

# London Councils

The voice of London local government

## Deregulation Bill - Clause 39

**Civil penalties for parking contraventions: enforcement.**

**Report stage, House of Lords, Wednesday 11 February 2015**

### Summary

London Councils supports amendments 53 - 56 inclusive to Clause 39 in the names of Lord McKenzie, Baroness Hanham and Lord Tope.

We believe that these amendments supported by Peers of three different parties are desirable and ask you to support them. We set out our reasoning below.

We have during the passage of the Bill sought to argue that these provisions are not what respondents to the government consultation wanted, not a cost-effective solution and will have a negative impact on road safety and congestion. However, in spite of points raised in debates and meetings with ministers, the government is ploughing on regardless. Given that this is a complex and controversial issue, we believe that it needs more calm and careful consideration. Pushing this through just ahead of the election and without the regulations having been completed is not a good way to make new legislation and gives a blank cheque to the next Minister in whatever Government we have in May.

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.

#### Amendment 53.

This is necessary to ensure that a penalty charge notice can be given to the driver and where this is not possible, for example in moving traffic, that a notice can be posted to the vehicles owner. The government's provisions do not account for this possibility and is, we believe, a mistake.

#### Amendment 54.

The government have, through draft regulations sought four exclusions regarding any changes to Part 6 of the Traffic management Act 2004: a bus lane; a bus stop clearway or bus stand clearway; a carriageway outside a school entrance; and a red route. 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.

We believe that the list of exclusions as above should be extended as in amendment to: stopping on

pedestrian crossings; stopping where prohibited on a clearway; stopping in other locations where prohibited; loading where prohibited and that the provision on school entrances needs to be clarified. They should also be on the face of the Bill itself so they are not the subject of ministerial whim.

### **Amendment 55.**

This mirrors amendment 54 and seeks to make the same added exclusions when it comes to allowing the use of CCTV enforcement of parking contraventions. 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.

### **Amendment 56.**

This amendment seeks to ensure that before the section relating to the use of CCTV can come into force, that a regulatory and equalities impact assessment are made. Many councils in London use outside contractors for the parking enforcement duties and it would be both wise and desirable if these assessments were made of the impact these measures would have before they come into force. In addition, why has no assessment been made of what impact these measures would have on those dependent on public transport or of vulnerable users?

### **Other issues.**

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. CCTV is a cost-efficient method of traffic control and London has a long-established enforcement and appeals system. If anyone feels that they have been unfairly sent a PCN, they can appeal to the adjudicator who will judge the case impartially.

### **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. CCTV also has a positive impact on community safety and boroughs report interventions in crime and anti-social behaviour by those involved in traffic enforcement. 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.

### **Congestion.**

Parking 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. Boroughs only use CCTV enforcement 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. Banning CCTV use would remove a significant deterrent to motorists to contravene the regulations and non-compliance would increase dramatically.

### **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'.

### **Contact:**

**Oliver Hatch, Public Affairs Manager**

**Email: [oliver.hatch@londoncouncils.gov.uk](mailto:oliver.hatch@londoncouncils.gov.uk)**

**Tel: 020 7934 9558**

*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*