
PROPOSALS FOR DECRIMINALISATION OF ADDITIONAL PARKING OFFENCES OUTSIDE LONDON

1 SUMMARY

- 1.1 Members to consider the proposals received from the Department of Transport (DoT) which focuses on the decriminalisation of certain additional offences outside London. This would enable the enforcement of these offences to be undertaken by parking attendants employed by local authorities that have adopted the Road Traffic Regulation Act 1991 (RTA 1991).

2 BACKGROUND

- 2.1 The RTA 1991 provides for the decriminalisation of certain non-endorsable parking offences in London and allows local authorities outside London to apply to the Secretary of State for similar powers. These mainly include parking offences on yellow lines and in parking spaces. It does not include endorsable parking offences and offences related to obstruction which the Police continue to be responsible for.
- 2.2 Decriminalised parking enforcement (DPE) powers allow the local authorities to take over responsibility for enforcing parking contraventions from the Police and to retain the revenue received from penalties to fund their enforcement activities.
- 2.3 Under the RTA 1991, the Secretary of State is able to add to the list of parking offences enforceable in a Special Parking Area (SPA) outside London after consulting with representatives of chief officers of police and associations of local authorities as he considers appropriate.
- 2.4 Some authorities outside London have approached the department regarding the possibility of extending the scope of DPE contraventions. This is because DPE has highlighted offences such as parking at taxi stands and parking on or near pedestrian crossings (an endorsable offence), which are not always effectively enforced by the police as they have higher priorities for deployment of their resources.
- 2.5 Another problem where the police are not always able to act is in dealing with double parking, which is basically an offence of obstruction. The Department of Transport's proposals are detailed below.

3 PROPOSALS

- 3.1 Parking at Taxi Stands** - To provide for more effective enforcement and to reduce the call on police resources it is proposed that illegal parking on a taxi stand designated under section 64 of the Local Government (Miscellaneous Provisions) Act 1976 should be decriminalised within a SPA.
- 3.2 Parking offences during special events** - There is an ambiguity in the Road Traffic Regulation Act 1984 (RTRA 1984) which allows for both the police and local authorities to enforce contravention of temporary restrictions under two different sections of the Act. To rectify what has clearly been an oversight it is proposed to decriminalise contravention of a special events order under section 16C of the RTRA 1984.
- 3.3 Parking on Pavements** - Individual City Councils have introduced pavement parking bans under their own City Council Acts which are subsequently enforced by the police. Subject to a SPA order being made, it is proposed to decriminalise the offence of pavement parking.
- 3.4 Parking in bus stop clearways** - The Department of Transport will shortly be empowering local authorities to designate bus stop clearways without the need for a supporting traffic regulation order under the RTRA 1984. Because of this, the offence of parking in a bus stop clearway as designated within a SPA is to be decriminalised.
- 3.5 Parking on or within the area of a pedestrian crossing** - There is anecdotal evidence that drivers show greater respect for the zigzag markings of a pedestrian crossing than they do to parking or waiting restrictions shown by yellow lines. This is because the offence of parking within a pedestrian crossing is endorsable. Some authorities have requested this offence be decriminalised as the police are not always able to enforce it effectively. Three options are open for discussion:
- 3.5.1 Make no change to the existing legislation** on the basis that decriminalisation would result in the offender only having to pay a Penalty Charge Notice (PCN) and therefore violations could increase.
- 3.5.2 Decriminalise the offence** which would probably achieve a higher level of enforcement but might not translate into improved compliance for reasons outlined in 3.5.1. There would also be inconsistent consequences to offending motorists parked within a SPA as opposed to a non-decriminalised area.

- 3.5.3 **Allow local authorities to enforce this offence but do not decriminalise it fully.** The London Local Authorities Act 1995 (LLAA 1995) allows London authorities to issue penalty charges for parking on a pedestrian crossing whilst still allowing the police to enforce and endorse licences for the same offence. The police are required to inform local authorities if they are taking enforcement action to ensure that a motorist does not get two fines for the same offence. Unfortunately, this indeterminate state cannot be brought about by amendment of the RTA 1991 which only enables full decriminalisation. The DoT has effectively ruled out this option although views of local authorities are sought on whether this might be pursued if a suitable legislative opportunity arises.
- 3.6 **Double Parking** - Although double parking is not a specific offence the police have provisions under the Road Traffic Act 1988 and Road Vehicles Regulations 1986 to enforce an offence of 'permitting a vehicle to stand on a road so as to cause obstruction of the road'. Inevitably, this requires an exercise of subjective judgement as to whether an obstruction is being caused and the DoT are not keen to enable local authorities to enforce double parking by decriminalising the offence of obstruction. It would also deprive the police of the means of dealing with obstructive parking at night when parking attendants might not be on duty. To tackle the problem of double parking in London the LLAA 1995 was amended to create a specific offence of parking more than 0.5 metres away from the kerb, unless wholly within a designated parking place. The DoT will consider whether a similar contravention will apply outside London which can then be enforced by local authorities with DPE powers.
- 3.7 **Other issues** - London authorities also have the powers to serve a PCN on the basis of camera evidence and to serve a PCN through the post when a parking attendant is prevented from placing the PCN on a vehicle. The DoT believes it would be helpful to give similar powers to authorities exercising DPE powers outside London.

4 CONCLUSION

- 4.1 It is logical for the above offences to be enforceable within Rochford's SPA as police enforcement is inadequate at present. Rochford's officers, in the course of their daily patrols, would be in an ideal position to enforce these types of offences and naturally, this would boost income levels.

5 ENVIRONMENTAL IMPLICATIONS

- 5.1 Effective decriminalisation powers will assist in the free movement of traffic throughout the district.

8 PARISH IMPLICATIONS

- 8.1 Decriminalisation of parking and its effective enforcement affects all parts of the district.

9 RECOMMENDATION

- 9.1 It is proposed that the Committee **RESOLVES**

To fully support the Department of Transport's proposals and express a preference for option three (3.5.3), if practicably possible, in relation to parking on a pedestrian crossing.

Steve Clarkson

Head of Revenue & Housing Management

Background Papers:

Letter from the Department of Transport.

For further information please contact Jonathan Desmond on:-

Tel:- 01702 318025

E-Mail:- jonathan.desmond@rochford.gov.uk