Bolton MBC
Councillor Ian Davey	Brighton & Hove City Council
Councillor Roland Dibbs	Rushmoor Borough Council
Councillor John Baverstock	South Hams District Council
Councillor John West	Hampshire County Council
Councillor Peter Cooper	Carmarthenshire County Council

Also Present:

Caroline Sheppard	Chief Adjudicator
Louise Hutchinson	Head of Service, PATROL
Graham Addicott OBE	Vice Chairman Advisory Board
Erica Maslen	PATROL
Miles Wallace	PATROL
Andy Diamond	PATROL
Marc Samways	Hampshire County Council
Councillor Ken Gregory	Thanet District Council
Robin Chantrill-Smith	Thanet District Council
Councillor Terry Douris	Hertfordshire County Council
Councillor Harvey Siggs	Somerset County Council/Mendip DC
Julie North	Cheshire East Council

19 APPOINTMENT OF CHAIR AND VICE CHAIR OF THE EXECUTIVE SUB COMMITTEE

Consideration was given to the appointment of Chair and Vice Chair of the Executive Sub Committee.

RESOLVED

That Cllr Jamie Macrae (Cheshire East Council) be appointed as Chair and Cllr Tony Page (Reading Borough Council) be appointed as Vice Chair of the Executive Sub Committee.

20 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors :

Peter Robinson, Tameside
John Leather, Cheshire West
Andrew Bosmans, Doncaster
Jane Urquhart, Nottingham City Council
Rachel Lancaster, Coventy City Council
Richard Beale, Wychavon Council
Richard Bell, Sunderland City Council

21 DECLARATIONS OF INTEREST

There were no declarations of interest.

22 MINUTES OF THE MEETING HELD 29TH JANUARY 2013

RESOLVED

That the minutes be approved as a correct record.

23 MINUTES OF THE MEETING OF THE PATROL ADJUDICATION JOINT COMMITTEE MEETING HELD 25TH JUNE 2013

With reference to minute 7, where the Committee approved the revised PATROLAJC agreement, (including the terms of appointment of the lead authority), subject to obtaining written consent from 75% of the Participating Authorities, it was noted that written consent had been obtained from 134 of the Participating Authorities, to date and it was anticipated that the new agreement would be signed off at the January meeting of the Executive Sub-Committee.

With reference to minute 9, relating to appointments to the Advisory Board, the Joint Committee agreed that travel allowances should be paid to the officers appointed by the Joint Committee to advise the Advisory Board.

It was noted that a copy of the House Of Commons Transport Committee Report and the summary on Local Authority Parking Enforcement had been circulated to the Joint Committee members. Discussion took place regarding the use of CCTV for parking enforcement and it was agreed a report in respect of this matter should be submitted to the January meeting of the Executive Sub Committee.

RESOLVED

1. That the minutes be approved as a correct record.

2. That travelling allowances be paid to the officers appointed by the Joint Committee to advise the Advisory Board.
3. That a report relating to CCTV enforcement be submitted to the January meeting of the Executive Sub Committee.

24 REPORT FROM THE APPOINTMENTS WORKING GROUP HELD 22 AUGUST 2013

At the June 2013 meeting of the Joint Committee, it was agreed to re-convene the Appointments Sub Committee and Working Group. The remit of the Appointments Sub Committee and Working Group was the appointment of new adjudicators, the terms and conditions of employment for adjudicators and any matters arising from the adjudicator recruitment exercise. Where time allowed, recommendations would be made to the Joint Committee or its Executive Sub Committee.

Consideration was given to a report which set out the recommendations of the Appointments Working Group meeting held 22 August 2013.

RESOLVED

1. That the new adjudicators be on the same terms and conditions as the existing ones, as set out in the report.
2. The Head of Service review the staffing requirements in the light of these appointments.
3. That the Counsel advice in relation to the Joint Committee as a legal entity and that the draft service level agreement with the host authority to be reviewed in the light of this be noted.
4. That the 2014/15 budget make provision for commissioning research to strengthen understanding of civil traffic enforcement outside London and share best practice amongst Councils and that a further report in respect of this issue be submitted to the January meeting of the Executive Sub Committee, as part of the budget consideration.

25 WALES UPDATE

It was reported that a provisional date had been set to introduce Civil enforcement in Cardiff. The necessary legislation was in place and statutory guidelines were awaited. PATROL would be working with the Local Authority to provide support and it would be important to monitor early evidence and to receive regular feedback from Cardiff, in order to assess the implications for England.

26 ROAD USER CHARGING - DARTFORD RIVER CROSSING

Consideration was given to a report informing Members of the progress of the regulations and arrangements for the Joint Committee to facilitate access to independent adjudication.

The Joint Committee requested to be kept fully informed as the Memorandum of Understanding developed

RESOLVED

1. That the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 and the A282 Trunk Road (Dartford-Thurrock Crossing Charging Scheme) Order 2013 be noted.
2. That the development of a Memorandum of Understanding between the Joint Committee and the Secretary of State for Transport to facilitate access to independent adjudication be noted.
3. That the appointment of a Department for Transport Representative to the Advisory Board be approved.

27 PART-TIME ADJUDICATOR APPOINTMENTS

The appointment of part-time adjudicators had been delegated to the Chief Adjudicator, to meet the needs of the Tribunal, as appropriate. The Joint Committee included within this delegation a requirement for the Chief Adjudicator to keep the Joint Committee informed of such appointments.

A report was submitted informing the Joint Committee about such Adjudicator appointments. It was reported that thirteen adjudicators had been appointed, from 12 September 2013, as set out in Appendix 1 of the report. The appointments were for a period of five years, as required by the legislation, but would be renewable thereafter in accordance with the Courts and Tribunals Judicial Appointments Team policy for judicial appointments. It was noted that the Tribunal Registrar, Andrew Barfoot, had been successful in his application to be appointed as an Adjudicator and that this would take effect in January 2014, to facilitate the transfer of responsibilities associated with his current role.

RESOLVED

1. That the appointment for five years from 12 September 2013 of the following Adjudicators be confirmed:-
 - Katherine Cartwright

- Bhopinder Gandham
- Jo Garbett
- Annie Hockaday
- Anwen Lewis
- George Lubega
- Catriona Murphy
- Paul Pearson
- Mackenzie Robinson
- Edward Solomons
- Sarah Tozzi
- Rhys Williams
- Jill Yates

2. That the appointment of Andrew Barfoot, from 6 January 2014 to 11 September 2018 be confirmed.
3. That the retirements and deaths in service set out in the report be noted.

28 GENERAL PROGRESS AND SERVICE STANDARDS AND TRIBUNAL STATISTICS 2012/13

Consideration was given to a report on progress in respect of the take up of civil parking enforcement powers by Councils in England (outside London) and Wales and information in relation to general progress and service standards, including changes to the measure of telephone responsiveness.

It was noted that, since the June 2013 meeting of the Joint Committee, a number of new Councils had joined the scheme and it was felt that it would be useful for the Committee to have details of the number of Authorities who had joined, to date. It was agreed that this information would be circulated.

Members of the Joint Committee commended staff for their efforts in respect of this matter.

RESOLVED

- 1 That the information provided in respect of take up of civil enforcement of parking powers be noted.
- 2 That the information in relation to service standards be noted.
- 3 That the measure for telephone responsiveness be approved.
- 4 That the annual statistical summary for 2012/13 be noted.

29 AUDIT COMMISSION SMALL BODIES ANNUAL RETURN FOR YEAR ENDING 31 MARCH 2013

Consideration was given to a report on the the findings of the external auditors for 2012/13.

RESOLVED

That the findings of the external audit for 2012/13, as set out in the annual return, and the management response to the Issues Report, as appended to the report, be noted.

30 BUDGET MONITORING 2013/14

Consideration was given to a report presenting income and expenditure monitoring information for the year 2013/14.

RESOLVED

1. That the income and expenditure monitoring information presented in the body of the report be noted.
2. That the Lead Officer be authorised to incur expenditure against the revenue budget in excess of the £3,091,564 should the need arise, provided such expenditure is within the total income.

31 REVIEW OF RESERVES 2014/15

Consideration was given to a report updating the Joint Committee on the review of the Reserves Policy Statement.

It was noted that the Reserves Policy Statement for 2014/15 would be approved by the Executive Sub Committee, at its meeting in January 2014 and that this would take into account the anticipated outturn for 2013/14 and the estimated income and expenditure for 2014/15.

RESOLVED

That the progress of the review, prior to formal approval being sought in January 2014, be noted.

32 RISK REGISTER

It was reported that the regular review of the Risk Register was a requirement of the Joint Committee's Risk Management Strategy. The latest review of the Risk Register was submitted and the Joint Committee was recommended to note the current status of the Risk Register.

RESOLVED

That the current status of the Risk Register be noted.

33 TREASURY MANAGEMENT

It was reported that, since its formation, the Joint Committee had held an account with the Co-operative Bank. In the light of recent events at the bank, deposit accounts were being transferred to Lloyds Bank in the first instance. Steps will now be taken to move the current account.

34 DATE OF NEXT MEETINGS

The dates of future meeting were noted, as follows:-

Executive Sub Committee:

Tuesday 28th January 2014 - Smith Square Conference Centre, London.

Joint Committee:

Wednesday 25th June 2014 - Smith Square Conference Centre, London.

The meeting commenced at 12.40 pm and concluded at 1.45 pm

Councillor WJ Macrae
CHAIRMAN

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PATROL ADJUDICATION JOINT COMMITTEE
Executive Sub Committee

Date of Meeting: 28th January 2014
Report of: The Lead Officer on behalf of the Advisory Board
Subject/Title: The Government Response to the Transport Committee report on Local Authority Parking Enforcement and the current consultation on local authority parking.

1.0 Report Summary

- 1.1 To update the Joint Committee on the Government's response to the Transport Committee report on Local Authority Parking Enforcement and the current consultation on local authority parking.

2.0 Recommendation

- 2.1 To note the Government's Response to the Transport Committee Report on Local Authority Parking Enforcement.
- 2.2 To note the current consultation on local authority parking enforcement.
- 2.3 To note the results of a recent survey on camera enforcement.
- 2.4 To note the Adjudicators' response to the Transport Committee report (reported elsewhere in their Annual Report)
- 2.5 To approve the commissioning of an independent report on best practice in local authority parking annual reports.

3.0 Reasons for Recommendations

- 3.1 Detailed in the report.

4.0 Financial Implications

The anticipated cost of producing the report is £5,000.

5.0 Legal Implications

- 5.1 None

6.0 Risk Management

- 6.1 None

7.0 Background and Options

- 7.1 The Joint Committee at their meeting in October 2013 discussed the recommendations of the Transport Committee in their report on Local Authority Parking Enforcement. The Government has now published its response to the Transport Committee recommendations and this is set out at Appendix 1 together with a copy of the current consultation on local authority parking whose deadline is 14 February 2014.
- 7.2 A survey of camera enforcement amongst local authorities has been undertaken to provide an overview of this type of enforcement outside London.
- 7.3 The Joint Committee has championed transparency in local authority reporting on civil parking enforcement since the introduction of the Traffic Management Act 2004 in 2008 which brought the expectation that local authorities would publish annual reports on their enforcement activity. The Government has indicated its intention to make such reports mandatory. To assist their production, and building on the work of the PATROL Annual Report Award, it is proposed that an independent report is commissioned drawing on the experiences of the Annual Report Award Review Group.

8.0 Recommendation

- 8.1 To note the Government's Response to the Transport Committee Report on Local Authority Parking Enforcement.
- 8.2 To note the current consultation on local authority parking enforcement.
- 8.3 To note the results of a recent survey on camera enforcement.
- 8.4 To note the Adjudicators' response to the Transport Committee report (reported elsewhere in their Annual Report)
- 8.5 To approve the commissioning of an independent report on best practice in local authority parking annual reports.

9.0 Access to Information

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

Name: Louise Hutchinson
Designation: Head of Service
Tel No: 01625 445566
Email: lhutchinson@patrol-uk.info

APPENDIX 1

House of Commons Transport Committee

**Government Response to the Committee's Seventh Report of
Session 2013/14 – Local Authority Parking Enforcement**

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House of Commons
Transport Committee

**Local authority parking
enforcement:
Government Response
to the Committee's
Seventh Report of
Session 2013–14**

**Twelfth Special Report of Session
2013–14**

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The Transport Committee

The Transport Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Transport and its Associate Public Bodies.

Current membership

Mrs Louise Ellman (*Labour/Co-operative, Liverpool Riverside*) (*Chair*)

Sarah Champion (*Labour, Rotherham*)

Jim Dobbin (*Labour/Co-operative, Heywood and Middleton*)

Jim Fitzpatrick (*Labour, Poplar and Limehouse*)

Karen Lumley (*Conservative, Redditch*)

Jason McCartney (*Conservative, Colne Valley*)

Karl McCartney (*Conservative, Lincoln*)

Mr Adrian Sanders (*Liberal Democrat, Torbay*)

Chloe Smith (*Conservative, Norwich North*)

Graham Stringer (*Labour, Blackley and Broughton*)

Martin Vickers (*Conservative, Cleethorpes*)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at <http://www.parliament.uk/transcom>. A list of Reports of the Committee in the present Parliament is at the back of this volume.

The Reports of the Committee, the formal minutes relating to that report, oral evidence taken and some or all written evidence are available in a printed volume. Additional written evidence may be published on the internet only.

Committee staff

The current staff of the Committee are Mark Egan (Clerk), Richard Jeremy (Committee Specialist), Adrian Hitchins (Senior Committee Assistant), Stewart McIlvenna (Committee Assistant) and Hannah Pearce (Media Officer)

Contacts

All correspondence should be addressed to the Clerk of the Transport Committee, House of Commons, 14 Tothill Street, London SW1N 9NB, The telephone number for general enquiries is 020 7219 6263; the Committee's email address is transcom@parliament.uk

Twelfth Special Report

On 19 December 2013 we received a response from the Government to the Transport Committee's Seventh Report of 2013–14, Local authority parking enforcement,¹ which we publish with this Special Report. We are also publishing a response to our report which we received from the British Parking Association.

Government response

Introduction

The Government welcomes this opportunity to respond to the Transport Select Committee Report on Local Authority Parking Enforcement. The Government notes that the report concludes that "the basic framework for civil parking enforcement remains sound." However the Committee also noted "a deep rooted perception that local authorities view parking enforcement as a cash cow," and therefore the importance that local authorities are as transparent as possible in explaining to the public what they are doing and why. Whilst commenting on the inherently local nature of parking, the report notes that the Government "still has an important role in making sure the regulations and guidance are fit for purpose and modifying them promptly when necessary." Finally the report concludes that the Government "must also work with local authorities to ensure that good practice and guidance is coordinated and disseminated."

The Government agrees with this analysis and since the publication of this report has, on 6th December 2013, published a consultation paper on local authority parking which refers to many of the issues raised in this report. The consultation will run until 14th February 2014.

A copy of the consultation document can be accessed at <https://www.gov.uk/government/consultations/local-authority-parking>.

In addition to the above consultation, the Government has already made a number of other changes to the rules related to parking. In summary it has:

- Scrapped the previous policy that told councils to hike car parking charges.
- Removed restrictions on the provision of off-street parking spaces.²
- Scrapped the policy which inhibited parking charge competition between council areas, and instead said that, "local authorities should set appropriate parking charges that do not undermine the vitality of town centres."³

¹ HC 118, published on 23 October 2013.

² According to the DCLG English Housing Survey, in 2011, an estimated 7.0 million had inadequate street parking and no off-street parking, and 435,000 homes had no parking provision at all.

³ National Planning Policy Framework, DCLG, March 2012.

- Ended the menace of rogue wheel clamping;
- Commenced a programme to reform the traffic sign regulations to reduce cost, clutter and complexity and introduced an award for local authorities to remove unnecessary signs;
- Reformed the blue badge system to make it easier for disabled people to park;
- Introduced a policy that parking enforcement should be proportionate.⁴
- Produced new guidance allowing householders to rent out a spare driveway or dedicated parking space without having to pay £385 for planning permission.⁵
- Allowed electric car 'parking and charging' points to be built on streets and in outdoor car parks without the need for planning permission.
- Issued new planning practice guidance on removing street clutter and encouraging the provision of shopper-friendly parking space provision.⁶
- Introduced the local retention of business rates, which means that councils benefit from business and retail growth in town centres, rather than just hiking parking charges.
- Is introducing a series of reforms to the rules under which bailiffs can recover debts (including civil parking debts) to address the key causes of aggressive bailiff action. These reforms will be implemented by April 2014.

The following is the Government's response to the recommendations made by the Transport Select Committee. The Committee's recommendations are in italics.

Pavement parking

Recommendation 1. We recognise that parking restrictions should reflect local circumstances. However, in areas such as pavement parking, where there is a confusing patchwork approach across the country, local authorities must ensure that they communicate clearly to motorists. The needs of pedestrians must also be considered alongside other road users. (Paragraph 8)

Government Response: The Government believes that local authorities are in the best position to decide where and whether pavement parking should or should not be permitted. In 2011 the Department for Transport gave all local authorities in England the authority to introduce local restrictions on pavement parking, without needing Whitehall approval. Local authorities should take account of all road users when taking decisions on pavement parking restrictions or allowances, and clearly indicate what rules are in place.

4 Changes made to PPG13 in DCLG press release, 3 January 2011, and further reforms in the National Planning Policy Framework in March 2012.

5 DCLG press release, 3 August 2013.

6 DCLG press release, 26 August 2013.

Impact on town centres

Recommendation 2. Parking policy must be dealt with as part of the wider transport strategy in relation to town centres. We recognise that parking is not the only issue that impacts upon the health of town centres, adequate public transport is also essential. It is important that local authorities work with local businesses to develop innovative parking solutions that work for their area. The Government can help this process by exploring ways of achieving this, including for example by developing business rates relief for businesses that invest in affordable town centre parking solutions. (Paragraph 16)

Government response: The Government agrees that parking policy must be dealt with as part of a wider strategy in relation to town centres. The Government has taken action on this by publishing on 6 December 2013, a consultation paper on local authority parking. The consultation paper invites views on a range of parking issues, many of which are also covered in the Transport Select Committee's report. It also emphasises the importance of local authority parking strategies being linked to local needs and circumstances, and taking account of wider planning policies and transport powers. The Government will consider the views of stakeholders and respond to the consultation in the first half of 2014.

Recommendation 3. We also see a role for Government in promoting the exchange of information. The Government should bring forward as a priority its proposed guidance to local authorities on how they can effectively support the high street, businesses and local communities. This should include examples of good practice and case studies of partnerships between local authorities and local businesses. (Paragraph 17)

Government response: The Government agrees with this proposal and is taking a number of actions in this area. On 6 December 2013 the Government launched "Action on Town Centres", a multi-stranded programme of initiatives designed to support high streets and town centres.

Following the consultation on local authority parking published on 6 December 2013 (and which runs until 14 February 2014), the Department for Transport intends to revise and update its statutory guidance to local authorities on parking enforcement.

Workplace Parking Levy

Recommendation 4. It is difficult for us to judge the Workplace Parking Levy (WPL) scheme in Nottingham because a formal evaluation has not yet been carried out. The evaluation of the WPL scheme is of national interest and if the scheme proves to be successful, we recommend that the Government more actively promote WPL to other local authorities. We welcome the Minister's assurance that the DfT is looking closely at the Nottingham experience and the views of the business community. We expect the Department will follow up on Nottingham's recommendation that the guidance, regulations and legislation for WPL be revisited with a view to making it simpler and fairer to introduce. (Paragraph 19)

Government response: Nottingham City Council is undertaking evaluation work on their Workplace Parking Levy scheme. This is currently programmed to be completed in Spring

2017, as the study needs to take into account the contribution of the public transport interventions that the levy is helping to fund, for instance the extension to the Nottingham tram network. The Government is interested in the outcome of this study and the Department for Transport is liaising with the Council as the work goes forward. The results will be made available to other local authorities and it will remain for them to decide locally whether a WPL scheme is right for their area. An assessment will need to be made as to what impact a WPL could have on inward investment and job creation in an area. The Government will be better placed to take a view on how the WPL scheme is working once the Nottingham evaluation work has been completed.

Impact on businesses

Recommendation 5. It is unacceptable that local authorities set enforcement regimes that effectively force some companies to incur Penalty Charge Notices costing hundreds of thousands of pounds a year for carrying out their business. Local authorities must ensure that the need to restrict parking and manage congestion does not stifle the ability of businesses to trade and help grow the economy. However, businesses cannot be completely exempt from parking restrictions. For their part, delivery companies must ensure that their drivers fully understand and seek to comply with the Orders in place. The Government should hold a roundtable discussion with road hauliers and local authorities to identify and then disseminate innovative ways of dealing with this problem. (Paragraph 23)

Government response: Managing service and delivery vehicles in often congested town centres is a long-standing issue for local authorities, and finding effective solutions can be a challenge where there is a high demand for kerb space. The solutions will vary from area to area, and it is important that service delivery organisations, retailers and local authorities work together to seek the best solutions.

The Department for Transport and Transport for London are developing guidance to encourage deliveries of goods outside normal delivery hours (“Quiet deliveries”). These may help to reduce the number of enforcement notices issued. We agree that a roundtable discussion might be useful and DfT will talk to local authorities and the freight industry to see how this might be organised.

Finding the right balance between the needs of different road users and the demand for kerb space is essentially a local decision, and it is local stakeholders who best know the challenges they face. We would look, therefore, for all key local stakeholders, including Local Enterprise Partnerships, to be constructively working together to look at potential solutions if there are problems in their respective areas.

Recommendation 6. We also recommend that the Government provide greater clarity on the rules for loading and unloading in an updated version of its Operational Guidance to Local Authorities on Parking Policy and Enforcement. (Paragraph 24)

Government response: The Government will review its guidance to local authorities and will update it as appropriate.

Raising revenue from enforcement

Recommendation 7. Where parking charges are set to manage high demand surplus income may be generated. Many local authorities have parking accounts in surplus. However, the nuances within parking finances such as the difference between income from enforcement of fines and income from legitimate on or off street parking charges are often glossed over in the media and by Government. Some local authorities make a surplus on enforcement alone. Our view is that enforcement activity should generally do no more than cover its own costs. Where enforcement activity does unintentionally generate a surplus, local authorities must explain why this is the case. There is a need for a better understanding of parking finance issues and we recommend that the Local Government Association works with local authorities and ensures that they proactively and clearly explain these issues in their annual reports on parking (we comment on annual reports in more detail in paragraph 35). (Paragraph 28)

Government response: The Government supports greater transparency in local authority parking accounts.

Local Authorities should collect and publish data on revenue collected from on-street parking, off-street parking and parking enforcement notices under The General Fund Revenue Account Outturn Guidance and the Department for Transport's statutory guidance to local authorities on the Civil Enforcement of Parking Contraventions under Traffic Management Act 2004.

The revised Code of Transparency for Local Government states that local authorities must place a link on their website to the following published data or place the data itself on its website:

- revenue collected from on-street and off-street parking
- parking enforcement notices.

Local Authorities must also publish the number of marked out controlled on and off-street parking spaces within their area, or an estimate of the number of spaces where controlled parking space is not marked out in individual parking bays or spaces.

The Code recommends that Local authorities should publish the number of free parking spaces available in its area which are provided directly by the local authority or an estimate of the number of spaces where free parking space is not marked out in individual parking bays or spaces.

Recommendation 8. It is hard to justify parking fines that are substantially more than the fines for more serious offences like speeding. We recommend that the Government freeze the maximum penalty charge. The Government should also work with the Mayor of London and local authorities outside London to identify ways in which the burden on the motorist of penalty charges for minor parking violations can be reduced. For example, greater use could be made of differential penalty charges for less serious parking violations. (Paragraph 31)

Government response: On 6 December 2013 the Secretary of State for Transport confirmed that parking penalty charges will be frozen for the remainder of the current Parliament. In addition, as part of the Red Tape Challenge, the Department for Transport is considering the legislative options to abolish the minimum rates for parking penalty charges, as an initial step to giving local authorities the scope to allow lower charges for minor parking violations.

Recommendation 9. Local authorities should be mindful of the recent judicial review judgement against Barnet Council. The setting of parking charges in order to raise revenue is not only unacceptable in public policy terms, it is illegal. (Paragraph 32)

Government response: The Government fully endorses this recommendation, which will be re-emphasised in revised statutory guidance issued by the Department for Transport.

Recommendation 10. We do not believe that a strong case has been made for greater local discretion in how the parking surplus is used. There is already a good deal of flexibility and removing the ring fence would only exacerbate the perception that authorities see parking as a cash cow. However, there is a very strong case for more transparency about how funds are spent. We recommend that annual reports be made mandatory so that information on parking is in the public domain for all local authorities. Such reports do not need to be lengthy glossy documents but should provide a clear overview of enforcement activity and parking finances. (Paragraph 35)

Government response: The Government agrees that local authorities should publish annual parking accounts. The revised Code of Transparency for local authorities issued by the Department for Communities and Local Government includes a requirement to publish specific information on parking (see response to recommendation 7). The Department for Transport will also review local authorities' reporting requirements when revising its statutory guidance.

Common sense approach

Recommendation 11. A common sense approach to parking enforcement should minimise the issuing of Penalty Charge Notices to motorists who make honest mistakes. We recommend that the DfT's statutory guidance should stipulate that local authorities implement a grace period of 5 minutes after the expiry of paid for time on all paid parking places. (Paragraph 38)

Government response: The Government understands that a number of local authorities already voluntarily operate grace periods after paid parking. The Government considers that making this a statutory requirement is worthy of consideration, and has therefore invited views on offering grace periods in the consultation paper on local authority parking published on 6 December 2013.

Signage

Recommendation 12. We expect local authorities to quickly rectify poor signage that causes confusion. The public play an important role in bringing such signs to the attention of their local authority. The parking tribunals also have an important role to

play in identifying patterns of poor signage in problem areas. We expect the Government to keep us updated on how the revised Traffic Signs Regulations and General Directions will address persistent problems in parking signs. (Paragraph 42)

The Department for Transport is currently preparing successor regulations to the Traffic Signs Regulations and General Directions 2002. Consultation of draft regulations is programmed for spring 2014, to come into effect by March 2015.

The new regulations will simplify the current rules for parking sign design and permit a wider range of messages to be included. This will reduce the margin for error by providing local authorities with greater freedom to tailor parking signs to meet the local need while safeguarding national consistency. It will also allow greater flexibility to minimise street clutter whilst still displaying clear information about parking conditions.

Incentives

Recommendation 13. The perception exists that local authorities, directly or indirectly, incentivise Civil Enforcement Officers to issue Penalty Charge Notices (PCNs) in order to raise revenue. Local authorities state that this is not the case and the parking industry acknowledges that this would be illegal. We acknowledge that it is difficult to measure enforcement activity without referring to the number of PCNs issued and that it will be very difficult for local authorities to come up with a set of Key Performance Indicators that will convince everyone that there is not an agenda to issue PCNs. Where the number of PCNs issued is used to measure performance - even if only in part and even if not related to any payments - local authorities must be more open with the public. Local authorities should publish details of how performance in relation to enforcement activity is measured in their parking annual reports. Annual reports should also include information, in simple terms, on all the different ways in which parking compliance is measured. (Paragraph 46)

Government response: The Government agrees that local authorities should be as transparent as possible about their parking programmes and publish annual reports.

Local Authorities should collect and publish data on revenue collected from on-street parking, off-street parking and parking enforcement notices under The General Fund Revenue Account Outturn Guidance and the Department for Transport's statutory guidance to local authorities on the Civil Enforcement of Parking Contraventions under Traffic Management Act 2004.

The revised Code of Transparency for Local Government states that local authorities must place a link on their website to the following published data or place the data itself on its website:

- revenue collected from on-street and off-street parking
- parking enforcement notices.

Local Authorities must also publish the number of marked out controlled on and off-street parking spaces within their area, or an estimate of the number of spaces where controlled parking space is not marked out in individual parking bays or spaces.

The Code recommends that Local authorities should publish the number of free parking spaces available in its area which are provided directly by the local authority or an estimate of the number of spaces where free parking space is not marked out in individual parking bays or spaces.

Cameras and other technology

Recommendation 14. While we welcome the Government's proposal to consult on ending the use of cameras for on-street parking enforcement we recognise that cameras can be helpful for enforcement in some areas where the use of a Civil Enforcement Officer is not practical. However, there must be greater oversight of the way in which local authorities use cameras to issue Penalty Charge Notices. As long as the use of cameras remains legal, local authorities must ensure that they are not used as a matter of routine, particularly where permits or exemptions (such as resident permits or Blue Badges) not visible to the camera equipment may apply. (Paragraph 47)

Government response: The Government acknowledges the Transport Select Committee's welcoming of the proposal to consult on ending the use of cameras for on-street parking enforcement. The consultation paper inviting views on this and other areas of local authority parking was published on 6 December 2013 and can be accessed at <https://www.gov.uk/government/consultations/local-authority-parking>

Recommendation 15. We support the introduction of cashless parking payment systems that are convenient for motorists and help to reduce the likelihood of users overstaying in a parking place. However, it is essential that local authorities consult widely with local residents and other potential users on the introduction of these systems. They must also ensure that cash options are retained where there is a clear need. (Paragraph 48)

Government response: The Government supports the use of a range of payment systems that offer flexible options for payment, but recognises the importance of also retaining "traditional" options for those who do not wish to use digital media or other new technologies.

Recommendation 16. There is a risk that the introduction of new technology, such as parking bay sensors, could discourage local authorities from taking a common sense approach to parking enforcement, as we advocate in paragraph 38. Local authorities that are considering using such technology must ensure that there are safeguards in place to ensure that this does not happen. (Paragraph 49)

Government response: The Government agrees that new technologies should not be used to support over-zealous enforcement. The Government is currently responding to public concerns about camera enforcement strategies by consulting on a proposal to ban their use for on-street parking enforcement in the consultation paper issued on 6 December 2013. The Government may consider similar actions if concerns arise in relation to other new technologies.

Foreign vehicles

Recommendation 17. We recommend that the Government initiate discussions at a European level on the feasibility of introducing EU-wide powers for the cross-border enforcement of parking penalty charges in a cost effective way. (Paragraph 50)

Government response: Where fines are due from foreign registered vehicles that have already left the country, parking companies and local authorities can and do use European debt collection agencies to pursue unpaid charges. However we recognise that it may not always be economically realistic to pursue a relatively modest civil debt from a resident of a non-UK country. The same situation applies to civil parking debts incurred by UK motorists whilst travelling abroad.

The sharing of vehicle keeper information for the purpose of pursuing and enforcing civil debts across national borders is not currently covered by international treaty. However there may be operational agreements between nation states to provide information in certain circumstances – for example in cases of serious criminality. It would require a general commitment at European or international level by the way of an international treaty or protocol to allow the general enforcement of civil debts across national boundaries. At present many Member States have reservations about data sharing and the general security of individual citizen's data across international borders for non-criminal contraventions.

Whilst the Government remains open to considering a general European-wide power to allow the cross-border enforcement of parking charges, it would raise a number of significant issues, among them data security, proportionality and affordability. Any proposal in this area would need to be carefully thought through and signed off at European level.

Vehicle information is only shared with participating EU Member States when vehicles are exported and registration applied for. No personal data is exchanged on vehicle keepers. They enable registration authorities to be alerted prior to re-registration in the country of import if a vehicle has been reported stolen or scrapped. Its purpose is to ensure accuracy of the central vehicle register and by electronic exchange of information, prevent vehicle related crime.

In March 2011 the Government announced that it would not opt in to a European Directive facilitating cross-border enforcement in the field of road safety. The Directive aims to facilitate the exchange of registered keeper data between Member States' registration authorities, to help identify offenders. The Government made the decision to opt out because, on balance, we believed it did not appear to be in the UK's interests to do so at the present time. However as we made clear at the time, the decision not to opt in to this particular Directive does not prevent the UK from engaging with the EU on cooperating on enforcement and exchanging data where there are strong, mutual interests for this, and we will continue to work with the EU in developing strategy in these areas, whilst ensuring UK interests are safeguarded.

Representations to local authorities

Recommendation 18. Local Authorities must be clearer about when the 50% discount does or does not apply to a penalty charge. Motorists should not be discouraged from appealing against tickets. However, we are reluctant to extend the 50% discount through the tribunal appeal process due to the additional administrative burden that an increase in appeals might place on local authorities. We recommend that the Government work with local authorities to set up on a trial basis the introduction of a 25% penalty charge discount for motorists who pay within 7 days of losing their appeal to the parking tribunals. (Paragraph 53)

Government response: The Government considers that the recommendation of a 25% discount for motorists who pay promptly after losing an appeal is worth wider consideration. It has therefore invited views on this proposal in the consultation paper on local authority parking enforcement which was published on 6 December 2013.

Appeals to parking tribunals

Recommendation 19. The Traffic Penalty Tribunal and the Parking and Traffic Appeals Service should continue to embrace new ways of improving access to the appeals service. In particular we would like to see greater use of telephone hearings and online video hearings. (Paragraph 55)

Government response: The Government supports reasonable and cost-effective actions that provide improved access to appeals hearings for motorists. However it is a matter for the independent parking tribunals to decide on the best ways in which to manage appeals and the range of access options offered.

Recommendation 20. Where possible, local authorities should resolve motorists' concerns about the validity of PCNs at the representations stage rather than waiting for them to appeal to the parking tribunals. We welcome the recent reduction in the proportion of appeals not challenged by local authorities at tribunal. However, the proportion of uncontested appeals is still too high. Where local authorities continue to maintain high proportions of uncontested appeals they should reassess whether their policies for dealing with concerns at the representations stage are adequate. We recommend that the parking tribunals collect and publish data on the reasons for uncontested appeals in order to encourage local authorities to improve their representation and appeal processes. (Paragraph 58)

Government response: The Government agrees that uncontested appeals by some local authorities appear high. Where that is the case they should be encouraged by the parking tribunals to assess their representation and appeal processes.

Refunds from local authorities

Recommendation 21. Local authorities should be more proactive about paying back money from invalid Penalty Charge Notices (PCNs). Motorists should not have to appeal these PCNs where the adjudicators have repeatedly identified that there is a problem. Local authorities should provide information in their parking annual reports

on action they have taken to rectify such problems. We recommend that the Government introduce a statutory requirement for local authorities to take all reasonable steps to refund money received from invalid PCNs. (Paragraph 60)

Government response: The Government agrees that local authorities should rectify any problems resulting in the issue of invalid PCNs promptly, and refund money from invalid PCNs promptly.

Local Authorities should collect and publish data on revenue collected from on-street parking, off-street parking and parking enforcement notices under The General Fund Revenue Account Outturn Guidance and the Department for Transport's statutory guidance to local authorities on the Civil Enforcement of Parking Contraventions under Traffic Management Act 2004.

The revised Code of Transparency for Local Government states that local authorities must place a link on their website to the following published data or place the data itself on its website:

- revenue collected from on-street and off-street parking
- parking enforcement notices.

The Department for Transport will consider this issue further when reviewing its statutory guidance to local authorities.

New grounds for appeal

Recommendation 22. We recommend that the Government introduce regulations that will enable adjudicators to allow appeals where local authorities have not followed statutory guidance. (Paragraph 61)

Government response: The Government will initiate discussions with the traffic adjudicators on whether additional powers are required to allow appeals where local authorities have not followed the Government's statutory guidance. Views are also invited on this recommendation in the consultation paper on local authority parking which was published on 6 December 2013.

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APPENDIX 2

HM Government

Consultation on local authority parking

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HM Government

Consultation on local authority parking

December 2013

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Department for Transport
Great Minster House
33 Horseferry Road
London SW1P 4DR
Telephone 0300 330 3000
Website www.gov.uk/dft
General email enquiries <https://www.dft.gov.uk/about/contact/form/>

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Contents

How to respond.....	4
1. Introduction.....	6
2. Background.....	8
3. What the Government has already done on parking	10
4. Local authority parking enforcement – your views are invited	12
What will happen next.....	19
Annex A – List of questions.....	20
Annex B – Consultation principles	25

How to respond

The consultation period began on 6 December 2013 and will run until 14 February 2014. Please ensure that your response reaches us before the closing date.

Please respond using the online response form or by completing Annex A of this document and returning it to:

Parking Consultation

Traffic Division, Department for Transport, Zone 3/27,
Great Minster House, 33 Horseferry Road, London SW1P 4DR
Email: parking.consultation@dft.gsi.gov.uk

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please 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, please 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.

The Department 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.

1. Introduction

- 1.1 This consultation document invites your views on current local authority parking strategies and specifically on options the Government is considering to change the balance of how parking is enforced with the aim of ensuring that parking strategies complement and enhance the attractiveness of our high streets and town centres. As a first step the Secretary of State for Transport is announcing today that parking penalty charge levels will be frozen for the remainder of this Parliament. In addition under new requirements laid out in the Transparency Code of Practice published by the Secretary of State for Communities and Local Government, all local authorities will be required to make clear all revenues from parking in annual reports and where that revenue goes.
- 1.2 Local authority parking strategies should be fair and reasonable and must not act as an unnecessary disincentive, particularly to shoppers who want to visit our town centres. Local authority parking strategies should be linked to local objectives and circumstances, and take account of planning policies and transport powers. In developing a parking strategy the local authority should consider the needs of the many and various road users in the area, the appropriate scale and type of provision, the balance between short and long term provision and the level of charges.
- 1.3 Over 8 million parking penalties (usually called parking fines or parking tickets) are issued by local authorities in England each year. From 1997-98 to 2010-11, local authority total income in England from parking rose from £608 million to £1.3 billion; net surpluses from parking rose from £223 million to £512 million in the same period. Net income from local authority parking services (off-street and on-street parking) is expected to rise from £601 million in 2012-13 to £635 million in 2013-14,¹ an increase of 5.6%.
- 1.4 A joint report published by the Association of Town and City Management (ATCM) and gfirst states, “by understanding and re-positioning themselves strategically to better serve their

¹Source: DCLG local government finance returns

communities and visitors in line with the ethos (or 'personality') of each location, town centres can re-emerge at the centre of the community, cultural and civic life".² Town centres should be welcoming, attractive and designed to meet the needs of a variety of visitors and employees. Local authorities need to ensure that appropriate parking spaces are available, that signs and road markings are clear, that car parking charges are reasonable and attractive to encourage people to use the town centre, and that enforcement is fair and proportionate. In that way they help local shops in town centres, on local high streets and on local shopping parades, and make it easier for people who want to park responsibly and go about their everyday lives.

- 1.5 Parking is a key function of many streets. A well-designed arrangement of on-street parking provides convenient access to frontages and can add to the vitality of an area. Conversely, poorly designed parking can create safety problems and reduce the visual quality of a street. To ensure that local authorities continue to have access to the best design guidance and standards the Department for Transport will continue to promote the use of the design guidance in the *Manual for Streets*,³ and work with the engineering institutions to update and issue a revised version in due course. The *Manual for Streets* provides guidance for practitioners involved in the design, provision and approval of new streets, and modifications to existing ones. It aims to increase the quality of life through good design, which is essential to the vitality of the high-street.
- 1.6 Town centres should be the most walkable part of the transport network; they should accommodate buses and other public transport, cycle routes and cycle parking, while remaining accessible by private car. As centres of public life, they must actively enable access by all in society, and they must also support efficient access by delivery, service and emergency vehicles. At the same time, they should be attractive places to shop, eat, drink, work, play, do business, meet, study and look at.

²*Successful Town Centres – developing effective strategies*, p.7

³<https://www.gov.uk/government/publications/manual-for-streets>

2. Background

- 2.1 The Traffic Management Act 2004 provides the regulatory framework which gives local authorities the option of adopting civil parking enforcement (CPE) powers. Most local authorities in England (over 90%) have now taken up these powers. This means that they, rather than the police, can issue parking tickets for on-street parking contraventions, and in local authority off-street car parks.
- 2.2 By taking up civil parking enforcement powers local authorities have full responsibility for the design, implementation and enforcement of parking policies in their area. This makes good sense and allows them to design and deliver parking strategies that are appropriate for their areas. In permitting local authorities to use such powers, the Government expects them to seek the best solutions, reconciling the needs of different road users (including pedestrians, cyclists and people with disabilities), and the needs of residents, shops and businesses. It is essential that authorities implement and enforce their parking policies fairly and proportionately to deliver the best solutions for communities, businesses and road users in their area. In particular the law is clear that local authorities must not use their civil parking enforcement powers to raise revenues.
- 2.3 Despite this the Government is aware of concerns that some local authorities appear not to be using their powers to meet the best interests of road users, communities and businesses in their area. There are concerns about over-zealous parking enforcement and high parking charges driving people out of town centres, pushing up the cost of living and making it harder for people to park responsibly and go about their everyday lives. These concerns were expressed most recently in evidence to the Transport Select Committee (TSC) during its inquiry into local authority parking enforcement.⁴ Many of the TSC's recommendations are considered in this consultation paper.

⁴ Published on 23 October 2013 (<http://www.parliament.uk/business/committees/committees-a-z/commons-select/transport-committee/news/parking-substantive/>).

- 2.4 The Government recognises that there are increasing concerns about the direction of many local authority parking strategies, and agrees that the time is now right to review how local authority parking is being managed and enforced, and to take action to ensure that parking strategies are properly focused on supporting communities, businesses and road users in a fair and proportionate way, and not being used simply as a source of revenue. To support this the revised Code of Transparency for local authorities issued by DCLG includes mandatory requirements to publish specific information on parking, as well as a list of recommendations which represent good practice.
- 2.5 The Government is now inviting views on amending significant elements of local authority parking policy including:
- Stopping the use of CCTV for on–street parking enforcement;
 - Giving local communities and businesses new rights to require authorities to review aspects of their parking strategies such as the level of parking charges and whether all double-yellow lines are appropriate and necessary at particular locations;
 - Introducing limited "grace periods" where a driver has stayed in a parking place for a short period before issuing a parking ticket; and
 - Updating statutory guidance to local authorities to emphasise a less heavy-handed approach to parking enforcement, and re-emphasise that parking charges and fines cannot be used to as a means to raise revenues.
- 2.6 Background on these issues (and other options), and some of the questions they raise are below. Your views are invited to help inform further Government action in this area.

3. What the Government has already done on parking

3.1 The Coalition Government has already:

- Scrapped the previous policy that told councils to hike car parking charges.
- Removed restrictions on the provision of off-street parking spaces.⁵
- Scrapped the policy which inhibited parking charge competition between council areas, and instead said that, "local authorities should set appropriate parking charges that do not undermine the vitality of town centres."⁶
- Ended the menace of rogue wheel clamping;
- Commenced a programme to reform the traffic sign regulations to reduce cost, clutter and complexity and introduced an award for local authorities to remove unnecessary signs;
- Reformed the blue badge system to make it easier for disabled people to park;
- Introduced a policy that parking enforcement should be proportionate.⁷
- Produced new guidance allowing householders to rent out a spare driveway or dedicated parking space without having to pay £385 for planning permission.⁸
- Allowed electric car 'parking and charging' points to be built on streets and in outdoor car parks without the need for planning permission.

⁵ According to the DCLG *English Housing Survey*, in 2011, an estimated 7.0 million had inadequate street parking and no off-street parking, and 435,000 homes had no parking provision at all.

⁶ *National Planning Policy Framework*, DCLG, March 2012

⁷ Changes made to PPG13 in DCLG press release, 3 January 2011, and further reforms in the *National Planning Policy Framework* in March 2012.

⁸ DCLG press release, 3 August 2013.

- Issued new planning practice guidance on removing street clutter and encouraging the provision of shopper-friendly parking space provision.⁹
- Introduced the local retention of business rates, which means that councils benefit from business and retail growth in town centres, rather than just hiking parking charges.
- Is introducing a series of reforms to the rules under which bailiffs can recover debts (including civil parking debts) to address the key causes of aggressive bailiff action. These reforms will be implemented by April 2014.

⁹DCLG press release, 26 August 2013.

4. Local authority parking enforcement – your views are invited

Q1. Do you consider local authority parking enforcement is being applied fairly and reasonably in your area?

Options

Stopping the use of CCTV cameras to enforce on-street parking

- 4.1 Civil Enforcement Officers (CEOs, although commonly known as parking wardens) do not have the powers that the police have to stop vehicles if they contravene traffic regulations. Without powers to stop vehicles, the most effective way to enforce moving traffic contraventions, such as cars using bus lanes, causing congestion by not exiting a box junction, or undertaking dangerous manoeuvres through banned turns is by using camera enforcement. This frees up police time to deal with crime, but the Government is concerned that, specifically in relation to on-street parking, the use of CCTV (closed circuit television) cameras is no longer proportionate, and local councils over-employ them to deal with contraventions where it would be more appropriate, fairer and straightforward for a parking warden to deal with the contravention. The Government therefore intends to put an end to this practice by stopping the use of CCTV cameras to enforce on-street parking contraventions.
- 4.2 DfT's statutory guidance already states that CCTV cameras should only be used where parking enforcement is difficult or sensitive and enforcement by a parking warden is not practical. The Home Office Code of Practice on CCTV surveillance published earlier this year confirmed this approach and added that CCTV should only be used where there is a "pressing need." Many local authorities do not use CCTV to enforce parking, but there is increasing concern that of those that do, a number do not have sufficient regard to statutory guidance and are over-using CCTV. For example Traffic Penalty Tribunal Adjudicators (who consider

appeals against local authority parking tickets), in written evidence to the Transport Select Committee earlier this year said that they had found cases “where camera enforcement appears to be used as a matter of routine where the strict requirements in the DfT statutory guidance do not appear to be present. Failure to comply with the DfT guidance is not a ground of appeal and the effectiveness of the adjudication is curtailed in these circumstances.”¹⁰

- 4.3 The Government is concerned that, by using CCTV cameras in areas where enforcement could be undertaken by a parking warden, local authorities undermine public acceptance of their limited use for non-criminal offences. Drivers are also concerned that they may receive a parking ticket in the post weeks later, giving them no opportunity to examine the parking location as it was at the time of the alleged contravention.
- 4.4 The Transport Select Committee has also welcomed the Government's commitment to consult on ending the use of cameras for on-street parking enforcement. They add that “As long as the use of cameras remains legal, local authorities must ensure that they are not used as a matter of routine, particularly where permits or exemptions (such as resident permits or Blue Badges) not visible to the camera equipment may apply.” However, the Committee pointed out that cameras can still be helpful for enforcement in some areas where the use of a parking warden is not practical.

Q2.The Government intends to abolish the use of CCTV cameras for parking enforcement. Do you have any views or comments on this proposal?

Updating parking enforcement guidance

- 4.5 DfT issues both statutory and operational guidance to local authorities. This was last updated in 2010.¹¹
- 4.6 Local authorities are required to have regard to the statutory guidance which contains good practice guidelines including, for example, guidance that CCTV should only be used where

¹⁰Traffic Penalty Tribunal, Written evidence to the Transport Select Committee, (PE 54), March 2013, para 4.4.2.

¹¹<http://assets.dft.gov.uk/publications/tma-part-6-cpe-statutory-guidance/betterprkstatutoryguid.pdf>
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/212559/parkingenforce_policy.pdf

enforcement by parking wardens is impractical (see previous section on CCTV enforcement). The guidance also makes clear that authorities should design their parking policies to manage the traffic network to ensure the efficient movement of traffic, improve road safety and the local environment, meet the needs of people with disabilities and to manage and reconcile the competing demand for kerb space from road users, businesses and residents.

- 4.7 The recent Transport Select Committee report on local authority parking enforcement published on 14 October 2013 recognised the inherently local nature of parking, but also noted that the Government still has an important role in making sure the parking regulations and guidance are fit for purpose and modifying them promptly when necessary. The Government agrees with this analysis and believes that the time is now right for DfT's statutory guidance to be reviewed and updated. In particular the guidance should emphasise the need for a proportionate balanced and even-handed approach to parking enforcement, and also address areas such as the application of appropriate exemptions and waivers for blue badge holders, and professional care workers engaged in urgent or emergency health care.
- 4.8 Guidance should also reinforce and safeguard the requirement that parking charges and parking fines should not be used to raise revenue. This would be consistent with the Government guidance published in March 2012, which encourages local authorities to set appropriate parking charges that do not undermine the vitality of town centres, and ensure that parking enforcement is proportionate.¹² The guidance should also reflect good practice designed to prevent over-aggressive action by bailiffs when recovering unpaid fines.¹³
- 4.9 Evidence given to the Transport Select Committee by traffic adjudicators expressed concern about instances where it appeared a council had disregarded the statutory guidance, but, because statutory guidance does not have the same weight as law, adjudicators were not able to allow the appeal and could only refer the case back to the Chief Executive of the Council. The Transport Select Committee report recommended that the Government should introduce regulations to enable adjudicators to allow appeals where local authorities have not followed the

¹²National Planning Policy Framework, DCLG, March 2012: p.11, para 40

¹³Guidance to local councils on good practice in the collection on Council Tax arrears, DCLG, June 2013

statutory guidance. The Government believes this recommendation is worth further consideration and will initiate discussions with the parking adjudicators to determine what further regulatory changes may be needed to support motorists in this area. The Government intends to update the statutory guidance to make clear in what circumstances the adjudicators may award costs.

Q3. Do you think the traffic adjudicators should have wider powers to allow appeals?

Q4. Do you agree that guidance should be updated to make clear in what circumstances adjudicators may award costs? If so, what should those circumstances be?

Tackling wrongly-issued parking fines

- 4.10 The latest figures from the parking adjudicators show that, in England in 2011-12, over 8 million parking fines were issued. If a motorist disagrees with a parking fine he or she can make representations, for free, to the local highway authority. The local authority can accept those representations and cancel the parking fine, or reject them.
- 4.11 If the local authority rejects the motorist's representations he or she has the right to register an appeal with the independent parking adjudicator, again for free. In 2011-12 some 59,000 parking appeals were considered by an adjudicator (0.7% of all parking tickets issued). Of those 59,000 nearly 60% were allowed (although a significant number were not contested by the local authority).
- 4.12 Most drivers who accept they are liable for a ticket do not appeal and can take advantage of the 50% discount that authorities are required to offer if the fine is paid promptly. However there is a concern that some motorists may be put off from appealing because they are concerned about losing the discount. The Government is therefore considering introducing a discount at the appeal stage as well, so that a motorist whose appeal is rejected by a parking adjudicator can still receive a discount for prompt payment.
- 4.13 The Transport Select Committee report also recognised this issue, but noted that whilst motorists should not be discouraged from

appealing, it was reluctant to suggest extending the full 50% discount throughout the appeal process due to the additional administrative burden as this would most probably lead to most, if not all, tickets being appealed, even when there were no reasonable grounds for doing so. Instead the Committee recommended that the Government should work with local authorities to trial the introduction of a lower (25%) discount for motorists who pay within 7 days of losing an appeal.

Q5. Do you think motorists who lose an appeal at a parking tribunal should be offered a 25% discount for prompt payment?

Residents' parking reviews

- 4.14 Parking strategies should meet the needs of residents and businesses, and contribute to the authority's transport objectives. To encourage councils to review their strategies the Government is considering introducing residents' reviews – allowing local residents and local firms to be able to petition the council to initiate a review.
- 4.15 Reviews could include looking at the cumulative effect of additional yellow lines on town centres, and the charges for parking. In many cases changing conditions may provide opportunities for authorities to consider other options, for example, replacing yellow lines with short-stay parking places to allow people to pay short visits to local shops whilst avoiding all-day commuter parking.
- 4.16 One way this could be achieved could be by allowing local residents and firms (i.e. local taxpayers) to be able to petition the council to initiate a review of parking policy in a particular area. If a petition reached a particular threshold, the council could be obliged to undertake a review, with the final decision on the outcomes of the review being decided by local councillors. This would allow local residents and local councillors to have the final say on local parking provision in their area.
- 4.17 Mary Portas' independent review on high street policy noted: "Cars are an intrinsic part of the way many people shop and so many of our high streets simply aren't catering for our 21st Century shoppers. The ease with which out-of town retailing can be reached by car means that high streets do not have the luxury of pretending that car-based access is not convenient for shoppers. It is. And yet in many town centres I have visited for this review

parking has been run-down, in an inconvenient place, and most significantly really expensive." Localism is not just about power to councils, it is about empowering local communities, neighbourhoods and individuals. The Government believes that it is important that local authorities regularly review their parking policies, and that one way this could be achieved could be by allowing local residents and firms to be able to petition the council to initiate a review of parking in a particular area.

Q6. Do you think local residents and firms should be able to require councils to review yellow lines, parking provision, charges etc in their area? If so, what should the reviews cover and what should be the threshold for triggering a review?

"Grace periods" for parking contraventions

- 4.18 DfT's guidance to local authorities suggests that they may wish to set out certain situations where parking wardens could exercise their discretion to issue a verbal warning rather than a parking ticket where they consider only a minor contravention has taken place. The guidance also explains that parking wardens need to observe a vehicle for a time to ascertain whether certain contraventions are taking place.
- 4.19 The Transport Select Committee has recognised this issue (for example, the frustration felt by motorists when they are issued with a ticket one minute after a parking meter has expired). The Committee has therefore recommended in its recent report that the DfT's statutory guidance should stipulate that local authorities allow a grace period of 5 minutes after the expiry of paid for time on all paid parking places.
- 4.20 This TSC proposal would not cover areas where parking was not already permitted, such as on double-yellow lines or other restricted areas. However, some parties have suggested that the principle of grace periods should be applied more widely to allow motorists to park for free for a limited time at most locations other than a double-yellow line (e.g. on single yellow lines, in loading bays, and in parking meter and pay and display bays, and when overstaying in free parking bays). This could confer considerable freedoms on motorists to park without fear of being penalised, but would be difficult to enforce (particularly without cameras), and if that was the case would result in increased congestion and disruption by inconsiderate drivers.

Q7. Do you think that authorities should be required by regulation to allow a grace period at the end of paid for parking?

Q8. Do you think that a grace period should be offered more widely – for example a grace period for overstaying in free parking bays, at the start of pay and display parking and paid for parking bays, and in areas where there are parking restrictions (such as loading restrictions, or single yellow lines)?

Q9. If allowed, how long do you think the grace period should be?

Clamping down on anti-social driving and tackling illegal parking

4.21 As this document has made clear the Government wants to ensure that local authorities do not adopt an overly heavy-handed approach to parking enforcement that unnecessarily impedes the attractiveness and prosperity of our town centres, but it is important that authorities continue to enforce parking appropriately to ensure the flow of traffic, avoid congestion and stop selfish drivers from parking without regard or in a way which is dangerous to other motorists, cyclists and pedestrians – including children, people with disabilities and the elderly. The Government therefore proposes, as part of a balanced review of parking to consider whether any further measures need to be adopted to tackle genuinely anti-social parking, particularly where reckless or selfish behaviour causes inconvenience or danger to others.

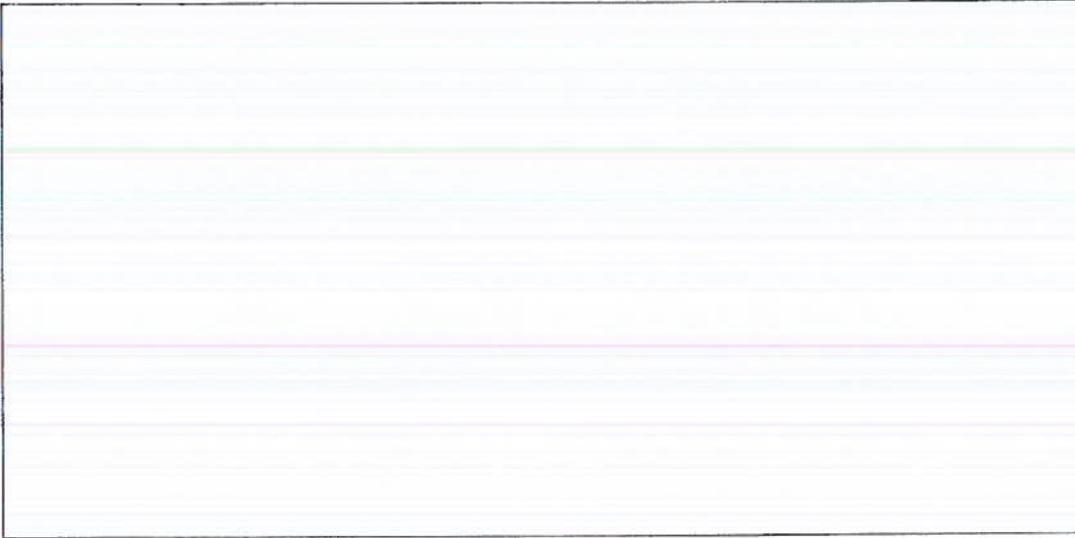
Q.10 Do you think the Government should be considering any further measures to tackle genuinely anti-social parking or driving? If so, what?

What will happen next

A summary of responses, including the next steps, will be published within three months of the consultation closing on <https://www.gov.uk/government/consultations/local-authority-parking>

Annex A – List of questions

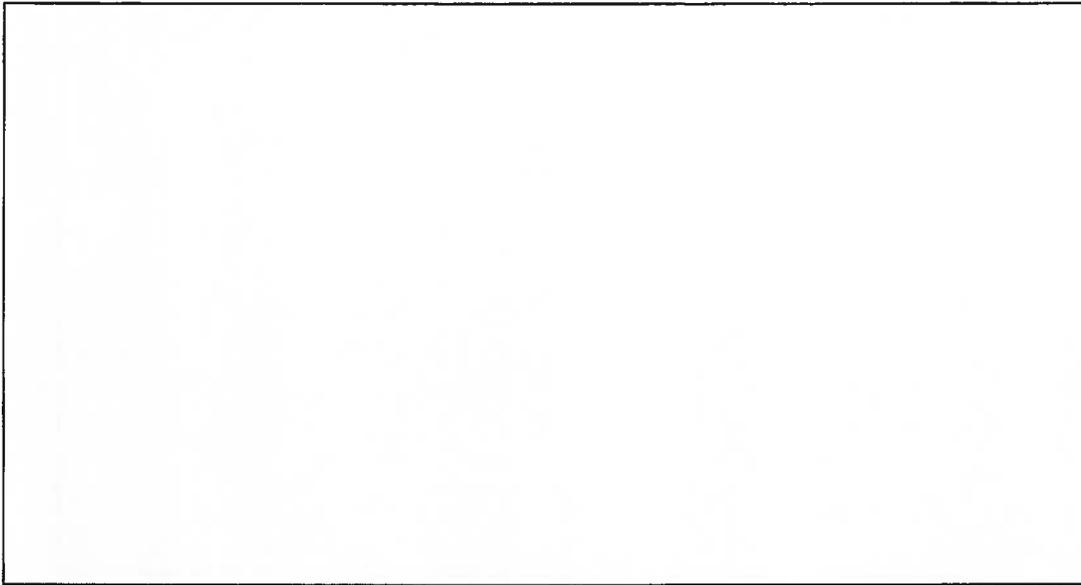
Q1. Do you consider local authority parking enforcement is being applied fairly and reasonably in your area?



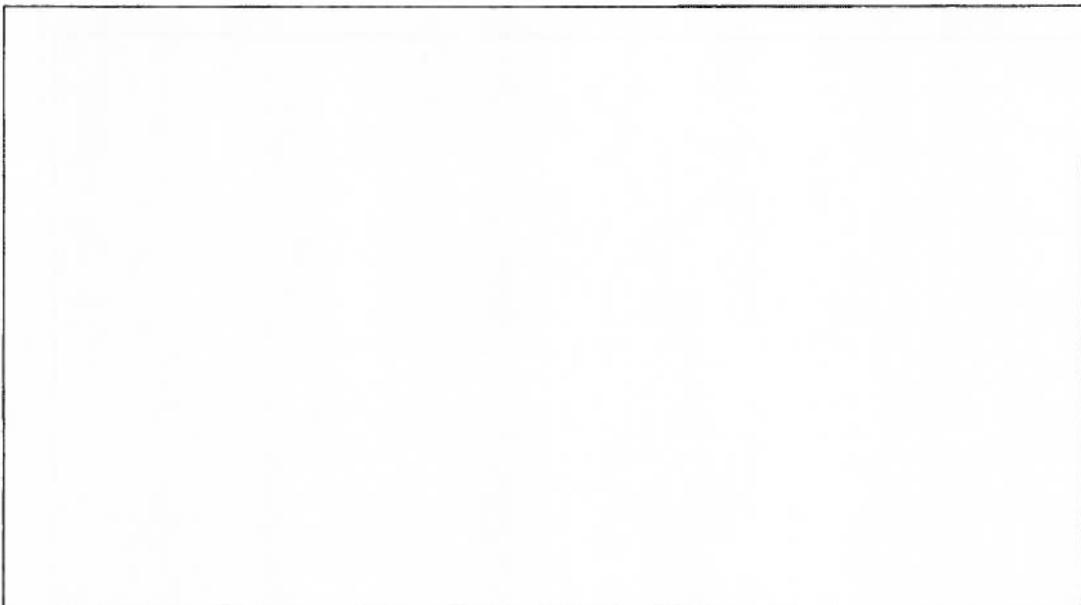
Q2. The Government intends to abolish the use of CCTV cameras for parking enforcement. Do you have any views or comments on this proposal?



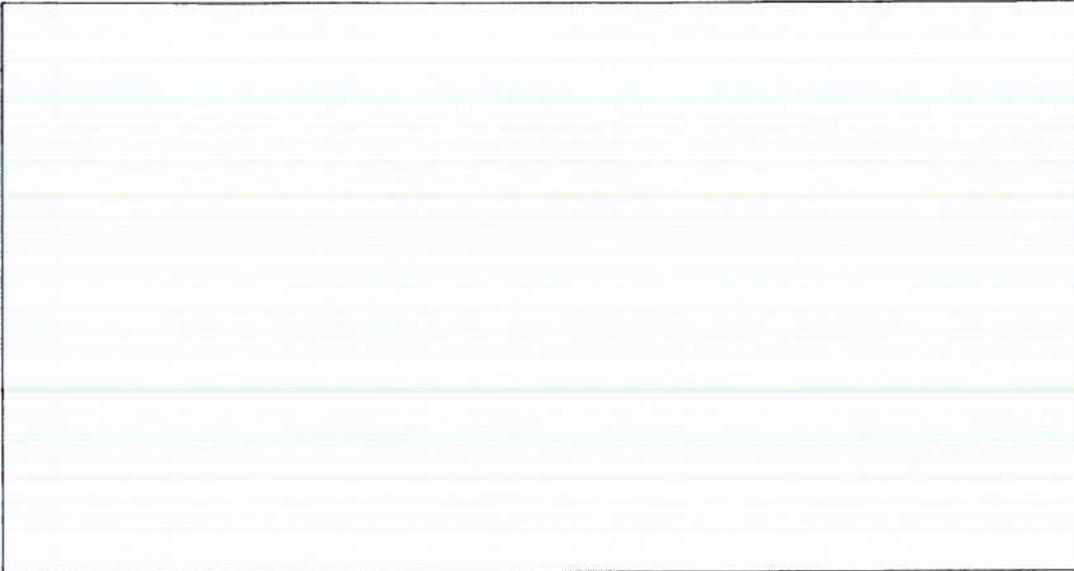
Q3. Do you think the traffic adjudicators should have wider powers to allow appeals?



Q4. Do you agree that guidance should be updated to make clear in what circumstances adjudicators may award costs? If so, what should those circumstances be?



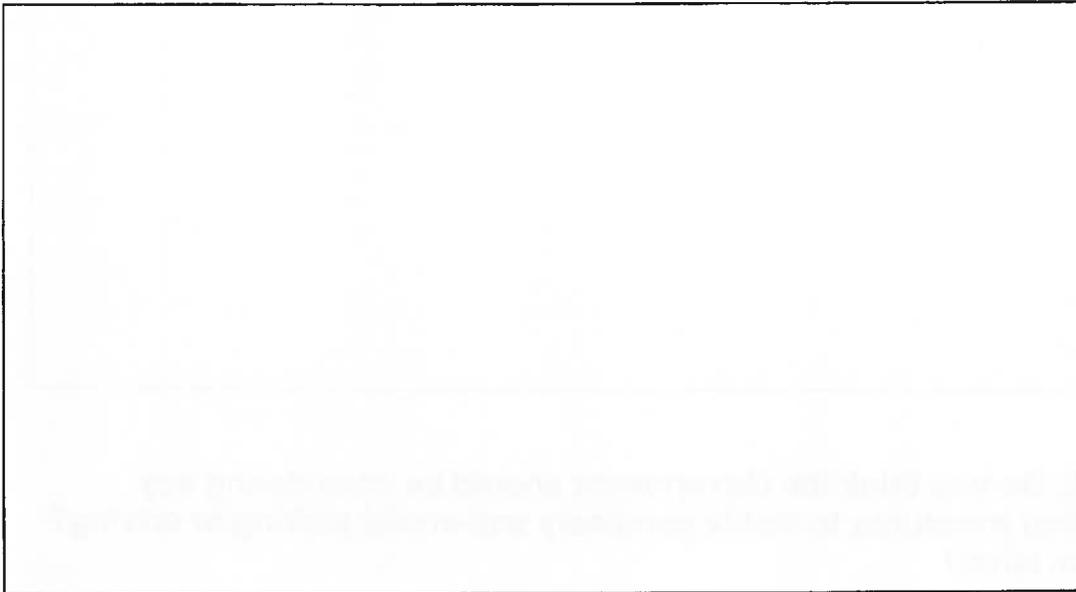
Q5. Do you think motorists who lose an appeal at a parking tribunal should be offered a 25% discount for prompt payment?



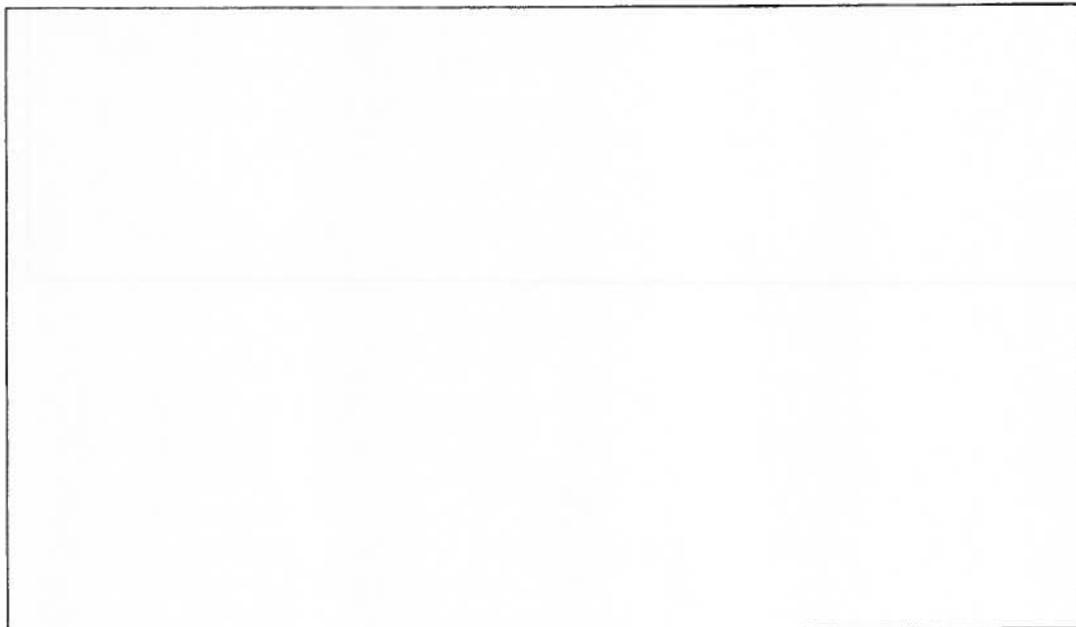
Q6. Do you think local residents and firms should be able to require councils to review yellow lines, parking provision, charges etc in their area? If so, what should the reviews cover and what should be the threshold for triggering a review?



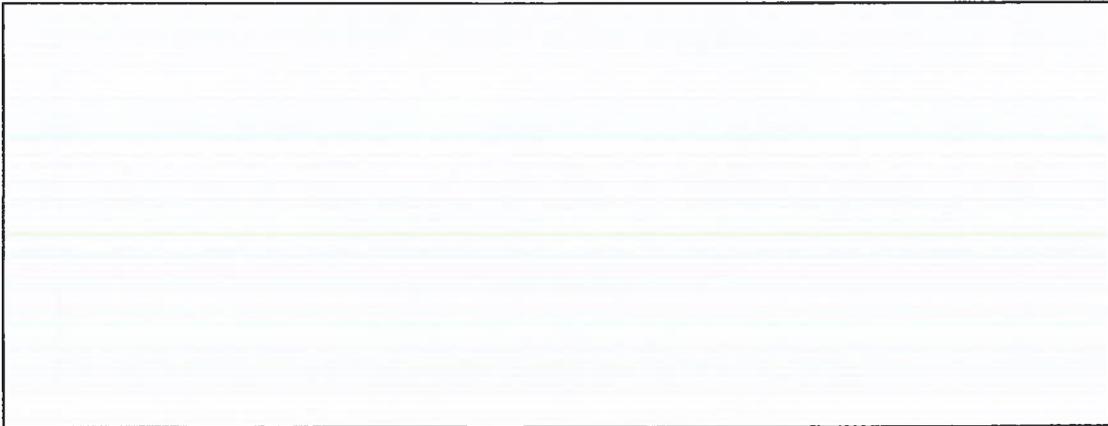
Q7. Do you think that authorities should be required by regulation to allow a grace period at the end of paid for parking?



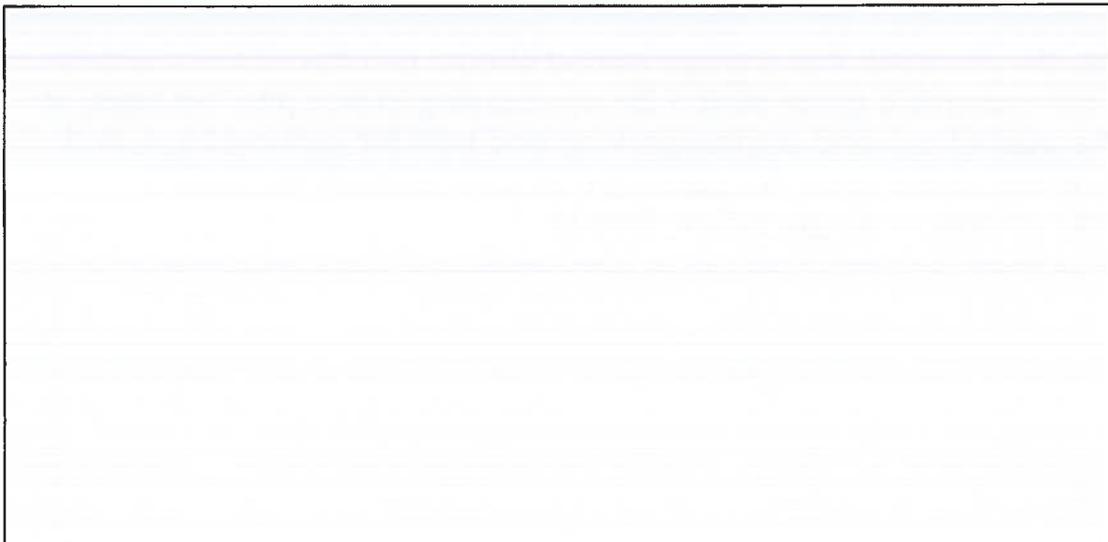
Q8. Do you think that a grace period should be offered more widely – for example a grace period for overstaying in free parking bays, at the start of pay and display parking and paid for parking bays, and in areas where there are parking restrictions (such as loading restrictions, or single yellow lines)?



Q9. If allowed, how long do you think the grace period should be?



Q10. Do you think the Government should be considering any further measures to tackle genuinely anti-social parking or driving? If so, what?



Annex B – Consultation principles

The consultation is being conducted in line with the Government's key consultation principles. Further information is available at <https://www.gov.uk/government/publications/consultation-principles-guidance>

If you have any comments about the consultation process please contact:

Consultation Co-ordinator
Department for Transport
Zone 1/29 Great Minster House
London SW1P 4DR
Email consultation@dft.gsi.gov.uk

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**PATROL ADJUDICATION JOINT COMMITTEE
Executive Sub Committee**

Date of Meeting: 28th January 2014
Report of: The Lead Officer on behalf of the Advisory Board
Subject/Title: General Progress and Service Standards

1.0 Report Summary

- 1.1 This reports on progress in respect of the take up of civil parking enforcement powers by Councils in England (outside London) and Wales and information in relation to general progress and service standards.

2.0 Recommendation

That the Joint Committee:

- (i) Notes the information provided in respect of take up of civil enforcement of parking powers
- (ii) Notes the information in relation to service standards.
- (iii) Approves the measure for telephone responsiveness.

3.0 Reasons for Recommendations

To update the Joint Committee on general progress and service standards

4.0 Financial Implications

- 4.1 None

5.0 Legal Implications

- 5.1 None

6.0 Risk Management

- 6.1 Reporting of performance is referenced in the Risk Register.

7.0 Background and Options

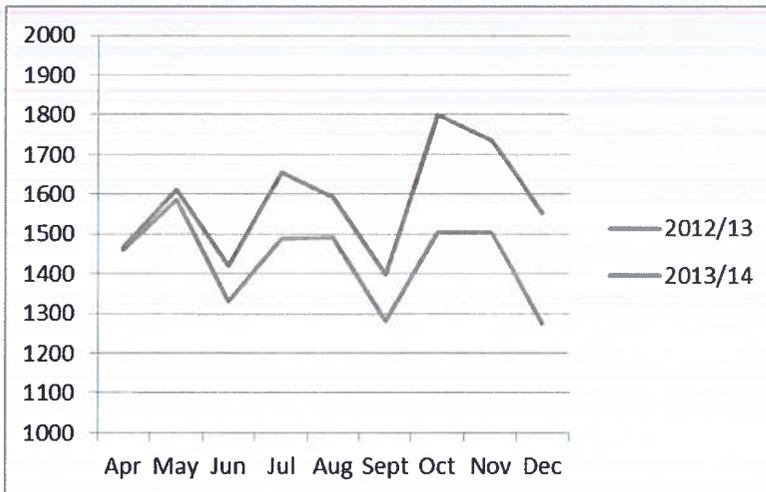
- 7.1 Since the October meeting of the Joint Committee, no further councils have joined the scheme.

7.2 Appeals to the Tribunal 2013/14

The table below sets out the appeals to the Tribunal (including witness statements)

	Bus Lane Appeals	Parking Appeals	Total Appeals
April	218	1250	1468
May	248	1363	1611
June	196	1226	1422
July	216	1440	1656
August	235	1359	1594
September	236	1164	1400
October	344	1455	1799
November	433	1302	1735
December	469	1084	1553
January			
February			
March			

The graph below compares appeals for 2013/14 compared with 2012/13.



7.3 Acknowledging Appeals

The Joint Committee has established an administrative target in relation to the acknowledgement of appeals, that 95% of appeals will be acknowledged within 2 working days. During April to December 2013, this has been achieved in 99.26% of cases compared to 95.07% reported for the year 2012/13.

April 12 to March 13	April to December 2013	Target
95.07%	99.26%	95%

7.4 Telephone Responsiveness

All appellants and councils are given a direct dial number to their Appeal Coordinator. Where these direct dials are not utilised, a telephone system has been introduced which directs other callers according to their enquiry using an automated attendant. To measure responsiveness, the assumption has been made that callers on average will listen to half the automated attendance (15 seconds), followed by up to three rings to be put through to a member of staff (10 seconds). Responsiveness can be measured in calls answered within 25 seconds.

Period	Target	Actual
June to September	70% of calls answered within	69%

7.5 Case Closure

Appealing to the Traffic Penalty Tribunal is a judicial process and, as such, it is not appropriate to set out rigid timescales for deciding appeals, however the tribunal's objective is to "To provide a tribunal service which is user-focused, efficient timely, helpful and readily accessible". In June 2007 the Joint Committee approved the following targets:

Face to face hearings

60% of cases to be offered a face to face hearing date within 8 weeks of receipt of the Notice of Appeal.

90% of cases to be offered a face to face hearing date within 12 weeks of receipt of the Notice of Appeal

Decisions without a hearing

80% of decisions without a hearing to be made within 7 weeks of receipt of the Notice of Appeal.

The reports on case closure include all cases which were registered during April to December 2013 and have been decided (the number of cases included in the calculation is noted below each table). This data will include cases that have been delayed for the following reasons.

a) Requests from parties to the appeal:

- Additional time to submit evidence
- Requests for adjournment of hearings
- Inconvenience of hearing time/venue
- Availability of witnesses

Adjudicators may require:

- Adjudgments for additional evidence or submissions
- A face to face hearing supplemented by a later telephone hearing to consider additional evidence.
- Consolidation of cases which relate to a common issue.
- Holding cases pending a particular Decision of the Traffic Penalty Tribunal or High Court

7.6 The following tables provide case closure times in respect of: Parking (England), Parking (Wales) and Bus Lanes (England). The average number of weeks between registration and decision has reduced in all types of hearing. The proportion of cases falling within the stated targets has increased save a slight reduction in the proportion of personal hearing cases in Wales having less than 12 weeks between registration and decision..

c) Parking Appeals (England)**Cases decided without a hearing**

Measure	April 2011 to March 2012	April 2012 to March 2013	April to December 2013
Average number of weeks between registration of appeal and decision issued	5.17weeks	5.35 weeks	4.75 weeks
Cases with less than 7 weeks between registration and decision (postal target)	85.19%	80.81%	85.07%
Cases with less than 12 weeks between registration and decision	96.29%	96.03%	97.53%

Total cases used in calculation for Apr-Dec 2013: 6556

Cases decided through a telephone hearing

Measure	April 2011 to March 2012	April 2012 to March 2013	April to December 2013
Average number of weeks between registration of appeal and decision issued	7.19 weeks	9.08 weeks	7.86 weeks
Cases with less than 8 weeks between registration and decision (personal target)	77.39%	58.33%	69.97%
Cases with less than 12 weeks between registration and decision (personal target)	91.33%	83.79%	90.42%

Total cases used in calculation for Apr- Dec 2013: 1242

Cases decided through a face to face hearing

Measure	April 2011 to March 2012	April 2012 to March 2013	April to December 2013
Average number of weeks between registration of appeal and decision issued	12.50weeks	13.79 weeks	11.10 weeks
Cases with less than 8 weeks between registration and decision (personal target)	23.69%	18.06%	32.16%
Cases with less than 12 weeks between registration and decision (personal target)	61.52%	53.69%	70.96%

Total cases used in calculation for Apr- Dec 2013 737

d) **Parking Appeals (Wales)****Cases decided without a hearing**

Measure	April 2011 to March 2012	April 2012 to March 2013	April to December 2013
Average number of weeks between registration of appeal and decision issued	5.40 weeks	5.50 weeks	4.39 weeks
Cases with less than 7 weeks between registration and decision (postal target)	84.06%	82.82%	89.52%
Cases with less than 12 weeks between registration and decision	93.11%	92.84%	98.30%

Total cases used in calculation for Apr-Dec 2013: 353

Cases decided through a telephone hearing

Measure	April 2011 to March 2012	April 2012 to March 2013	April to December 2013
Average number of weeks between registration of appeal and decision issued	7.24weeks	8.41 weeks	7.64 weeks
Cases with less than 8 weeks between registration and decision (personal target)	74.47%	65.33%	70.69%
Cases with less than 12 weeks between registration and decision (personal target)	91.49%	86.67%	94.83%

Total cases used in calculation for Apr-Dec 2013: 58

Cases decided through a face to face hearing

Measure	April 2011 to March 2012	April 2012 to March 2013	April to December 2013
Average number of weeks between registration of appeal and decision issued	13.83weeks	13.23 weeks	13.09 weeks
Cases with less than 8 weeks between registration and decision (personal target)	12.50%	30.19%	15.63%
Cases with less than 12 weeks between registration and decision (personal target)	45.83%	56.60%	53.13%

Total cases used in calculation for Apr- Dec 2013: 32

e) **BUS LANES (England)****Cases decided without a hearing**

Measure	April 2011 to March 2012	April 2012 to March 2013	April to December 2013
Average number of weeks between registration of appeal and decision issued	6.40 weeks	5.81 weeks	4.72
Cases with less than 7 weeks between registration and decision (postal target)	70.62%	76.17%	83.78
Cases with less than 12 weeks between registration and decision	82.30%	94.26%	97.54

Total cases used in calculation for Apr- Dec 2013: 1344

Cases decided through a telephone hearing

Measure	April 2011 to March 2012	April 2012 to March 2013	April to December 2013
Average number of weeks between registration of appeal and decision issued	8.68 weeks	10.01 weeks	8.15 weeks
Cases with less than 8 weeks between registration and decision (personal target)	65.56%	48.18%	79.57%
Cases with less than 12 weeks between registration and decision (personal target)	82.22%	79.87%	89.57%

Total cases used in calculation for Apr- Dec 2013: 230

Cases decided through a face to face hearing

Measure	April 2011 to March 2012	April to September 2012	April to December 2013
Average number of weeks between registration of appeal and decision issued	13.80 weeks	14.15 weeks	10.15 weeks
Cases with less than 8 weeks between registration and decision (personal target)	17.24%	11.68%	37.17%
Cases with less than 12 weeks between registration and decision (personal target)	53.10%	47.20%	79.65%

Total cases used in calculation for Apr- Dec 2013: 113

8.0 Access to Information

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

Name: Louise Hutchinson

Designation: Head of Service

Tel No: 01625 445566

Email: lhutchinson@patrol-uk.info

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PATROL ADJUDICATION JOINT COMMITTEE
Executive Sub Committee

Date of Meeting 28th January 2014
Report of: The Lead Officer on behalf of the Advisory Board
Subject/Title: Budget Monitoring 2013/14

1.0 Report Summary

1.1 To present income and expenditure monitoring information for the year 2013/14.

2.0 Recommendation

2.1 To note the income and expenditure monitoring information presented in the body of the report.

2.2 To authorise the Lead Officer to incur expenditure against the revenue budget in excess of the £3,091,564 should the need arise, provided such expenditure is within the total income.

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

7.1 The budget was approved for the year 2013/14 at the meeting of the Executive Sub Committee held 29th January 2013

7.2 This report provides the Committee with the expenditure position at 31st December 2013 (Appendix 1).

- 7.3 The Tribunal is operated on a self-financing basis with income obtained from defraying expenses amongst the Joint Committee member authorities.
- 7.4 The revenue budget estimate was established by the Joint Committee for 2013/14 on the basis that this would reflect the councils who were already members of the Joint Committee. No account was taken of new councils.
- 7.5 The Joint Committee forecasting model takes account of recent income trends (i.e. within the last 12 months)
- 7.6 The Joint Committee's income is derived from a pre-estimate of the number of PCNs each council will issue. Corrections are applied in subsequent quarters once the actual number of PCNs issued is actually known.
- 7.7 Should it be the case that there is a need for greater expenditure than that provided for in the approved budget, then there is a recommendation to authorise the Head of Service to incur additional expenditure, provided such expenditure does not exceed the income for the current year.
- 7.8 Should it be the case that the revenue account falls into deficit then the surplus from previous years is available.
- 7.9 Should there be greater income than expenditure in the year then there is a recommendation that this be transferred into the succeeding year as reserves.

8.0 Expenditure

- 8.1 At 31st December 2013, expenditure has been less than forecast with a favourable variance of £28,109.
- 8.2 Adjudicator, IT and Audit expenditure lines are within budget. Increased staffing expenditure reflects maternity cover and agency staff to cover long term sickness. Premises/Accommodation costs include three months of rent, rates and service charges at the Manchester premises (£50,000), dilapidations for those premises of £31,000 together with service charge expenditure for Springfield House. The remainder includes the IT and connectivity costs for the new premises, premises refurbishment, removal and transfer charges and furniture. The rent free period for Springfield House came to an end in August. The service management and support expenditure includes a £31,000 charge from Manchester City Council for IT services during the period when their domain was being used by the Joint Committee.

9.0 Income

- 9.1 There has been an overachievement of parking income (£137,992). The recharge for bus lane adjudication service costs shows a favourable variance of £107,778. This together with bank interest provides an overall favourable variance of £41,942.

10.0 Cash Flow

The Accounts and Audit Regulations require a cash flow statement to be prepared. The invoicing quarterly in advance broadly addresses the balancing of cash flow. At the third quarter point a net surplus of £28,109 between parking income and expenditure on the balance sheet is reported. This includes income from the Bus Lane account.

11.0 Access to Information

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

Name: Louise Hutchinson
Designation: Head of Service
Tel No: 01625 445566
Email: lhutchinson@patrol-uk.info

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**Appendix 1
PATROL Budget Monitoring at 31.12.13**

	to 31.12.13 Actual	to 31.12.13 Budget	to 31.12.13 Var to Budget	to 31.12.13 Var to Budget	Full Year Budget 13/14	2012/13 OUTTURN	2013/14 FC OUTTURN
Income							
Penalty Charge Notice	2,009,212	1,871,220	137,992	7.4%	2,494,960	2,579,945	2,682,212
Contribution from Reserves		199,953	-199,953	-100.0%	266,604	0	
Other Income			0	0.0%	0	0	
Bank Interest	3,625	7,500	-3,875	-51.7%	10,000	9,157	4,833
Recharge for Bus Lane Adjudication Costs	347,778	240,000	107,778	44.9%	320,000	344,079	457,778
Total Income	2,360,615	2,318,673	41,942	1.8%	3,091,564	2,933,181	3,144,823
Expenditure:							
Adjudicators	767,193	923,303	156,110	16.9%	1,231,105	942,475	1,018,397
Staff	676,559	649,121	-27,438	-4.2%	865,495	726,015	898,430
Premises / Accommodation	286,491	80,175	-206,316	-257.3%	106,900	225,655	396,233
Transport	33,877	20,869	-13,009	-62.3%	58,997	50,650	45,170
Supplies and Services	293,784	259,201	-34,583	-13.3%	345,620	261,263	377,009
IT	236,596	250,087	13,491	5.4%	333,449	394,919	262,698
Services Management and Support	35,655	30,000	-5,655	-18.9%	40,000	14,825	15,048
Audit Fees	2,350	10,000	7,650	76.5%	10,000	8,450	12,350
Contingency	0	75,000	75,000	100.0%	99,998	0	0
Total Expenditure	2,332,506	2,297,755	-34,750	-1.5%	3,091,564	2,624,253	3,025,335
Surplus / (Deficit)	28,109	20,918	7,191	34.4%	0	308,928	119,488

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PATROL ADJUDICATION JOINT COMMITTEE
Executive Sub Committee

Date of Meeting: 28th January 2013
Report of: The Lead Officer on behalf of the Advisory Board
Subject/Title: Revenue Budget 2014/15

1.0 Report Summary

- 1.1 To request the Committee to adopt the Revenue budget estimates for 2014/15

2.0 Recommendation

- 2.1 To agree to adopt the Revenue Budget for 2014/15 as detailed in the report at Appendix 1.

3.0 Reasons for Recommendations

- 3.1 Compliance with Joint Committee Financial Regulations

4.0 Financial Implications

- 4.1 Set out in the report

5.0 Legal Implications

- 5.1 Requirement to approve budget before 31 January 2014

6.0 Risk Management

- 6.1 Budget setting forms part of the Risk Management Strategy.

7.0 Background and Options

- 7.1 In accordance with the Joint Committee's agreement, it is necessary to establish a budget estimate for the forthcoming year. An assessment has been made of the likely service take up during 2014/15 and therefore the Adjudicators, administrative support and accommodation needed. The adjudication service is operated on a self-financing basis with income obtained from contributions by PATROL member authorities.

7.2 Income assumptions

The table below provides an income summary since 2005/06

Year	Budgeted Income	Achieved Income	Variance
2005/05	2,209,439	2,059,439	(150,000)
2006/07	2,315,226	1,994,832	(320,394)
2007/08	2,428,502	2,360,402	(68,100)
2008/09	2,439,499	2,344,568	(94,931)
2009/10	2,441,432	2,712,373	270,941
2010/11	2,560,993	2,464,288	(96,705)
2011/12	2,782,500	2,831,333	48,833
2012/13	2,576,410	2,624,178	47,768
2013/14	3,091,564		

- 7.3 The Joint Committee has determined that member authorities will defray the expenses of the Joint Committee by way of a contribution based on the number of penalty charge notices they issue.
- 7.4 For 2014/15, the forecasting model focuses on trends from the past 12 month's income. No assumptions have been made about new councils.
- 7.5 Additional income to the PATROL budget arises from the transfer of income from the Bus Lane Adjudication Service Joint Committee for the purposes of integrated adjudication services. For budget purposes, it is assumed that the level of income will follow the most recent estimates from councils operating civil enforcement of bus lanes during 2013/14. No assumptions are made about bus lane councils joining the scheme in 2014/15.
- 7.6 It is anticipated that from October 2014, a new appeal stream will commence in relation to the Dartford River Crossing. For budget purposes, an estimate of income arising from the Joint Committee providing access to adjudication has been included.
- 7.7 A modest amount of bank interest has been included in the income projection based on the Annual Investment Strategy reported elsewhere.

8.0 Expenditure

- 8.1 An assessment has been made of the revenue budget that will be needed to meet the demands on the service during 2014/15. The assessment has taken into account spending that will be needed to sustain the adjudication service in 2014/15.

8.2 Adjudicators

An assessment has been made of the likely appeals activity for 2014/15. Provision has been made for a 1% inflationary uplift.

8.3 Staffing

The staffing budget increase reflects the introduction of a fixed term project management role to support the implementation of the new Portal and two additional administrative staff mid-year to support the introduction of appeals from the Dartford River Crossing. Provision is made for a role to replace the Tribunal Registrar. An uplift of 1% has been provided for.

8.4 Premises

The Joint Committee benefited from a rent free period in 2013/14. Expenditure for 2014/15 represents the full rental cost.

8.5 Transport costs have increased marginally and include staff travel (incorporating the relocation allowance for year two of four years) and support for Member/Officer attendance at meetings other than the Joint Committee meetings.

8.6 The increase in Supplies and Services reflects the provision made for commissioning services (£50,000) to support the introduction of the portal. Beyond the technical expenditure which will be met through the Technical Reserve, there will need to be wholesale refresh of the tribunals on-line content and an engagement programme with the councils and appellants. In addition, provision is made to enable an independent review of our general IT requirements to support the Portal strategy. (£25,000). Following discussion at the October Joint Committee, provision has been made for the Joint Committee to commission research on civil parking enforcement outside London (£35,000), a paper on which will be presented to the full meeting in June 2014.

8.7 The IT budget line reflects expenditure to maintain the existing case management system alongside the new Portal in 2014/15. The increase in costs from 2013/14 reflects the introduction of additional security measures (£20,000) and £24,000 in respect of scanning costs which were previously assigned to Supplies and Services

8.8 Expenditure on the new Portal which is supported by the Technology Reserve will be reported separately.

8.9 Service management and support relates to services from the Host Authority, Cheshire East Council, which are anticipated to be £45,000. This will be underpinned by a Service Level Agreement.

8.10 Audit Fees have reduced slightly. External Audit is provided through BDO LLP and internal audit through Cheshire East Council (and is costed separately to the Service management and support charges, reported above.

8.11 As in 2013/14 a contingency figure of £100,000 is included.

9.0 Recommended revenue budget estimate for 2014/15

To agree to adopt the Revenue Budget for 2014/15 as detailed in the report at Appendix 1.

10.0 Access to Information

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

Name: Louise Hutchinson
Designation: Head of Service
Tel No: 01625 445566
Email: lhutchinson@patrol-uk.info

Item 10 Appendix 1 PATROL Revenue Budget 2014/15

	Full Year Budget 13/14	BUDGET 2014/15	BUDGET 13/14 v 14/15
Internal recharge from Bus Lane	320,000	463,529	143,529
Bank Interest	10,000	12,000	2,000
Contribution (from) / to Reserves	266,604	67,000	-199,604
Parking Income	2,494,960	2,367,200	-127,760
RUCA Income		500,000	500,000
Parking PCN Adjustments			0
Total Income	3,091,564	3,409,729	318,165
Contingency	99,998	100,000	-2
Audit	10,000	9,000	1,000
Adjudicators	1,231,105	1,275,216	-44,111
Employees	865,495	915,767	-50,272
Premises	106,900	163,734	-56,834
Transport	58,997	69,658	-10,661
Supplies and Services	345,620	457,748	-112,128
IT	333,449	373,606	-40,157
Service Management and Support	40,000	45,000	-5,000
Total Expense	3,091,564	3,409,729	-318,165
SURPLUS / (DEFICIT)	0	0	0

PATROL ADJUDICATION JOINT COMMITTEE
Executive Sub-Committee

Date of Meeting: 28th January 2014
Report of: The Lead Officer on behalf of the Advisory Board
Subject/Title: Reserves Policy Statement

1.0 Report Summary

1.1 To review the Reserves Policy Statement for the Joint Committee for 2014/15

2.0 Recommendation

2.1 To approve the Reserves Policy Statement for 2014/15

2.2 To approve the balances any surplus from 2013/14 being carried forward to 2014/15.

2.3 To approve the delegation of authority to the Chair and the Vice Chair for authorising the withdrawal of funds from reserves to meet budgetary deficits.

3.0 Reasons for Recommendations

3.1 Compliance with Financial Regulations

4.0 Financial Implications

4.1 The Reserves Policy Statement contributes to the self-financing objectives of the Joint Committee.

5.0 Legal Implications

5.1 The Reserves Policy Statement will enable contractual obligations to be met

6.0 Risk Management

6.1 The Reserves Policy Statement forms part of the Risk Management Strategy

7.0 Background and Options

7.1 A paper was presented to the October 2013 meeting of the PATROL Executive Sub Committee setting out the rationale for the Reserves Policy Statement 2014/15

7.2 PATROL has built up a body of reserves which ensures the continuation of service should there be an unexpected downturn of income or unforeseen expenditure. The availability of reserves is central to maintaining its ability to

self-finance and reduce the likelihood of having to call on additional resources mid-year. At 31st March 2013, the level of reserves was £2,183,991.

- 7.3 For 2014/15, it is recommended that the Reserves Policy Statement will be made up of three elements:

General Reserves
Property Reserves
IT Reserve

- 7.4 The General Reserve aims to mitigate the risk arising from:

- a) Reduction in income as a result of individual enforcement authority issues.
- b) Reduction in income as a result of issues affecting civil enforcement across all or a majority of enforcement authorities
- c) Unanticipated costs associated with legal action
- d) Unanticipated expenditure due to unforeseen circumstances
- e) Overrun on expenditure
- f) Meeting contractual obligations in the event of closure.

It is recommended that the General Reserve for 2014/15 is £1,280,660

- 7.5 The Property Reserve

This provides an indemnity to the Host Authority in relation to any outstanding rent associated with the current lease that they have entered into on behalf of the Joint Committee. For 2014/15 this will be based on 1 year's rent (beyond the 2014/15 budget provision) to the break clause at year 3 of the lease.

It is recommended that the Property Reserve for 2014/15 is £105,805.

- 7.6 IT Reserve

The Joint Committee has made provision for an IT reserve of £424,500. This has been set aside for the introduction of the Tribunal case management portal and to support the engagement of councils in this process. It is anticipated that use of this reserve will already have commenced by the close of 2013/14.

It is recommended that the Technology Reserve for 2014/15 is £424,500.

- 7.7. It is recommended that the total approved reserve for 2014/15 is £1,810,965.

- 7.8 The Joint Committee will monitor income and expenditure during 2014/15 to keep the Reserves Policy Statement under review. Any additional balances will be taken into account in setting the budget and basis for defraying expenses in January 2015.

8.0 Access to Information

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

Name: Louise Hutchinson
Designation: Head of Service
Tel No: 01625 445566
Email: lhutchinson@patrol-uk.info

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PATROL ADJUDICATION JOINT COMMITTEE
Executive Sub Committee

Date of Meeting: 28th January 2014
Report of: The Lead Officer on behalf of the Advisory Board
Subject/Title: Annual Investment Strategy

1.0 Report Summary

- 1.1 To report on investments during 2013/14 and request the Joint Committee to approve the annual investment strategy for 2014/15

2.0 Recommendation

- 2.1 To approve the Annual Investment Strategy 2014/15

3.0 Reasons for Recommendations

- 3.1 Joint Committee 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 The Annual Investment Strategy is informed by the Joint Committee's Risk Management Strategy.

7.0 Background and Options

- 7.1 The Joint Committee or its Executive Sub Committee is responsible for approving the Joint Committee's Annual Investment Strategy.
- 7.2 The Head of Service will prepare an Annual Investment Strategy in consultation with the Joint Committee's Treasurer (the Host Authority's Section 151 Officer)
- 7.3 The Annual Investment Strategy will be informed by the Joint Committee's Risk Management Strategy. The Joint Committee has determined:

"We will avoid risks that threaten our ability to undertake our principal objectives in a way which 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"

7.4 Review of 2013/14

The 2013/14 Reserves Policy Statement identified three specific elements of reserves:

- Operating reserve £433,049
- Property reserve £ 425,346
- IT reserve £424,500
- Total reserve of £1,282,895

7.5 During the year to date the following deposits have been placed

£433,049 at an interest rate of .85% for 3 months

£425,346 at an interest rate of .85% for 3 months

£425,000 at an interest rate of .85% for 1 month

7.6 In October 2013, we reviewed our cash requirements for the following three months and increased our deposits to include cash reserves:

£279,000 at .85% for 3 months

£200,000 at .41% for 1 month

7.7 Amounts are invested so that there is an investment maturing each month. Therefore, if required, cash flow issues can be addressed.

7.8 During this period, the approved reserves and additional cash reserves have been placed within the fixed rate deposit accounts.

7.9 As reported to the Joint Committee's Executive Sub Committee in January 2014, the Joint Committee has withdrawn from the Cooperative Bank both in terms of fixed term deposits and its current account.

8.0 Annual Investment Strategy 2014/15

8.1 Deposits will only be made with UK, low risk banks in the form of placing in fixed term deposit accounts and will be spread over at least two banks to reduce risk. Deposits will be moved to HSBC, Lloyds and Santander. These arrangements will continue on a rolling basis.

8.2 Consideration will also be given to automatically placing overnight balances on deposit.

9.0 Access to Information

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Name: Louise Hutchinson
Designation: Head of Service
Tel No: 01625 445566
Email: lhutchinson@patrol-uk.info

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PATROL ADJUDICATION JOINT COMMITTEE
Executive Sub Committee

Date of Meeting: 28th January 2014
Report of: The Lead Officer on behalf of the Advisory Board
Subject/Title: Defraying the expenses of the Joint Committee 2014/15

1.0 Report Summary

- 1.1 To establish the basis for those participating in the Joint Committee's arrangements to contribute to expenses during 2014/15

2.0 Recommendation

- 2.1 The Joint Committee shares its expenses in proportion to the number of PCNs issued on the following basis for 2014/15.

ELEMENT	CHARGE
Annual Charge	NIL
Charge per PCN issued	£0.56 pence
Cost per case	See Recommendation 2.2

- 2.2 In addition the Joint Committee is asked to approve the principle of introducing a cost per case charge in-year for paper evidence files once the portal is available to councils. This would be preceded by a report to the Joint Committee or its Executive Sub Committee.
- 2.3 Invoicing will be undertaken on a quarterly basis based on estimated figures and subsequently adjusted.
- 2.4 To note that the decision to provide a transcription from the audio recording of proceedings rests with the Adjudicator. Where this has been agreed to, the Joint Committee agree that the incidental cost of making a transcription from the audio recordings of the proceedings, at a personal 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.

3.0 Reasons for Recommendations

- 3.1 Compliance with Financial Regulations

4.0 Financial Implications

4.1 Detailed in the report

5.0 Legal Implications

5.1 In accordance with the PATROL Adjudication Joint Committee Agreement

6.0 Risk Management

6.1 Identified within the Risk Register

7.0 Background and Options

7.1 The Joint Committee provides the means to appeal to an independent adjudicator in respect of civil traffic enforcement in England (outside London) and Wales.

7.2 The PATROL agreement provides for the adjudication service to be operated on a self-financing basis with expenses shared by participating authorities and other organisations underpinned by a Memorandum of Participation. Where authorities are working in partnership, it is practice only to charge those enforcement authorities who manage the enforcement income stream. In establishing the contribution and considering the options for recommendation, the Advisory Board has been mindful of the need to ensure that the contributions are both equitable and not prohibitive to any particular type or size of authority. Table 1 provides an overview of the Joint Committee's basis for member authority contributions since inception.

7.3 The current level of appeals is on average 0.3% of the number of PCNs issued. For 2014/15, estimates have been based on this appeal rate and this has been reflected in the proposed contribution.

Year	PCN	Annual	Case
1999/2000	70 pence	£500	£10
2000/01	70 pence	£500	£10
2001/ 02	70 pence	£500	£0
2002/03	70 pence	£500	£0
2003/04	65 pence	£250	£0
2004/05	65 pence	£250	£0
2005/06	60 pence	£0	£0
2006/07	55 pence	£0	£0
2007/08	60 pence	£0	£0
2008/09	60 pence	£0	£0
2009/10	60/65 pence ¹	£0	£0
2010/11	65 pence	£0	£0
2011/12	65 pence	£0	£0
2012/13	60 pence	£0	£0
2013/14	60 pence	£0	£0

Note 1 – the PATROL Joint Committee approved an increase to 65 pence with effect from 1 July 2009

7.4 In considering establishing the basis for defraying expenses in 2014/15, the following options were considered:

0.55p: an appeal rate of 55 pence per PCN would require a contribution from reserves of £118,739

0.56p: an appeal rate of 56 pence per PCN would require a contribution from reserves of £67,549

0.60p : an appeal rate of 60 pence per PCN would result in a surplus of £137,212

8.0 Recommendation

8.1 Taking into account the current level of reserves, the income forecasts and the developments within 2014/15, the recommendation is to reduce the basis for the contribution for 2014/15 to 0.56 pence per PCN

8.2 The Joint Committee is asked to approve the principle of introducing a cost per case charge in-year for paper evidence files once the portal is available to councils. This would be preceded by a report to the Joint Committee or its Executive Sub Committee.

8.3 Local authorities are invoiced quarterly in advance based on estimated figures and subsequently adjusted.

9.0 Transcription Costs

9.1 To note that the decision to provide a transcription from the audio recording of proceedings rests with the Adjudicator. Where this has been agreed to, the Joint Committee agree that the incidental cost of making a transcription from the audio recordings of the proceedings, at a personal 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.

10.0 Access to Information

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

Name: Louise Hutchinson
Designation: Head of Service
Tel No: 01625 445566
Email: lhutchinson@patrol-uk.info

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