

London Councils' Transport & Environment Committee

Code of Practice on Civil Parking Enforcement (Part 1)

Item No: 13

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Summary: This report contains a revised Code of Practice on Civil Parking Enforcement.

Recommendations: The Committee is asked to:

- Note the contents of the revised Part 1 of the Code of Practice and agree that it should replace Part 1 of the existing Code
- Recommend the adoption of Part 1 of the Code of Practice by all London authorities that carry out civil parking enforcement of parking regulations.

Introduction

1. Decriminalised parking enforcement was first introduced in 1993 as a result of legislation introduced under the Road Traffic Act (RTA) 1991. This gave local authorities the power to take on responsibility for the enforcement of parking regulations as well as the clamping and removal of vehicles. Part 6 of the Traffic Management Act (TMA) 2004 replaced the RTA 1991 in April 2008 and forms the majority of the current legislation in London.
2. Under the terms of the London Councils' Transport and Environment Committee agreement in 2009, a non-statutory function of London Councils is to publish and update as necessary a Code of Practice for Parking in London.

3. The Code of Practice was last revised and approved by TEC in 2006. Since this time there have been substantial changes to parking legislation following the introduction of the TMA 2004 and this revised document reflects these – and other - legislative changes since 2006.

Revisions to the Code of Practice

4. The enactment of the Deregulation Bill in 2015, introduced restrictions on the use of CCTV enforcement for parking contraventions. This limited CCTV use to critical parking locations such as school keep clears, bus lanes, bus stops and red routes. The act also introduced mandatory 10 minute “grace periods” for certain contraventions. Therefore, there was a real requirement to review and update the Code of Practice as a whole and takes into consideration these changes prescribed within the Act.
5. In March 2015 the Department for Transport (DfT) published the latest version of the ‘Operational Guidance’ to Local Authorities on Parking Policy and Enforcement. The DfT has announced that they will no longer be producing and updating this guidance which has provided the useful benchmarking of enforcement protocol. The DfT still produce the Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions, under the TMA 2004. This Code of Practice has been revised accordingly to ensure that it builds on the advice and information contained within these two documents and sets out the grounds for good practice in London.
6. London Councils set up a Working Group with five participating boroughs to review the existing Code of Practice and to implement the prescribed legislative and guidance changes. The group also consulted and agreed upon proven best practices, taking into consideration the advancements since 2006 in technology, such as mobile phone payments for cashless parking.
7. This updated version of the existing Code of Practice advises authorities in London of the procedures that they must follow; the procedures they must have regard to and those that London Councils recommends are good practice when delivering civil parking enforcement. Since the first publication of the Code of Practice, all 32 boroughs and City of London have adopted the Code and this is reflected in their enforcement procedures.
8. The Code of Practice is split into two separate parts: Part 1 is concerned with the on-street enforcement activities and sets out the objectives and requirements of Civil Enforcement Officers, the requirements of the Penalty Charge Notices (PCNs) and clamping and removal procedures. Part 2, (to follow at a later stage) will set out the procedures that should be followed when processing PCNs through the various stages in the back office.
9. The Code of Practice incorporates the changes brought about by the Traffic Management Act 2004, the Deregulation Act 2015, London specific legislation, the amendments to the Department for Transport’s (DfT) Operational Guidance to Local Authorities and the TMA 2004 Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions.

10. The Code of Practice is not statutory but authorities must have regard to the contents which reflect existing practices.

Financial Implications

11. There are no financial implications to London Councils arising from this report.

Legal Implications

12. Although civil parking enforcement sits within a legal framework, there are no legal implications associated with the production of this Code of Practice.

Equalities Implications

13. Although there are no equalities implications to this report, the Code of Practice does make reference to enforcement and exemptions as they relate to blue badge holders.

Recommendations

14. The Committee is asked to:
 - Note the contents of the revised Part 1 of the Code of Practice and agree that it should replace Part 1 of the existing Code
 - Recommend the adoption of Part 1 of the Code of Practice by all London authorities that carry out civil parking enforcement of parking regulations.

Appendices

Appendix A: Code of Practice on Civil Parking Enforcement – Part 1

Appendix B: Sample Documents