

ENFORCEMENT OF PARKING MANAGEMENT SCHEMES

Committee name	Residents, Education and Environmental Services Policy Overview Committee
Officer reporting	Roy Clark, Parking Services Manager
Papers with report	Appendix A - Plan of Parking Management and 'Stop and Shop' Schemes Appendix B – Table of PCN contraventions
Ward	All

HEADLINES

To provide Members of the Committee with a brief summary of the current parking enforcement arrangements in relation to Parking Management and 'Stop and Shop' schemes across Hillingdon.

RECOMMENDATIONS:

That the Committee:

- 1. Notes the information presented in the report.**

SUPPORTING INFORMATION

Background

Parking enforcement was decriminalised in 1993 and from 4th July 1994 all parking enforcement in London was undertaken by local authorities using powers prescribed in the Road Traffic Act 1991.

Decriminalised Parking Enforcement (DPE) was subsequently made available to local authorities outside London but it was not mandatory for authorities to adopt these powers.

The council initially undertook DPE using directly employed Parking Attendants to patrol the parking restrictions in the borough and to issue Penalty Charge Notices (PCNs) where vehicles were found to be parked in contravention. In 2003, the in-house DPE service was tendered and a specialist parking enforcement contractor took over the DPE service from September 2003. At that time, the council remained responsible for processing any appeals or challenges against the PCNs issued but the parking enforcement contractor was responsible for patrolling the parking restrictions and issuing PCNs.

Since then, the DPE contract has been renewed on a number of occasions to different providers

Classification: Public

Residents, Education and Environmental Services Policy Overview Committee - 15 October 2020

and the existing DPE service is undertaken by APCOA Parking (UK) Limited (APCOA). The existing contract expires on 3rd August 2021 and officers have already commenced the procurement process to retender this contract.

How parking enforcement is undertaken in Hillingdon

The council's parking enforcement contractor, APCOA, deploys Civil Enforcement Officers (as Parking Attendants are now known) to patrol in 24 distinct patrol areas across the borough on a daily basis, and approximately 250 hours of Civil Enforcement Officer (CEO) hours are deployed on each day (71 hours on Sundays and Bank Holidays). APCOA have a staff establishment of 50 no. enforcement staff to meet these deployment hours.

The CEOs generally work between 6am - 10pm Monday to Saturday and 8am -10pm on Sundays and Bank Holidays but these times can be extended if they are dealing with a particular issue where the problem is occurring outside of these hours.

Parking enforcement is undertaken in a mixture of ways which includes foot patrols, car/moped patrols and also by using Unattended CCTV enforcement units. The CEOs will patrol their nominated patrol beat and, whilst they will cover the whole beat area, they will concentrate on areas where high levels of contraventions occur to ensure that congestion is minimised on the road network and that it is safe for all users.

There are numerous parking management and Stop & Shop schemes across the borough and these are routinely patrolled, during their operating times, by the CEOs to ensure that the limited kerb space in parking management schemes is kept clear for residents and their visitors, and to ensure a turnover of spaces for visitors/shoppers in Stop & Shop areas.

Attached as Appendix A to this report is a plan showing the existing Parking Management Scheme ('PMS') and 'Stop and Shop' ('S&S') parking schemes currently implemented across the Borough.

Whilst the CEOs are required to undertake enforcement of all contravening vehicles that they find during the course of a patrol, this does not necessarily mean that they will issue a PCN to every vehicle. If the driver is with the vehicle they will be given the option to move so that they are no longer parked in contravention and a PCN will only be issued if the vehicle fails to move.

When new parking management or Stop & Shop schemes are introduced, officers review the extent of the new scheme with APCOA and decide whether additional CEOs need to be deployed to ensure that the new area is regularly patrolled or whether it can be incorporated into an existing patrol beat. In the week prior to parking enforcement being introduced into a new scheme, the CEOs will patrol the area and place Advisory Notices on all the vehicles, which advise the driver that new controls will soon be in force and encourages them to ensure that their vehicle is parked legally before the date that enforcement will start.

To assist with safety outside schools, we operate a school rota so that all of the various schools in Hillingdon are visited on a regular basis and almost all of the available CEOs are deployed outside the schools during the morning and afternoon school run times.

Classification: Public

Residents, Education and Environmental Services Policy Overview Committee - 15 October 2020

Contrary to popular belief, CEOs are not paid a bonus to incentivise the issue of PCNs and their salary is not related, in any way, to the number of PCNs issued. Additionally, the contract between the council and the APCOA specifically prohibits the introduction of a bonus scheme that is related, in any way, to the number of PCNs that are issued.

The council's Parking Operations team actively manage and monitor the DPE contract to ensure that APCOA are undertaking their duties in accordance with the contract.

CCTV enforcement

Prior to April 2015, local authorities were able to utilise CCTV technology to undertake enforcement of the parking regulations by CCTV but a change in legislation meant that from April 2015, CCTV could only be used to enforce parking in the following areas:

- Red Routes
- Bus Stop Clearways
- Bus Lanes
- School Keep Clear zigzag areas

Local authorities are also permitted to undertake CCTV enforcement of certain moving traffic contraventions, such as banned turns, no entry points, weight restrictions, etc, as these are not legally classed as "parking" contraventions.

To improve safety outside schools, the council installed Unattended CCTV enforcement units outside all schools in 2016 to automatically enforce against vehicles that stop on the School Keep Clear zigzag markings which are located outside most schools.

All contraventions that are captured by the Unattended CCTV enforcement system are manually reviewed by a specially trained CCTV enforcement officer to ensure that the evidence supports the issue of a PCN, before a PCN is authorised.

At the present time, the council has 131 Unattended CCTV enforcement units of which 106 are outside schools. A further 25 cameras have been deployed to enforce bus stops/lane and moving traffic conventions in various locations across the borough.

Legislation covering parking enforcement

There is a range of Acts of Parliament and Statutory Instruments which cover parking enforcement, which includes the following:

- The Road Traffic Regulation Act 1984 & 1991
- The Road Traffic Act 1991
- The London Local Authorities Acts 1990, 1995, 1996, 2000, 2004, 2007 and 2012.
- The Traffic Management Act 2004
- The London Local Authorities and Transport for London Act 2003 and 2013

Classification: Public

Residents, Education and Environmental Services Policy Overview Committee - 15 October 2020

In addition to these the Secretary of State for Transport has also issued Statutory Guidance to local authorities that sets out the policy framework for decriminalised civil parking enforcement. The guidance attempts to strike the balance between as much national consistency as possible, while allowing parking policies to suit local circumstances, and a system that is fair to the motorist, but also effective in enforcing parking regulations. All enforcement authorities operating DPE have to use this guidance as part of their parking operation.

To reflect the seriousness of different types of parking contravention, PCNs are legally categorised as Higher or Lower. Higher level PCNs generally apply to contraventions associated with prohibited parking, such as parking on double yellow lines, and Lower level PCNs apply to contraventions associated with permitted parking places, such as overstaying a period of parking in a bay. A table showing the various PCN contraventions that can be issued and whether they are Higher or Lower level PCNs is detailed in Appendix B.

Processing of appeals and challenges against PCNs

As part of the council's parking enforcement operation, the council operates a parking administration service to assess challenges or appeals against PCNs, in accordance with current parking enforcement legislation. It is a statutory requirement of all enforcement authorities to provide this service, to ensure that any challenges or appeals are dealt with equally, efficiently and consistently. This administration service is provided directly by council employees and is not part of the service provided by APCOA.

If a motorist feels that they have been issued a PCN that is incorrect then legislation provides them with an opportunity to submit a challenge/appeal. Their challenge or appeal will be considered by a specially trained council officer and a decision made as to whether the points raised by the vehicle owner or driver justify the cancellation of the PCN.

If the officer decides not to cancel the PCN then a full explanation is provided for the reason for rejecting the challenge or appeal.

If the person is not satisfied with the council's decision then the owner (which legislation deems to be the DVLA registered keeper), who is legally responsible for the PCN regardless of who was driving the vehicle, will then have an option to have their appeal considered by an independent Adjudicator at the Environment and Traffic Appeals Service. The Adjudicator will consider the case put forward by the owner and the council and make a decision on whether the PCN should be cancelled and their decision is binding on both parties. There is no charge made to the owner to use this service.

Implications on related Council policies

A role of the Policy Overview Committees is to monitor the performance of Council services and make recommendations on service changes and improvements to the Cabinet who are responsible for the Council's policy and direction.

How this report benefits Hillingdon residents

The report sets out the ways in which the Council enforces the parking restrictions that have been introduced in response to requests from residents in respect of parking management issues, and to minimise congestion and maintain safety on Hillingdon's road network.

Financial Implications

Any revenue generated from PCNs that have been issued legally accrues to the council's Parking Revenue Account, which is maintained in accordance with Section 55 of the Road Traffic Regulation Act 1984. Legislation requires that a London Borough council must keep an account of the income and expenditure in respect of parking places on the highway, and sets out how any deficit must be treated and limitations on the use of any surplus.

Legal Implications

The relevant legal framework is set out in this report.

BACKGROUND PAPERS

Appendix A - Plan of Parking Management and 'Stop and Shop' Schemes

Appendix B - Table of PCN contraventions