



**Management Committee
COST 342**

**Parking Policy Measures and their
Effects on Mobility and the Economy**

Subject: Overview of national and regional parking policies in the United Kingdom

OVERVIEW OF NATIONAL AND REGIONAL PARKING POLICIES IN THE UNITED KINGDOM

1. LEGISLATIVE BACKGROUND

The powers of local authorities to control waiting (parking) and loading, to provide off-street parking and to regulate and charge for on-street parking are contained in the Road Traffic Regulation Act 1984. The Act applies to England, Wales and Scotland. Under devolved powers, the Scottish Parliament may amend this Act in relation to Scotland. [Different arrangements apply in Northern Ireland where, until recently, responsibility rested with the Department for Regional Development operating under direct rule from the Secretary of State for Northern Ireland. This is now devolved to the Northern Ireland Assembly.]

The 1984 Act gives local traffic authorities responsibility for traffic and parking management on local roads (ie all roads other than trunk roads and motorways where the Secretary of State retains responsibility). Local authorities are best placed to consider how local needs can most effectively be met and are ultimately responsible to the local electorate for the way they carry out their duties.

Local traffic authorities regulate traffic and parking on local roads by making orders under the Road Traffic Regulation Act 1984 to regulate. These powers are very wide and flexible and enable local traffic authorities to implement schemes to local needs. They can, for example, prohibit parking on street for all or part of the day, limit the duration of any parking permitted and reserve parking for residents. They can also restrict or prohibit the loading and unloading of goods. Usually such restrictions are only applied in peak times but they can be applied more extensively if required, for example, where loading at any time would cause danger or obstruction, such as close to road junctions.

Local traffic authorities also have powers under the 1984 Act to provide and regulate off-street car parks. Orders made under the 1984 Act set out the terms and conditions of use of the car park including the level of charges. Local authorities may decide to provide free car parks, for example, in small towns and villages where such a policy might be seen as supporting overall traffic management policies by encouraging locals to shop and park locally rather than add to congestion by driving and parking in the major town for the area.

Government policy is that the cost of parking provision should fall on the user, not on council tax payers as a whole. Local authorities can, of course, cover the cost of free car parks in villages and small towns from revenue from town centre car parks.

Local traffic authorities must follow the statutory procedures set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 when making a traffic regulation order under the 1984 Act. These regulations provide that local authorities must consult, advertise their proposals and consider objections before deciding whether to proceed and make the order. In certain circumstances, where an order would have the effect of prohibiting loading outside peak times or where an order would prevent a bus operator from setting down and picking up passengers, the local authority must hold a public inquiry.

Local traffic authorities also have powers under the 1984 Act to make **temporary orders**, for example, to close a road or suspend parking provision because of road works and **experimental orders** where the local traffic authority wishes to monitor the effect and if necessary to amend it before the order becomes permanent.

Further details on the making of traffic regulation orders are contained in the attached Traffic Regulation Orders Information Sheet.

ENFORCEMENT OF PARKING REGULATIONS

ON-STREET

Under the Road Traffic Regulation Act 1984, enforcement of parking regulations is primarily the responsibility of the police. The local authorities role in this process is largely limited to serving excess charge notices on motorists who overstay in designated parking bays.

It was largely as a result of dissatisfaction with the level of parking enforcement by the police that legislation was brought forward in the Road Traffic Act 1991 to enable local authorities to enforce most parking offences themselves under a decriminalised parking enforcement regime.

All local authorities in London were required by the Road Traffic Act 1991 to take on decriminalised parking enforcement powers and had done so by 4 July 1994. The 1991 Act also gave local authorities outside London the power to apply to the Secretary of State for decriminalised parking enforcement powers. As at 1 September 2000 there were 20 authorities outside London, plus 1 in Wales and 2 in Scotland with decriminalised parking enforcement powers. We expect the number of English authorities outside London with decriminalised parking enforcement powers to grow to 26 by the end of 2000 and to over 50 by the end of 2001.

Local Authority Circular 1/95, issued jointly by the Department of Transport and the Welsh Office, provides advice to local authorities seeking to apply for decriminalised parking enforcement powers.

Where parking has been decriminalised, parking offences are no longer criminal and are enforced as parking contraventions by the local authority. Other provisions of the decriminalised parking enforcement regime are:

- Parking attendants are empowered to place Penalty Charge Notices on vehicles contravening parking regulations.
- Parking attendants may authorise the wheelclamping or towing away of vehicles contravening parking regulations, where the local authority chooses to exercise these powers. (Only a small minority of authorities with decriminalised parking enforcement powers use their powers to wheelclamp).
- The penalty charges associated with Penalty Charge Notices are civil debts, due to the local authority and enforced through a streamlined version of the civil debt recovery process.
- Vehicle owners wishing to contest liability for a penalty charge may make representations to the local authority and, if these are rejected, they may have grounds for appeal to independent adjudicators whose decision is final. Groups of local authorities – the Association of London Government Transport and Environment Committee and the National Parking Adjudication Service outside London – are responsible for setting up and operating the adjudication arrangements. The adjudication arrangements operate under rules laid down by the Council on Tribunals.

- he local traffic authority retains the proceeds from the penalty charge which they use to finance the adjudication and enforcement systems. Any surpluses must be used to for transport related purposes under the provisions of section 55 of the Road Traffic Regulation Act 1984.

Where decriminalised parking enforcement is in operation, obstructive parking and endorsable parking offences (broadly those involving dangerous parking such as parking on, or on the zig zag lines, of a pedestrian crossing) remain criminal offences subject to criminal law and police enforcement.

The Road Traffic Act 1991 makes a distinction between “Permitted Parking Areas” (PPAs), where contraventions relating to permitted parking, such as on meter bays, are decriminalised, and “Special Parking Areas” (SPAs), where other parking offences, such as parking on yellow lines or in a bus lane, are decriminalised. The latter offences also include contraventions of local authority off-street parking orders, which means that off-street street parking enforcement (see below) is brought into a decriminalised parking regime. In practice, the Department of the Environment, Transport and the Regions insists that all local authorities applying for Orders apply for both PPAs and SPAs, with the same boundaries, in order to achieve efficient and effective enforcement.

OFF-STREET

The police have no role to play in the enforcement of off-street parking controls in local authority car parks. This is entirely a matter for the local authority concerned.

Local authorities without decriminalised parking enforcement powers use the procedures set out in the Road Traffic Regulation Act 1984 and serve “Excess Charge Notices” on motorists contravening the provisions of the parking place order. It is a matter for the local authority concerned to determine the level of excess charge. Usually local authorities allow motorists a substantial discount to encourage early payment and to reduce the number of cases that go to court.

Local authorities can also apply for decriminalised parking enforcement powers covering their off-street car parks (see above). Where local authorities have taken on these powers, enforcement is by the local authority serving Penalty Charge Notices on motorists contravening the parking regulations in the same way as for on-street parking contraventions.

The Department of the Environment, Transport and the Regions recommends that local authorities applications for decriminalised parking enforcement powers should also include off-street parking enforcement. Local authorities with decriminalised parking enforcement regimes covering on-street and off-street can benefit from significant economies of scale in administration and enforcement. Motorists, for their part, find it easier to understand an enforcement regime which is the same both on-street and off-street.

LEVEL OF PCN CHARGES

The maximum Penalty Charge Notice levels outside London is £40, discounted to £20 for early payment. These rates are under review and the maximum level is expected to be increased to £60, discounted to £30 for early payment in the autumn of 2000. In London the Penalty Charge Notice levels range between £60 and £80, with a 50% discount for early payment.

The procedures provide for Penalty Charge Notices levels to be increased by 50% if the owner ignores the PCN and the Notice to Owner sent by the local authority or fails to pay after losing an appeal to a parking adjudicator. Ultimately a local authority can engage the services of a Bailiff to enforce the amount due as a civil debt.

TRAFFIC REGULATION ORDERS INFORMATION SHEET

Who may make a traffic regulation order?

1. County councils, metropolitan district councils, unitary authorities, councils of London boroughs and Transport for London have powers under the Road Traffic Regulation Act 1984 to make traffic regulation orders (TROs) on the roads for which they are responsible. The Secretary of State has similar powers as respects trunk roads.

What can a traffic regulation order do?

2. A TRO may prohibit, restrict or regulate the use of a road or any part of the width of a road by vehicular traffic of any class. It may have effect at all times or at specified periods or times. Specific classes of traffic may be exempted. A TRO can specify through routes for heavy vehicles, or prohibit or restrict their use in specified roads or zones. A TRO may also regulate the use of a road by pedestrians.

For what purposes can an order be made?

3. A TRO may only be made for the following purposes:
- a) avoiding danger to persons or traffic;
 - b) preventing damage to the road or to buildings nearby;
 - c) facilitating the passage of traffic;
 - d) preventing use by unsuitable traffic;
 - e) preserving the character of a road specially suitable for walking or horse riding;
 - f) preserving or improving amenities of the area through which the road runs;
 - g) for any of the purpose specified in paragraphs (a) to (c) of the Environment Act 1995 (air quality).

Similar orders in London may be made for a slightly wider range of purposes. Orders can also be made for roads in special areas of the countryside (eg. National Parks) for the purposes of conserving or enhancing the natural beauty of the area or of affording better opportunities for the public to enjoy its amenities, including for recreation or the study of nature.

What limitations are there on the scope of an order?

4. A TRO must not have the effect of preventing pedestrian access at any time, or preventing vehicular access for more than 8 hours in 24, to premises on or adjacent to the road. However, this restriction does not apply if the local authority state in the order that they are satisfied that vehicular access should be limited for more than 8 hours in 24 for one or more of the purposes listed at 3(a) to (c) above, or additionally for 3(f) in respect of heavy commercial vehicles.

What is the procedure for making orders?

5. The procedure for making TROs and similar orders is prescribed by regulations. The police and other interested parties must first be consulted; a notice of intention to make the order must then be published in the local press and objectors given 21 days to make representations. Objections by bus operators or because of loading bans outside peak hours make a public inquiry obligatory, otherwise a public inquiry is at the discretion of the local authority. Orders which have the effect of preventing vehicular access to premises outside London for more than 8 hours in every 24 hours will require the consent of the Secretary of State if there is an unwithdrawn objection from the owner, leaseholder or occupier of premises affected by the proposed order.

What is the procedure for making Temporary orders?

6. Local traffic authorities have wide powers under the Road Traffic Regulation Act 1984 to impose temporary prohibitions or restrictions on roads. Restrictions can be introduced under an order making procedure for planned works or by a notice procedure where it is necessary to prohibit or restrict the use of the road without delay. Local authorities are required to have regard to the alternative routes that will be used by traffic affected by the order or notice and they are required to notify the police. They are also required to place and maintain signs on the road to inform the public during the period of the closure or restriction and to sign alternative routes as they consider necessary.

What is the procedure for making Experimental orders?

7. **Experimental orders** may be made for up to 18 months so as to test a scheme of traffic control before deciding whether to make it permanent.

Experimental orders are subject to different (and shorter) procedural requirements. These are:-

- a) Orders must be advertised at least 7 days before the order comes into effect;
- b) The consultation requirements must be followed before the order is made;
- c) There is no requirement to advertise the order inviting objections before the order is made;
- d) Where an order is intended to become permanent, objections may be made within 6 months of the order being made or subsequently varied by the authority, and
- e) The local authority must consider all objections made during the objection period before deciding whether to make the order permanent and they may in certain circumstances be required to hold a public inquiry.

What are the signing requirements for traffic regulation orders ?

Unless the effects of a traffic regulation order are properly signed, all the relevant legal precedents suggest that the courts are likely to hold that the order is invalid and that no offence under it can be committed. It is very important therefore that local authorities ensure that orders are correctly signed.

Traffic regulation orders must be signed in accordance with The Traffic Signs and General Directions Order 1994 (TSRGD). However local authorities may apply for special authorisation from the Department of the Environment, Transport and the Regions for traffic signs that do not comply with the TSRGD 1994.

DETR August 2000