

# London Councils

The voice of London local government

## Deregulation Bill - Clause 38

### Civil penalties for parking contraventions: enforcement

#### Summary

**London Councils supports the amendment to delete Clause 38 from the Bill and ask peers to vote for this change. We believe that parking regulations are an essential element of urban transport and traffic management. Parking regulations are primarily in the motorists' interest and are needed to reduce accidents and congestion and to manage the use of the kerb space where demand exceeds supply. CCTV is a vital part of enforcement, to prevent accidents, to improve road safety and to reduce congestion at key locations.**

There are five reasons why we believe this provision is ill-judged and in spite of the exclusions should be deleted from the Bill - see below. This is an issue where London boroughs, local government nationally and parking associations are all agreed on the folly of proceeding with this provision.

The views below come from our borough members who work on this issue every day and know the traffic enforcement conditions first hand. Local authorities ought to be trusted to judge the issues and priorities in their areas and not have to obey an ill thought out central government diktat.

Parking enforcement, including CCTV use, is not about revenue raising, which is unlawful. Peers will be aware that any income which does arise is ring-fenced for transport and highways improvements such as mending potholes and supporting concessionary fares programmes. The Government seems to think that Councils use CCTV as a 'cash cow' to raise revenue - this is in stark contradiction to the realities of traffic enforcement and the evidence provided (which has constantly been ignored).

#### 1. Road safety.

CCTV cameras are a vital enforcement tool and any ban would significantly reduce the effectiveness of parking enforcement and have a negative impact on road safety in many ways. The City of London use CCTV for night time economy enforcement around nightclubs, where road and personal safety can be an issue. CCTV also has a positive impact on community safety and boroughs report interventions in crime and anti-social behaviour initiated by operators involved in traffic enforcement. Many of the traffic enforcement systems are shared with community safety with the upkeep funded by the traffic department. Banning the use of CCTV for parking enforcement could see a loss of cameras (and maybe even entire control rooms) which would have direct impact on community safety.

#### 2. Congestion.

There are many locations where reliance on on-street Civil Enforcement Officer (CEO) enforcement has not proved effective, or is not feasible and the introduction of CCTV has been crucial in improving compliance and reducing congestion. This is particularly important at major junctions where even vehicles stopping briefly can cause significant congestion and blockages for all road users. CEO enforcement cannot work effectively in such locations.

The majority of PCN's issued by CCTV are for parking in bus stops, on footways, zig-zags and where there are waiting and loading restrictions in place. Camden Borough's evidence is that over 86 per cent of CCTV PCNs are issued for contravening these restrictions and they would become illegal if this Clause becomes law. These contraventions all have the real potential to both disrupt the flow of traffic through key arterial routes and along high streets, as well as cause obstructions and hazards to cyclists and pedestrians. While boroughs say that CCTV is integral to their work to reduce congestion, improve road safety/reduce dangers, provide for business activity, improve access, improve journey times, encourage sustainable transport and increasing the use of public transport, they only use it to enforce serious contraventions. CCTV is not used where vehicles are permitted to park, for example in pay and display bays, or residents-only bays. By banning CCTV use you remove a significant deterrent to motorists to contravene the regulations and non-compliance would increase dramatically.

### **3. Government has not listened.**

The government has not listened to responses to their own consultation. On the CCTV ban proposal, six of the eight types of organisation detailed in the government response (local authorities, cycling, transport and disabled groups, schools and bus operators) all said that they opposed a camera ban and the remaining two – businesses and motoring groups - had a mixed response. None of the groups consulted supported a ban wholeheartedly. The City of London has said in response to the proposals that 'a blanket ban on CCTV enforcement would be detrimental to all the users of the Square Mile'. Nevertheless, the government is going ahead with a ban with limited exclusions.

### **4. Proposed powers too extensive and not cost effective.**

The Clause gives very wide-ranging powers to a Secretary of State to issue regulations on whatever and whenever they want to, particularly the introduction of clause 87A to the Traffic Management Act. We believe this is not good legislative practise and gives too much power to the politician in post. The Government is urging local government to save money and improve their efficiency. CCTV enforcement is considerably more efficient and cost effective than relying on CEOs. To restrict its use is, therefore, perverse. Councils have also invested heavily in CCTV and much of this investment would be wasted if the CCTV enforcement infrastructure was decommissioned. One borough's estimated that to replacement with on-street patrols the top 14 locations where currently about 70 per cent of all PCN's are issued by way of CCTV would cost them in excess of £600k.

### **5. Provisions tabled hastily and are not well thought through.**

This provision seeks to ban the use of CCTV in parking enforcement. The government say that it will work because they are proposing four exclusions as follows. The exclusions proposed would be:

- when stopped in restricted areas outside a school;
- when stopped where prohibited on a red route or clearway;
- when parked where prohibited in a bus lane;
- or when stopped on a restricted bus stop or stand.

These exclusions are irrational as they stand. For example, allowing an exemption for school entrances but not for pedestrian crossings (which are usually associated with them) is perverse. To allow an exemption for a red route or clearway but not for other areas where the regulations prohibit all stopping is equally perverse. There is no logic for exempting the one group but not the other.

**The Labour party amendments (61C-61F) would help mitigate the detrimental impacts of this clause, but overall this provision is ill-conceived and not thought through. The amendments cannot mask what is a badly thought out, politically not policy driven idea. We would much prefer the clause to be deleted.**

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*London Councils represents all 32 London boroughs and the City of London. The Mayor's Office for Policing and Crime and the London Fire and Emergency Planning Authority are also in membership*