

# **PATROL Adjudication Joint Committee Executive Sub Committee**

## **Agenda**

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**Date:** Tuesday 29th October 2019  
**Time:** 11.00 am  
**Venue:** Bishop Partridge Hall, Church House, Westminster, SW1P 3NZ

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1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes of the Meeting held 29 January 2019** (Pages 1 - 12)

To approve the minutes of the PATROL Adjudication Joint Committee Executive Sub Committee held on 29 January 2019.

4. **Minutes of the meeting held 16 July 2019** (Pages 13 - 24)

To note the minutes of the PATROL Adjudication Joint Committee held on 16 July 2019.

5. **Chairs Update**

To provide the Joint Committee with a general update since the last meeting.

6. **Wales Update** (Pages 25 - 26)

To note the progress of civil enforcement regulations in Wales.

7. **Chief Adjudicator Update**

To provide the Joint Committee with a general update since the last meeting.

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8. **Audit Commission Small Bodies Annual Return for the Year Ended 31 March 2019** (Pages 27 - 36)

To note the completion of the external audit of accounts for 2018/19.

9. **Budget Monitoring, Review of Reserves and the Basis for Defraying Expenses 2019/20** (Pages 37 - 44)

To note the income, expenditure and reserves position at 30 September 2019 and determine the basis for defraying expenses during 2019/20.

**ITEMS COMMON TO PATROL and Bus Lane Adjudication Service Joint Committee**

10. **PATROL and BLASJC Resources Working Group and Sub Committee** (Pages 45 - 46)

To note the resolutions from the PATROL and BLASJC Resources Working Group and Sub Committee's meeting held on 15 October 2019.

11. **Public Affairs Update** (Pages 47 - 158)

To note the Public Affairs Update report. Supporting documentation and publications provided for information as appendices to the report.

12. **Appointment to the Advisory Board** (Pages 159 - 164)

To approve the inclusion of and nomination to a new position on the Advisory Board representing Charging Clean Air Zones.

13. **Risk Register** (Pages 165 - 170)

To note the latest assessment of risk.

14. **General Progress Report** (Pages 171 - 184)

To note the general progress report in respect of the Traffic Penalty Tribunal's activities and initiatives for the six month period to 30 September 2019.

15. **Dates of Next Meetings**

Tuesday 28 January 2020

Tuesday 14 July 2020

Minutes of a meeting of the  
**PATROL Adjudication Joint Committee Executive Sub Committee**  
held on Tuesday, 29th January, 2019 at Bishop Partridge Hall, Church House,  
Dean's Yard, Westminster, London SW1P 3NZ

## **PRESENT**

Councillor Jamie Macrae (Cheshire East Council) in the Chair

### **Councillors**

Councillor Mark Shelford – Bath and North East Somerset Council  
Councillor David Chadwick - Bolton Metropolitan Borough Council  
Councillor Fred Jackson - Blackpool Council  
Councillor Chris Turrell - Bracknell Forest Borough Council  
Councillor Saoirse Horan – Brighton & Hove City Council  
Councillor Terry Douris - Dacorum Borough Council (Assistant Chair)  
Councillor Marilyn Peters - Dartford Borough Council  
Councillor Gary Jones - East Hertfordshire District Council  
Councillor Marje Paling - Gedling Borough Council  
Councillor Graham Burgess - Hampshire County Council  
Councillor Phil Bibby - Hertfordshire County Council  
Councillor Vanessa Churchman – Isle of Wight Council  
Councillor Peter Davis - Oldham Metropolitan Borough Council  
Councillor Matthew Dickins - Sevenoaks District Council  
Councillor John Woodman - Somerset County Council  
Councillor Keith Baldry - South Hams District Council  
Councillor Alan Kerr - South Tyneside Council  
Councillor Lee Wanger - Stoke on Trent City Council  
Councillor Vera Waters - Walsall Metropolitan Borough Council  
Councillor Kevin Anderson - Wigan Metropolitan Borough Council  
Councillor Stuart Whittingham - Wirral Metropolitan Borough Council  
Councillor Simon Cronin - Worcester City Council  
Councillor Martin King - Wychavon District Council  
Councillor Peter Dew - City of York Council

### **Officers in attendance**

Graham Addicott OBE - PATROL Advisory Board (Vice Chair)  
George Broughton - PATROL Advisory Board  
Paul Nicholls - PATROL Advisory Board  
Caroline Sheppard OBE - Traffic Penalty Tribunal  
Iain Worrall - Traffic Penalty Tribunal  
Louise Hutchinson - PATROL  
Andy Diamond - PATROL  
Sarah Baxter - Cheshire East Council

Prior to the start of the meeting, the Chairman welcomed new Members from the City of York Council and Hertfordshire County Council to the Committee.

**35 APOLOGIES FOR ABSENCE**

Apologies were received from: -

Cllr Carol Thirkill – City of Bradford Council

Cllr John James – Carmarthenshire County Council (Assistant Chair Wales)

Cllr Eileen Lintill - Chichester Borough Council

Cllr Stuart Hughes – Devon County Council

Cllr Jeanette Stephenson - Durham County Council

Cllr Nigel Knapton – Hambleton District Council

Cllr Gary Robinson - Havant Borough Council

Cllr Mike Brookes - Lincolnshire County Council

Cllr Tony Page - Reading Borough Council

Cllr Richard Bell – Sunderland City Council

Cllr Amy Wilson – Sunderland City Council

Cllr Mark Thomas – City and County of Swansea Council

Cllr Warren Bray – Tameside Metropolitan Borough Council

Cllr Jeanette Clifford - West Berkshire Council

**36 DECLARATION OF INTEREST**

There were no declarations of interest.

**37 MINUTES OF THE MEETING HELD ON 30 OCTOBER 2018**

**RESOLVED**

That the minutes of the meeting held on 30 October 2018 be approved as a correct record.

**38 CHAIR'S UPDATE**

The Chairman reported that when the Sub Committee last met, the Chief Adjudicator drew attention to the inclusion of the Traffic Penalty Tribunal as an example of a fully operational online tribunal at the European Conference of Supreme European Judges in Tallinn last year. Today Caroline will feed back on the recent international conference she attended where TPT's transformation was hailed as an international exemplar for courts and tribunals.

Members were aware that following the success of PATROL's partnership with Parking World held at The Oval in Autumn 2017, PATROL was asked to be the event partner Traffic and Parking 2019. The Chairman made the suggestion that this event could be equally successful if it were held outside London and he was pleased to say that around 150 people came to Manchester, despite adverse weather, with 80 representatives from 65 local authorities. Councillor Stuart Hughes and the Chairman attended

and the feedback on the day was very positive. A flavour of the conference would be provided today.

On the same day, Leeds City Council received approval from the government for its proposed Clean Air Charging Zone which would come into effect on 6th January 2020 with associated road user charging appeals being heard by the adjudicators of the Traffic Penalty Tribunal. Leeds was one of five early authorities mandated to improve air quality. Of the five, Birmingham were also going to introduce a charging zone whilst Derby, Nottingham and Southampton are not proposing to charge. A Clean Air Workshop is planned for authorities considering Clean Air Charging Zones in April.

At the last member workshop, Pavement Parking outside London was discussed and this was followed up with officer workshops in Manchester and London. The feedback from each workshop was unanimous that authorities wanted a range of tools to tackle this issue and that a blanket ban would pose significant challenges in many urban areas. There was a positive response to the Chief Adjudicator's suggestion of obstruction as a contravention. The Parking Policy Advisor at the Department for Transport attended the officer workshops. The government has concluded its evidence gathering phase and the Committee wait to hear next steps.

On a personal note Councillor J Macrae informed the Joint Committee that he would not be standing for re-election in May and therefore this meeting would be his last as Chairman. He felt it had been one of the most productive and satisfying Committees he had been involved in Local Government and what had been achieved over the last five years had really transformed the way Members on the Committee had taken forward their role. In addition, he felt significant financial savings to Local Government had been achieved and these savings were continuing. He stated that he was intending to write a letter to all Local Authority Members as a reflection on what contribution the Members of the Joint Committee had made. Further to this he reported that Councillor G Jones was also not standing again for re-election in May.

On behalf of Members, Councillor T Douris expressed thanks for the contribution Councillor J Macrae had made over the years as Chairman of the Joint Committee.

Caroline Sheppard OBE also expressed her thanks for the way Councillor J Macrae had been involved in the smooth transition of the transfer of host authority from Manchester to Cheshire East and how the Traffic Penalty Tribunal digital transformation and efficiencies had been supported by the vision and confidence of the Joint Committee.

39 **CHIEF ADJUDICATOR'S UPDATE**

The Chief Adjudicator gave a presentation to Members that she had given at a recent international conference she had attended.

**RESOLVED**

That the presentation be noted.

40 **WALES UPDATE**

The Director of PATROL reported that the Assistant Chair (Wales), Councillor James of Carmarthenshire County Council, had given his apologies for the meeting but reported the following developments in Wales:

The following Councils were in the process of applying for civil parking enforcement powers and their anticipated commencement dates were as follows: -

Blaenau Gwent County Borough: Council June 2019  
Caerphilly County Borough Council: April 2019  
Monmouthshire County Council: April 2019  
Newport City Council: July 2019  
Torfaen County Borough: Council July 2019

The Traffic Penalty Tribunal had arranged a workshop in Abergavenny in March 2019 to explain the online tribunal processes.

The Civil Enforcement of Bus Lane and Moving Traffic Contraventions (County of Carmarthenshire) Designation Order 2018 had been brought into force. Carmarthenshire County Council had not yet said when the Order was going to commence.

**RESOLVED**

That the update be noted.

41 **BUDGET MONITORING 2018/19**

The Director of PATROL introduced the report presenting the income, expenditure and reserves monitoring information for the year to 20 November 2018.

The Tribunal operated on a self-financing basis with income obtained from defraying expenses amongst the Joint Committee member authorities. The revenue budget estimate was established by the Joint Committee for 2018/19 on the basis that this would reflect the councils who were already members of the Joint Committee. The Joint Committee forecasting model took account of recent income trends within the last 12 months.

Additional income was derived from a recharge to the Bus Lane Adjudication Service Joint Committee and the provision of adjudication for appeals arising from road user charging enforcement at the Dartford-Thurrock River Crossing where the Charging Authority was Highways England. Additional income arose from adjudication for the Mersey Gateway Crossing (the Charging Authority is Halton Borough Council who are not a member of the Joint Committee).

The Joint Committee's income was derived from a pre-estimate of the number of penalty charge notices (PCNs) each council and Charging Authority would issue. Corrections were applied at the 6-month and 12-month points once the actual number of PCNs issued was known.

It was reported that if there was a need for greater expenditure than that provided for in the approved budget, then there was a recommendation to authorise the Director to incur additional expenditure, provided such expenditure did not exceed the income for the current year. Should it be the case that the revenue account falls into deficit then the surplus from previous years was available. Should there be greater income than expenditure in the year then there was a recommendation that this be transferred into the succeeding year as reserves.

The detailed monitoring position was shown on page 11 of the agenda. Eight months into the financial year, the overall surplus was £527,578 against a budget of £187,314 (favourable variance of £340,264). Of this, £143,313 was ring-fenced to Highways England and £152,467 to Halton Borough Council in respect of the Mersey Gateway Crossing. The PATROL surplus at 30th November was £231,798. The total reserves were forecast to be £3,521,239 at 30 November 2018, of which Free Reserves were forecast to be £1,864,550.

It was noted that in respect of paragraph 10.1 of the report the date in the table should refer to Surplus at 30.11.18 not 30.11.20. Following questions regarding the timing of expenditure, the Director advised that further detail would be presented in such reports in future.

A question was raised in relation to the policy in respect of the level of free reserves. The Director advised that consideration would be given to this at the Resources Working Group and Sub Committee at their next meeting with recommendations being presented to the annual meeting in July.

## **RESOLVED**

That the income and expenditure and reserves at 30 November 2018 be noted.

## 42 RESERVES POLICY STATEMENT

Consideration was given to a report enabling the Sub-committee to review the Reserves Policy Statement for 2019/20, in order to comply with Financial Regulations.

The General Reserve aimed to mitigate the risk and to provide a buffer. It was recommended that the General reserve for 2019/20 be £1,403,378.

It was recommended that the Property Reserve for 2019/20 be £135,230. This compared with £296,575, in 2018/19 and £221,340 in 2017/18.

It was recommended that the Technology Reserve remain at the same level to enable further refinement of the digital appeal system and to prepare to receive road user charging appeals arising from penalties issues in charging clear air zones scheduled to commence early 2020. So for 2019/20 it was recommended that a reserve of £250,000 was retained.

It was recommended that the total PATROL approved reserve level for 2019/20 was £1,562,303, this after allowing for the proposed Reserve Allocation to BLASJC of £231,304.

In respect of paragraph 7.4 of the report it was felt it might be more helpful if the aim was to have six months of revenue set at 50% rather than 43%?

It was noted that the Reserves Policy Statement was reviewed by the Joint Committee at least once a year.

### **RESOLVED**

1. That the Reserves Policy Statement for 2019/20 and the total approved reserve level for 2019/20 of £1,793,607 be approved. This equated to 54.8% of the overall budget.

The equivalent figure for 2018/19 (including the amount allocated to BLASJC) was £1,910,717 (61.3%) and for 2017/18 was £1,879,545 (54.1%).

2. That the balances of any surplus from 2018/19 being carried forward to 2019/20 be approved.
3. That the drawing down of the Technology Reserve to the Director to the value of £250,000 as required during 2019/20 on the basis that this expenditure will be reported to the Joint Committee's Resources Working Group and Sub Committee be approved.
4. That the delegation of authority to the Chair and the Vice Chair for authorising the withdrawal of funds from general reserves to meet budgetary deficits be approved.



**43 REVENUE BUDGET FOR 2019/20**

Consideration was given to a report requesting the Committee to adopt the revenue budget estimates for 2019/20.

In accordance with the Joint Committee's agreement, it was necessary to establish a budget estimate for the forthcoming year. An assessment had been made of the likely service take up during 2019/20 and therefore, the Adjudicators, administrative support and accommodation needed. The adjudication service was operated on a self-financing basis with income obtained from contributions by PATROL member authorities.

A Table providing an income summary since 2010/11 to 2017/18 was included in the report.

The Joint Committee had determined that member authorities would defray the expenses of the Joint Committee by way of a contribution based on the number of penalty charge notices they issued.

An assessment had been made of the revenue budget that will be needed to meet the demands on the service during 2018/19. Appeals activity for the first eight months of 2018/19 had indicated that there had been an overall increase in appeals of 19%. The Director reported that, in preparing the budget for 2019/20, account had been taken of a number of objectives, details of which were set out at paragraph 8.3 of the report. A summary of anticipated expenditure in 2019/20 was also provided.

Clarification was sought on the table at 9.0 and it was confirmed that the income column for 2018/19 should read £3,396,230.

Members asked if car parking fees were the same for employees and if any alternatives to the car were offered.

In response it was confirmed that some staff did walk and cycle facilities were offered and some employees used the tram/train, however the Resources Committee could be asked to look at providing employees with an incentive if they used an alternative form of travel other than the car in order to get to work.

Members proposed that consideration be giving staff an increase on the existing 2% inflationary uplift in recognition of the tribunal's transformational success.

**RESOLVED**

That the revenue budget for 2019/20 as detailed in the report, be agreed and adopted.

**44 DEFRAYING THE EXPENSES OF THE JOINT COMMITTEE 2019/20**

Consideration was given to a report to establish the basis for defraying expenses during the 2019/20, in order to comply with Financial Regulations.

The Joint Committee provided the means to appeal to an independent adjudicator in respect of civil traffic enforcement in England (outside London) and Wales and road user charging. The PATROL agreement provided for the adjudication service to be operated on a self-financing basis with expenses defrayed by member authorities. Where authorities were working in partnership, it was practice to charge those enforcement authorities who managed the enforcement income stream. Table 1 of the report provided an overview of the Joint Committee's basis for defraying expenses since inception.

The Director referred to page 29 of the agenda, noting that the charges had continued to decrease, particularly since the year 2014/15 and stated that this reflected the efficiencies achieved, particularly since the introduction of FOAM. The per PCN charge had halved since the inception of the Joint Committee and the annual and per case charges withdrawn. This reduction was a result of economies of scale and efficiencies.

It was recommended that for 2019/20, the Joint Committee maintain the rate of 30 pence per PCN, agreed at its meeting in October 2018 and backdated to 1st April 2018. This had been reviewed at the October 2018 meeting in the light of actual income and expenditure information for the first half of the year was available. Further consideration of the PATROL charging arrangements would be scheduled for the October 2019 meeting.

**RESOLVED**

1. That it be agreed that for 2019/20, the Joint Committee maintains the rate of 30 pence per PCN agreed at its meeting in October 2018 and backdated to 1st April 2018, this to be reviewed at the October 2019 meeting in the light of actual income and expenditure information for the first half of the year was available.
2. That it be agreed that there would be no annual charge, nor cost per case.
3. That it be agreed that Invoicing would be undertaken on a quarterly basis on estimated figures and subsequently adjusted at the 6month and 12 month points.
4. That the estimated impact (based on latest available estimates), by enforcement authority, of reducing the basis for defraying expenses

in respect of parking penalties in 2018/19 from 35 to 30 pence (Appendix 1) be noted.

5. That it be noted the operation of a digital by design appeal platform had also brought about significant savings in officer time, printing and postage for member authorities as well as an intuitive appeal system for appellants and the Traffic Penalty Tribunal.
6. That it be noted that separate charging arrangements be entered into with Highways England and Halton Borough Council who were not members of the Joint Committee but with each of whom the Joint Committee had entered into a Memorandum of Understanding. Balances associated with these schemes are reported separately to the Joint Committee within budget monitoring reports.
7. That the Resources Working Group and Sub Committee be requested to determine the arrangements for defraying expenses in 2019/20 in respect of appeals arising from penalties for failing to pay in any forthcoming charging clean air zones which come into force in the final quarter of 2019/20. The charging arrangements for such schemes for 2020/21 to be approved at the Joint Committee meeting in January 2020.
8. That it be noted that the decision to provide a transcription from the audio recording of proceedings rested with the Adjudicator. Where this had been agreed to, the Joint Committee agreed that the incidental costs of making a transcription from the audio recordings of the proceedings at a hearing was to be charged to the requesting party except when, in the view of the Adjudicator, a disability of the requesting party would make it desirable for that person to receive such a transcript.

#### **45 ADJUDICATOR APPOINTMENT RENEWAL**

Consideration was given to a report in respect of the renewal of the appointment of Caroline Sheppard OBE to 22 May 2020.

#### **RESOLVED**

1. That the renewal of the appointment of Caroline Sheppard OBE to 22nd May 2020 as:

Parking Adjudicator for England under the provisions of Regulation 17(1) and (5) of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007. By virtue of this appointment the adjudicators also have jurisdiction to determine appeals under Regulation 12 of the Road User Charging (Penalty Charges, Adjudication and Enforcement) England Regulations 2013 and

Regulation 18 of the Littering from Vehicles outside London (Keepers: Civil Penalties) Regulations 2018.

Traffic Adjudicator for Wales under Regulation 16 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013.

#### **46 TRAFFIC PENALTY TRIBUNAL GENERAL PROGRESS REPORT**

Consideration was given to a report providing a summary of the Traffic Penalty Tribunal appeals activity for the period April to November 2019.

Appendix 1 of the report providing an overview of appeals activity for the period 1 April 2018 to 30 November 2018.

A summary of tribunal initiatives was set out in the report including progress on FOAM, Appeals summary from April until November 2018, hearings, case closure, assisted digital support, appellant feedback and Local Authority workshops conducted during the year.

#### **RESOLVED**

That the matters reported be noted.

#### **47 PATROL AND BLASJC RESOURCES WORKING GROUP AND SUB COMMITTEE**

Consideration was given to a report on the PATROL and BLASJC Resources Working Group meeting held 8 January 2019.

The July 2018 meetings of the Joint Committees had resolved that the Resources Sub Committee and Working Group would oversee a number of initiatives and report to the Joint Committees and their Executive Sub Committees. The last meeting had taken place on 8 January 2019, where a number of items had been considered, including Public Affairs, Financial Reports and Member workshops.

A number of comments were made in respect of the regulation of pavement parking and how the problem could be addressed.

#### **RESOLVED**

1. That the matters discussed at the meeting held 8 January 2019 be noted.
2. That the Resources Sub Committee and Working Group oversee matters highlighted in the report and appendix report back to the next meeting of the Joint Committee in July 2019.

**48 ANNUAL INVESTMENT STRATEGY**

Consideration was given to a report on investments during 2018/19, requesting the Joint Committee to approve the annual investment strategy for 2019/20.

**RESOLVED**

That the Annual Investment Strategy 2019/20 be approved.

**49 APPOINTMENT OF AUDITORS 2019/2022**

Consideration was given to a report in respect of the appointment of external auditors for the period 2018/19 to 2020/21.

From 1 April 2015, the implementation of the Local Audit and Accountability Act 2014 meant that joint committees were no longer be required to have their accounts separately prepared and audited. The Joint Committees decided to continue with this practice in the interests of transparency.

BDO LLP had provided the external audit function in accordance with the requirements of the Small Bodies Annual Return which was utilised for bodies with an annual turnover of less than £6.5 million.

The combination of internal audit and external audit provided assurance to the Joint Committee of the appropriateness of accountancy processes undertaken on their behalf.

External audit charges had remained relatively constant with the total cost of external audit for both PATROL and the Bus Lane Adjudication Service during 2017/18 being £3,800 (PATROL: £2,800 and BLASJC £1,000).

It was queried as to whether or not there was a policy in place for going out to market to see if best value for money was being obtained.

The Director suggested that at the next point of approval, the market could be tested.

**RESOLVED**

That BDO LLP be appointed as external auditors for the period covering 2018/19 to 2020/21 accounts.

**50 RISK MANAGEMENT REPORT**

Consideration was given to a report presenting a Risk Management Framework for approval.

The Risk Management Framework report, which was appended at Appendix 1, provided a summary of the most significant threats facing the Joint Committees, which may prevent or assist with the achievement of its objectives.

**RESOLVED**

That the Risk Management Framework, as set out at Appendix 1, be noted.

**51 DATE OF NEXT MEETING**

It was reported that the next meeting would take place as follows: -

16 July 2019                      Church House, Westminster followed by the PARC (Parking Annual Reports by Councils) Awards at the House of Commons.

It was noted that those Members not standing would be more than welcome to attend the Awards at the House of Commons.

The meeting commenced at 11am and concluded at 12.45pm

Minutes of a meeting of the  
**PATROL Adjudication Joint Committee**  
held on Tuesday, 16th July, 2019 at Bishop Partridge Hall, Church House,  
Dean's Yard, London SW19 3NZ

## **PRESENT**

Councillor Stuart Hughes (Devon County Council) in the Chair

### **Councillors**

Councillor Mark Smith - Blackpool Council  
Councillor Chris Turrell - Bracknell Forest Borough Council  
Councillor Anne Pissaridou - Brighton & Hove City Council  
Councillor Colin Hutchinson – Calderdale Metropolitan Borough Council  
Councillor John James - Carmarthenshire County Council  
Councillor Margaret Smidowicz - Charnwood Borough Council  
Councillor Marilyn Peters - Dartford Borough Council  
Councillor Brian Garden - Dartford Borough Council  
Councillor Jeanette Stephenson – Durham County Council  
Councillor Mike Eyles - Eden District Council  
Councillor Marje Paling - Gedling Borough Council  
Councillor Nigel Knapton - Hambleton District Council  
Councillor Graham Burgess - Hampshire County Council  
Councillor Vanessa Churchman – Isle of Wight Council  
Councillor Bob Adams - Lincolnshire County Council  
Councillor Peter Davis - Oldham Metropolitan Borough Council  
Councillor Tony Page - Reading Borough Council  
Councillor John Woodman - Somerset County Council  
Councillor Dan Brown - South Hams District Council  
Councillor Alan Kerr - South Tyneside Council  
Councillor Lee Wanger - Stoke on Trent City Council  
Councillor Geoff Driscoll - Uttlesford District Council  
Councillor Vera Waters - Walsall Council  
Councillor Kevin Anderson - Wigan Metropolitan Borough Council  
Councillor Simon Cronin - Worcester City Council  
Councillor Martin King - Wychavon District Council

### **Officers in attendance**

Marc Samways – Chair Advisory Board (Hampshire County Council)  
Graham Addicott OBE – Vice Chair Advisory Board  
Jo Abbott - PATROL Advisory Board  
George Broughton - PATROL Advisory Board  
Paul Nicholls - PATROL Advisory Board  
Charles Field - Brighton & Hove City Council  
Keith Moyles - Knowsley Metropolitan Borough Council  
Tim Thrustle - East Ridings of Yorkshire Council  
Richard Waters - Carmarthenshire County Council  
Caroline Sheppard OBE - Traffic Penalty Tribunal

Stephen Knapp - Traffic Penalty Tribunal  
Louise Hutchinson - PATROL  
Sarah Baxter - Cheshire East Council  
Julie North - Cheshire East Council  
Erica Maslen - PATROL  
Patrick Duckworth Traffic Penalty Tribunal  
Iain Worrall - Traffic Penalty Tribunal  
Andy Diamond - PATROL

Prior to the start of the meeting the Chairman asked Members and Officers to introduce themselves.

## **1 APPOINTMENT OF CHAIR, VICE CHAIR AND ASSISTANT VICE CHAIR**

Consideration was given to the appointment of the Chair, Vice-Chair, Assistant Vice-Chair and the Assistant Vice-Chair (Wales), this latter appointment to run until the next meeting.

### **RESOLVED**

That the approval be given to the following appointments:

- Chairman – Councillor Stuart Hughes (Devon County Council)
- Vice-Chair - Councillor Martin King (Wychavon District Council)
- Assistant Vice-Chair - Terry Douris (Dacorum Borough Council)
- Assistant Vice-Chair (Wales) - Councillor John James (Carmarthenshire County Council)

## **2 APOLOGIES FOR ABSENCE**

Apologies for absence from the following Councils were reported:

Councillor Chris Lamb - Barnsley Metropolitan Borough Council  
Councillor Neil Butters – BATHNES Council  
Councillor Tim Swift - Calderdale Metropolitan Borough Council  
Councillor Eileen Lintill - Chichester District Council  
Councillor Patricia Hetherton - Coventry City Council  
Councillor Geraint Thomas - Crawley Borough Council  
Councillor David Airey - Eastleigh Borough Council  
Councillor Terry Douris - Dacorum Borough Council  
Councillor Nigel Collor - Dover District Council  
Councillor Graham McAndrew - East Hertfordshire District Council  
Councillor Trevor Maroney - East Hampshire District Council  
Councillor Chris Matthews - East Ridings of Yorkshire Council  
Councillor Greg Hall - East Staffordshire Borough Council  
Councillor Trevor Cartwright - Fareham Borough Council  
Councillor Phil Bibby - Hertfordshire County Council  
Councillor Shelley Powell - Knowsley Metropolitan Borough Council  
Councillor Brennan - Knowsley Metropolitan Borough Council



Councillor Michael Brookes - Lincolnshire County Council  
Councillor Ted Lathom - Neath Port Talbot County Borough Council  
Councillor Steve Clarke - New Forest District Council  
Councillor Edward Heron - New Forest District Council  
Councillor Roger Jeavons - Newport City Council  
Councillor Anthony Brand - North Kesteven District Council  
Councillor Margot McArthur - Sevenoaks District Council  
Councillor Ian Shenton - Stratford on Avon District Council  
Councillor Graham Alleway - Surrey Heath Borough Council  
Councillor Eddie Thomas - Swale Borough Council  
Councillor Tim Valentine - Swale Borough Council  
Councillor Stephen Giles-Medhurst - Three Rivers District Council  
Councillor Steve Adshead - Trafford Metropolitan Borough Council  
Councillor Alan McDermott - Tunbridge Wells Borough Council  
Councillor Adam Yates - West Lancashire Borough Council  
Councillor Julie McManus - Wirral Metropolitan Borough Council

**3 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4 MINUTES OF THE MEETING HELD ON 10 JULY 2018**

**RESOLVED**

That the minutes of the meeting held on 10 July 2018 be approved as a correct record.

**5 MINUTES OF THE MEETING HELD ON 30 JANUARY 2019**

**RESOLVED**

That the minutes of the meeting held on 30 January 2019 be noted.

**6 CHAIRMAN'S UPDATE**

The Chairman welcomed new Members and hoped that they would take advantage of the introductory workshop being held after lunch. He also welcomed officers who were present at the meeting.

As the incoming Chairman of PATROL, he wished to formally record the Joint Committee's thanks to Jamie Macrae who chaired the PATROL Joint Committee from 2013 and steered PATROL through the move from Manchester City Council to Cheshire East Council as Host Authority in that year.

The Chairman went on to say that PATROL fulfilled a statutory duty to make provision for independent adjudication. This was undertaken through the Traffic Penalty Tribunal. In addition, PATROL undertook initiatives to support its local authority members and raise awareness of

the objectives of civil enforcement whilst also taking into account the motorist's perspective as seen through appeals to the Traffic Penalty Tribunal.

During 2018/19 PATROL undertook a range of initiatives and sought to keep Members and Officers abreast of matters of interest through regular bulletins and regional local authority workshops. This year particular emphasis was placed on the issue of pavement parking that affected many local authorities including his own. Members and officers attended a series of three workshops to discuss the challenges and potential solutions which were also attended by the Policy Advisor from the Department for Transport. Councillor J Macrae, the Director Louise Hutchinson and Chief Adjudicator Caroline Sheppard OBE met with the then Minister, Jesse Norman, to feedback from these workshops. More recently PATROL made a submission to the Transport Committee's Inquiry into Pavement Parking and the Director gave oral evidence on a local authority panel. Copies of the PATROL submission were provided in the packs today and the recommendations from the Transport Committee were awaited.

Huw Merriman MP for Bexhill and Battle, a member of the Transport Committee, had kindly offered to host the PATROL's Annual Report or PARC Awards later in the afternoon and many of the Members and Officers would be attending in order to recognise the shortlisted authorities. The Transport Committee in its last inquiry into civil parking enforcement called for increased transparency by authorities and PATROL's work in this area aimed to dispel myths and improve the public's understanding of both parking provision and the enforcement regime.

The Chairman reported that Members would be hearing from the Chief Adjudicator on appeals to the Traffic Penalty Tribunal which had been cited as a role model for other judicial bodies who are looking to introduce digital processes that focus on the user experience.

## **RESOLVED**

That the Chairman's update be noted.

## **7 CHIEF ADJUDICATOR'S UPDATE**

Caroline Sheppard OBE on behalf of the adjudicators echoed the sentiments in respect of Jamie Macrae. She thanked him for his role in assisting with the move of the PATROL headquarters from Manchester city centre to Wilmslow.

The introduction of the online digital system had resulted in immediate savings. She explained that in addition to dealing with parking fines adjudicators also looked at dealing with penalty notices in respect of the Dartford-Thurrock River Crossing and the Mersey Gateway Bridge

Crossing alongside bus lane appeals which the deputy adjudicator dealt with.

Recently adjudicators from all over the country had, in smaller groups met to look at decision making. A questionnaire was circulated to all Council's requesting examples of decisions that were helpful, decisions that were not understood and any examples of inconsistent decisions. Only sixteen Local Authorities responded and out of the sixteen only three produced one case of inconsistency.

The new online digital system had been a case study for the judicial world. No other judicial body had a system like it and it was seen as exemplar. The new system had enabled administration tasks to be significantly reduced with the appeals team being given the opportunity to assist appellants who were unable to use the online digital system.

In terms of 'hotspots' whereby there were areas with a high number of penalties, the question was asked as to how Council's dealt with these situations. In response it was stated that adjudicators did undertake site visits to those areas where there was an issue, as a result of an adjudicator's decision, changes to signage were often made. Had the signage been correct in the first instance then there may well not have been as many penalties issued.

## **RESOLVED**

That the Chief Adjudicator's update be noted.

## **8 WALES UPDATE**

The Director of PATROL reported that the following councils had commenced civil parking enforcement: -

Caerphilly County Borough Council: April 2019  
Monmouthshire County Council: April 2019  
Blaenau Gwent County Borough: Council June 2019  
Newport City Council: July 2019  
Torfaen County Borough Council July 2019

This meant that all local authorities in Wales were now in the civil scheme. The Traffic Penalty Tribunal held a workshop in Abergavenny in April to explain the adjudication processes and online appeal system, FOAM (Fast Online Appeals Management).

The Civil Enforcement of Bus Lane and Moving Traffic Contraventions (County of Carmarthenshire) Designation Order 2018 had been brought into force. Carmarthenshire County Council commenced enforcement in March 2019. There were now two authorities undertaking civil enforcement of moving traffic powers (Cardiff Council and

Carmarthenshire County Council). Swansea Council was undertaking civil bus lane enforcement.

Turning to air quality matters, Cardiff and Caerphilly councils were asked to submit feasibility study reports to the Welsh Government by the end of June 2019 outlining action that they would take to achieve legal limits for nitrogen dioxide in the shortest possible time frame.

**RESOLVED**

That the update be noted.

**9 DRAFT ANNUAL RETURN 2018/19**

The draft annual return and its supporting documents were considered.

It was commented that the draft return reflected an excellent set of results and that employees and adjudicators should be congratulated

**RESOLVED**

1. That the outturn position against the 2018/19 budget, shown at Appendix 1 of the report, be noted.
2. That approval be given for the surplus of income over expenditure of £281,670 (which excludes £326,646 combined Highways England (Dartford-Thurrock River Crossing) and Halton Borough Council (Mersey Gateway Bridge Crossing surpluses) being added to the Joint Committee's reserves.
3. That the Executive Sub Committee review the basis for defraying expenses following budget monitoring at the half-year point at their meeting in October 2019.
4. That approval be given to the 2018/19 draft Annual Return, and that the balance sheet, cash flow and audit timetable, shown as appendices 2, 3 and 4 of the report, be noted.
5. That the Annual Internal Audit Report 2018/19, shown as Appendix 5 of the report, be noted.
6. That approval be given to the revised Financial Regulations for 2018/19, shown as Appendix 6 of the report.
7. That approval be given to the revised Scheme of Financial Delegation, shown as Appendix 7 of the report.
8. That approval be given to the revised Code of Corporate Governance, shown as Appendix 8 of the report.

## 10 RESERVES POLICY

Consideration was given to the Reserves Policy Statement for the Joint Committee for 2019/20.

A comment was made that the approach to include percentages was welcomed, however there was a concern that duplication of costs could occur. The Director explained the purpose of the Premises Reserve which only takes into account the lease beyond the current financial year. Members welcomed the additional reserves included to protect the Local Authority in respect of the lease for the building where PATROL were based.

### **RESOLVED**

1. That approval be given to the proposed changes as detailed in sections 7.3, 7.4, 7.6 and 8 to the Reserves Policy Statement resulting from discussions at the Joint Committee Executive Sub Committee meeting in January 2019.
2. That approval be given to the balances of any surplus from 2018/19 being carried forward to 2019/20.
3. That approval be given to the drawing down of the Technology Reserve to the Director to the value of 10% of budget as required during 2019/20 on the basis that this expenditure will be reported to the Joint Committee's Resources Working Group and Sub Committee.
4. That approval be given to the delegation of authority to the Chair and the Vice Chair for authorising the withdrawal of funds from PATROL Free Reserves to meet budgetary deficits.

## 11 ESTABLISHMENT OF EXECUTIVE SUB COMMITTEES

This report sets out arrangements for each Joint Committee to establish an Executive Sub-Committee, and its Terms of Reference for the coming year.

### **RESOLVED**

1. That each Joint Committee establishes an Executive Sub-Committee to act on behalf of the Committee until the annual meeting in July 2020, in accordance with paragraph 2 and Appendix 1 to this report, and that it appoints members of the Executive Sub-Committee for the forthcoming year.
2. That the first meeting of the Executive Sub Committees will be held on 29 October 2019 in London.

3. That reasonable travel expenses may be claimed for attending Executive Sub Committee meetings in accordance with the policy at Appendix 2.

## **12 REPORT OF THE PATROL AND BLASJC RESOURCES WORKING GROUP**

The Committee considered the report of the PATROL and BLASJC Working Group meetings held on 2 April and 18 June 2019. The majority of the matters considered at those meetings were now reported in more detail elsewhere on the agenda.

### **RESOLVED**

1. That the matters discussed at the meeting held 2 April and 18 June 2019 be noted.
2. That the Terms of Reference for 2019/20, shown as Appendix 1 be noted.
3. That approval be given to the Resources Sub Committee and Working Group overseeing matters highlighted in the report and reporting back to the next meeting of the Joint Committees or their Executive Sub Committees.

## **13 GENERAL PROGRESS REPORT**

For the benefit of new members this provided some background to the Traffic Penalty Tribunal and the development of the FOAM system with details of hearing volumes, the velocity of appeal closure and support provided to appellants who chose to use an off line method. The information provided included year on year trends for comparison.

### **RESOLVED**

That the progress report be noted.

## **14 PUBLIC AFFAIRS REPORT**

Consideration was given to a detailed overview of public affairs activity in 2018/19 and on that planned for the coming year.

Comments were made in respect of vehicles parking too close to junctions as well as vehicles parking in cycle lanes and whether or not this was an offence.

In response the Chief Adjudicator offered to email Members the relevant section of the statute.

**RESOLVED**

That the report be noted and that the Resources Working Group and Sub-Committee monitor the activity and report to meetings of the Executive Sub-Committee.

**15 RISK MANAGEMENT STRATEGY**

The Committee considered the current assessment of risk.

**RESOLVED**

That the current assessment of risk be noted.

**16 REVIEW OF GOVERNANCE DOCUMENTATION**

Consideration was given to the governance documentation and arrangements for its review.

Delegations to the Chief Adjudicator and the Director were set out and these clarified the role and independence of the Adjudicators.

It was proposed that the cycle of meetings for the coming year be as follows:

29th October 2019  
28th January 2020  
14th July 2020

**RESOLVED**

That the Joint Committees:

1. Noted the update in relation to the review of the Main Agreements.
2. Noted the unchanged Schemes of Delegation to the Chief Adjudicator and the Director.
3. Approved the updated Memorandum of Understanding between the Adjudicators and the Joint Committee (Appendix 3-see Section 4).
4. Appointed persons to fulfil the function of the proper officer under the relevant regulations.
5. Noted the proposed cycle of meetings for 2019/20, as reported above.

**17 APPOINTMENTS TO THE ADVISORY BOARD**

Members considered the Terms of Reference for the Advisory Board.

**RESOLVED**

1. That the Terms of Reference and composition of the Advisory Board, as set out in the Appendix to the report, be approved.
2. That George Broughton, Cheshire East Council, Pat Knowles, South Lakeland Council and Ian Hughes, Calderdale Council be re appointed to the Advisory Board for the four-period to July 2023.

**18 PATROL PARKING ANNUAL REPORTS BY COUNCILS (PARC) AWARDS**

This report set out the background to the awards and detailed the shortlist of authorities due to attend the ceremony in the House of Commons later that afternoon to be hosted by Huw Merriman MP for Bexhill and Battle.

The Councils shortlisted were: Brighton & Hove City Council, Cheshire East Council, Devon County Council, Durham County Council, Newcastle City Council, North Essex Parking Partnership, Sedgemoor District Council, South Lakeland District Council and Sunderland City Council

For 2018/19 reports the deadline for submissions had been set at 31 January 2020.

It was queried as to who decided which Council's would be shortlisted for an award. In response the Director confirmed that an independent Review Group was established comprising a retired Traffic Management Engineer, an independent member from the Advisory Board, a representative from the British Parking Association, the RAC Foundation and a PR consultant. This group looked at a number of matters based on the five step approach in the toolkit together with how user friendly the report and taking into account the various award categories.

**RESOLVED**

That the shortlisted councils, and arrangements for the 2018/19 submissions be noted.

Prior to the close of the meeting the Director for PATROL, Louise Hutchinson stated that an optional workshop for new Members was taking place at 1.15pm and that it would be a good opportunity to introduce PATROL and the Traffic Penalty Tribunal to new members.

On behalf of the Joint Committee, she also expressed her thanks to Julie North who had serviced the Committee since 2013 and whose retirement was imminent.

The meeting commenced at 11am and concluded at 12.31pm.





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## **PATROL ADJUDICATION JOINT COMMITTEE Executive Sub Committee**

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**Date of Meeting:** 29<sup>th</sup> October 2019

**Subject/Title:** Wales Update

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### **1. Civil Parking Enforcement (CPE)**

All local authorities in Wales are now in the civil scheme.

A regional local authority workshop has been held in Llandrindod Wells and a further event is planned in South Wales. In addition, a second FOAM (Fast Online Appeals Management) workshop for the new authorities has been held in Abergavenny on 23 October.

### **2. Moving Traffic Enforcement**

The Civil Enforcement of Bus Lane and Moving Traffic Contraventions (County of Carmarthenshire) Designation Order 2018 has been brought into force.

Carmarthenshire County Council commenced enforcement in March 2019. There are now two authorities undertaking civil enforcement of moving traffic powers (Cardiff Council and Carmarthenshire County Council). Swansea Council is undertaking civil bus lane enforcement.

### **3. Clean Air Zones**

Cardiff and Caerphilly councils were asked to submit feasibility study reports to the Welsh Government by the end of June 2019 outlining action that they will take to achieve legal limits for nitrogen dioxide in the shortest possible time frame.

Cardiff Council has ruled out a charging CAZ but is instead looking to impose alternatives like speeding restrictions, increasing the number of zero emission buses on the Cardiff network, improving taxi licensing policy to set minimum vehicle emission standards, accelerating Park & Ride programmes and improving and promoting the uptake of low-emission vehicles by investing in Cardiff's electrical charging infrastructure.

However, in August 2019 the Welsh government has asked the authority to undertake further modelling to 'better assess the potential' of a charging CAZ to meet compliance. Ministers have now given Cardiff Council three months to undertake additional work to improve their final plan and present 'robust evidence' their identified package of measures is the route most likely to achieve compliance in the soonest time possible.

Caerphilly County Borough Council do not have immediate plans for a Clean Air Zone but have identified two Air Quality Management Areas.

#### **4. Pavement Parking**

The Welsh Government has established a Taskforce Group to explore the potential regulatory and secondary legislative changes that could be made and determine whether civil enforcement can be used to provide a mechanism to enforcement pavement parking. The Taskforce Group includes representation from PATROL, Traffic Penalty Tribunal and a number of Welsh local authorities.

## **PATROL ADJUDICATION JOINT COMMITTEE**

### **Executive Sub Committee**

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**Date of Meeting:** 29<sup>th</sup> October 2019  
**Report of:** The Director on behalf of the Resources Working Group  
**Subject/Title:** Audit Commission Small Bodies Annual Return for the Year Ended 31 March 2019

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#### **1.0 Report Summary**

1.1 To report the findings of the external auditors for 2018/19.

#### **2.0 Recommendation**

2.1 To note the findings of the external audit for 2018/19 in the enclosed annual return (Appendix 1).

#### **3.0 Reasons for Recommendations**

3.1 Compliance with PATROL Financial Regulations.

#### **4.0 Financial Implications**

4.1 Set out in the report.

#### **5.0 Legal Implications**

5.1 None at this time

#### **6.0 Risk Management**

6.1 Internal and external audit findings provide assurance to the Joint Committee on financial management.

#### **7.0 Background and Options**

7.1 The Joint Committee approved the draft annual return for 2018/19 at its meeting on 16<sup>th</sup> July 2019.

7.2 The Joint Committee approved the appointment of BDO LLP to audit the annual returns of the Joint Committee for the period 2018/19 to 2020/21 at its meeting in January 2019. BDO LLP have provided the external audit function in accordance with the requirements of the Small Bodies Annual Return which is utilised for bodies with an annual turnover of less than £6.5 million. The final audited return is shown at Appendix 1. The external auditors have found that there are no issues arising.

- 7.3 There is no requirement for the Joint Committee to publish accounts from 2015/16 onwards however at the Joint Committee meeting in June 2015, it was determined that this would continue for the purposes of transparency
- 7.4 The appointment of auditors for the period 2018/19 to 2020/21 will be considered at the meeting in January 2019.

## **8.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Louise Hutchinson

Designation: Director

Tel No: 01625 445566

Email: [lhutchinson@patrol-uk.info](mailto:lhutchinson@patrol-uk.info)

## Joint Committees

### Return for the financial year ended 31 March 2019

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The return on pages 2 to 5 is made up of four sections:

- Sections 1 and 2 are completed by the person nominated by the Joint Committee
- Section 3 is completed by BDO LLP as the reviewer appointed by the Joint Committee.
- Section 4 is completed by the Joint Committee's internal audit provider.

#### Completing your return

Guidance notes, including a completion checklist, are provided on page 6 and at relevant points in the return. Also our extranet contains useful advice for you to refer to, see below.

Complete all sections highlighted in red. Do not leave any red box blank. Incomplete or incorrect returns require additional work and so may incur additional costs.

Send the return, together with your bank reconciliation as at 31 March 2019, an explanation of any significant year on year variances in the accounting statements and any additional information requested, to us, BDO LLP, by the due date.

We will identify and ask for any additional documents needed for our work. Therefore, unless requested, do not send any original financial records.

Once we have completed our work, the completed return will be returned to the Joint Committee.

It should not be necessary for you to contact us for guidance.

**Section 1 – Governance statement 2018/19**

We acknowledge as the members of

Enter name of reporting body here:

PARKING & TRAFFIC REGULATIONS OUTSIDE LONDON ADJUDICATION JOINT COMMITTEE

Our responsibility for ensuring that there is a sound system of internal control, including the preparation of the accounting statements. We confirm, to the best of our knowledge and belief, with respect to the accounting statements for the year ended 31 March 2019, that:

	Agreed		'Yes' Means that the body
	Yes	No*	
1 We approved the accounting statements prepared in accordance with the guidance notes within this Return.	✓		Prepared its accounting statements and approved them.
2 We maintained an adequate system of internal control, including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	✓		Made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge
3 We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with generally accepted good practice that could have a significant financial effect on the ability of the body to conduct its business or on its finances and have reported our financial results to our host authority for inclusion in their accounts.	✓		Has only done what it has the legal power to do and has complied with general accepted good practice
4 We carried out an assessment of the risks facing the body and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✓		Considered the financial and other risks it faces and has dealt with them properly.
5 We maintained throughout the year an adequate and effective system of internal audit of the body's accounting records and control systems.	✓		Arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of the body.
6 We took appropriated action on all matters raised during the year in reports from internal audit and external reviews.	✓		Responded to matters brought to its attention by internal and external reviewers.
7 We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during tor after the year-end, have a financial impact on the body and where appropriate have included them in the accounting statements.	✓		Disclosed everything it should have about its business activity during the yea including events taking place after the year-end if relevant.

The governance statement is approved by the Joint Committee and recorded as minute reference

MINUTE REFERENCE  
9

Date 16/07/2019

Signed by:

Chair



Signed by:

Clerk



\*Note: Please provide explanations on a separate sheet for each 'No' response. Describe how the joint committee will address the weaknesses identified.



Section 2 – Accounting Statements 2018/19 for

Enter name of reporting body here:

PARKING & TRAFFIC REGULATIONS OUTSIDE LONDON ADJUDICATION JOINT COMMITTEE

	Year ending		Notes and guidance
	31 March 2018 £	31 March 2019 £	
1 Balances brought forward	3,182,460	3,442,141	Total balances and reserves at the beginning of the year as recorded in the body's financial records. Value must agree to Box 7 of previous year.
2 (+) Income from local taxation and/or levy	-	-	Total amount of local tax and/or levy received or receivable in the year including funding from a sponsoring body. Excluding any grants received.
3 (+) Total other receipts	3,307,838	3,467,512	Total income or receipts as recorded in the cashbook less the taxation and/or levy (line 2). Include any grants received here.
4 (-) Staff costs	1,906,766	1,932,773	Total expenditure or payments made to and on behalf of all employees. Include salaries and wages, PAYE and NI (employees and employers)), pension contributions and employment expenses.
5 (-) Loan Interest/capital repayments			Total expenditure or payments of capital and Interest made during the year on the body's borrowings (if any).
6 (-) All other payments	1,141,392	1,681,568	Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan Interest/capital repayments (line 5).
7 (=) Balances carried forward	3,442,141	3,295,412	Total balances and reserves at the end of the year. Must equal (1+2+3) – (4+5+6)
8 Total cash and short term investments	3,490,169	3,182,671	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – to agree with bank reconciliation.
9 Total fixed assets plus other long term investments and assets			The original Asset and Investment Register value of all fixed assets, plus other long term assets owned by the body as at 31 March
10 Total borrowings			The outstanding capital balance as at 31 March of all loans from third parties (including PWLB)

I certify that for the year ended 31 March 2019 the accounting statements in the return present fairly the financial position of the Joint Committee and its income and expenditure, or properly present receipts and payments, as the case may be.

Signed by Responsible Financial Officer:

 SIGNED REQUIRED

Date 26/06/2019

I confirm that these accounting statements were approved by the Joint Committee on:

16/07/2019

and recorded as minute reference:

MINUTE REFERENCE 9

Signed by Chair of meeting approving these accounting statements:

 SIGNED REQUIRED

### Section 3 – External Report 2018/19 Certificate

We present the findings from our review of the return for the year ended 31 March 2019 in respect of:

Enter name of reporting body here:

ENTER JOINT COMMITTEE NAME

#### Respective responsibilities of the Joint Committee and the reviewer

The Joint Committee has taken on the responsibility of ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The Joint Committee prepares a return which:

- summarises the accounting records for the year ended 31 March 2019; and
- confirms and provides assurance on various governance matters in accordance with generally accepted good practice

This report has been produced in accordance with the terms of our engagement letter dated [date] ("the Engagement Letter") and in accordance with the International Standard on Related Services 4400 applicable to agreed-upon-procedures engagements as published by IAASB.

We have performed the following work in respect of the return prepared by the Joint Committee:

- agreed to bank reconciliation to the annual return and the bank statements
- agreed the Annual return figures back to the trial balance
- ensured the trial balance and accounting statements adds up
- agreed the precept to the funding body
- agreed any loans to the PWLB or whoever the loan is with
- checked the comparative figures to the prior year accounts
- undertake an analytical review of the figures and investigated any variances in excess of 10%
- agree that the accounting statements and annual governance statement have been signed and dated as required.
- investigated any NO answers to the Annual Governance Statement
- investigated any NO answers in the Internal auditor report

[No exceptions were found / ~~Apart from the following exceptions, noted below, no exceptions were found.~~]

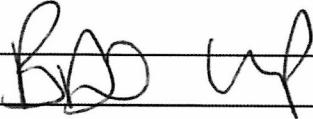
We have not subject the information contained in our report to checking or verification procedures except to the extent expressly stated above and this engagement does not constitute an audit or a review and, as such, no assurance is expressed. Had we performed additional procedures, an audit or a review, other matters might have come to light that would have been reported.

You were responsible for determining whether the agreed upon procedures we performed were sufficient for your purposes and we cannot, and do not, make any representations regarding the sufficiency of these procedures for your purposes.

Our report is prepared solely for the confidential use of the joint committee. Our report must not be used for any purpose other than for which it was prepared or be reproduced or referred to in any other document or made available to any third party without the written permission of BDO LLP.

We accept no liability to any other party who is shown or gains access to this report.

Reviewer signature



BDO LLP

2/19/15

Section 4 – Annual internal audit report 2018/19 to

Enter name of reporting body here:

PARKING & TRAFFIC REGULATIONS OUTSIDE LONDON & ADJUDICATION JOINT COMMITTEE

The Joint Committee's internal audit service provider, acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with relevant procedures and controls expected to be in operation during the financial year ended 31 March 2019.

Internal audit has been carried out in accordance with the Joint Committee's needs and planned coverage.

On the basis of the findings in the areas examined, the internal audit conclusions are summarised in this table. Set out below are the objectives of internal control and alongside are the internal audit conclusions on whether, in all significant respects, the control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of the Joint Committee.

Internal control objective	Agreed? Please choose one of the following		
	Yes	No*	Not covered**
A. Appropriate accounting records have been kept properly throughout the year.	✓		
B. The Joint Committee's financial regulations have been met, payments were approved and VAT was appropriately accounted for.	✓		
C. The Joint Committee assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.	✓		
D. The annual taxation or levy or funding requirements resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.	✓		
E. Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.	✓		
F. Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.	✓		
G. Salaries to employees and allowances to members were paid in accordance with the body approvals, and PAYE and NI requirements were properly applied.	✓		
H. Asset and investments registers were complete and accurate and properly maintained.	✓		
I. Periodic and year-end bank account reconciliations were properly carried out.	✓		
J. Accounting statements prepared during the year were prepared on the correct accounting basis, agreed to the cash book, were supported by an adequate audit trail from underlying records, and, where appropriate, debtors and creditors were properly recorded.	✓		

For any other risk areas identified by the Joint committee (list and other risk areas below or on separate sheets if needed) adequate controls existed:

\* SEE INTERNAL AUDIT REPORT - APPENDIX A FOR MORE DETAILS

Name of person who carried out the internal audit:

JOSIE GRIFFITHS

Signature of person who carried out the internal audit:



Date: 28/6/19

\*Note: If the response is 'no' please state the implications and action being taken to address any weakness in control identified (add separate sheets if needed).

\*\*Note: If the response is 'not covered' please state when the most recent internal audit work was done in this area and when it is next planned, or, if coverage is not required, internal audit must explain why not (add separate sheets if needed).

## Guidance notes on completing the 2018/2019 return

1. Make sure that your return is complete (i.e. no empty red boxes), and is properly signed and dated. Avoid making any amendments to the completed return. But, if this is unavoidable, make sure the amendments are drawn to the attention of and approved by the body, properly initialled and an explanation provided to us. Returns containing unapproved or unexplained amendments will be returned and may incur additional costs.
2. Use the checklist provided below. Use a second pair of eyes, perhaps a member of the committee or the Chair, to review your return for completeness before sending it to us.
3. Do not send us any information not specifically asked for. Doing so is not helpful. However, you must notify us of any change of Clerk, Responsible Financial Officer or Chair.
4. Make sure that the copy of the bank reconciliation or letter confirming the balance held on your behalf which you send with the return covers all your bank balances. If the joint committee holds any short-term investments, note their value on the bank reconciliation. We must be able to agree your bank reconciliation to Box 8 on the Accounting statements. You must provide an explanation for any difference between Box 7 and Box 8.
5. Explain fully significant variances in the accounting statements on page 3. Do not just send in a copy of your detailed accounting records instead of this explanation. We want to know that you understand the reasons for all variances. Include a complete analysis to support your explanation.
6. If we have to review unsolicited information, or receive an incomplete bank reconciliation, or you do not fully explain variances, this may incur additional costs for which we will make a charge.
7. Make sure that your accounting statements add up the balance carried forward from the previous year (Box 7 of 2018) equals the balance brought forward in the current year (Box 1 of 2019).
8. Do not complete section 3. We will complete it at the conclusion of our work.

Completion checklist – 'No' answers mean you may not have met requirements		Done?
All sections	All red boxed have been completed?	✓
	All information has been sent with this return?	✓
Section 1	For any statement to which the response is 'no', an explanation is provided?	✓
Section 2	Approval by the body confirmed by the signature of Chair of meeting approving the accounting standards?	✓
	An explanation of significant variations from last year to this year is provided?	✓
	Bank reconciliation as at 31 March 2019 agrees to Box 8?	✓
	An explanation of any difference between Box 7 and Box 8 is provided?	✓
Section 4	All red boxed completed by internal audit and explanations provided?	✓

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## **PATROL ADJUDICATION JOINT COMMITTEE Executive Sub Committee**

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<b>Date of Meeting</b>	29 <sup>th</sup> October 2019
<b>Report of:</b>	The Director on behalf of the Resources Working Group and Sub Committee
<b>Subject/Title:</b>	Budget monitoring, reviewing reserves and the basis for defraying costs 2019/20

---

### **1.0 Report Summary**

- 1.1 To present income, expenditure and reserves monitoring information for the year to 30<sup>th</sup> September 2019.

### **2.0 Recommendation**

- 2.1 To note the income and expenditure position at 30<sup>th</sup> September 2019.
- 2.2 To note the information the current and forecast reserves position.
- 2.3 To review the options and determine the basis for defraying expenses for the year 2019/20. The Resources Working Group and Sub Committee reviewed these options at their meeting on 15<sup>th</sup> October and recommend **Option 2**.

### **3.0 Reasons for Recommendations**

- 3.1 Compliance with Financial Regulations

### **4.0 Financial Implications**

- 4.1 Set out in the report.

### **5.0 Legal Implications**

- 5.1 None

### **6.0 Risk Management**

- 6.1 Budget monitoring forms part of the Risk Register.

### **7.0 Background and Options**

- 7.1 The budget was approved for the year 2019/20 at the meeting of the Executive Sub Committee held 29<sup>th</sup> January 2019.

- 7.2 This report provides the Committee with the expenditure position at 30<sup>th</sup> September 2019.
- 7.3 The revenue budget estimate was established by the Joint Committee for 2019/20 on the basis that this would reflect the councils who were already members of the Joint Committee.
- 7.4 The Joint Committee forecasting model takes account of recent income trends (i.e. within the last 12 months).
- 7.5 The Joint Committee's income is derived from a pre-estimate of the number of penalty charge notices (PCNs) each council will issue. Corrections are applied at the 6-month and 12-month points once the actual number of PCNs issued is known.
- 7.6 Additional income is derived from a recharge to the Bus Lane Adjudication Service Joint Committee (see Section 9).
- 7.7 Additional income is also derived from the provision of adjudication for appeals arising from road user charging enforcement at the Dartford-Thurrock River Crossing and the Mersey Gateway Crossing. The charging authorities are the Secretary of State for Transport and Halton Borough Council respectively who are not members of the Joint Committee. Consequently, the arrangements for charging in respect of each of these appeals streams is determined separately and any surpluses or deficits arising are ring-fenced to those charging authorities (see Section 11).
- 7.8 Should it be the case that there is a need for greater expenditure than that provided for in the approved budget, then there is a recommendation to authorise the Director to incur additional expenditure, provided such expenditure does not exceed the income for the current year.
- 7.9 Should it be the case that the revenue account falls into deficit then the surplus from previous years is available.
- 7.10 Should there be greater income than expenditure in the year then there is a recommendation that this be transferred into the succeeding year as reserves.

## **8.0 Expenditure**

- 8.1 Expenditure was lower than budgeted by £148,295 (9.1%).
- 8.2 Adjudicator costs were positive to budget by £3,778 (0.7%).
- 8.3 Supplies and Services were £115,257 (46.1%) lower than budgeted. Most of this expenditure is planned to be incurred later in the year.
- 8.4 Staffing costs were higher than budget by £7,156 (1.3%). This is mainly due to the staff bonus paid in June and is partly offset by unfilled vacancies within the appeals team due to efficiencies.



8.5 Premises costs are also favourable to budget by £7,518 (7.1%). The majority of this relates refurbishment and maintenance costs not yet incurred.

## 9.0 Income

9.1 Overall income was £28,343 (1.6%) lower than budget comprising:

- a) PATROL comprising Parking (England and Wales), Bus Lanes and Moving Traffic (Wales), Road User Charging (Durham) and Littering from Vehicles (England)) income was favourable to budget by £160,401 (22.1%)
- b) The recharge for bus lane adjudication service costs is favourable to budget by £38,848 (16.5%).
- c) Income from the Dartford-Thurrock River Crossing and the Mersey Gateways Crossing were both lower than budgeted due to lower than anticipated PCNs issued. Mersey Gateway are also invoiced at a lower rate than anticipated at the time of setting the budget.

### Highways England

	PCNs	Rate	Income
Actual	1,226,214	0.35	429,175
Budget	1,417,712	0.35	496,199

### Mersey Gateway

	PCNs	Rate	Income
Actual	336,333	0.30	100,900
Budget	483,851	0.55	266,118

Interest continues to perform above forecast due to higher balances being invested for longer terms.

## 10.0 Overall Result

10.1 Six months into the financial year, there is an overall surplus of £214,954. Of this, £115,445 is ring-fenced to Highways England, and Halton Borough Council have shown a deficit year to date of £32,925. Excluding these authorities, the PATROL surplus is £132,433.

		SEPT YTD			
		PATROL	HE	HBC	Total
Income		1,174,132	429,175	100,900	<b>1,704,207</b>
Costs		1,041,699	313,729	133,825	<b>1,489,253</b>
Surplus / (Deficit)		<b>132,433</b>	<b>115,445</b>	<b>-32,925</b>	<b>214,954</b>

## 11.0 Reserves

11.1 Total Reserves are £3,384,624 at 30<sup>th</sup> September 2019, of which Free Reserves are £1,827,320.

Of the total Reserves figure, £149,216 is ring-fenced to Highways England and Halton Borough Council are showing a reserves position of £3,314 (after allowing for their agreed retained balance of £25,000). The basis for defraying expenses in respect of these road user charging schemes is subject to monitoring and review.

<u>Reserves</u>	TOTAL	PATROL	Highways England	Halton Borough Council
<b>Closing Reserves 2017/18 and Opening Reserves of 2018/19</b>	<b>3,460,719</b>	<b>3,119,193</b>	<b>257,022</b>	<b>84,504</b>
Reserves for 2018/19	608,316	281,670	189,714.00	136,932.00
Drawdown of Reserves 2018/19	-773,621	-249,002	-364,422.01	-160,197
<b>Closing Reserves 2018/19 and Opening Reserves of 2019/20</b>	<b>3,295,414</b>	<b>3,151,861</b>	<b>82,313.88</b>	<b>61,238.85</b>
<i>Of which are:</i>				
<i>General Approved Reserve</i>	1,403,378	1,403,378		
<i>Approved Property Reserve</i>	135,230	135,230		
<i>Approved Technology Reserve</i>	250,000	250,000		
<i>Allocated to Bus Lanes (proposed)</i>	-231,304	-231,304		
<i>Adjustment</i>				
<i>TOTAL Approved Reserve</i>	<b>1,557,304</b>	<b>1,557,304</b>	<b>0</b>	<b>0</b>
<b>Free Reserves at 01.04.19</b>	<b>1,738,110</b>	<b>1,594,557</b>	<b>82,313.88</b>	<b>61,238.85</b>
Surplus / (Deficit) ytd to September 2019	214,954	132,433	115,445	-32,925
Drawdown of Reserves 2019/20	-125,743	-77,200	-48,543	
<b>Reserves to end Sept 2019</b>	<b>3,384,624</b>	<b>3,207,094</b>	<b>149,216</b>	<b>28,314</b>
<i>of which Free Reserves</i>	<b>1,827,320</b>	<b>1,649,790</b>	<b>149,216</b>	<b>28,314</b>
<i>* of which retained by agreement</i>			50,000	25,000
<i>balance after retention</i>			<u>99,215.9</u>	<u>3,314.1</u>

## 12.0 Options for Defraying Expenses of the PATROL Joint Committee 2019/20

The table below provides the history to PATROL's charging

Year	Per PCN
2009/10	60/65 pence
2010/11	65 pence
2011/12	65 pence
2012/13	60 pence
2013/14	60 pence
2014/15	55 pence
2015/16	50/45 pence
2016/17	45/40 pence
2017/18	35 pence
2018/19	35 pence
2019/20	30 pence currently

Reviewing the basis for defraying expenses in 2019/20 in light of the six-month Income and Expenditure experience, the following options were considered for PATROL (excluding both Highways England and Halton Borough Council which will be determined separately):

### **Option 1:**

**Reduce the contribution per PCN to 28 pence.** This would result in a contribution from PATROL reserves of £87,827 for the year, resulting in closing reserves of £2,986,834 (Free Reserves of £1,429,530).

### **Option 2:**

**Maintain the current contribution based upon 30 pence per PCN.** Based on income and expenditure to 30 September 2019, the full-year forecast would result in a **surplus** for the year of £24,837 which would be taken from the surpluses from previous years resulting in forecast closing reserves at March 2020 of £3,099,498 (Free Reserves of £1,542,194).

Further review to be undertaken at January 2020 to take into account expenditure for the third quarter to Dec 2019, and budgetary estimates for the financial year 2020/21.

**Option 3**

**Increase the contribution to 32 pence per PCN for the whole year.** The resulting forecast for the year would then be a contribution to reserves of £137,501 with closing reserves of £3,212,162 (Free Reserves of £1,654,858).

**Pricing Scenarios PATROL:**

	<i>option 1</i>	<i>option 2</i>	<i>option 3</i>
	28p	30p	32p
<b>PATROL Reserves b/f to 2019/20</b>	<b>3,151,861</b>	<b>3,151,861</b>	<b>3,151,861</b>
<i>note : excludes RUCA reserves</i>			
Income based on 28p for whole year	1,577,300		
Income based on 32p for whole year			1,802,628
Income based on 30p for whole year		1,689,964	
Other Income	615,778	615,778	615,778
Costs	2,280,905	2,280,905	2,280,905
<b>Forecast Surplus for Year</b>	<b>-87,827</b>	<b>24,837</b>	<b>137,501</b>
Drawdown	-77,200	-77,200	-77,200
<b>Forecast Reserves at 31.03.20</b>	<b>2,986,834</b>	<b>3,099,498</b>	<b>3,212,162</b>
less:			
<i>TOTAL approved Reserves</i>	1,557,304	1,557,304	1,557,304
<b>Free Reserves</b>	<b>1,429,530</b>	<b>1,542,194</b>	<b>1,654,858</b>

**13. Recommendations**

- 13.1 To note the income and expenditure and reserves at 30<sup>th</sup> September 2019
- 13.2 To note the information the current and forecast reserve position.
- 13.3 To review the options for defraying expenses and determine the preferred basis for 2019/20. The Resources Working Group and Sub Committee reviewed these options at their meeting on 15<sup>th</sup> October 2019 and recommend **Option 2.**

**14.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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## Appendix 1: Outturn to September 2019

	Year to Date				Full Year			
	30/09/2019	30/09/2019	30/09/2019	30/09/2019	2019/20	2019/20	2019/20	2018/19
	Year to Date	Budget	Var to Budget	Var to Budget	Forecast Outturn	Full Year Budget	Var to Budget	Prior Year Result
<b>Income:</b>								
PATROL *	886,505	726,104	160,401	22.1%	1,689,964	1,452,209	237,755	1,719,922
Recharge for Bus Lane Adjudication Costs	274,075	235,227	38,848	16.5%	569,680	470,454	99,226	485,776
<b>Road User Charging:</b>								
RUCA (Dartcharge) - Highways England	429,175	496,199	(67,024)	-13.5%	826,795	992,398	(165,603)	898,271
RUCA (Mersey Gateway) - Halton Borough Council	100,900	266,118	(165,218)	-62.1%	183,745	532,236	(348,491)	340,609
Littering From Vehicles	4	0	4	0.0%	0	0	0	0
Bank Interest	13,146	8,500	4,646	54.7%	25,746	17,000	8,746	23,034
Sale of Assets	402	0	0	0.0%	20,352	0	20,352	0
Contribution (to) / from Reserves	0	0	0	0.0%	0	0	0	0
<b>Total Income</b>	<b>1,704,207</b>	<b>1,732,149</b>	<b>(28,343)</b>	<b>-1.6%</b>	<b>3,316,282</b>	<b>3,464,297</b>	<b>(148,015)</b>	<b>3,467,612</b>
<b>Expenditure:</b>								
Adjudicators	533,439	537,217	3,778	0.7%	1,183,712	1,074,435	(109,277)	891,546
Staff	543,417	536,261	(7,156)	-1.3%	1,082,717	1,072,521	(10,196)	1,000,729
Premises / Accommodation	97,779	105,297	7,518	7.1%	198,227	210,593	12,366	188,946
Transport	41,839	48,500	6,661	13.7%	96,086	97,000	914	88,845
Supplies and Services	134,520	249,778	115,257	46.1%	437,951	499,555	61,604	355,057
IT	110,410	133,447	23,036	17.3%	238,397	266,893	28,496	281,223
Services Management and Support	25,500	25,000	(500)	-2.0%	51,000	50,000	(1,000)	50,100
Audit Fees	2,350	2,050	(300)	-14.6%	4,250	4,100	(150)	2,850
Contingency	0	0	0	0.0%	0	0	0	0
<b>Total Expenditure</b>	<b>1,489,253</b>	<b>1,637,549</b>	<b>148,295</b>	<b>9.1%</b>	<b>3,292,340</b>	<b>3,275,097</b>	<b>(17,243)</b>	<b>2,859,296</b>
<b>Surplus / (Deficit)</b>	<b>214,954</b>	<b>94,600</b>	<b>119,952</b>		<b>23,942</b>	<b>189,200</b>	<b>-165,258</b>	<b>608,316</b>

0 -0

<b>Breakdown of Surplus</b>	214,954	94,600			23,942	189,200		608,316
<b>PATROL *</b>	132,433	-88,909			24,837	-177,817		281,670
<b>Halton Borough Council</b>	-32,925	118,893			-116,271	237,785		136,932
<b>Highways England</b>	115,445	64,616			115,375	129,232		189,714

\* PATROL = Parking England and Wales, and Bus Lanes and Moving Traffic Wales, RUC Durham and Littering from Vehicles (England)

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**PATROL AND BUS LANE ADJUDICATION SERVICE JOINT  
COMMITTEES  
Executive Sub Committees**

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**Date of Meeting:** 29<sup>th</sup> October 2019  
**Report of:** The Director on behalf of the PATROL and BLASJC  
Resources Working Group and Sub Committee.  
**Subject/Title:** Report of the PATROL and BLASJC Resources Working  
Group meeting held 15<sup>th</sup> October 2019.

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**1.0 Report Summary**

1.1 To report on the PATROL and BLASJC Resources Working Group and Sub Committee meeting held 15<sup>th</sup> October 2019.

**2.0 Recommendations**

2.1 To note the matters discussed at the meeting held 15<sup>th</sup> October 2019.

2.2 To approve the Resources Working Group and Sub Committee overseeing matters highlighted in the report and reporting back to the next meeting of the Joint Committees or their Executive Sub Committees

**3.0 Reasons for Recommendations**

3.1 To update the Joint Committees.

**4.0 Financial Implications**

4.1 The Resources Working Group considered financial issues reported to this meeting.

**5.0 Legal Implications**

5.1 None

**6.0 Risk Management**

6.1 The Resources Working Group considered the risk management report presented to this meeting.

**7.0 Background and Options**

7.1 The July 2019 meetings of the Joint Committees resolved that the Resources Sub Committee and Working Group would oversee a number of initiatives on its behalf.

7.2 The last meeting took place on 15<sup>th</sup> October 2019, was chaired by Councillor Stuart Hughes and undertook the following:

- a) Reviewed a Public Affairs Update. This is reported under separate cover.
- b) Reviewed the reporting of Traffic Penalty Tribunal statistics. This is reported under separate cover.
- c) Received an update on plans to review the resources required to meet obligations over the next five years which will report to the Executive Sub Committee Meetings in January 2020.
- d) Reviewed draft agendas, financial and governance reports (relating to the Advisory Board) reported separately.
- e) Reviewed procurement falling outside the Joint Committee's financial regulations

## **8. Recommendation**

8.1 It is proposed that the Resources Working Group and Sub Committee continue to oversee the above matters and those set out in the Public Affairs Update and report back to the subsequent meetings of the Joint Committee Executive Sub Committees in January 2020 and the Joint Committee meetings in July 2020.

## **9.0 Recommendation**

9.1 To note the matters discussed at the meeting held 15<sup>th</sup> October 2019.

9.2 To approve the Resources Sub Committee and Working Group overseeing matters highlighted in the report and reporting back to the next meeting of the Joint Committees or their Executive Sub Committees.

## **10.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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Designation: Director

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## **PATROL and Bus Lane Adjudication Service Joint Committees Executive Sub Committees**

**Date of Meeting: 29<sup>th</sup> October 2019**

### **Report of the Director on behalf of the Resources Working Group and Sub Committee**

## **PATROL Public Affairs Overview October 2019**

### **1. Introduction**

With a membership of over 300 local authorities, PATROL is uniquely placed to understand the local authority perspective on civil enforcement matters whilst at the same time having regard to the issues that matter to motorists through the experience of appeals to the Traffic Penalty Tribunal.

The Resources Working Group and Sub Committee has been overseeing a range of public affairs initiatives on behalf of the PATROL and the Bus Lane Adjudication Service Joint Committees and their Executive Sub Committees.

The following report provides an update on activities. Each section is split into:

- Background
- Update
- Next Steps

A number of reports are included for information as appendices.

### **2. Pavement Parking**

**Objectives: To contribute evidence and solutions to the government's exploration of how local authorities outside London can more effectively enforce pavement parking, streamlining the regulatory regime and demonstrating the benefits for local communities.**

#### **Background**

In 2016 the then Minister, Andrew Jones, convened a roundtable discussion on pavement parking. This was attended by the Chief Adjudicator and Chair of the PATROL Advisory Board. Discussion focused on the local authority concerns regarding the ability to introduce and enforce pavement parking prohibitions outside London were issues relating to the processing of Traffic Regulation Orders.

In August 2017 the Department for Transport published a consultation document "Accessibility Action Plan Consultation – A Transport System that is open to everyone". The consultation included a section on unauthorised pavement parking. PATROL submitted a response to the consultation.

The consultation document refers to a survey on the wider Traffic Regulation Order (TRO) process in terms of the current situation, the costs and timescales for processing TROs and information about options for change. Representatives from PATROL and the Traffic Penalty Tribunal met with civil servants at the Department for Transport and outlined the challenges of the TRO making process generally and, in particular, for pavement parking and set out the option of introducing obstruction as a contravention. Parking Review invited PATROL to outline its position on pavement parking and this was published in March.

Since the meeting, it is understood that the Department for Transport will also be looking specifically to gather evidence on the effectiveness or not of current regulatory frameworks for pavement parking.

Pavement parking was an issue picked up in a number of parking annual reports. Two of the shortlisted councils (Devon County Council and Derby City Council) outlined steps they had taken to address the issue.

The Stakeholder Engagement Manager, Iain Worrall, incorporated feedback on pavement parking into the Summer 2018 workshops and this was drawn upon as part of the evidence submission to the Department for Transport. Over 50 authorities indicated an interest taking part in further discussions on this subject.

Three Pavement Parking Workshops were held one with members and two in the North and South of England with a mixture of local authority members and officers. The latter two received a presentation from the Department for Transport with the lead civil servant listening to the feedback from delegates on this issue.

A clear message from PATROL's workshops is that local authorities are looking to build upon existing powers to tackle pavement parking in a way that meets the specific needs of their community rather than a "one size fits all" approach.

Officers attending the workshop said they face constant calls to enforce against obstruction but are currently powerless to intervene. A small number of local authorities have introduced schemes prohibiting footway parking but these tend to focus on geographically distinct areas such as city centres. Authorities shared examples of education projects they were undertaking to raise awareness of the problems of pavement parking and other street clutter.

There was a consensus that adding highway obstruction by a stationary vehicle to the list of contraventions for which civil enforcement applies, contained in Part 1 of Schedule 7 of the Traffic Management Act 2004 would provide local authorities with the power to take targeted enforcement action against pavement parking in a proactive and reactive way. There was also considerable interest in the potential of the contravention of obstruction to apply to vehicles parked in proximity to junctions which would be beneficial in terms of road safety.

The workshops highlighted that civil enforcement officers were already undertaking dropped kerb enforcement and had demonstrated that this could be done proportionately. Dealing with obstruction in off-street carparks is also commonplace. A number of authorities have outlined the challenges that an overall ban could mean for some communities.

There was also overwhelming agreement that any new measures need to be accompanied by public information to ensure that motorists understand what is required of them.

A meeting was held with the Minister, Jesse Norman, on 18<sup>th</sup> March 2019 to discuss the issue and an explanation was provided of the challenges for some local communities of a national pavement

parking ban and the potential of introducing obstruction as a civil contravention which could be introduced quickly without the need for changes to primary legislation.

The Transport Committee launched an inquiry into Pavement Parking on 2<sup>nd</sup> April 2019 which is ongoing. A briefing note was prepared and a submission to the Transport Committee Inquiry. The Director gave evidence to the Inquiry as part of a Local Authority Panel.

Additional evidence (Appendix 1 and 2) was submitted to the Transport Inquiry to provide further clarification on the points raised in the written submission and the oral evidence.

The Department for Transport has announced its intention to review Traffic Regulation Order (TRO) legislation. The review is being launched by Future of Transport Minister George Freeman MP. This review will take place over the next 16 weeks (from 2 September 2019) to produce a set of proposals for legislative change, building on the research conducted by GeoPlace and the Transport Focus User Group.

<https://www.patrol-uk.info/pavement-parking-transport-committee-2019/>

## **Update**

- a) The Transport Committee has published its report and recommendations (Appendix 4)
- b) The Deputy Minister for Economy and Transport of the Welsh Government announced that a Taskforce Group was to be set up to consider all issues around "Pavement Parking". PATROL and the Traffic Penalty Tribunal are represented on that Group.

## **Next steps**

To raise awareness of PATROL's submissions with the Department for Transport.

To liaise with Welsh Government in their review of Pavement Parking in Wales

To report any developments to the Joint Committee.

## **3. New Civil Bus Lane Guidance**

### **Background**

The Secretary of State has indicated that it is his intention in the light of increasing bus lane penalties to review the Provisional Guidance published in 2005 and revised in 2008.

This Guidance is considered to be outdated and does not take account of the increased complexities in traffic regulation. Whilst the Traffic Management Act 2004 allows for Statutory Guidance, the Transport Act 2000 doesn't hence the Guidance being Provisional. Once the remaining powers of Part 6 of the Traffic Management Act 2004 are enacted, there will be Statutory Guidance for civil bus lane enforcement. In Wales there is "Statutory Guidance to Local Authorities on the Civil Enforcement of Bus Lanes and Moving Traffic Contraventions" (2014).

The PATROL Local Authority Bus Lane conference held on 14<sup>th</sup> March 2019 at the London Transport Museum utilised the review of the guidance as a backdrop for its agenda which included presentations from local authorities who had reflected upon and made changes

to their bus lane schemes in the light of experiences from enforcement, representations and adjudicator decisions.

The intention behind the review of the Guidance is to promote consistency and proportionality and it is hoped that authorities will embrace the spirit of Statutory Guidance in practice. The Adjudicators have been asked to provide feedback to the Department for Transport on issues arising in bus lane appeals.

## **Update**

None at this time.

## **Next Steps**

To keep the Joint Committee updated on the progress of the new guidance.

## **4. Camera enforcement and cycle lanes**

### **Background**

The Department for Transport has been carrying out a cycling and walking safety review, considering how to make cycling and walking safer and more attractive modes of transport.

The Department has now concluded that review and has [announced several new policy measures](#) designed to address some of the problems that have been raised.

The enforcement of cycle lanes was a major theme emerging from the initial call for evidence; many cyclists felt that motorists who drive and park in cycle lanes have little chance of being caught, and consequently there is very little deterrence against this behaviour.

The Department has accepted these concerns, and in response, they have announced that they will make it easier for local authorities to tackle vehicles parking in cycle lanes.

The intention is to amend the 2015 regulations which largely banned the use of cameras by councils for parking enforcement in order to insert an exemption for mandatory cycle lanes. In practical terms, therefore, local authorities will be allowed to use camera devices (e.g. fixed CCTV or camera cars) to enforce parking restrictions (e.g. yellow lines) in mandatory cycle lanes (i.e. cycle lanes marked by solid white lines). There will be no change to the separate moving traffic offence of driving in a mandatory cycle lane; this offence is not being decriminalised and will remain under police enforcement. It is not anticipated at this stage that there will be any further changes to camera enforcement. Evidence suggests that some local authorities are deploying red route enforcement as a result of this.

<https://www.gov.uk/government/publications/cycling-and-walking-investment-strategy>

There is no confirmed date for this legislative change however it is anticipated that there will be a further update in Spring. The government has also signalled its intention to review the Highway Code.

### **Next steps**

Liaise with the on Department for Transport in respect of the planned changes to the regulations and Highway Code and report on any progress to the Joint Committee.

## 5. Future of Mobility: Urban Strategy

### Background

The Department for Transport issued “The Future of Mobility: Urban Strategy” on 19<sup>th</sup> March 2019. A link to the document is set out below:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/786654/future-of-mobility-strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/786654/future-of-mobility-strategy.pdf)

The document reports the intention to undertake the biggest regulatory review in a generation around new transport modes including: micro mobility; mobility as a service (MAAS), transport data including national parking standards and bus, taxi and PHV legislation.

### Update

None at this time

### Next steps

Monitor the roll out of the review.

## 6. Joint response to Law Commission / Scottish Law Commission Automated Vehicles: A joint preliminary consultation paper

### Background

This consultation is seeking views on the legal implications of the introduction of road-based automated vehicles. A joint TPT/PATROL submission is included for reference at Appendix 3.

### Next steps

To respond to any, follow up questions from the Law Commission.

## 7. Moving Traffic Powers

**Objectives: To develop an evidence base in respect of moving traffic powers and the impact of their absence on local authorities in England (outside of London) drawing upon experience on enforcement and appeals from their current use in Wales.**

### Background

Moving Traffic Powers are currently available to local authorities in Wales but not to English authorities outside London.

PATROL has surveyed member authorities in relation to their likelihood of taking up these powers were they made available. It is clear that local authorities in England (outside London) have an interest in these powers and are willing to support any actions taken to raise awareness with Ministers. The Local Government Association published a report in 2017 “A country in a jam: tackling congestion in our towns and cities”. PATROL has sought to engage with the Local

Government Association on matters of mutual interest. The Secretary of State for Transport is expected to issue new Statutory Guidance in relation to civil bus lane enforcement in due course.

PATROL circulated details of a survey being coordinated by the Local Government Association on the moving traffic enforcement.

## **Update**

The Transport Committee Inquiry “Bus Services in England Outside London” published in May 2019 included a recommendation that the government should look to introduce moving traffic enforcement in England (outside London) to reduce congestion. A summary of their findings in this respect is included at Appendix 5. The LGA Report on their Moving Traffic Survey is attached at Appendix 6.

## **Next steps**

Review the findings from the LGA survey and build upon the Transport Committee report to collate the various sources of local and national congestion, journey times, accident and contravention data.

## **8. Littering from Vehicles**

**Objectives: To provide access to independent adjudication in respect of this new area of environmental civil enforcement and liaise with local authorities to promote awareness of the requirements of civil enforcement drawing upon experience within civil parking and bus lane enforcement.**

### **Background**

New regulations “Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 came into force on 1<sup>st</sup> April 2018. PATROL and the Traffic Penalty Tribunal responded to a consultation on littering from vehicles introduced in the Litter Strategy for England <https://www.gov.uk/government/publications/litter-strategy-for-england>, DEFRA has issued the attached implementation advice to local authorities. This also references a consultation on improved guidance on the use of enforcement powers to tackle littering and related offences which they propose to incorporate into a statutory Code of Practice on Litter and Refuse. DEFRA published a summary of responses to the consultation.

Appeals arising from these penalties will be considered by the Traffic Penalty Tribunal. Experience from London suggests that volumes of appeals will be extremely low however to date over 60 authorities outside London have expressed an interest in taking up these powers.

A survey of councils was undertaken to understand which department – Parking or Environment is leading in this area of enforcement and to appreciate the variables in terms of level of penalty charge and the option offer of discounts.

PATROL has liaised with DVLA to request access to the same driver details portal as used in civil parking enforcement rather than a single use system currently used in environment enforcement.

Appeals will be handled through FOAM. Workshops have been held with officers from parking and environmental teams in Wilmslow and London.

Two further workshops have been held one in the north and one in the south for environmental teams new to the adjudication process.

A number of authorities have expressed an interest in this area of enforcement. however, to date only Charnwood Borough Council is issuing penalties.

## Update

Three appeals have been received at the point of this report

## Next steps

- To monitor and report on appeals arising under these new regulations.
- Liaise with DEFRA in relation to the formal guidance.

## 9. Clean Air Zones

**Objectives: To bring experiences from road user charging enforcement and appeals to the government and local authority plans to introduce Clean Air Zones, where these are charging clean air zones.**

### Background

In 2017 DEFRA consulted on its Air Quality Strategy “Improving air quality: national plan for tackling nitrogen dioxide in our towns and cities. PATROL responded to this consultation.

The five original mandated locations (Birmingham, Derby, Leeds, Nottingham and Southampton) were required to have their plans finalised, including whether this will include a charging CAZ by the end of 2018 for implementation in 2019. A further 23 local authorities were required to take steps to reduce road side emissions in 2017.

In July 2018 DEFRA directed 33 more English local authorities to carry out studies reducing nitrogen dioxide air pollution in their areas.

The Government’s latest Clean Air Strategy (Clean Air Strategy 2019) incorporates steps to improve air quality in relation to a range of sources including Transport

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/770715/clean-air-strategy-2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/770715/clean-air-strategy-2019.pdf)

PATROL and TPT are liaising with DEFRA and Welsh Government in relation to the introduction of charging clean air zones on subjects including:

- Considerations for the procurement of ANPR equipment.
- Single national payment portal
- The appeals process

The purpose being to share experiences from appeals in other road user charging schemes.

### Types of Charging CAZ

There are four types of Charging CAZ, which will be indicated on signs through the letters A–D.



- A:** Buses, coaches, taxis and private hire vehicles
- B:** As above, plus Heavy Goods Vehicles (HGVs)
- C:** As above, plus Light Goods Vehicles (LGVs)
- D:** As above, plus cars

A workshop was held in Birmingham in April 2019 bringing together authorities who are planning or considering a C-CAZ to consider a range of factors impacting on their introduction. Delegates suggested it would be helpful to continue the discussions and sharing of information.

### Update

Leeds City Council and Birmingham City Council have indicated that they will not be able to introduce their C-CAZ in January 2020 as mandated in the light of the government's vehicle checking software not being available until October 2019.

### Next steps

- To continue to liaise with DEFRA
- To monitor the take up of charging clean air zones
- To hold a follow up C-CAZ workshop in the new year.

## 10. Consultation on penalties for engine idling

### Background

The Department for Transport has indicated that it will be launching a consultation in summer 2019 on penalties for engine idling in support of its Cycling and Walking Investment Strategy and Road to Zero Strategy

### Update

No update at this time

### Next steps

To update Members on the arrangements for the consultation.



## 11. The Parking (Code of Practice) Act 2019

**Objectives: To bring the experiences of civil enforcement and adjudication to plans to introduce a single Code of Practice to the private parking sector promoting fairness and transparency.**

### Background

Sir Greg Knight (Conservative Member of Parliament for East Yorkshire) sponsored this Private Member's Bill. In Sir Greg's words:

*"Self-regulation hasn't worked and we need to put this on a statutory footing to stop motorists being ripped off. We need to have a fairer, more transparent and consistent enforcement system. "*

There has been coverage in the media of issues relating to parking on private land and on land owned by public authorities (e.g. NHS hospital parking), including:

- Practices which could be in breach of consumer protection laws, such as companies setting excessive parking charges, or levying excessive penalties for overstaying which are dressed up as official "parking fines".
- Practices that undermine the principle underlying the formation of a contract, including unclear or missing signage, or a lack of transparency on charges and/or fines.
- Failure to treat drivers fairly when they have incurred a penalty, including the failure to provide information, consider appeals fairly and the aggressive use of bailiffs.
- Some have called for specific action, including the introduction of a binding code of practice; for mandatory membership of an accredited trade association; or a rethink of whether the rules about access to the DVLA database are robust enough

### The new Act in summary

The Government has stated that the act will result in:

- End unfair parking fines by rogue private parking firms
- Private parking firms will need to follow a new Code of Practice
- Drivers will be able to challenge unfair fines through a new independent appeals service.
- A new single Code of Practice will ensure parking is consistent, transparent and easier to understand. If private parking firms break it, they could be barred from making data enquiries from the DVLA to enforce tickets.

The Local Government Minister, Rishi Sunak will now put in place the code of practice and appeals and scrutiny mechanisms that the Act provides. It is expected that the code will be drafted later in 2019 with industry stakeholders and will provide clarity in a single set of rules for private parking with clearer processes of appeals.

The Secretary of State will also have the power to raise a levy on the sector to fund the production, publishing and enforcement of the code. That levy will also cover the cost of appointing and maintaining a single appeals service.

A single code is intended to set a higher standard across the sector, especially in the area of appeals

## **Update**

A Car Parks as a Service workshop was held in London in August attended by a range of local authorities with representation from the MHCLG and the Vehicle Certification Agency. The purpose is to establish how local authorities can build upon their experience of delivery a car park service to meet future demands whilst at the same time assisting the introduction of single code or practice for private car park operators.

## **Next steps**

To update the Joint Committee on the implementation of this Act and to develop a briefing following the car park workshop.

## **12 Debt collection practices**

### **Background**

### **For information**

The Money Advice Trust have issued a report and recommendations entitled "An Update on local authority debt collection practices in England and Wales (Appendix 6).

### **Next steps**

To raise awareness of the report with local authority enforcement departments.

## **13 House of Common3 PARC Awards (Parking Annual Reports by Councils) Reception, 16th July 2019**

**Objectives: To support and share best practice in the production of local authority parking annual reports in order to promote transparency and a greater public understanding of traffic management and civil parking enforcement.**

### **Background**

The PARC Awards recognise the local authorities that have articulated and communicated on parking services; appeals and finances in their area in a compelling and well-structured way through the production of an Annual Report.

PATROL was delighted that Huw Merriman MP was able to sponsor the 2019 Awards Reception. Huw is MP for Bexhill and Battle and is a member of the Transport Select Committee.

## **Update**

Huw shared some valuable insights and encouragement to local authority attendees on the importance of their mission to improve the communication of parking and other civil enforcement activities within their areas.

PATROL was delighted that the then Minister for Local Government Rishi Sunak sent a video message of support and ask his Senior Policy Advisory and Bill Manager, Sarah McLean to speak to the reception about the Parking (Code of Practice) Act 2019.

The event was attended by a range of MPs, civil servants, Councillors and Council Officers.

The awards were presented as follows:

Overall Winner: Brighton & Hove City Council

Highly Commended for reporting in:

Customer Service: Devon County Council

Innovation & New Services: North Essex Parking Partnership

Finance and Statistics: Joint Winners: Durham County Council and South Lakeland District Council

The Award for Outstanding Digital Format: Newcastle City Council

Cheshire East Council, Sedgemoor District Council and Sunderland City Council were also shortlisted.

A selection of media coverage is enclosed at Appendix 6.

Links to the shortlisted authority reports are set out below:

- [Brighton & Hove City Council](#)
- [Cheshire East Council](#)
- [Devon County Council](#)
- [Durham County Council](#)
- [Newcastle City Council](#)
- [North Essex Parking Partnership](#)
- [Sedgemoor District Council](#)
- [South Lakeland District Council](#)
- [Sunderland City Council](#)

## **Update**

A digital toolkit has been launched at the September/October regional workshops.

**The closing date for 2018/19 reports is Friday 31<sup>st</sup> January 2020**

## **13. Simplifying the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 Government Response**

### **Background**

The Government has confirmed that the lower band of penalty charges will be retained, to give local authorities the discretion to reduce their parking penalties, if elected councillors wish to adopt such a policy. The response points to the intention to adopt the Welsh model of listing higher level contravention types in an Order while publishing the specific contravention codes in guidance. The Government will seek to amend the 2007 Order to this effect.

Currently London Councils performs a coordinating role on behalf of all councils in the review of contravention codes. PATROL has offered to undertake this role on behalf of outside London Councils.

PATROL has confirmed its willingness to undertake this role.

## **Next steps**

To liaise with the Department for Transport to establish when the order might be amended.

## **14. Building an evidence based picture of enforcement in England (outside London) and Wales**

**Objectives: Develop and enhance our evidence-base to provide an objective assessment of civil enforcement and appeals in England (outside London) and Wales.**

### **Background**

PATROL is encouraging local authorities to contribute local statistics to produce a comprehensive evidence based picture of enforcement in England (outside London) and Wales.

### **Next steps**

A digital data submission portal is in development. The aim is to simplify the local authority's provision of information in terms of process and content.

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Public Affairs Report  
October 2019  
Appendices (for Information)

1. Additional clarification evidence submitted by the PATROL (Parking and Traffic Regulations Outside London) Joint Committee in response to the Transport Committee inquiry into pavement parking, June 2019
2. Further evidence in response to the Transport Committee inquiry into pavement parking, July 2019
3. House of Commons Transport Committee Thirteenth Report of Session 2017-19 Pavement Parking September 2019. (This appendix contains the report excluding the formal minutes to the report).
4. Excerpt from Transport Committee Inquiry May 2019: Bus Services in England (outside London)
5. Local Government Association Traffic Management Act Part 6 Report July 2019
6. Money Advice Trust: Stop the Knock an update on local authority debt collection practices in England and Wales September 2019

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**Additional clarification evidence submitted by the  
PATROL (Parking and Traffic Regulations Outside  
London) Joint Committee in response to the  
Transport Committee inquiry into  
pavement parking**

**Submitted by:**

**PATROL**

PATROL (Parking and Traffic Regulations Outside London)

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## **1. The Traffic Regulation Order (TRO) Process**

Traffic Regulation Orders (TROs) and Traffic Management Orders (TMOs) – as they are known in London – are made under the powers of the *Road Traffic Regulation Act 1984*.

The process for making TROs is laid down in the *Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996*. This includes the requirement to advertise on the printed press.

It goes without saying that legislation dating from thirty and twenty years ago, respectively, does not necessarily reflect changes in society and technology.

The Traffic Penalty Tribunal adjudicators and PATROL have already sent a submission to this effect to a recent Law Commission inquiry on the various laws that should apply to autonomous vehicles. This includes digital connection with the vehicle and digital mapping of the applicable rules of the road, for most of which the local authority is responsible.

It is therefore clear that there is a pressing need to bring the legislation about making TROs, what should properly be contained within them and the process required fit for purpose in the modern world.

Therefore, it may in due course become more straightforward for authorities to apply pavement parking prohibition to the areas where it is required.

**While those legislative changes are being considered, however, providing enforcement authorities with the power to issue a PCN for obstruction would enable them to deal with the most problematic cases, and areas where motorists persistently park on pavement.**

## **2. Defining which obstruction offences should be subject to civil enforcement by local authorities and the role of Adjudicators in determining ambiguities**

First, *Traffic Management Act 2004* (TMA) enforcement can only apply to stationary vehicles. Therefore it would not apply to any other forms of highway obstruction, for example blocking the road with objects or public protests.

There are some clear and unambiguous examples of obstruction on pavements and these can be highlighted in public information campaigns, together with possible illustrations in updated Statutory Guidance that can be issued to accompany the powers.

Section 87 of the TMA (see below) provides the Secretary of State to issue guidance. Therefore the Statutory Guidance to accompany the new powers should include examples of what would always be regarded as obstruction together with advising caution in interpreting the powers too widely.

### **87 Guidance to local authorities**

(1) The appropriate national authority may publish guidance to local authorities about any matter relating to their functions in connection with the civil enforcement of traffic contraventions.

(2) In exercising those functions a local authority must have regard to any such guidance.

Because authorities must have regard to the Statutory Guidance, Traffic Penalty Tribunal Adjudicators would interpret a failure to do so as a procedural impropriety. This a ground of appeal giving rise to the cancellation of the penalty charge notice.

Moreover, ambiguities in the interpretation of what is and what is not an obstruction, on a case-by-case basis, will be scrutinised by Adjudicators in the appeal process.

This is the common judicial approach by District Judges, both in the Magistrates' and County Courts, where judges have to give rulings on interpretations based on the particular facts of the individual cases.

Therefore, a body of case law and precedents will soon be established from appeals and the decisions can be circulated to give further judicial guidance to authorities as to the extent of the powers.

### **3. Obstruction other than on a pavement**

Many authorities have observed that it would be useful for them to enforce parked vehicles obstructing of the highway near junctions. This would be an added benefit of including obstruction in Schedule 7 of the Traffic Management Act 2004.

### **4. Existing *Traffic Management Act 2004* powers for the issuing of Penalty Charge Notices for parking adjacent to a dropped kerb**

Authorities already have the power to issue penalty charge notices (PCNs) for parking adjacent to a dropped kerb.

The *Traffic Management Act 2004* (TMA) creates two new parking contraventions enforceable by local authorities in a special enforcement area (i.e. in the area of an authority that has civil enforcement powers):

- Section 85 creates a prohibition of double parking; and
- Section 86 creates a prohibition of parking at dropped footways

It stands to reason that these prohibitions cannot be signed.

Enforcement authorities have approached enforcement of these new contraventions with a light touch. They tend to issue PCNs when there has been a complaint by the public about parking in front of / access to a property, or where they are aware of streets with problems of this nature, which they target.

**This approach to enforcement could and should be adopted were obstruction to be included in the list of contraventions subject to civil enforcement by enforcement authorities.**

The difficulty arises insofar as sections 85 and 86 only apply in special enforcement authorities and therefore do not apply in the twenty remaining local authority areas that have not adopted civil enforcement powers. The same would apply to obstruction, were it to be included in Schedule 7 of the TMA, since that would only apply in special enforcement authorities.

However, both the Department for Transport (DfT) and Ministry of Housing, Communities & Local Government (MHCLG) are encouraging the last remaining

authorities who have not adopted civil enforcement to do so. Of course, they would not be able to enforce pavement parking as an obstruction in their areas, just as the prohibition against double parking and parking by a dropped kerb does not apply.

## **5. Public information about pavement parking and new powers of enforcement for obstruction**

Public information will be key, both to discourage pavement parking by raising public awareness of the difficulties and dangers that it causes, and to warn of any new enforcement powers. Many local authorities already have embarked on campaigns to discourage pavement parking.

PATROL, on behalf of the more than 300 authorities the Joint Committee represents outside London, is committed to spearhead a national campaign to raise public awareness and would provide coverage of any new powers and how they might be applied.

This campaign can also be effectively distributed at a local level through local authority owned channels (social media, etc.) and, in addition, each local authority can issue its own public information, focusing on particularly problematical areas and streets.

The issuing of warning notices to vehicles parked on the pavement, stating that in future they may incur a PCN, is another important strategy to achieve compliance. This should be addressed in the Statutory Guidance.

## **6. Conclusion**

Deterring pavement parking and enforcing offences in contraventions will never be straightforward. There are problems as well as advantages with any perceived solutions.

That said, it is no reason not to achieve the possible and take steps to manage the worst incidents that cause so many difficulties.

**Using statutory instrument to add obstruction by stationary vehicles could go some way to give authorities the power to take enforcement action, while reform to the TRO provisions are being considered.**

Furthermore, there are other offences, which could also be usefully added to Schedule 7 of the TMA. These can be further discussed.

**Further evidence in response to the  
Transport Committee inquiry into  
pavement parking:  
Potential Pavement Parking Behaviour Change Strategy**

**Submitted by:**

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Traffic Penalty Tribunal**



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***Tuesday 23 July, 2019***

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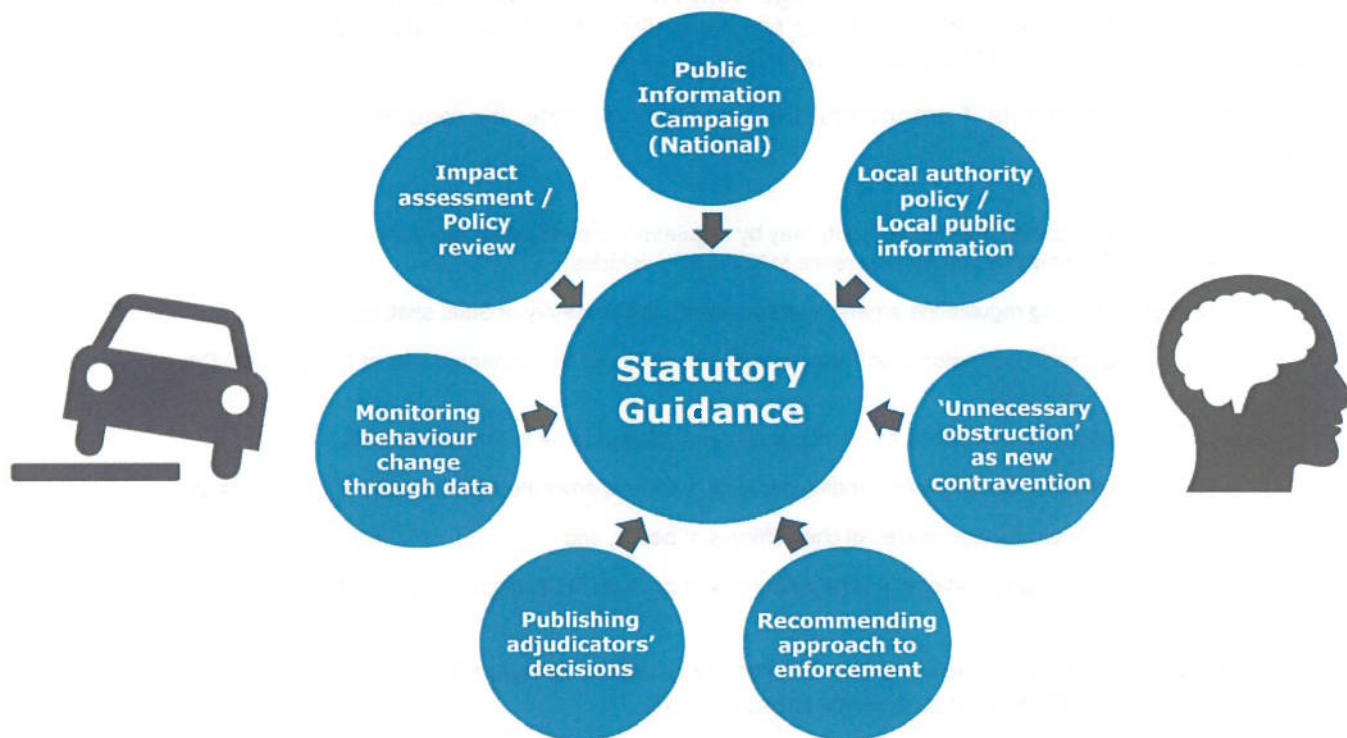
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***Further to the evidence already provided to the Transport Committee, the Chief Adjudicator of the Traffic Penalty Tribunal (TPT), Caroline Sheppard OBE, and Louise Hutchinson, Director, PATROL, set out in detail a potential strategy to tackle the problem of pavement parking.***

## **1. Introduction**

- 1.1** There is no easy answer to preventing unsociable parking on the pavement. As highlighted in previous submissions from PATROL, creating a similar pavement parking ban outside London to the one that has been applied in London since 1974 would, while solving the problem for some areas, create significant difficulties for others.
- 1.2** Rather than grapple with the complexities of drafting primary legislation that is responsive to local differences and needs, a more immediate solution to the problem could be provided by harnessing **a range of strategic levers to a single statutory instrument**, in order to introduce the offence of **'unnecessary obstruction'** to the list of parking contraventions subject to civil enforcement: a Pavement Parking Behaviour Change Strategy. This would be carried through by PATROL.
- 1.3** The range of strategic levers proposed focus primarily on behaviour change and educating the public to be more responsible about parking on the pavement, with the new contravention of unnecessary obstruction providing an enforcement tool for local authorities to deal with their particular problems at a local level.
- 1.4** The proposed strategic levers include:
1. the coordination of a national public information campaign
  2. the provision of local policies and public information
  3. introducing unnecessary obstruction as a parking contravention, subject to civil enforcement
  4. defining the approach to enforcement, including the issuing of Warning Notices and Penalty Charge Notices (PCNs)
  5. the publishing of TPT adjudicators' decisions, aiding local authorities on what constitutes unnecessary obstruction
  6. monitoring behaviour change through data
  7. robust impact assessment and policy review.
- 1.5** Because unnecessary obstruction would become a civil enforcement parking contravention through the provisions of the *Traffic Management Act 2004 (TMA)*, these strategic levers could be underpinned by Statutory Guidance issued by the Secretary of State for Transport under Section 87 of the TMA.
- 1.6** Therefore, the objective is to discourage parking on the pavement by using a range of public information, deterrent and enforcement policies and powers, together with the necessary checks and balances, all addressed in Statutory Guidance. This is an approach that minimises the use of local authority resources, as well as a timely solution to an increasingly concerning problem.

## 2. Pavement Parking Behaviour Change Strategy: Utilising the *Traffic Management Act 2004* (underpinned by Statutory Guidance)



### Strategic Level 1: Public Information Campaign (National)

The objective would be to discourage pavement parking through a national public information campaign. PATROL, in consultation with its 316 local authority members in England and Wales (outside London), would commission and spearhead the campaign, utilising various appropriate channels, including digital video and social media. This would be resourced from existing funds.

The campaign would provide clear examples of pavement obstruction and the resulting impact on the community (for example, for those with impaired sight or wheelchair users) and warn that, in future, pavement parking could result in a penalty charge from an operative date. Although the Transport Committee's inquiry applies only to England, a general campaign discouraging pavement parking may also have a positive impact in Wales, Scotland and Northern Ireland.

### Strategic Level 2: Local authority policy / Local public information

Similarly, on a local level, it would be beneficial to reinforce the impact of pavement parking specific to that area and warn that in some circumstances it could be subject to a penalty charge from an operative date.

Each local authority campaign would deal with local problems, particular areas of concern and explain local policies towards enforcement and behaviour change.

**Strategic Lever 3: Adding 'unnecessary obstruction' as a new parking contravention, subject to civil enforcement**

**a) Traffic Management Act 2004**

Part 1 of Schedule 7 of the *Traffic Management Act 2004* (TMA) provides the list of parking contraventions that are subject to civil enforcement, with Paragraphs 2, 3 and 4 applying to London and Paragraph 4 to outside London.

Paragraph 5 of Schedule 7 empowers the Secretary of State, by regulation, to add to the list:

5(1) The appropriate national authority may by regulations amend paragraph 3 or 4 so as to add further offences (but only in so far as they relate to stationary vehicles).

(2) Before making regulations amending paragraph 3 the Secretary of State shall consult—

(a) the Commissioner of Police of the Metropolis and the Commissioner of Police for the City of London, and

(b) such associations of London authorities (if any) as he thinks appropriate.

(3) Before making regulations amending paragraph 4 the appropriate national authority shall consult—

(a) such representatives of chief officers of police, and

(b) such associations of local authorities (if any), as the authority considers appropriate.

Section 87 of the TMA empowers the Secretary of State to issue Statutory Guidance, with which the enforcement authority must comply.

NB. The TMA civil enforcement provisions in England only apply to authorities that have adopted the powers. There are a few local authorities that have not yet adopted the powers.

**b) Unnecessary obstruction**

Regulation 103 of the *Road Vehicles (Construction and Use) Regulations 1986* ("the 1986 Regulations") creates the offence of obstruction of the road by a motor vehicle or trailer.

**Obstruction**

103. No person in charge of a motor vehicle or trailer shall cause or permit the vehicle to stand on a road so as to cause any unnecessary obstruction of the road.

'Road' is not defined in the 1986 Regulations, but Section 192(1) of the *Road Traffic Act 1988* states that a 'road' means '*any highway and any other road to which the public has access...*' A highway includes the footway and verges maintained by the highways authority. Therefore, under the 1986 Regulations, the obstruction offence can apply to footways (i.e. pavements) and verges.

The use of 'stand' in the description of obstruction under Regulation 103 of the 1986 Regulations is there because it can only apply to a stationary vehicle; not, for example, to a vehicle moving back and forth, so as to create an obstruction. It therefore fulfils the condition in Paragraph 5 of the TMA that a contravention can only apply to a stationary motor vehicle or trailer – not, say, to rubbish or building materials left on the pavement or road.



Obstructing free passage is the first critical ingredient of introducing the 'unnecessary obstruction' contravention. The second is that the obstruction needs to be *unnecessary*.

Therefore; where, for example, a vehicle is used for setting down a passenger (and maybe left to escort a disabled or child passenger) or for loading / unloading a heavy burden, it could be said that it was *necessary* to park adjacent to the premises. This can be made clear in the Statutory Guidance, giving examples of what the Secretary of State would consider *unnecessary* obstruction; for example, blocking the free passage of a wheelchair or buggy.

The consultation can ask for other examples of what would be regarded as *necessary* and different authorities may have a range of views about this.

**However, that being *unnecessary* is the critical ingredient of the contravention limits the issue of a PCN without first observing the vehicle, as currently happens where loading and unloading is permitted.**

There has never been a requirement to specify distances, etc. It would be a complication to do so now and, in any event, that is not how the offence is drafted in Regulation 103 of the 1986 Regulations.

#### ***c) Other examples of unnecessary obstruction***

There are further incidences of unnecessary obstruction on the carriageway. The most common behaviour of concern to councils and road users is parking too close to a junction or traffic island.

The power to issue warning notices and PCNs in these circumstances would be a useful measure to reduce this problem. This power would be particularly welcome in London.

The Statutory Guidance could recommend the same caution and restraint that would apply to pavement parking incidences.

#### **Strategic Lever 4: Recommending the approach to enforcement**

The approach to enforcement will be a matter for each local authority. Some authorities might decide only to enforce pavement parking where there is a request or complaint. Others may patrol known trouble spots, while others may have mobile patrols of their area, generally.

There is an understandable concern that the power to issue PCNs for obstruction could open the floodgates to over-enthusiastic ticketing. However, the TMA has set useful precedents.

Section 85 prohibits double parking and Section 86 prohibits parking adjacent to dropped footways. These only apply in special enforcement areas (i.e. in those areas where the authority has adopted civil enforcement).

These prohibitions are not signed and, to some extent, the motorist cannot tell whether they are likely to get a PCN in, say, Portsmouth (where civil enforcement applies) or adjacent Gosport (where it does not).

That said, these difficulties do not appear to have arisen. This is due to the light touch that authorities have applied to enforcing these two new contraventions. Most enforcement arises from a particular complaint.

Therefore, the revised Statutory Guidance accompanying the introduction of 'unnecessary obstruction' as a new contravention, subject to civil enforcement, could urge councils to exercise the same restraint they have done for double parking and dropped kerbs.

**a) Warning Notices**

A key balancing tool for enforcement would be for authorities to issue a Warning Notice to the car for the first contravention. The Civil Enforcement Officer (CEO) would record the vehicle details for future reference and data collection; however, the hand-held computer could issue a Warning Notice, printing the usual details, but advising that a penalty charge has not been imposed on this first occasion. The Statutory Guidance should recommend this practice.

**b) PCNs**

On the basis of the Statutory Guidance, CEOs would require training to properly identify unnecessary obstruction. The amount of time that the vehicle is left stationary will always be a factor. Consequently, there would need to be an observation period to ensure that the vehicle has not been engaged in transporting passengers, loading or unloading, or making a delivery.

With modern technology, if a CEO is in doubt as to whether the vehicle is causing an unnecessary obstruction, they can take a photograph and immediately send it to a senior officer at their base for advice as to whether to issue a PCN.

**c) Empathetic and pragmatic consideration of representations**

It will be important for authorities to consider representations following the issuing of a PCN carefully, and at a senior level. Because the judgment as to whether there was an unnecessary obstruction is a mix of subjective and objective, the contravention does not lend itself to 'business rules' for a contractor as to how to deal with representations. It is the appropriate analysis and realisation of the impact of enforcement that will inform councils how to approach the problem going forward.

**Strategic Lever 5: Publishing adjudicators' decisions**

TPT adjudicators are the same judicial level as district judges in the county and criminal courts, as well as other tribunal judges, requiring the same legal qualifications. Many adjudicators also sit as judges in other jurisdictions, in addition to their TPT appointment. Consequently, they are more than able to determine whether there has been an 'unnecessary obstruction'.

Inevitably, a wide variety of factual situations will be presented in appeals. Therefore, regular reports and case studies from the adjudicators will give further guidance to authorities as to what amounts to an unnecessary obstruction.

Because procedural impropriety (which also includes a clear failure to follow the Statutory Guidance) is a ground of appeal resulting in the cancellation of the PCN, further checks and balances are placed on inappropriate enforcement.

The *Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007* ("the 2007 Regulations"), which accompany the TMA, also provide an express requirement for authorities to consider compelling reasons, as well as for adjudicators to refer cases where compelling reasons have become apparent in the appeal back to the Chief Executive of the local authority to reconsider the decision.

It follows that the 2007 Regulations provide a robust framework to ensure a just approach to enforcement, together with appropriate redress.

## **Strategic Lever 6: Monitoring behaviour change through data**

Today's technology enables close monitoring of behaviour change, and through the analysis of enforcement data; numbers of warning letters and PCNs issued; representations accepted and / or rejected, etc. the outcomes of and issues raised in appeals can be monitored and reported.

The combination of data generated through the TPT's online appeals management system, as well as statistics provided by local authorities to PATROL, encompasses a rich profile that could be utilised for monitoring behaviour change over time.

Additionally, surveys of motorists and residents can be undertaken to assess the effect of public information campaigns and enforcement that has been undertaken in the area.

## **Strategic Lever 7: Impact assessment / Policy review**

Impact assessment will enable Government and local authorities alike to assess whether primary legislation is needed to tackle the problem, with clear evidence-based examples of successes and difficulties in enforcement.

These insights and experiences can be fed back into the Statutory Guidance, so that enforcement policies and strategies will be adjusted effectively and sensitively to following the 'user experience' of the various stakeholders concerned about pavement parking.

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House of Commons  
Transport Committee

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**Pavement parking**

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**Thirteenth Report of Session 2017–19**

*Report, together with formal minutes relating  
to the report*

*Ordered by the House of Commons  
to be printed 5 September 2019*

## Transport Committee

The Transport Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Transport and its associated public bodies.

### Current membership

[Lilian Greenwood MP](#) (*Labour, Nottingham South*) (Chair)

[Jack Brereton MP](#) (*Conservative, Stoke-on-Trent South*)

[Ruth Cadbury MP](#) (*Labour, Brentford and Isleworth*)

[Robert Courts MP](#) (*Conservative, Witney*)

[Ronnie Cowan MP](#) (*Scottish National Party, Inverclyde*)

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[Paul Girvan MP](#) (*Democratic Unionist Party, South Antrim*)

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## Summary

The extent and impacts of pavement parking affect many communities. People with mobility difficulties or visual impairments and people who care for others are particular groups who are adversely affected by pavement parking. Action from the Government to tackle the problem of pavement parking has been slow and has not improved people's day-to-day lives.

Pavement—as opposed to 'on-street'—parking happens when a vehicle is partially or wholly parked on the pavement or footpath. It is not a criminal offence to park on the pavement—apart from Heavy Goods Vehicles—however it is a criminal offence to drive on to the pavement, whether there is an intention to park or not.

In 2015 the UK Government promised to look into the issue of pavement parking in England. It ran consultations and roundtables and held internal reviews, but this has not led to any actions that have made a difference to the public's experience of pavement parking. The Government needs to draw conclusions rapidly from the work it has undertaken, publish its proposals and take action.

Pavement parking can have a considerable impact on people's lives and their ability to safely leave their homes. We have received evidence from people with both visual and mobility impairments, and those who care for others—including children—about how they are affected by pavement parking. People are at risk of social isolation if they feel unable to leave their homes safely or are physically prevented from doing so. While pavement parking can be a necessity in some areas, it should not be allowed to happen where it has a significant adverse impact on people's lives.

We are deeply concerned about the Government's failure to act on this issue, despite long-standing promises to do so. We appreciate that this is a thorny problem that may be difficult to resolve to the satisfaction of all, but the Government's inaction has left communities blighted by unsightly and obstructive pavement parking and individuals afraid or unable to leave their homes or safely navigate the streets. Scotland is currently legislating for a national ban, while London took action to tackle this issue forty-five years ago.<sup>1</sup> The Government must act to improve the situation in the rest of England and it must do so quickly.

Some people are unaware that driving on the pavement is illegal. Some people are not aware of the detrimental effect pavement parking can have. It is the responsibility of the Government to run an awareness campaign around the illegality of driving on the pavement and the negative impacts of pavement parking.

Traffic Regulation Orders (TROs) are a way that local authorities can tackle congestion, manage traffic flows and restrict parking, including pavement parking. Currently there is a legal requirement to advertise any TRO in a local print newspaper. Newspaper advertising may not be effective in spreading this information widely and is costly for a local authority. The Government should remove the onerous requirement of newspaper advertising from the TRO process. We recognise the importance of providing support for local newspapers but, if the Government wishes to do this, it should be done directly,

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<sup>1</sup> There has been a general ban on pavement parking in London since 1974. For more information see paragraph 17.



not indirectly through the TRO process. However, it is vital that people are aware of proposed TROs and the local authority must put in place effective mechanisms for consulting with their local communities.

Enforcement of the law is the most effective deterrent against pavement parking. It is not always clear who is responsible for taking enforcement action when a vehicle is parked on the pavement, as it depends on the circumstances. We encourage the Government to produce good practice guidance for local authorities and police forces on enforcement, and publicise who is responsible for enforcing which offences to the public.

The police can fine people for obstruction of the highway, which includes cars parked on the pavement that impede pedestrians. Currently there is not a clear legal definition of obstruction as it is not an easy thing to define in law. The police have priorities about what they enforce. Obstructive pavement parking is not a high police priority. Obstructive parking could be enforced by local authorities, in most cases they already have parking enforcement staff in place and want to enforce. We recommend that a new civil offence of obstructive pavement parking is created, and enforcement become the responsibility of local authorities.

We recommend that in the long term a ban on pavement parking is put in place across England, outside London, with a new process for exempting areas from the ban that is not as expensive or complicated as the current TRO process. We recognise that this is not something that can happen quickly, and so recommend a full consultation with local authorities about how to make this process easier and cheaper.

# 1 Introduction

1. Drivers want, and often need, to park near their homes or places of work. Sometimes the only way to do this and maintain access for emergency vehicles, buses and refuse lorries is to park partly or wholly on the pavement.<sup>2</sup> Pavement parking can make it difficult or impossible for pedestrians to walk safely on the pavement. We decided to look into what the Government can do to address these issues.

2. During the inquiry we received 430 pieces of written evidence, held two evidence sessions and a public engagement event in Bexhill-on-Sea. We are grateful to everyone who contributed to the inquiry.<sup>3</sup> Our thanks also go to the UK Parliament Education and Engagement team.

3. The Department for Transport gave us a breakdown of parking offences, if an offence is criminal or civil and who can enforce these offences:

**Table 1: Table of parking offences by scenario**

Scenario	Criminal or civil offence	Who enforces it
Parking a vehicle on a pavement; the remaining pavement is clearly wide enough for pedestrians to pass; the street is not subject to any parking restrictions	No offence or contravention <i>note 1</i>	No enforcement action
Parking a vehicle on a pavement; the pavement is clearly blocked and pedestrians are forced onto the carriageway; the street is not subject to any parking restrictions	An obstruction offence may be being committed in this case	Police service
Parking a vehicle on a pavement; the remaining pavement is clearly wide enough for pedestrians to use; the street is subject to parking restrictions (eg. yellow lines)	Civil contravention (contravention code 01 -parked where restricted during restricted hours) <i>note 2</i>	Local authority <i>note 3</i>
Parking a car or motorbike on a pavement; the pavement is entirely blocked and pedestrians are forced onto the carriageway; the street is subject to parking restrictions (eg. yellow lines)	Civil contravention (contravention code 01– parking where restricted during prescribed hours)  A separate obstruction offence may also be being committed. <i>note 2</i>	Police service for the obstruction offence; local authority for the contravention of parking restrictions <i>note 3</i>

<sup>2</sup> Adrian Wilkinson ([PPA0063](#)), Alliance of British Drivers ([PPA0185](#))

<sup>3</sup> A list of witnesses the Committee took evidence from, and written evidence submitted to the Committee, is printed in this report. Written evidence and transcripts of oral evidence are available on the Committee's website.

Scenario	Criminal or civil offence	Who enforces it
Parking an HGV weighing more than 7.5t on a pavement to carry out unload that could not have been performed from the carriageway, on a road that is not subject to any parking restrictions	No offence or contravention <i>note 1</i>	No enforcement action
Parking an HGV weighing more than 7.5t on the pavement; regardless of the width of the pavement or whether the street is subject to any parking restrictions	Civil contravention (Contravention code 61 - A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways)	Local authority <i>note 3</i>
Parking an HGV weighing more than 7.5t on the pavement for the purposes of loading/unloading which could not be satisfactorily performed if the vehicle was parked elsewhere, where the street is not subject to loading/unloading restrictions (eg. yellow kerb blips)	No offence or contravention <i>note 1</i>	No enforcement action
Parking a HGV weighing more than 7.5 on the pavement for the purposes of loading/unloading, where that street is subject to loading/unloading restrictions	This would be a civil contravention (contravention code 02– parked loading/unloaded in a restricted street where waiting and loading/unloading restrictions are in force) <i>note 2</i>	Local authority <i>note 3</i>
Parking a vehicle on the footway and/or verge, where that street is subject to a prohibition of footway and/or verge parking (a TRO banning pavement parking)	This would be a civil contravention, regardless of the type of vehicle or whether a criminal obstruction is taking place (contravention code 62 - <i>note 2</i>	Local authority <i>note 3</i>

**Note 1:** It is unlikely that an offence or contravention is occurring in these circumstances as a general rule of thumb, but some may argue that an obstruction offence is being committed; the Department understands that police services are generally likely to apply discretion towards obstruction offences and are unlikely to issue FPNs unless there is a clear and unambiguous obstruction, so any enforcement is likely to depend on the specifics of that particular case.

**Note 2:** Even where a Traffic Regulation Order imposes a civil contravention for parking on pavements, an obstruction offence may still be committed as these offences exist under separate legislation and are enforced only by police services. In practical terms, however, police services are unlikely to issue FPNs for low-level obstruction offences if the vehicle can be dealt with by the local authority as a routine parking contravention.

**Note 3:** This assumes that the local authority has taken on civil parking enforcement powers. If that local authority has not been designated as a civil enforcement area, the police service will remain responsible for enforcing all parking offences.

## 2 Legislation and enforcement

4. Given current levels of car ownership, pavement parking is inevitable in some areas. In many towns and cities in England housing is Georgian, Victorian or Edwardian. These houses were built before the advent of mass motoring, do not benefit from off-street parking spaces, and since they were built many have been converted into houses in multiple occupation (HMOs). As a result there are often not enough parking spaces for the people that live in them, whether residents' parking schemes are in place or not.<sup>4</sup> This is not only a problem with older housing: one in twenty of the submissions we received highlighted that new developments do not have enough parking space for the people who live there and their visitors—in some cases this is the result of deliberate planning decisions to discourage car use.

5. The extent and impact of pavement parking vary from place to place. There are many reasons for this, for example:

- Towns, cities and villages have narrow streets;
- New developments not being built with wide enough roads or pavements, or any pavements at all;
- Drivers follow the lead of other people parking on the pavement;
- Drivers may not be aware of the consequences of their actions;
- The police and local authorities have different roles with enforcement. Not everyone will be aware of these different roles;
- Enforcement of offences does not take place;
- Local authorities have the power to ban pavement parking but may not have the means to ban or enforce these restrictions; and
- The nations of Great Britain<sup>5</sup> are at different points with bans around pavement parking.

### Parking enforcement

6. Local authorities and the police have different responsibilities for the enforcement of parking offences, as outlined in chapter 1. Most parking offences in England were decriminalised in 1995, when local authorities were given powers to implement, manage and enforce parking restrictions, for example yellow lines and clearways. Around 95% of local authorities<sup>6</sup> have taken up civil enforcement powers.<sup>7</sup> In those areas where they have not, parking enforcement remains a criminal matter for the police to enforce. In 2008 the law was substantially updated and amended<sup>8</sup> and is now generally called civil parking enforcement (CPE). It is enforced by Civil Enforcement Officers (CEOs) who are employed by the local authority.

4 Kevin Harper (PPA0210), Nichola Harrison (PPA0270)

5 The position in Northern Ireland is the same as that in England outside London, for more information see: NI Direct, [Parking enforcement](#) [accessed 27 August 2019].

6 Department for Transport, [List of areas in England designated as a Civil Enforcement Area \(CEA\) for the purposes of enforcing parking contraventions](#), 9 January 2018

7 HC Deb, 4 December 2015, [col 654](#) Commons Chamber

8 By the Traffic Management Act 2004, [Part 6](#). The secondary legislation came into force on 31 March 2008.

7. Parking on double yellow lines—on-street parking<sup>9</sup>—and parking in contravention of a scheme—residents’ parking—are civil offences for which local authorities can issue a penalty. Where these schemes or markings are in place, someone parking on a double yellow line and with any wheels on the pavement, can be issued a penalty by a CEO for the on-street offence. The penalty will be issued for parking on yellow lines, not parking on the pavement. The police can issue fines to people who are seen to drive onto a pavement or if parking is obstructing the highway.<sup>10</sup> Where there are no on-street restrictions, only the police can issue fines for the criminal offence of obstruction, including on the pavement.<sup>11</sup>

8. In 2016, the then Transport Committee noted in their report on road traffic law enforcement<sup>12</sup> that roads police numbers had been falling for years. As a result, there are only limited numbers of officers available to spot illegal obstructive pavement parking and issue fines. Traffic wardens—who used to assist the police in this work—were abolished in England and Wales from 1 December 2018.<sup>13</sup> PCSOs (Police Community Support Officers) are now able to use police powers to enforce the offence of obstruction, explained further in chapter 4 below.

9. It is not always clear to the public, motorists and sometimes police and local authorities who is responsible for enforcing which offence. Some local authorities<sup>14</sup> have a memorandum of understanding with their local police about enforcement policy to make it clear which offences should be issued a penalty—by the council—or a fine—by the police.

### Pavement parking and Traffic Regulation Orders (TROs)

10. Traffic Regulation Orders (TROs) are the only way local highway authorities—county and unitary councils in England—can ban pavement parking in specific areas. TROs are used to tackle congestion, manage traffic flows and implement parking restrictions.<sup>15</sup> There are three different types of TRO:

- Permanent orders—these include consultation periods, the right to object and for objections to be heard, can take time and be expensive;
- Experimental orders—these generally lead to permanent orders but allow for a flexible approach as minor changes can be made easily; and
- Temporary orders—these cannot be converted into permanent orders.

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9 Yellow lines are for the whole of the highway and include the pavement.

10 This includes pavements. For more details please see the House of Commons Library note, [Pavement and on-street parking in England](#) chapter 2.

11 There are a number of statutes and regulations that allow proceedings to be brought for obstructing the highway. For more details please see the House of Commons Library note, [Pavement and on-street parking in England](#) chapter 2.

12 Transport Committee, Second report of the session 2015–16, [Road Traffic Law Enforcement](#), HC518

13 This was as a result of the Policing and Crime Act 2017, [section 46](#).

14 Norfolk County Council and Norwich City Council ([PPA0353](#)), Devon County Council ([PPA0234](#)), City of York Council ([PPA0182](#))

15 These can be made under Parts I and IV of the [Road Traffic Regulation Act 1984](#).

11. Commonly a TRO is made to introduce residents' parking schemes, controlled parking zones or changes to on-street parking, for example yellow lines. These have an indirect effect on the enforcement of restrictions on pavement parking. Due to the cost of a local authority putting a TRO in place very few TROs are made to solely address pavement parking.

### Engineering measures

12. Engineering measures—such as railings, plant pots or bike racks—can be used to stop people parking on pavements. However, these solutions may not always be appropriate or feasible.<sup>16</sup> They can add to street clutter and negatively impact those with visual or mobility impairments. The Government's 1993 traffic advisory leaflet on pavement parking encourages the use of engineering measures to stop pavement parking.<sup>17</sup> This conflicts with the desire of successive Governments to minimise street clutter.<sup>18</sup> Any local authority considering engineering measures to inhibit pavement parking must judge whether any measure would create as much of a physical barrier for those with visual or mobility impairments as the vehicles parked on the pavement.

### Legislation and Government action

13. In 2015, Simon Hoare MP introduced the Pavement Parking (Protection of Vulnerable Pedestrians) Bill.<sup>19</sup> At the end of the Second Reading debate in December 2015 Mr Hoare withdrew the Bill after securing from the then Minister, Andrew Jones MP, a commitment to convene a roundtable in 2016 to discuss pavement parking and “examine more closely the legal and financial implications of an alternative regime, and the likely impacts on local authorities”.<sup>20</sup> The roundtable took place in March 2016,<sup>21</sup> during which the time and cost for putting TROs in place was identified as a major factor affecting the enforcement of restrictions on pavement parking. The then Minister said that he was “considering how best to address the general improvement of the TRO-making process”.<sup>22</sup>

16 Department for Transport ([PPA0233](#)), para 37

17 These are outlined in Traffic Advisory Leaflet 4/93, [pavement parking](#), December 1993.

18 [PQ 59474](#) on Road Signs and Markings, 13 January 2017; *Manual for Streets 1* provides advice on reducing clutter, see: Department for Transport, *Manual for Streets 1*, 29 March 2007, page 58, paragraph 5.10.

19 [Pavement Parking \(Protection of Vulnerable Pedestrians\) Bill](#) [Bill 16 (2015–16)]. This was a Private Member's Bill, which provided a framework for local authorities in England and Wales to consult on and subsequently to ban pavement parking across wide areas, subject to certain exemptions to be set out by the Secretary of State in secondary legislation and guidance.

20 HC Deb, 4 December 2015, [cols 659–60](#)

21 [PQ 37550](#) on Parking: Pedestrian Areas, 19 May 2016

22 [PQ 49804](#) on Parking: Pedestrian Areas, 26 October 2016

14. In April 2017 Andrew Jones said that he planned “to launch a survey in Summer 2017 in order to gather evidence about the current situation, the costs and timescales for processing TROs, and information about options for change”.<sup>23</sup> The survey was put back to autumn 2017.<sup>24</sup> Anthony Ferguson, Deputy Director of Traffic and Technology at the Department for Transport told us that the survey was ultimately “absorbed into a different piece of work”:

It evolved into something different, which was a piece of work we did looking at TROs as part of a discovery project around what data is held by local authorities. TROs are potentially a very fertile source of data and information about the road environment. The survey was picked up in that project, which ran for three months from the very end of 2017 to the beginning of 2018. That piece of work, which was a very extensive discovery project, led to the recent TRO discovery project that we launched at the end of last year and is just coming to a conclusion. That is what happened. It evolved into something slightly larger.<sup>25</sup>

15. In March 2018 the Minister who succeeded Andrew Jones, Jesse Norman MP, said that the Department for Transport had been considering the scope for improving the TRO process and as a result was:

... undertaking a broader piece of work to gather evidence on the issue of pavement parking including how it is addressed in current regulation. We expect to be able to draw conclusions later this year.<sup>26</sup>

However, by November 2018 the Government’s position remained that it was “in the process of gathering evidence on the problems posed by vehicles parking on pavements, the effectiveness of current regulation, and the case for change”.<sup>27</sup> Jesse Norman said that the Department for Transport had held meetings with a range of stakeholders, including accessibility campaigners, local authority managers, and motoring associations, with the intention of completing this evidence gathering by the end of 2018.<sup>28</sup>

16. Most recently, on 15 April 2019 the then Minister said that the Department for Transport was still “considering the findings of its internal review on the issue of pavement parking, and will be announcing a decision in the coming months”.<sup>29</sup> The TRO discovery project—funded by the Department for Transport, and that is feeding into the Department’s internal review—reported to the Department on 30 August 2019.<sup>30</sup>

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23 [PQ 71396](#) on Parking: Pedestrian Areas, 24 April 2017

24 [PQ 4827](#) on Parking: Pedestrian Areas, 20 July 2017

25 [Q134](#)

26 [PQ 133316](#) on Parking: Pedestrian Areas, 26 March 2018

27 [PQ 191412](#) on Parking: Pedestrian Areas, 19 November 2018

28 [PQ 242828](#) on Parking: Pedestrian Areas, 15 April 2019

29 [PQ 242828](#) on Parking: Pedestrian Areas, 15 April 2019

30 GeoPlace, [TRO discovery Summary report](#), 30 August 2019

## Situation elsewhere in Great Britain

### London

17. Since 1974 there has been a general ban on pavement parking in London.<sup>31</sup> A London highway authority—a London Borough Council or Transport for London—may suspend the pavement parking ban in specific circumstances and for specific areas of road by passing a resolution<sup>32</sup> or issuing a notice.

18. Spencer Palmer, Director of Transport and Mobility at London Councils, told us that exemptions from the pavement parking ban in London do not require the use of TROs:

For exemptions to the footway parking ban in London, there is a more informal process. There has to be a resolution of the council, [...] but there will be a more informal consultation process [than a TRO] to propose a series of exemptions in a particular street or streets and seek residents' views.<sup>33</sup>

19. Exemptions from the London pavement parking ban do not require advertising in a print newspaper, though typically a highway authority will take other steps to raise public awareness. Spencer Palmer from London Councils told us:

Although you are not obligated to advertise in a local paper, as you do for other traffic orders, typically you would write to every resident, business and premises in the street concerned. You might want to put up street notices as well, to pick up people who use the street but do not necessarily live or work there ...<sup>34</sup>

The TRO process is still followed in London for other restrictions, but not for exemptions from the pavement parking ban.<sup>35</sup>

### Scotland

20. The Scotland Act 2016<sup>36</sup> devolved competence over on-street parking to the Scottish Parliament.<sup>37</sup> Part 4 of the Transport (Scotland) Bill,<sup>38</sup> currently going through the Scottish Parliament, includes a clause that would ban pavement parking across Scotland. The Bill completed Stage 2 on 26 June 2019. The ban would apply to any stationary vehicle with one or more of its wheels (or part of them) on the pavement. This includes when the engine is running, or the driver is present. The Bill also provides for exemptions from

31 Provided for under the Greater London Council (General Powers) Act 1974, [section 15](#).

32 For a resolution to be passed or a notice to be issued the highway authority must: "take such steps as are necessary to secure the placing on or near the road or footpath, or the part thereof, to which the resolution or notice relates of such traffic signs in such position as they consider requisite". Greater London Council (General Powers) Act 1974, [section 15](#), subsections (5) and (6).

33 [Q45](#)

34 [Q52](#)

35 [Q45](#)

36 Scotland Act 2016, [Section 43](#)

37 This followed years of confusion and debate; for full details see: Scottish Parliament Information Centre (SPICe), [Transport \(Scotland\) Bill: Pavement Parking and Double Parking](#), 30 October 2018, page 8.

38 [Transport \(Scotland\) Bill](#) [Scottish Parliament]



the national ban, which will be set out in Directions by Scottish Ministers.<sup>39</sup> Any local authority seeking to apply an exemption would be required to erect road signs indicating that a footway was the subject of an exemption order.<sup>40</sup>

## Wales

21. The legal position regarding pavement parking in Wales is unclear.<sup>41</sup> The competencies covering this have not been tested. The National Assembly for Wales Economy, Infrastructure and Skills Committee report; *Post Legislative Scrutiny of the Active Travel (Wales) Act 2013*,<sup>42</sup> recommended that the Welsh Government work regionally with police and local authorities to agree innovative ways to tackle pavement parking, including changing driver behaviour and raising awareness of its impacts. The Welsh Government accepted this in principle.<sup>43</sup> On 4 July 2019 at the Active Travel conference in Cardiff the Deputy First Minister announced that the Welsh Government intends to convene an expert group to explore ways of clamping down more widely on illegal parking, including pavement parking, across Wales.<sup>44</sup>

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39 Not yet published

40 SPICe, [Transport \(Scotland\) Bill: Pavement Parking and Double Parking](#), 30 October 2018

41 Wales Act 2017 [Schedule 7](#) does not go into detail.

42 Economy, Infrastructure and Skills Committee [Welsh Assembly], [Post Legislative Scrutiny of the Active Travel \(Wales\) Act 2013](#), June 2018

43 Government response to Economy, Infrastructure and Skills Committee [Welsh Assembly], [Post Legislative Scrutiny of the Active Travel \(Wales\) Act 2013](#), June 2018, page 10

44 Welsh Government, [Welsh Government to take action against pavement parking](#), 4 July 2019

### 3 Effect on people

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22. Pavement parking affects everyone, but some are more adversely affected than others. These groups include:

- a) People who have visual impairments;
- b) People who are neurodiverse;
- c) People who use mobility aids to get around; and
- d) People with prams and pushchairs or walking with children.

23. Many of the difficulties experienced are due to the way pavement parking reduces the useable width of the pavement. People who rely on a mobility aid, such as a stick, walking frame, mobility scooter or wheelchair, may be impeded or find the pavement impassable. People with a visual impairment may need support from a carer while walking or use a long cane or guide dog. At the engagement event we held in Bexhill-on-Sea we heard that effective use of a long cane is impossible if the available pavement is too narrow. In Bexhill-on-Sea we also heard how people had been injured when they were forced to squeeze through spaces that were too narrow because of vehicles parked on pavements.

24. Some people with visual impairments use guide dogs. When faced with a hazard the guide dog is trained to stop, but the user of the guide dog does not necessarily know why they have stopped. On our walk around Bexhill-on-Sea we were accompanied by a guide dog user and saw first-hand the difficulties they face. When a guide dog has stopped unexpectedly their user has to think why the dog has stopped and what danger they are facing, before deciding what action to take. A vehicle parked on the pavement might force a guide dog user and their dog to step out into the road.<sup>45</sup>

25. Another issue with pavement parking, particularly for those with a visual impairment, is its lack of predictability. Chris Theobald from Guide Dogs told us that people get to know their local areas and certain obstructions are expected or appear routinely. For example, street furniture, when it is bin collection day or where there are advertising boards outside shops. He went on to explain that “pavement parking could crop up anywhere essentially. That can really add to people’s nervousness about stepping out independently”.<sup>46</sup>

26. Many pavements are not built to take the weight of vehicles and can result in trip hazards. Pavements become cracked and uneven creating an unpredictable surface as well as damage to kerbs and grass verges. Councils bear the costs of these repairs.<sup>47</sup> As noted in our July 2019 report on local roads funding and maintenance,<sup>48</sup> there has been historic, long-term underfunding to properly maintain the local road network, including pavements. Councils should not have to bear the unnecessary extra costs associated with having to repair pavements damaged by persistent pavement parking.

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45 Miss Lisa Boocock ([PPA0021](#)), Mr George Hogman ([PPA0078](#)), Simon Daws ([PPA0218](#)), Guide Dogs ([PPA0350](#))

46 [Q18](#) [Chris Theobald]

47 The East Riding of Yorkshire Council ([PPA0069](#)), Bournemouth, Christchurch and Poole Council ([PPA0235](#)), Telford & Wrekin Council ([PPA0281](#)), West Midlands Combined Authority (Transport for West Midlands) ([PPA0336](#)), Southend-on-Sea Borough Council ([PPA0338](#)), St Helens Council ([PPA0342](#)), Surrey County Council ([PPA0347](#)), Northumberland County Council ([PPA0348](#)), Sheffield City Council ([PPA0349](#)), Mid Sussex District Council ([PPA0395](#))

48 Transport Committee, Tenth report of the session 2017–19, [Local roads funding and maintenance: filling the gap](#), HC1486

27. We heard how pavement parking can make some people so afraid that they do not leave their home and how this can increase the risk of social isolation. Living Streets, the walking charity, surveyed its members about the impact pavement parking has on their daily lives. Social isolation was highlighted as an issue by some of the 4,000 people who responded. One person said:

My disabled sister is now housebound in the area we were born and bred in because of selfish parking [...] It became impossible for me to take my elderly mother for a walk around the block, physically supported, because there wasn't enough room left for 2 people to walk side-by-side.<sup>49</sup>

28. Parking over dropped kerbs restricts the ability of people using wheelchairs and mobility scooters to leave their homes. When drivers park over dropped kerbs people who use these mobility aids are unable to go out, have to complete their journeys in a different and sometimes longer way, put themselves in danger in the path of vehicles or have to abandon their journey and return home.<sup>50</sup>

29. The evidence we received clearly shows that, in some areas, pavement parking and damage to pavements is causing loneliness.<sup>51</sup> In October 2018 the Government published a loneliness strategy.<sup>52</sup> It states that the Government is “committed to long-lasting action to tackle the problem of loneliness”.<sup>53</sup>

30. Another group who are affected by pavement parking are people who have babies or young children. They may use prams or pushchairs or need to walk directly alongside their children.<sup>54</sup> The width of the pavement can put these young and vulnerable pedestrians at risk. Mrs Susan Lyons, a member of the public, told us that with a double buggy it can be difficult to get around. She said: “the lives of me and my children were at greater risk of being hit by a car on the road, than they would have been on a pavement”.<sup>55</sup> Emily Steadman, a member of the public, who faces pavement parking issues outside her children's school told us:

[Pavement parking] not only makes walking down the pavement extremely unpleasant [...] cars driving on and off the pavement create a hazard for small children who can't easily be seen from the wheel of a car. I have had a number of terrifying occasions where my children have very nearly been hit by a car coming on or off the pavement as they've run along.<sup>56</sup>

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49 Living Streets-additional written evidence ([PPA0438](#))

50 Dana O'Connor ([PPA0036](#)), Terence Fleming ([PPA0041](#)), Mr Richard Toulson ([PPA0044](#)), Alan Woodard ([PPA0045](#)), Steven Gibson ([PPA0052](#)), Mr Steve Hatton ([PPA0065](#)), Mr Leslie Phillips ([PPA0087](#)), Dr Barbara Lucas ([PPA0103](#)), Mr D M ([PPA0132](#)), Mr Morris Steel ([PPA0142](#)), Mrs Lisa Ainsworth-Barnes ([PPA0201](#)), Mrs Alison Morgan ([PPA0211](#)), Mr Eddie Clark ([PPA0269](#)), National Rheumatoid Arthritis Society ([PPA0280](#)), Arthur Ward ([PPA0357](#)), Mr Douglas Campbell ([PPA0402](#)), Mr Gordon Guest ([PPA0404](#))

51 Bristol Walking Alliance ([PPA0060](#)), Mr D M ([PPA0132](#)), Green Councillors' Group, Bristol City Council ([PPA0220](#)), National Rheumatoid Arthritis Society ([PPA0280](#)), Birmingham and Black Country Sight Loss Councils ([PPA0318](#)), Oxfordshire County Council Public Health ([PPA0346](#)), Guide Dogs ([PPA0350](#)), NFBUK ([PPA0359](#)), Leicester Disabled People's Access Group ([PPA0364](#)), Mr Robin Kenworthy ([PPA0375](#)), Living Streets ([PPA0399](#)), Living Streets-additional written evidence ([PPA0438](#))

52 HM Government, [A connected society, A strategy for tackling loneliness – laying the foundations for change](#), 15 October 2018

53 HM Government, [A connected society: a strategy for tackling loneliness](#), 15 October 2018

54 [Q10](#)

55 Mrs Susan Lyons ([PPA0048](#))

56 Mrs Emily Steadman ([PPA0323](#))

31. The Department for Transport recognise in their evidence that pavement parking “can cause serious problems for pedestrians, and particularly for people in wheelchairs or with visual impairments, and those with prams or pushchairs”.<sup>57</sup> Michael Ellis MP, the then Minister of State for Transport with responsibility for parking, told us that the Department was “seeking to make progress on the issue of pavement parking”.<sup>58</sup>

**32. Pavement parking affects everyone who uses the pavement. Pavement parking puts pedestrians in danger when they are forced to move into the road to get around a vehicle or where there are trip hazards due to damage to the pavement. People with mobility or visual impairments, as well as those who care for others, are disproportionately affected. It exacerbates, and is a cause of, social isolation and loneliness for people who feel unable to safely leave their homes or are physically prevented from doing so by pavement parking. We find it profoundly regrettable that the Government has taken so long to take any action to deal with this issue. There have been no concrete actions to tackle pavement parking and improve people’s daily lives. We recognise that the Government has to balance the needs of drivers and pedestrians. *We recommend that the Government commits to tackling pavement parking as part of its Loneliness Strategy. We recommend that the Government swiftly learns the lessons from the work being done in other areas of Great Britain.* We will be watching the actions of Scotland and Wales around pavement parking with interest.**

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57 Department for Transport ([PPA0233](#)) para 5

58 [Q158](#)

## 4 Solutions

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### Education and awareness of drivers

33. Driving onto the pavement is illegal and, in almost all cases, vehicles parked on the pavement will have been driven onto the pavement in breach of this law. It is unclear how widespread public awareness is of this offence.

34. Some evidence suggests drivers may do something even when they know it breaks the rules. Chris Theobald from Guide Dogs told us that a 2017 YouGov survey found that 55% of drivers had considered the impact of pavement parking on people with visual impairments but did it regardless.<sup>59</sup> Ian Taylor from the Alliance of British Drivers (ABD) said the majority of its members are aware of the rules but “as regards to practice, and what people think that they can get away with, because there has not been much actual enforcement where it is not allowed, people tend to do it”.<sup>60</sup> Drivers can be unaware that it is illegal to drive on the pavement, are unaware of the implications of pavement parking, or do know but park on the pavement anyway because the threat of enforcement is low.

35. The issue of being able to get away with an offence because it is not enforced is an important one. Michael Ellis MP, the then Minister, acknowledged this when he told us “Many people feel that it is something that they are allowed to do, or they are in some doubt about whether they are allowed to do it and think that the rules may not be enforced [...] it is not clear to every road user where the parameters are and how they apply”.<sup>61</sup>

36. In the UK, once you have passed your driving test there is no compulsory re-testing.<sup>62</sup> A driver is expected to keep up-to-date with any changes to the Highway Code, but this is not checked or recorded.<sup>63</sup> To date the Government has never run a campaign to increase public awareness that driving onto the pavement is illegal or to raise awareness of the negative effects of pavement parking.<sup>64</sup> We welcomed comments from Michael Ellis that this would change. He said:

... pavement parking is quite a visual image. I would have thought that a marketing campaign would be able to address it in quite a straightforward way and, hopefully, facilitate change. We are seeking to do that right now [...] we would engage professionals to look at how we best relay the message to people that pavement parking is dangerous. It causes damage, loss and injury, and we know that it can cause death, and we want to address those issues.<sup>65</sup>

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59 [Q2](#) [Chris Theobald]

60 [Q7](#)

61 [Q127](#)

62 Except in the case of retesting following a driving ban or in some cases of medical withdrawal of a driving licence.

63 This largely only manifests in the event of a driving offence being committed - ignorance of the law is not a defence. Similarly, there is no offence of disobeying the Highway Code per se, but failure to observe its advice can constitute evidence of carelessness, or in extreme cases even dangerous driving.

64 [Q177](#)

65 [Q179](#)

However, we are concerned that Mr Ellis qualified this answer when he told us that “of course, budgets are finite and decisions have to be made. One has to look at where the most harm is being done and try to address those areas”.<sup>66</sup> In a follow up letter to the Committee the Minister said that he would give “further consideration” to an awareness campaign about the difficulties caused by pavement parking.<sup>67</sup>

**37. We welcome the then Minister’s comments recognising how dangerous pavement parking can be and committing to consider a public awareness campaign on the issue. However, this does not go far enough. We are concerned that there is no real urgency in the Department for Transport to develop a campaign or to find a budget to fund it. A public awareness campaign will not solve the problem of pavement parking by itself, but it is a necessary part of any effort to curtail the incidence of pavement parking. It may reduce the number of people who knowingly break the law and change the behaviour of those who do not know and drive onto a pavement, or are unaware of the effect it has on other people. We recommend that the Department for Transport plan, fund and deploy a national awareness campaign to highlight that driving onto the pavement is illegal, and to show the negative consequences of pavement parking for pedestrians including older people, disabled people and children. This campaign should highlight the physical dangers involved in pavement parking; how it can cause social isolation; and aim to reduce the instances of pavement parking.**

### Traffic Regulation Orders (TROs) and pavement parking

38. As described above, a Traffic Regulation Order (TRO) is a tool that local authorities can use to place restrictions on traffic in their areas, including banning pavement parking in a specific area.<sup>68</sup> There is an extensive network of TROs in place across the country. However, these tend to be for widespread on-street parking restrictions, limiting the movements of heavy goods vehicles and other traffic management purposes. Living Streets found that from 2016-2018 37% of local authorities had put TROs in place to restrict pavement parking.<sup>69</sup>

39. We heard that there are several reasons why some councils are not using TROs to ban pavement parking in whole or part in their local areas. Simon Botterill from Sheffield City Council told us that the process is archaic: “We have a very dense legal system. In this day and age, we ought to be able to move more quickly on the processes and update our data faster and publish it. With the processes we have it is very difficult to move into the modern world”.<sup>70</sup> The TRO discovery project funded by the Department for Transport encouraged the Department to address this issue, and the project report stated that the Department was commencing a 16-week legislative review of Traffic Regulation Order legislation.

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66 [Q180](#)

67 [Letter received 10 July 2019 from Michael Ellis MP, Minister of State, Department for Transport](#)

68 These can be made under Parts I and IV of the [Road Traffic Regulation Act 1984](#).

69 Living Streets ([PPA0399](#)), page 17; 38 of 103 local authorities who responded to Living Streets’ 2018 freedom of information request put pavement parking TROs in place between 2016 and 2018.

70 [Q46](#)

40. Each TRO requires a consultation to allow people to object to a proposal. Tim Young, from Norfolk County Council, told us that TROs can be straightforward if there are no objections, however “If you get into a dialogue with local residents or stakeholder groups, it becomes very resource intensive for a local authority”.<sup>71</sup>

41. Making a TRO can be a time consuming and expensive process.<sup>72</sup> TROs are required by law to be advertised in a local newspaper with significant circulation.<sup>73</sup> PATROL (Parking and Traffic Regulations Outside London) told us this can cost up to £1,000.<sup>74</sup> Simon Botterill told us that one recent advert cost £3,000.<sup>75</sup> Surrey County Council said that they spend approximately £75,000 per year on advertising parking restriction notices alone.<sup>76</sup> Tim Young from Norfolk County Council told us that the majority of the cost of making a TRO comes from the advertising requirements.<sup>77</sup>

42. The Department for Transport has previously looked at removing the requirement to advertise in a newspaper. In 2011 an Impact Assessment was published. It had the policy aim to “remove the burdensome regulation [...] by removing the duty to advertise TROs in local newspapers”.<sup>78</sup> However, following public consultation in 2012 the Government concluded that withdrawing the requirement to advertise could undermine the local newspaper industry and as a result decided against any change.<sup>79</sup>

43. Since the requirement to advertise in a print newspaper was first introduced in 1986<sup>80</sup> the way people consume local news has changed. Print circulation for UK local and regional newspapers more than halved in the decade to 2017—from 63.4 million to 31.4 million.<sup>81</sup> According to research by Oxford’s Reuters Institute for the Study of Journalism, only one person in ten now reads a regional or local printed paper every week.<sup>82</sup> Michael Ellis MP, the then Minister of State for Transport, told us that he wanted to “make sure that we continue our duty of ensuring that, when TROs are passed by a local authority, they are seen by as wide a range of people as possible”.<sup>83</sup> The Government funded TRO discovery project reported that “Road users who responded to a Transport Focus survey told us that there are 8 methods that would better meet their needs for communication changes about the network than an official notice in the local paper” and that “only 7% of road users find out about plans for road network changes through an official notice

71 [Q40](#)

72 Mayor of Greater Manchester and Greater Manchester Cycling and Walking Commissioner ([PPA0418](#)), Northumberland County Council ([PPA0348](#)), Surrey County Council ([PPA0347](#)), Hertfordshire County Council ([PPA0321](#)), PATROL (Parking and Traffic Regulations Outside London) ([PPA0334](#)), Liverpool City Council ([PPA0309](#)), Cambridgeshire County Council ([PPA0285](#)), Brighton & Hove City Council ([PPA0278](#)), Durham County Council ([PPA0261](#)), Bournemouth, Christchurch and Poole Council ([PPA0235](#)), Devon County Council ([PPA0234](#)), The East Riding of Yorkshire Council ([PPA0069](#)), East Hampshire District Council ([PPA0032](#))

73 Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996 (SI 1996/2489) as amended, [Regulation 7](#)

74 PATROL (Parking and Traffic Regulations Outside London) ([PPA0334](#))

75 [Q44](#)

76 Surrey County Council ([PPA0347](#))

77 [Q42](#)

78 Department for Transport, [Traffic Orders - Deregulating Publicity Requirements](#), 22 August 2011, page 1

79 HC Deb 7 February 2013, [col 427](#) Westminster Hall

80 The Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations ([SI 1986/179](#)). This requirement was renewed and revised in 1989—The Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations ([SI 1989/1120](#))—and most recently in 1996—Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996 ([SI 1996/2489](#)).

81 Mediatique report for Department for Digital, Culture, Media & Sport, [Overview of recent dynamics in the UK press market](#), April 2018

82 Reuters Institute for the Study of Journalism, [Digital News Report 2018](#), pp62–63

83 [Q142](#) [Michael Ellis]

in the local paper.”<sup>84</sup> Simon Botterill said that Sheffield City Council go beyond their statutory duty and generally post street notices and send letters to those affected by any TRO proposals. He told us that Sheffield does this “because it does not believe that the press offers that level of distribution of information to people”.<sup>85</sup>

**44. The TRO process can be difficult. Although local authorities can use these powers to ban pavement parking, there is little information on how widely they are used. If the TRO process was made easier and cheaper it would incentivise more local authorities to use these powers. We recommend that the Government bring forward proposals to reform the TRO process—to make it cheaper and easier for local authorities to use—and bring forward any required secondary legislation, if necessary, by spring 2020.**

**45. We believe that public consultation and the right of local people and businesses to object to any change that would have a material impact on their lives is an important part of the Traffic Regulation Order (TRO) process and must be retained. However, the TRO process has an onerous and outdated provision requiring advertisement in a local newspaper. It is vital that people who are affected by a TRO have time to object. Given the seismic changes to news consumption since these provisions were enacted, this imperfectly meets the policy objective of letting as many people as possible who may be affected know about a TRO. We recognise the importance of providing support for local newspapers, but if the Government wishes to do this, it should be done directly, not indirectly through the TRO process. The local authority is best placed to know how to communicate with the community it serves. People can only object if they are informed. Removing the requirement to advertise in a local newspaper would make the TRO process cheaper for local authorities and increase the likelihood of them using TROs to enact pavement parking bans. We recommend that the Government abolish the requirement to advertise TROs in a local newspaper. It should replace this with a requirement for the local authority to maximise the reach of its advertising to the largest number of people by whatever media would best achieve this. The Government should commit to achieving this by spring 2020: it should be delivered alongside the wider reforms to TROs recommended above.**

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84 GeoPlace, [TRO discovery Summary report](#), 30 August 2019, p22

85 [Q70](#)



## Enforcement

46. The Committee received many pieces of evidence outlining examples of members of the public reporting issues relating to pavement parking being passed from the local authority to the police and back again.<sup>86</sup> Crispin Blunt MP told us “I have contacted the Surrey County Council, Reigate & Banstead Council and the Police, each one passing the problem on to the other, with the result of course that no one takes any action”.<sup>87</sup>

47. The police and local authorities have limited resources to enforce pavement parking restrictions. The Police and Crime Commissioner for Devon and Cornwall told us that “there is little appetite for enforcement. The issue of resources [...] is clearly a key reason for this”.<sup>88</sup> The then Minister recognised that this was a problem but said that ultimately “it is about priorities and choices about what gets enforced”.<sup>89</sup>

48. We heard evidence that some local authorities have submitted requests to the Department for Transport to decriminalise parking so they are able to enforce parking restrictions laid out in TROs. We understand that at least one local authority has been informed that the legislative process for doing this would be delayed due to the Parliamentary timetable for the UK exiting the European Union. We have heard that East Sussex County Council, as part of its parking decriminalisation submission for the area in and around Bexhill-on-Sea, where we saw ample evidence of a lack of parking enforcement by the police, had been given a provisional date by the Department for Transport for mid-2020, but due to resourcing issues within the Department we understand that this has been moved towards the end of 2020.

**49. Areas which have not had their parking enforcement decriminalised lack the resources to ensure adequate parking enforcement. This can blight communities and encourages anti-social parking behaviour, such as pavement parking. We saw numerous examples of this anti-social behaviour during our visit to Bexhill-on-Sea. The then Minister, Michael Ellis MP, assured us that the application from East Sussex would be considered with haste. *The Department for Transport must not drag its feet, citing external or resourcing issues, and must act now to meet the requests of local authorities to decriminalise pavement parking enforcement.***

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86 Miss Lisa Boocock ([PPA0021](#)), Mrs Anna Langley ([PPA0028](#)), Chris Garbett ([PPA0051](#)), J Ardron ([PPA0056](#)), Bristol Walking Alliance ([PPA0060](#)), Pedestrian Liberation ([PPA0061](#)), The East Riding of Yorkshire Council ([PPA0069](#)), CycleSheffield ([PPA0077](#)), Graham Turnbull ([PPA0082](#)), Mr Mike Parker ([PPA0114](#)), Mr Anthony Keith Marquis ([PPA0127](#)), Mr Jerry Cullum ([PPA0134](#)), Mr Morris Steel ([PPA0142](#)), Mr Neil Meadows ([PPA0149](#)), Mr James Burton ([PPA0177](#)), Jamie Wood ([PPA0194](#)), Green Councillors' Group, Bristol City Council ([PPA0220](#)), Mrs Laurence Pinturault ([PPA0251](#)), Matthew Wilson ([PPA0254](#)), Andrew Foxcroft ([PPA0274](#)), Crispin Blunt MP ([PPA0276](#)), Mr Mark Kemp ([PPA0306](#)), Birmingham and Black Country Sight Loss Councils ([PPA0318](#)), PATROL (Parking and Traffic Regulations Outside London) ([PPA0334](#)), Mr Steve Hamilton ([PPA0337](#)), Mr Andrew Barclay ([PPA0341](#)), Northumberland County Council ([PPA0348](#)), Guide Dogs ([PPA0350](#)), Mr S.J. Eastwood, Snr. ([PPA0351](#)), Ms Deborah Watson ([PPA0362](#)), Cycle Basingstoke ([PPA0370](#)), Mr William McKinnon ([PPA0372](#)), Mr Tim Pickering ([PPA0386](#)), Dr Martin Parretti ([PPA0396](#)), Mr Jeremy Varns ([PPA0412](#)), Chris Maxim ([PPA0419](#)), Living Streets- additional written evidence ([PPA0438](#))

87 Crispin Blunt MP ([PPA0276](#))

88 Police and Crime Commissioner for Devon and Cornwall ([PPA0422](#))

89 [Q172](#) [Michael Ellis]

50. As set out in Chapter 2, above, to make the enforcement responsibilities of councils and the police clearer some local authorities<sup>90</sup> have agreed a memorandum of understanding with their local police about enforcement policy. In Norfolk, the memorandum states that “If a wheelchair or child’s buggy can pass a vehicle parked on the footway then no enforcement action [by the police] will take place”.<sup>91</sup>

51. The Committee received examples of good practice and suggestions for different types of enforcement and community initiatives to discourage pavement parking. Sadly, not all of these have proved to be sustainable. City of York Council said that they have tried leafleting cars when they do not allow sufficient space for a wheelchair or pushchair to pass by.<sup>92</sup> Charnwood Borough Council told us it had run a campaign that gave a single point of contact to whom the public could report incidents of pavement parking where there was less than one metre to get past. There were clear instructions and the public were informed what constituted an offence. This was a joint initiative with the police but did not last: “in 2016 the Police felt they could not offer the resource to deal with these cases anymore. As a result, customers were passed to the council who have no powers where there are no signs and lines”.<sup>93</sup>

52. The Police and Crime Commissioner for Devon and Cornwall told the Committee that there is widespread confusion and dissatisfaction with enforcement of pavement parking.<sup>94</sup> The Government admitted in its evidence that the different enforcement roles of the police and local authorities are sometimes not clear.<sup>95</sup> The then Minister, Michael Ellis MP, noted that “clearly, parking violations of any sort are not a high priority for the police”.<sup>96</sup>

**53. As pavement parking can have such a detrimental impact on the lives of millions of people, including vulnerable road users, the only effective deterrent to parking illegally on the pavement is robust enforcement. We recognise that police and local authority budgets are tight. However, both must do more to make it clear to everyone who has enforcement responsibility and commit to doing that enforcement where resources permit. This could be made easier with consistent messaging. We recommend that the Government undertake actions to ensure that local authorities and police forces have access to the correct information about who enforces which offences and they are clear about their responsibilities. They should also commit to publicise to the general public who enforces which offences as part of the public awareness campaign we recommended above.**

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90 Norfolk County Council and Norwich City Council ([PPA0353](#)), Devon County Council ([PPA0234](#)), City of York Council ([PPA0182](#))

91 Norfolk County Council and Norwich City Council ([PPA0353](#))

92 City of York Council ([PPA0182](#))

93 Charnwood Borough Council ([PPA0282](#))

94 Police and Crime Commissioner for Devon and Cornwall ([PPA0422](#))

95 Department for Transport ([PPA0233](#)), para 44

96 [Q173](#)

## Obstruction

54. Most people understand that restricting the width of the pavement can cause an obstruction. The then Minister, Michael Ellis MP, said that “most of us would recognise when a vehicle is parked in such a way that it obstructs lawful road users”.<sup>97</sup> We have been given different views on what is an acceptable width for pedestrians to be able to use the pavement. Ian Taylor from the Alliance of British Drivers (ABD) said that 1.2 metres would be acceptable.<sup>98</sup> The Department for Transport’s inclusive mobility guidance says that, where possible, the width of a pavement should be 2 metres.<sup>99</sup>

55. Local authorities, including those in London, would like a clear legal definition of obstruction. Spencer Palmer from London Councils said that the crucial questions are “when is an obstruction an obstruction and what is the clear width you need?”.<sup>100</sup> Lincolnshire County Council said they would “welcome updated statutory guidance” on the matter.<sup>101</sup>

56. Some local authorities would like obstruction decriminalised so that the offence can be enforced by local authorities, rather than the police.<sup>102</sup> York City Council told us this change would take pressure off the police.<sup>103</sup> PATROL (Parking and Traffic Regulations Outside London) have called for the Government to “add highway obstruction by a stationary vehicle to the list of contraventions for which civil enforcement applies”.<sup>104</sup> Louise Hutchinson from PATROL told us that local authorities want to share these powers with the police.<sup>105</sup>

57. Before obstruction could be decriminalised it would have to be clearly defined in statute. Defining obstruction is likely to be difficult. The standard textbook, Wilkinson’s Road Traffic Offences,<sup>106</sup> has 12 densely-packed paragraphs explaining the degree and definition of ‘obstruction’ as it has been defined in caselaw over the past 100 years. Much turns on the question of “intent” in the current offences—e.g. whether obstructive parking is “wilful” or has been “caused” or “permitted”. The Minister of State for Transport, Michael Ellis MP, told us that “The use of the words “obstructing” or “obstruction” is known to law, and, with work, no doubt we could come to an agreement about what amounts to obstruction”.<sup>107</sup>

**58. Enforcement of parking offences is not a priority for the police. We believe that creating a new civil offence of obstructive pavement parking would take some burden from the police and allow for better, more consistent enforcement. It is important that enforcement sits with the body most able to enforce it: the evidence points to local authorities being that body, and in general they seem to want these powers. This would**

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97 [Q176](#)

98 [Q11](#)

99 Department for Transport, [Inclusive Mobility](#), 15 December 2005, Para 3.1

100 [Q54](#)

101 Lincolnshire County Council ([PPA0304](#))

102 The East Riding of Yorkshire Council ([PPA0069](#)), City of York Council ([PPA0182](#)), Bournemouth, Christchurch and Poole Council ([PPA0235](#)), Brighton & Hove City Council ([PPA0278](#)), Surrey County Council ([PPA0347](#))

103 City of York Council ([PPA0182](#))

104 PATROL (Parking and Traffic Regulations Outside London) ([PPA0334](#)); Traffic Management Act 2004 [schedule 7](#), Part 1

105 [Q60](#)

106 Kevin McCormac (General editor), Wilkinson’s Road Traffic Offences, 28th edition (London 2017), paras 6–210 to 6–221

107 [Q174](#)

take time to accomplish. A new offence would have to be defined in law before local authorities could assume the relevant enforcement powers. *We recommend that the Government consult on a new offence of obstructive pavement parking, with a view to making such an offence subject to civil enforcement under the Traffic Management Act 2004 and introducing the relevant legislation by summer 2020.*

## 5 A nationwide ban

59. We were struck by the amount of evidence we received about the impact of pavement parking on people's daily lives and the depth of feeling there was about how this one activity can harm people's everyday lives.<sup>108</sup> There were concerns, if a nationwide ban on pavement parking were to be implemented, about local authorities being able to make exemptions to best suit their local circumstances. There were also concerns raised in the evidence about street clutter,<sup>109</sup> cost<sup>110</sup> and difficulty of exempting specific areas from a pavement parking ban.<sup>111</sup> However, this must be balanced against the serious negative consequences that pavement parking has on some of the most vulnerable in our society. We recognise that a nationwide ban on pavement parking would have an impact on some drivers who live on narrow residential streets with limited off-street parking and need their cars to get around.

60. The then Minister, Michael Ellis MP, told us that if the TRO process were used to make exemptions to a ban it would cost "at least £1,000 per street".<sup>112</sup> He had not considered modelling any exemption order process on that used in London for more than 40 years, which is cheaper and simpler than a TRO—see Chapter 2, above.<sup>113</sup> The then Minister said that in his view the option to do nothing was "not necessarily a bad option".<sup>114</sup> We disagree.

**61. *We recommend that, in the long term, the Government legislate for a nationwide ban on pavement parking across England, outside London. The legislation should give the Secretary of State for Transport powers to make secondary legislation setting out exemptions that local authorities can make from a nationwide ban. We recommend that the Government include in the legislation a provision for a new exemption order process based on the London model. The specific nature of those exemptions should only be determined following public consultation and the full involvement of local authorities across England. It should include a full impact assessment to weigh the resource implications to local authorities of different options. The enforcement of this ban should lie with local authorities and not the police who do not have time to enforce parking offences.***

**62. *A public information campaign surrounding this work will help the public understand where they can park, the effects of pavement parking and where to report these offences. We recognise that this fundamental change cannot happen overnight, but the Government must commit to legislating on this issue before the end of this Parliament. In the meantime, we have set out some short- and medium-term options that could be delivered before a ban was in place.***

108 41% of the evidence received supported a total ban on pavement parking.

109 Northumberland County Council ([PPA0348](#))

110 Devon County Council ([PPA0234](#))

111 Durham County Council ([PPA0261](#))

112 [Q165](#)

113 [Q170](#)

114 [Q159](#)

## Conclusions and recommendations

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### Effect on people

1. Pavement parking affects everyone who uses the pavement. Pavement parking puts pedestrians in danger when they are forced to move into the road to get around a vehicle or where there are trip hazards due to damage to the pavement. People with mobility or visual impairments, as well as those who care for others, are disproportionately affected. It exacerbates, and is a cause of, social isolation and loneliness for people who feel unable to safely leave their homes or are physically prevented from doing so by pavement parking. We find it profoundly regrettable that the Government has taken so long to take any action to deal with this issue. There have been no concrete actions to tackle pavement parking and improve people's daily lives. We recognise that the Government has to balance the needs of drivers and pedestrians. We recommend that the Government commits to tackling pavement parking as part of its Loneliness Strategy. *We recommend that the Government commits to tackling pavement parking as part of its Loneliness Strategy. We recommend that the Government swiftly learns the lessons from the work being done in other areas of Great Britain.* (Paragraph 32)

### Solutions

2. We welcome the then Minister's comments recognising how dangerous pavement parking can be and committing to consider a public awareness campaign on the issue. However, this does not go far enough. We are concerned that there is no real urgency in the Department for Transport to develop a campaign or to find a budget to fund it. A public awareness campaign will not solve the problem of pavement parking by itself, but it is a necessary part of any effort to curtail the incidence of pavement parking. It may reduce the number of people who knowingly break the law and change the behaviour of those who do not know and drive onto a pavement, or are unaware of the effect it has on other people. *We recommend that the Department for Transport plan, fund and deploy a national awareness campaign to highlight that driving onto the pavement is illegal, and to show the negative consequences of pavement parking for pedestrians including older people, disabled people and children. This campaign should highlight the physical dangers involved in pavement parking; how it can cause social isolation; and aim to reduce the instances of pavement parking.* (Paragraph 37)
3. The TRO process can be difficult. Although local authorities can use these powers to ban pavement parking, there is little information on how widely they are used. If the TRO process was made easier and cheaper it would incentivise more local authorities to use these powers. *We recommend that the Government bring forward proposals to reform the TRO process—to make it cheaper and easier for local authorities to use—and bring forward any required secondary legislation, if necessary, by spring 2020.* (Paragraph 44)

4. We believe that public consultation and the right of local people and businesses to object to any change that would have a material impact on their lives is an important part of the Traffic Regulation Order (TRO) process and must be retained. However, the TRO process has an onerous and outdated provision requiring advertisement in a local newspaper. It is vital that people who are affected by a TRO have time to object. Given the seismic changes to news consumption since these provisions were enacted, this imperfectly meets the policy objective of letting as many people as possible who may be affected know about a TRO. We recognise the importance of providing support for local newspapers, but if the Government wishes to do this, it should be done directly, not indirectly through the TRO process. The local authority is best placed to know how to communicate with the community it serves. People can only object if they are informed. Removing the requirement to advertise in a local newspaper would make the TRO process cheaper for local authorities and increase the likelihood of them using TROs to enact pavement parking bans. *We recommend that the Government abolish the requirement to advertise TROs in a local newspaper. It should replace this with a requirement for the local authority to maximise the reach of its advertising to the largest number of people by whatever media would best achieve this. The Government should commit to achieving this by spring 2020: it should be delivered alongside the wider reforms to TROs recommended above.* (Paragraph 45)
5. Areas which have not had their parking enforcement decriminalised lack the resources to ensure adequate parking enforcement. This can blight communities and encourages anti-social parking behaviour, such as pavement parking. We saw numerous examples of this anti-social behaviour during our visit to Bexhill-on-Sea. The then Minister, Michael Ellis MP, assured us that the application from East Sussex would be considered with haste. *The Department for Transport must not drag its feet, citing external or resourcing issues, and must act now to meet the requests of local authorities to decriminalise pavement parking enforcement.* (Paragraph 49)
6. As pavement parking can have such a detrimental impact on the lives of millions of people, including vulnerable road users, the only effective deterrent to parking illegally on the pavement is robust enforcement. We recognise that police and local authority budgets are tight. However, both must do more to make it clear to everyone who has enforcement responsibility and commit to doing that enforcement where resources permit. This could be made easier with consistent messaging. *We recommend that the Government undertake actions to ensure that local authorities and police forces have access to the correct information about who enforces which offences and they are clear about their responsibilities. They should also commit to publicise to the general public who enforces which offences as part of the public awareness campaign we recommended above.* (Paragraph 53)

7. Enforcement of parking offences is not a priority for the police. We believe that creating a new civil offence of obstructive pavement parking would take some burden from the police and allow for better, more consistent enforcement. It is important that enforcement sits with the body most able to enforce it: the evidence points to local authorities being that body, and in general they seem to want these powers. This would take time to accomplish. A new offence would have to be defined in law before local authorities could assume the relevant enforcement powers. *We recommend that the Government consult on a new offence of obstructive pavement parking, with a view to making such an offence subject to civil enforcement under the Traffic Management Act 2004 and introducing the relevant legislation by summer 2020.* (Paragraph 58)

### A nationwide ban

8. *We recommend that, in the long term, the Government legislate for a nationwide ban on pavement parking across England, outside London. The legislation should give the Secretary of State for Transport powers to make secondary legislation setting out exemptions that local authorities can make from a nationwide ban. We recommend that the Government include in the legislation a provision for a new exemption order process based on the London model. The specific nature of those exemptions should only be determined following public consultation and the full involvement of local authorities across England. It should include a full impact assessment to weigh the resource implications to local authorities of different options. The enforcement of this ban should lie with local authorities and not the police who do not have time to enforce parking offences.* (Paragraph 61)
9. *A public information campaign surrounding this work will help the public understand where they can park, the effects of pavement parking and where to report these offences. We recognise that this fundamental change cannot happen overnight, but the Government must commit to legislating on this issue before the end of this Parliament. In the meantime, we have set out some short- and medium-term options that could be delivered before a ban was in place.* (Paragraph 62)



## Formal minutes

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**Thursday 5 September 2019**

Members present:

Lilian Greenwood, in the Chair

Ruth Cadbury                      Daniel Zeichner  
Huw Merriman

Draft Report (*Pavement parking*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 62 read and agreed to.

*Resolved*, That the Report be the Thirteenth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 16 October at 9.15am

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## Appendix 4 Excerpt from Transport Committee Inquiry May 2019 Bus Services in England outside London

### Moving traffic offences

77. Part 6 of the Traffic Management Act 2004 covers parking, bus lane contraventions, the London lorry ban and moving traffic contraventions. Local authorities can apply for powers that will allow them, rather than the police, to take action against motorists committing such offences. The parking provisions are already in force in virtually all areas of England. There has also been widespread take up of the powers for enforcing bus lane infringement.

78. The provisions on moving traffic offences have not yet been commenced. Doing so would give local authorities powers to enforce and issue penalty charges for offences such as ignoring one-way traffic signs, failing to give priority to oncoming traffic, or disregarding box junction markings. Local authorities want these powers to reduce congestion without needing to rely on the police to enforce moving traffic violations. The police have had budget cuts and their priorities have changed. They do not have the resources to police these offences effectively.

79. A 2011 Transport Committee report recommended that Part 6 of the Traffic Management Act 2004 be brought into force “by 2013”.<sup>138</sup> In 2016 the Transport Committee again called for Part 6 to be commenced. In response Andrew Jones MP, the then roads Minister, told our predecessor Committee that he had doubts about the desirability of this and that there was no call for it. He argued that he had only heard support for devolving moving traffic enforcement powers from the Local Government Association (LGA), and remarked that “not all councils are members of it.” Our predecessors noted that almost all English councils are members of the LGA with the exceptions of Sheffield City Council and the London Boroughs of Bromley and Wandsworth. We heard evidence during this inquiry that local authorities still want these powers.

80. When the Bus Services Bill 2016–17 was going through the committee stage in the House of Commons, the Government admitted that “a key concern remains that if the powers are granted, they could be misused to generate revenue for local authorities.” A similar argument was made when parking enforcement was decriminalised in the 1990s. However, there are restrictions on the spending of surplus parking enforcement income raised by local authorities. Similarly, there are powers under Section 88 of the Traffic Management Act 2004 that will allow the Secretary of State to make regulations specifying what surplus income can be spent on from activities undertaken under Part 6 of the Traffic Management Act 2004. The Government could use these powers to specify that any surplus income from enforcement of moving traffic offences is spent on measures to tackle congestion. Transport Committee, Ninth Report of Session 2010–12, *Out of the jam: reducing congestion on our roads*, HC 872, paragraph 16 Transport Committee, Second Report of Session 2015–16, *Road traffic law enforcement*, HC 518, paragraph 99 Oral evidence taken before the Transport Committee on 7 December 2015, Second Report of Session 2015–16, *Road traffic law enforcement*, HC 518, Q290 [Andrew Jones] Transport Committee, Second Report of Session 2015–16, *Road traffic law enforcement*, HC 518, paragraph 98 142 Q132, Q377 143 Bus Services Bill Committee, 14 March 2017, col 4 This was further reformed under the Part 6 of Traffic Management Act 2004 145 Road Traffic Regulation Act 1984, section 55 146 Traffic Management Act 2004, section 88 34 Bus services in England outside London 81.

Commencing Part 6 of the Traffic Management Act 2004 will have two benefits. It will enable local authorities to enforce the law, which should ease congestion, and it will also provide a revenue stream that local authorities could invest in measures to tackle congestion. As there is no ring-

fenced funding available exclusively for bus priority measures we believe that the Government should welcome alternative ways of raising revenue to assist with improving bus services. We recommend that Part 6 of the Traffic Management Act 2004 be commenced as soon as possible, as our predecessors have recommended twice before.



# Traffic Management Act Part 6

July 2019



To view more research from the Local Government Association Research and Information team please visit: <https://www.local.gov.uk/our-support/research>

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## Summary

In June 2019 the Local Government Association (LGA) conducted an online survey of traffic management officers on the Traffic Management Act 2004. The Traffic Management Act 2004 introduced civil enforcement of traffic offences in England and Wales. Part 6 of the Act allows councils outside of London to enforce moving traffic offences.

The results will be used to inform the LGA's policy position on this issue and to demonstrate to Government whether there is still a need for more effective traffic management powers.

## Methodology

An online survey was sent to officers responsible for traffic management in all 118 single and upper tier councils in England; London councils were excluded from the survey as these powers already exist in London under separate legislation. A total of 65 submitted responses – a response rate of 55 per cent.

## Key messages

- Nine in 10 respondents said that their authority would consider using the full powers of the Traffic Management Act (2004) including Part 6 if it was available.
- Over nine in 10 responding authorities said that based on existing evidence of their local roads the most common issues that their local authority would use the Traffic Management Act to improve were safety (95 per cent) and congestion (92 per cent).
- Around nine in 10 (89 per cent) respondents said that should the Government agree, their council would like to be considered for any future trials of the enforcement of moving traffic conventions.
- Sixty seven per cent (43 respondents) said that the police do not currently actively enforce any moving traffic offences in their local authority area.



## Introduction

In June 2019 the Local Government Association (LGA) conducted an online survey on the Traffic Management Act 2004. The Traffic Management Act 2004 introduced civil enforcement of traffic offences in England and Wales. Part 6 of the Act allows councils outside of London to enforce moving traffic offences, like making banned turns, exceeding weight limits and stopping in yellow box junctions. In order for the powers to be turned on the Department for Transport (DfT) is required to pass secondary legislation. Despite the 2004 Act now being 15 years old this secondary legislation has never been introduced to parliament and moving traffic offences can only be enforced by the police under criminal law.

The LGA has been calling on the DfT to introduce these powers since 2004. We therefore conducted a survey of officers responsible for traffic management to better understand the extent to which councils would welcome the introduction of these powers, how they would intend to use them and the extent to which the Police actively enforce them.

The results will be used to inform the LGA's policy position on this issue and to demonstrate to Government what continued need there still is for more effective traffic management powers

## Methodology

An online survey was sent to officers responsible for traffic management in all 118 single and upper tier councils in England; London councils were excluded from the survey as these powers already exist in London under separate legislation. A total of 65 submitted responses – a response rate of 55 per cent.

## Traffic Management Act 2004 Part 6

This section provides full results for each survey question.

### Use of TMA

Respondents were asked if the full powers of the Traffic Management Act (2004) including Part 6 were available, would their local authority consider using it to enforce moving traffic offences to improve network performance. Over nine in ten (91 per cent) said that they would consider using it to enforce moving traffic offences.

**Table 1: If the full powers of the Traffic Management Act (2004) including Part 6 was available, would your local authority consider using it to enforce moving traffic offences to improve network performance?**

	Per cent
Yes	91
No	2
Don't know	8

Base: all respondents (65)

### Common Issues

Respondents who said that they would consider using the Traffic Management Act (2004) including Part 6 were then asked, based on existing evidence of their local roads, what were the most common issues their local authority would use the Traffic Management Act to improve. They were asked to rank up to three options. Half of the respondents (50 per cent) ranked safety as the most common issue they wished to improve, a further 38 per cent ranked it as the second most common issue. Nearly half (46 per cent) ranked congestion as the most common issue they wished to improve with a further 41 per cent ranking it as the second most common issue they would like to use the Act to improve.

Table 2 shows the total counts per issue. Nearly all respondents (95 per cent) said that one of the most common issues that their local authority would use the Traffic Management Act to improve was safety, this was followed closely with congestion at 92 per cent. Three quarters (75 per cent) said that air quality was one of the most common issues that their local authority would use the Traffic Management Act to improve.

**Table 2: If yes, based on existing evidence of your local roads, what are the most common issues your local authority would use the Traffic Management Act to improve?**

	Per cent
Safety	95
Congestion	92
Air Quality	75
Asset damage	17
Better interaction with Strategic Roads Network	8
Other	5
Don't know	0

Base: all respondents who said that they would consider using the Traffic Management Act to enforce moving traffic offences to improve network performance (59)

### Traffic Offences

Respondents were asked, of the possible traffic offences that their local authority could enforce for, which were the most important for their local authority area; respondents could select up to five. The most cited traffic offences were Marking conveying the requirements in paragraph 11 of Part 7 of Schedule 9 (box junction) (68 per cent) and Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited (box junction) (54 per cent), this was closely followed by No right/left turn for vehicular traffic (53 per cent).

Table 3 shows the full list of possible traffic offences that local authorities could enforce.

**Table 3: Of the possible traffic offences that your local authority could enforce for, which are most important for your local authority area?**

	Per cent
Marking conveying the requirements in paragraph 11 of Part 7 of Schedule 9 (box junction)	68
Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited	54
No right/left turn for vehicular traffic	53
Entry to and waiting in a pedestrian zone restricted	39
Route for use by buses, pedal cycles and taxis only	36
One way traffic	34
No entry for vehicular traffic (when the restriction or prohibition is one that may be indicated by another traffic sign subject to civil enforcement)	31
No U-turns for vehicular traffic	31
Motor vehicles prohibited	27
Entry to and waiting in a pedestrian and cycle zone restricted	17
Vehicular traffic must proceed in the direction indicated by the arrow	17
All vehicles prohibited except non-mechanically propelled vehicles being pushed by pedestrians	12
Route for use by pedal cycles only	8
Vehicular traffic must comply with the requirements described in paragraph 3 of Part 4 of Schedule 3	7
Vehicular traffic must turn ahead in the direction indicated by the arrow	5
Buses prohibited	3
Route for use by pedal cycles and by pedestrians only	3
With-flow cycle lane	3
Priority must be given to vehicles from the opposite direction	2
Route comprising two ways, for use by pedal cycles only and by pedestrians only	2
Other	10

Base: all respondents who said that they would consider using the Traffic Management Act to enforce moving traffic offences to improve network performance (59)

## Police

All respondents were asked whether in their view the police currently actively enforce any moving traffic offences in their local authority area. Sixty seven per cent (43 respondents) said that the police do not currently actively enforce any moving traffic

offences in their local authority area, in contrast nearly a quarter (22 per cent) said that the police do actively enforce moving traffic offences in their local authority area.

**Table 4: In your view, do the police currently actively enforce any moving traffic offences in your local authority area?**

	Per cent
Yes	22
No	67
Don't know	11

Base: all respondents (64)

Respondents who said that police currently actively enforce moving traffic offences in their local authority area were asked whether they consider the enforcement the results of public pressure. Of the 14 respondents who were asked this question nine responded that some active enforcement by police in the local authority area has been the result of public pressure.

**Table 5: If yes, do you consider their enforcement the result of public pressure?**

	Count	Per cent
Yes, all active network enforcement by police in our local authority area has been the result of public pressure	1	7
Yes, some active network enforcement by police in the local authority area has been the result of public pressure	9	64
No	2	14
Don't know	2	14

Base: all respondents who in their view consider the police to actively enforce any moving traffic offences in their local authority area (14)

Table 6 shows, for the 14 areas where police currently actively enforced moving traffic offences, which specific offences are enforced.

**Table 6: Which moving traffic offences are currently actively enforced by the police in your local authority area?**

	Count	Per cent
Vehicular traffic must proceed in the direction indicated by the arrow	5	15
No right/left turn for vehicular traffic	4	12
One way traffic	4	12
Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited	4	12
No entry for vehicular traffic (when the restriction or prohibition is one that may be indicated by another traffic sign subject to civil enforcement)	3	9
Route for use by buses, pedal cycles and taxis only	2	6
Vehicular traffic must turn ahead in the direction indicated by the arrow	2	6
Motor vehicles prohibited	2	6
Entry to and waiting in a pedestrian and cycle zone restricted	1	3
Vehicular traffic must comply with the requirements described in paragraph 3 of Part 4 of Schedule 3	1	3
Buses prohibited	1	3
No U-turns for vehicular traffic	1	3
Entry to and waiting in a pedestrian zone restricted	1	3
Other	2	6

Base: all respondents who in their view consider the police to actively enforce any moving traffic offences in their local authority area (14)

## Trial

Nearly nine in ten respondents (89 per cent) said that should the Government agree, their council would like to be considered for any future trials of the enforcement of moving traffic contraventions. Four per cent said that they would not like to be considered for any future trial and seven per cent said that they didn't know.

**Table 7: Should the Government agree, would your council like to be considered for any future trials of the enforcement of moving traffic contraventions?**

	Per cent
Yes	89
No	4
Don't know	7

Base: all respondents (57)

## Annex A: Questionnaire

1. If the full powers of the Traffic Management Act (2004) including Part 6 was available, would your local authority consider using it to enforce moving traffic offences to improve network performance?

- Yes
- No
- Don't know

2. If yes, based on existing evidence of your local roads, what are the most common issues your local authority would use the Traffic Management Act to improve?

*Please rank up to three of the options below*

- Safety
- Congestion
- Better interaction with the Strategic Roads Network
- Air quality
- Asset damage
- Other (please state)
- Don't know

3. Of the possible traffic offences that your local authority could enforce for, which are **most important** for your local authority area?

*Please select up to 5*

- Vehicular traffic must proceed in the direction indicated by the arrow
- Vehicular traffic must turn ahead in the direction indicated by the arrow
- Vehicular traffic must comply with the requirements described in paragraph 3 of Part 4 of Schedule 3
- No right/left turn for vehicular traffic
- No U-turns for vehicular traffic
- Priority must be given to vehicles from the opposite direction
- No entry for vehicular traffic (when the restriction or prohibition is one that may be indicated by another traffic sign subject to civil enforcement)
- All vehicles prohibited except non-mechanically propelled vehicles being pushed by pedestrians
- Entry to and waiting in a pedestrian zone restricted
- Entry to and waiting in a pedestrian and cycle zone restricted
- Motor vehicles prohibited
- Motor vehicles except solo motor cycles prohibited
- Solo motor cycles prohibited



- Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited
  - One way traffic
  - Buses prohibited
  - Route for use by buses, pedal cycles and taxis only
  - Route for use by tramcars only
  - Route for use by pedal cycles only
  - Route for use by pedal cycles and by pedestrians only
  - Route comprising two ways, for use by pedal cycles only and by pedestrians only
  - With-flow cycle lane
  - Contra-flow cycle lane
  - Marking conveying the requirements in paragraph 11 of Part 7 of Schedule 9 (box junction)
4. In your view, do the police currently actively enforce any moving traffic offences in your local authority area?
- Yes  
No  
Don't know
5. *If yes, do you consider their enforcement the result of public pressure?*
- Yes, all active network enforcement by police in our local authority area has been the result of public pressure  
Yes, some active network enforcement by police in the local authority area has been the result of public pressure  
No  
Don't know
6. Which moving traffic offences are currently actively enforced by the police in your local authority area?
- List of all possible traffic offences.*
7. Does your local authority currently have an effective working partnership with the police to enforce traffic violations? For example, some councils are doing this for weight restriction enforcement. If so, please provide details below:
8. Out of the contraventions that you chose in question three, please describe an example from your network, including the local benefits, where use of enforcement powers would either tackle a current or foreseen problem on your network or support a wider ambition, for example promoting more cycling.

9. Should the Government agree, would your council like to be considered for any future trials of the enforcement of moving traffic contraventions?

Yes  
No  
Don't know

10. If you would like to make any additional comments on the subject of moving traffic contraventions please do so below:

11. Would you be happy for the LGA, or partner organisations working on its behalf, to contact you for further follow up work? For example, we may want to support local modelling of how future implementation may work.

## Annex B: Responses to open ended questions

The following three tables contain respondents' responses to open text questions. All data has been anonymised.

<b>Table 8: Does your local authority currently have an effective working partnership with the police to enforce traffic violations?</b>
Whilst there are localised agreements with the Police to help enforce "hot spots" the police lack resources to enter into a more intensive enforcement regime.
We do have a good working relationship with the police however the police have limited resources which effects the amount of enforcement that can be carried out.
Working with [local partnership] and [local partnership and Neighbourhood's Policing we do receive some enforcement of speed, weight violation and banned movements
Bus lanes and weight restrictions are enforced by the Council.
Speed watch popular. Working group looking at HGV routeing and parking gaining momentum.
We only have a partnership with the police for the Safety Camera Partnership
This work is primarily undertaken through the safer Roads Partnership, but sadly Police resources are rarely directed towards issues such as weight limit enforcement.
Yes, we currently monitor a weight restriction in [place redacted] using ANPR and pass evidence onto the Police
Yes, the local Road Safety Partnerships is effective in relation to the FATAL 4 priorities (e.g. speeding). However, enforcement of obstruction, yellow box markings, pavement parking, etc. is low priority for the police given the demands on resources relating to more serious criminal activity and anti-social behaviour.
We work closely with the police but they have no resources to dedicate to moving traffic offences.
No interest
We do work with them closely but resource is always an issue.
Not specifically but they will respond if we contact them with certain offences.
Yes. [Council] trading standards operate lorry watch scheme for participating parishes. Also close working relationship with speed management in rural communities
We are in the process of setting up a weight restriction enforcement trial between our trading standards team and [area] police. There is also a camera partnership for speed enforcement.
Whilst [the council] work in partnership with the Police, the Constabulary's Roads Policing resources have been reduced resulting in priority being given to policing activity linked to casualty reduction.
There is a local Road Safety Partnership which includes local police teams, however traffic offences are dealt with by the Central Motorway Police Group who concentrate on vehicle speed, mobile phone use, seat belt and vehicle condition enforcement.

Yes, the police will respond to requests for enforcement but there resources are limited and abuse of many traffic offences are a lower priority for the force. More work is undertaken on speed as this has a larger safety impact for the police.
No due to inadequate police resource. We do work in partnership but they simply don't have enough traffic officers. This isn't classed as a priority anymore for our local police force.
Partnership working is an aim adopted by this Authority and the Police, with joint enforcement operation in terms of parking taking place. However this are few and far between due to resources available on both sides.
The Council has an excellent working relationship with the Police being co-located in the same building. However, despite the best intentions of the Police, resource is extremely limited to undertake enforcement of traffic violations. Routine and regular enforcement does not take place but very limited campaigns are undertaken, sometimes in conjunction with the Councils civil enforcement officers.
Some very limited ad hoc arrangements to address specific problems, but no comprehensive enforcement.
We have a very strong partnership in relation to road safety and the use of safety cameras ([local] Safer Roads Partnership), however, other enforcement activities are very limited.
Collaborating on development of an initiative to enable images captured on an approved local authority device to be used to support prosecutions of traffic violations.
Not at present, however [sub-regional] authorities and the Police are currently working towards the establishment of a co-ordination group.
We do have an effective working relationship and the Police actively enforce traffic offences relating to road safety, such as speeding and use of a phone whilst driving. The issue is more regarding available resources that they have to effectively enforce moving traffic offences that occur regularly.
We have a good working relationship with the police but they do not have the resource to enforce moving traffic offences.
We do have a good working partnership with the Police in respect of obstructions, School parking related matters and support for in respect of Anti-social behaviour. We do not have a working partnership in relation to moving traffic violations.
Not for moving traffic offences but we do have for other (non-traffic) offences such as anti-social behaviour.
Yes, we work with [force name redacted] Police to encourage enforcement of speed limits in particular. We regularly meet with officers as a part of our Network Management duties.
Yes - we do join operations in response to parking issues where other offences may be committed - vehicle tax, trading standards etc.
[Council] have an established connection with the local roads policing unit to target high priority locations, however given the reduction in the number of police resources this has become challenging for them and they are not always able to give the matter any attention. Specific requests for enforcement are considered on a case by case basis, however we have a new system in place where we raise concerns to the local policing teams in the form of bulletins produced by [sub-regional] Road Safety Partnership. The

aim of the bulletin is to include local complaints that council have received including issues associated with moving traffic offences. We will be giving them locations each quarter and a description of the issue that we would like the local policing team to look into and support.
Police resources not available except for occasional targeted operations
only via road safety partnership so focus on speed
We have a [sub-regional] Road Safety Partnership. This is predominantly focused on traffic issues around schools and traffic enforcement cameras for speeding, red-light running and speed-on-green issues.
We have a safety camera partnership with the police who we are currently in discussions with to secure funding for the installation of red light running cameras
We work together on targeted enforcement as best we can
The only traffic signage regularly enforced are speeding and one noncompliance red signal Active enforcement of moving traffic offences has all but ceased due to Police priorities
[area] Police are very engaged in proactive enforcement relating to particular safety campaigns, for example [scheme name redacted] (cyclists and equestrians). They do however have limited resources in Roads Policing.
We have a good working relationship with the Police and we support one another where ever possible, however, whilst they are very supportive of some safety campaigns they have limited resources to support other areas.
The council's Parking Services team undertake joint patrols around schools in the borough at pupil drop off and collection times to address road safety concerns related to parking, speed and obstruction issues.
[Council] works with [force name redacted] Police to support the [area] safer roads partnership that monitors speeding on the counties roads
Resource is so very minimal from the police, we get little to no support.
As a shire authority our communities actively provide the police with evidence of breaches specifically environmental weight restrictions for them to be able to enforce commensurate with their other duties
we generally only have effective partnerships with respect to speed enforcement

**Table 9: Out of the contraventions that you chose in question three, please describe an example from your network, including the local benefits, where use of enforcement powers would either tackle a current or foreseen problem on your network or support a wider ambition.**

Pedestrian zones are often undermined by drivers ignoring the no entry instructions. This makes the area less attractive to visitors and lowers road safety, increases air pollution and damages the areas reputation. Effective enforcement will help to greatly reduce these effects.

[Local major] Junction The yellow box marking is regularly abused which causes congestion and delays especially to public transport as a bus lane links to the junction. Therefore if this was enforced it will reduce congestion, improve journey times and air quality. This will also help improve the wider local economy.

Town centre pedestrians

Enforcing box junction violations would ease flows on complicated signalised junctions where current blocking causes inefficiency.

Environmental weight restriction when contravened detract from air quality and safety of the area. Banned turns etc. introduce conflict and confusion at pedestrian crossing points eroding safety. Parking in cycle lane reduce the safety of cyclist as they have to merge with traffic that they should not have to. Blocking yellow boxes impacts on congestion, air quality and road safety.

[Local] Town centre cycle lane and no enforcement powers are present due to vehicular use within the lane.

We have some natural beauty spots near fast travelled roads which are protected by double white line systems. On sunny days these are frequently parked next to causing danger to other road users. The police do not actively enforce Access only or pedestrian zones so it would be useful if our CEOs had these powers.

Improve congestion and Road Safety at the [redacted] Roundabout by the introduction of yellow box markings.

Safety around schools, better access for cyclists, tackling obstruction and congestion for box junction.

Errant HGV routing and parking, especially in a possible no deal scenario

Environmental weight restrictions are currently enforced by our Trading Standards Officers and this is difficult to resource and a transfer to our CPE team would provide a better way of resourcing.

In 2017 the Authority introduced a pilot initiative known as School Streets in the borough. The initiative sought to restrict school related traffic from entering roads in the immediate vicinity of three pilot schools through the introduction of the part time prohibition of driving restriction. Scheme objectives included seeking to address concerns associated with school gate parking, aid road safety, encourage sustainable forms of travel to school and contribute to the Councils Air quality improvement targets. The scheme has now been in operation for nearly 2 years and has over this time have demonstrated that the principles of the scheme can work in the right locations, positively influencing travel and traffic behaviour. Whilst generally well supported by the local community a consistent concern has been around a lack of regular enforcement of the scheme by the Police, who whilst supportive of the initiative have been able to regularly allocate resource to inspect and enforce the restrictions. It is believed that only a relatively low level of regular enforcement would be sufficient to make the scheme largely self-enforcing and the Authority is keen to obtain powers to enforce this contravention moving forward. The ongoing success of this initiative, which I am aware Authorities across the country are now looking to replicate, rests on more effective Local Authority lead enforcement. For further information on the scheme please see our last report on this matter here: [webpage redacted]

We have timed pedestrianised zones in 4 of our towns. We receive a lot of requests for gates to close to prevent vehicles entering these zones, but we state these are not necessary as there are sufficient signs. Some errant vehicles do enter these zone and we have repeatedly asked the police to periodically enforce them, but it is a low priority for them, so never do...

Box junctions are frequently congested as a consequence of drivers failing to traverse the box junction correctly.

Current examples include vehicles entering a weighting in pedestrian areas causing obstruction and safety issues

Targeted enforcement of priority box junction sites would help optimise junction capacity at peak times and support bus service punctuality. Enforcement of controlled parking or restricted zones around schools by camera would help improve air quality around schools and improve road safety at school run times.

we have a particular issue with HGVs 'rat running' through villages when there are road closures on to avoid having to follow strategic diversion routes. We could put in weight limits but as the police would not enforce them then there is little point. Where there are already weight limits then we could do some enforcement potentially.

Promotion of Bus usage, under LTP4, New development with bus access only. Reduction in casualties and rat running [local estate] into [town]

Enforcement powers can help remove the problem facing a number of restrictions which are being abused by mopeds and motorbikes conflicting with cycling. This has resulted in an increase in risk for cyclists and a poor crash record.

enforcement of pedestrian spaces with timed vehicular access - negates need for physical restriction (rising bollards)

Enforcement against moving vehicles in Town Centre pedestrian zone. Increased safety of pedestrians

Entry to pedestrian zone, [redacted]. Consistently ignored by drivers causing safety issues for pedestrians, damage to highway infrastructure and traffic movements that cause delays / queues at junction in AQMA

<p>I don't think it is necessary to be too prescriptive on the use of camera enforcement, we would use cameras to tackle a range of violations where it was identified as the best solution and/or engineering measures were not possible. There are numerous box junctions that could benefit from camera enforcement as well as HGV/weight restrictions that could effectively be enforced.</p>
<p>Enforcement of banned turns would directly benefit casualty reduction in [area] We've had a number of collisions linked to the contravention of movement restrictions such as banned turns.</p>
<p>As a heavily congested metropolitan borough the issues of contravention of one way streets, weights limits, turning and U-turn traffic orders has a significant effect of the safety and amenity of local residents and all road users. Reducing KSI is a key strategy at both a local and regional level to support current approved Road Safety Strategies and Policies. The issue of entry and exit blocking on key strategic routes is key to reduce congestion and improve air quality. Box junctions are used to help control the issue of blocking, especially at peak times. However compliance with box junctions is sporadic and consequently exit and entry blocking is common, causing unnecessary delay and congestion at peak times.</p>
<p>The opportunity to enforce a weight limit would enable us to ensure a prohibition of goods vehicles aimed at addressing air pollutant levels is effective and delivers an improvements in air quality. This will benefit the wide community as well as those residents living within the extent of the Air Quality Management Zone.</p>
<p>Abuse of U-turns and prohibited turns create conflict with pedestrian movements creating safety issues due to unexpected vehicular movements</p>
<p>[The city] has an issue with air quality that it must address. Keeping traffic moving safely in congested area by keeping box junctions clear for example would be a great assistance in achieving improved air quality and reducing congestion. There are also parts of [the area] where motorists simply ignore signage such as no right or no left turns or one way streets. Being able to enforce these locations would assist us greatly in improving road safety especially in the more economically deprived parts of [the area] where there is a sense of lawlessness by motorists due to the lack of any police presence.</p>
<p>Obstruction / Pavement Parking Due to the general layout of the Borough, historically as factory towns with a vast majority of housing being terraced, a major issue is narrow streets and motorists obstructing the highway and pavements with vehicles, of which under current regulations the council Enforcement Officers cannot enforce too without a lengthy and costly TRO process and the installation of unnecessary street furniture. It would be the ambition of the Highway Authority to implement this to cover obstruction and pavement parking to allow Enforcement Officers to effectively deal with these issues. It is not the council intention to penalise everybody and there will be some instances where pavement parking is permitted, whereby safety is not the presiding issue. Cycle Route Enforcement It is a continued aim of this council to promote a healthy lifestyle and to be less reliant on the motorised vehicle. Promoted and creating further cycle only route would help achieve this, however feedback given suggests that many cyclists feel unsafe on our roads and current cycle route which link into them</p>
<p>Council enforcement of entry to and waiting in a pedestrian zone, would be beneficial. Pedestrians currently feel unsafe due to conflict with vehicles, creating an environment where they prefer to shop in out of town developments, leading to negative impacts for the local high street economy</p>



Enforcement of box junction at [a] junction in [the area]. This location is highly congested close to the [town hospital] Hospital. The junction is controlled by traffic signals which frequently operate well below capacity due to vehicles obstructing the junction in contravention of the yellow box restrictions. Work at the location is already scheduled to widen the junction and install CCTV cameras to try to provide better management of the network. However without continued enforcement of the yellow box junction the benefits of any works are expected to be limited.

We have a number of junctions that are subject to exit blocking where yellow box markings would be beneficial - this would reduce both congestion and the negative effects of vehicle emissions (i.e. improve air quality). We also have a number of locations where we wish to restrict large vehicles, for example, where we have weak bridges or structures and to enhance lorry routing to remove large vehicles from unsuitable roads/environments - again this would enhance air quality and quality of life in rural/residential areas.

Enforcing maximum gross weight restrictions would enable us to address known AQMAs

The safety of our citizens is a key transport priority along with congestion management and sustainable travel. One example, of many, where use of enforcement powers would help support this priority is at a busy city centre junction that has no right/left turn restrictions placed on it to facilitate pedestrians crossing the side roads of the junction and in turn improve the junction's overall efficiency. The no right/left turn bans are contravened on a persistent basis however putting at risk the safety of the high number of pedestrians crossing there on a daily basis. The Police do not have the resources to address the problem so by enabling the local traffic authority to use civil enforcement powers to enforce these and other moving traffic restrictions, it will improve road safety, reduce congestion and enable the Police to focus on other priorities.

There are a number of heavily trafficked junctions in the borough with box junction markings which are regularly abused, with a detrimental impact on network management - the ability to carry out effective enforcement at such locations would improve our ability to manage the network and support local priorities such as safety and air quality.

Box junction enforcement is often given as an example where better compliance would benefit the efficiency of the network. Another good example is in [the] town centre where we have introduced a restriction for vehicles at night time to encourage dispersion of people away from the area, in order to look for taxis, and to promote road safety. The Police were fully supportive of the scheme. However, they do not have the resources to enforce it and late at night the restriction is completely ignored and vehicles are entering the area.

1) Yellow box junctions are frequently blocked in [the] city centre, which impedes the flow of traffic and contributes to congestion. 2) The Council would like to consider the use of School Street restrictions (prohibiting motor vehicles on certain roads at the start/end of the school day) but is concerned as to the effectiveness of such an initiative on a through road in particular because it does not have the powers to enforce it. School Streets may encourage more journeys to school to be taken on foot or bicycle, and reduce the amount of congestion and inconsiderate parking in the immediate vicinity of schools.

We have had to introduce a temporary weight limit to a structure. To be able to undertake enforcement we would help us manage the asset in the short term. Longer term enforcement of weight limits generally would assist with managing air quality/environmental issues and the protection of other assets

<p>Goods vehicle - ensure appropriate use of network for environmental reasons; All vehicle prohibition - environment and safety reasons e.g. town centre [redacted] Street; One way traffic - safety to prevent accidents and congestion in one way roads</p>
<p>Effective enforcement of yellow box markings will improve road safety, air quality and congestion making our network more reliable and more efficient for all road users.</p>
<p>To ensure that the traffic flows are maintained and that access to public transport is maintained. To uphold policy for mode shift to sustainable forms of transport - bus priority, park and ride cycling etc. Clean Air etc.</p>
<p>We have a current structural issue with a bridge that we have needed to implement a weight limit in order to ensure the structure doesn't become impaired. We would like to enforce vehicles that are breaking this restriction and feel that civil enforcement would work as an overriding deterrent. In addition we have had to implement an advisory HGV only diversion route, we would also like to be able to place a temp TRO on this and be able to enforce this element.</p>
<p>Currently we are receiving weekly correspondence from the Community Safety Coordinator from [the] Business Improvement District regarding non-compliance of an existing prohibition of vehicles TRO through the pedestrian high street area of [the] Town Centre causing pedestrian / vehicular conflicts and safety concerns.</p>
<p>Box junction enforcement is seen as priority to aid congestion issues</p>
<p>[The council] has an ambition to create a de-trafficked city centre where private motor vehicles no longer dominate - allowing environments with the highest quality of public realm, and where walking, cycling and public transport are prioritised. This will be facilitated by creating a series of traffic cells to prevent through trips and control circulating traffic - pushing traffic back out to the ring road. The fact that we can't currently enforce moving traffic offences other than bus lanes/gates restrict the options in our toolkit to make the necessary 'closures'. This supports transport policy and air quality objectives.</p>
<p>There are numerous junctions along our Key Route Network where yellow boxes have been provided to deter vehicles from waiting obstructively within them. These are regularly blocked by inconsiderate drivers, which leads to congestion, local safety issues and poor air quality. In turn this leads to vehicles diverting from these routes and seeking "quicker" alternative routes, normally through what are primarily residential areas. This leads to safety issues around speeding and extraneous traffic and the resulting air quality issues that come with this. By empowering the city council to enforce this measure alone would lead to significant benefits at the locations where the markings are provided, in terms of more efficient traffic flows, reduction in dangerous manoeuvres to negotiate stationary vehicles, reduction in emissions, and greater safety on the surrounding local network. This will in turn support other wider ambitions of creating safer environments on local roads for vulnerable road-users, such as cyclists.</p>
<p>We have a complex (signalled) roundabout and large gyratory and both have areas where yellow box junctions have been laid. Unfortunately, these are completely disregarded and vehicles regularly park within the yellow box area blocking the conflicting traffic movement when they have right of way / receive a 'green' traffic signal. This effectively locks the roundabout / gyratory leading to: congestion, poor air quality, reduced safety and reduced accessibility to public transport</p>
<p>We have a number of high occupancy vehicle lanes that we would take a proactive approach to enforcement on to decrease congestion and improve air quality</p>

Noncompliance left / right turns , no entries etc. would improve traffic flows
The selected enforcement in section three focus on banned turns and contravening manoeuvres. Enforcement of such manoeuvres would reinforce the confidence of pedestrians and cyclists that are currently adversely affected by vehicles turning at locations where they are not expected to. This enhanced focus would increase confidence and safety for these vulnerable groups. Additionally, the enforcement and management of Yellow Box junctions will benefit air quality and reduce problems and delays along congested corridors in the region.
The selected enforcement in section three focus on banned turns and contravening manoeuvres. Enforcement of such manoeuvres would reinforce the confidence of pedestrians and cyclists that are currently adversely affected by vehicles turning at locations where they are not expected to. This enhanced focus would increase confidence and safety for these vulnerable groups. Additionally, the enforcement and management of Yellow Box junctions will benefit air quality and reduce problems and delays along congested corridors in the region.
We have several pedestrianised areas that do not allow vehicles at certain times. Managing this through the use of physical methods, such as rising bollards is problematic and expensive to maintain. This is also an issue at a number of bus only restrictions, which are widely violated.
[The] town centre is a busy retail pedestrian zone with no vehicular access except for loading only during restricted periods. The no vehicle restrictions are ignored and abused by all vehicle types for short cuts and rat runs across the town centre. As part of this some vehicles are also ignoring one way signs and travelling along streets in the wrong direction to enter the pedestrian zone. The new enforcement powers would enable the council to take action to address the problem and discourage drivers from driving through the pedestrian zone making the town centre safer and more attractive to pedestrians which in turn helps boost the local economy and encourage businesses to stay/invest in the local area.
Road safety at junctions and level crossings is being compromised by traffic routinely ignoring the regulatory signage and road markings. Camera enforcement of the junctions and approach roads would ensure safety and also prevent unnecessary congestion where traffic blocks junctions or uses the opposite carriageway to avoid a queue
Improved safety and routing of HGV's in particular thought villages and areas which we wish to promote as market towns again, as they once were. We wish to protect these roads and the users and promote safety, along with more sustainable modes of transport. With this in turn, it will improve the life performance of our roads, especially in rural villages which cannot cope with the size of the vehicles.
Enforcement of Box markings would discourage blocking through junctions on the strategic road network to manage congestion.

**Table 10: If you would like to make any additional comments on the subject of moving traffic contraventions please do so below**

Whilst the idea of adopting moving contraventions under TMA is interesting there is, for some authorities, an issue that is not easily resolved. In a large county with 5k miles of road network the lack of infrastructure to monitor and capture offences is minimal and would require large scale investment. The ability to invest in such a manner these days is unlikely to happen. Ongoing funding would also have to be considered, including where fine/charges would be paid to. There is much work to be done on this matter.

It would be useful for Local Authorities to understand more about potential enforcement methods and financial implications of enforcing moving traffic contraventions themselves.

We are keen to expand our School Streets Initiative and will be taking a report on the schemes future to a July decision session for consideration. We are keen to engage and explore opportunities to trial LA enforcement of moving traffic offences outside of borough which we consider critical to the ongoing success of our pilot project.

ANPR camera enforcement is a "Smart City" approach to managing congestion and improving air quality and road safety. Enforcement legislation should be looking to recognise the advances in technology which can support clean air and road safety objectives.

[The area] is a very busy congested city that has a successful track record with increasing Public Transport use. These powers would enable the authority to remove illegal cars from areas of the city enabling the bus operator to increase capacity. The council considers these powers extremely important in delivering its policy to improve the cities safety record and increase walking, cycling and Public Transport use.

Having worked in London Councils for 20 years and only recently moving to [council], I find the disparity between what London can enforce and what County can enforce both frustrating and unfair, on us and the Police. The Police simply DO NOT have the resource to assist us and if we want to effectively manage traffic, particularly in urban areas, similar powers to London are essential.

We think there is a cost implication because enforcement would require ANPR cameras. We wouldn't have the power to stop vehicles which the Police have. There would be additional resource cost [could this be funded by the saving from the Police budget as they would not be enforcing?

Powers for local authorities to be able to enforce moving traffic contraventions are long overdue in my opinion. Allowing councils outside of London to be able to enforce parking controls and bus lanes (albeit under the Transport Act 2000) but not moving traffic offences causes' confusion and inconsistency. If local authorities were granted the necessary powers under Part 6 of the TMA it would enable them to take effective action to target only those restrictions that, if abused, cause the biggest safety issues and the most disruption to the highway network.

We need country wide consistency, being able to carry out enforcement is part of that goal

These powers need to be enabled to permit local authorities to address a number of issues or the police must be given the resources to adequately resource enforcement. It would be [the council's] preference that we take over full enforcement including the back office function so we can strive to make our city safer, cleaner and traffic travel around the city more expeditiously.

The lack of Part 6 enforcement for an Enforcement Authority restricts the effectiveness. It is not always possible for the Police to attend when reports are submitted and the general public is growing complacent as they feel that there is no punishment for these offenses, despite them being described in the Highway Code as offenses. It is felt that the move of Part 6 to CPE, will allow the highway network to be more effectively managed at a local level as well as maintaining national standards. It will also allow the Police to direct their limited resources elsewhere.

The Council along with the [redacted] Combined Authority, has been pressing the Department for Transport to enact these powers

Like many other Local Highway Authorities, [the council] works very closely with partner organisations such as the Police. We recognise that their resources are limited and that it not always possible to divert resources to traffic management issues. The Council has invested heavily in technology to manage and regulate traffic such as average speed cameras, mobile speed enforcement and parking enforcement technology. We have the experience and resources to address a much wider range of issues but are prevented from doing so until changes are made in legislation.

This issue has been raised by authorities in our region over a number of years and we receive regular complaints from the public regarding non-enforcement. It is our understanding that the devolution of enforcement powers would also be well received by the Police, who have previously expressed concerns about their ability to respond to public requests for enforcement.

If the government is unwilling to fully provide moving traffic offence enforcement powers to local authorities, could it begin with some restrictions eg the prohibition of motor vehicles restriction to enable 'School Streets' schemes to be enforced?

[Redacted], like many towns and cities suffers from congestion and poor air quality. The ability for local authorities to enforce more moving traffic offences will create more compliance of restrictions that are in place to protect the travelling public. It will also free up the limited resource the Police have allowing them to focus on other priorities.

In order to assist in the mode shift from dependency on the car, clean air, the option of having moving enforcement powers would greatly help in improving journey times and the environment

Expansion of powers to Highway Authorities outside of London to take civil enforcement action to moving offences would help us to manage our busy networks and minimise congestion upon it.

In general [the council] would actively look to support such powers should they become available as active and targeted enforcement of such offences would greatly assist in carrying out our Network Management Duty. With the right approach to enforcement there could be considerable benefits to road safety, air quality and congestion/journey time management. There are some key principles that we would need to consider including: The need to balance the signing requirements within the TSRGD associated with these restrictions against the initiative to reduce signage and street clutter and process of appeals. Investigate how we could take this forward as a shared approach with Merseyside Police for speed enforcement offences as an example as I understand there are barriers with sharing data from certain camera devices. Updates to the Council's parking and civil enforcement policy and development of an enforcement protocol outlining methodology to be used. Public communication of enforcement plans and policies. Priority of enforcement activities focus on road safety, air quality and congestion management / enforcement in support of targets reflected in Council's Transport Strategy / Network Management Plan.

We currently undertake the enforcement of bus lanes via permanent camera enforcement sites. As such, we have the equipment, infrastructure and back-office functions already in place which can be further enhanced to undertake the wider moving traffic contraventions enforcement relatively quickly, should we be given these powers permanently or as part of trial.

The [transport strategy] sets out what a successful transport system might look like in order to support our economic, social and environmental ambitions for the long term. The efficient and safe operation of the road network and particularly the Key Route Network (KRN) has been identified as critical in facilitating delivery of the vision. The annual cost of congestion on the road network in [the sub-region] has been estimated by TfGM at over Â£1.3 billion per annum. TfGM and the [sub-regional] Highway Authorities support the case for the enactment of the Part 6 of the TMA within [the sub-region] the ability to enforce moving traffic offences would provide a key tool in enhancing safety, tackling congestion and improving journey time reliability on the network. Discussions have been held with [the police] in the course of preparing this response. [The police force] focuses its enforcement on traffic offences that have an impact on road safety (e.g. speed and drink driving) and does not have sufficient resources to routinely enforce offences that impact on congestion or operation of the network.

Network Management would be greatly empowered by the ability use moving traffic contravention powers and currently these powers are not fully used by the Police forces as they are over stretched and prioritise their actions to more serious criminality. Affording street authorities the powers will take pressure off the Police forces and also improve compliance

Whilst we welcome the opportunity to be able to enforce moving traffic violations, we are mindful of the resources required to currently enforce these restrictions as they can be draconian. The use of technology to be able to enforce would be welcome along with any changes in primary legislation to facilitate this.

Police advise that they will enforce moving traffic offences as and when resources allow.



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**MONEY**  
ADVICE TRUST

BUSINESS  
DEBTLINE

NATIONAL  
DEBTLINE

WISER  
ADVISER

Stop The Knock



An update on local authority  
debt collection practices  
in England and Wales

## About the Money Advice Trust

The Money Advice Trust is a national charity helping people across the UK to tackle their debts and manage their money with confidence.

We run National Debtline, offering free, independent and confidential advice on personal debt over the phone and online, and Business Debtline, the UK's only free dedicated debt advice service for the self-employed and small business owners. We are also the leading training body for UK debt advisers through our Wiseradviser service and provide training and consultancy to companies who engage with people in financial difficulty.

Beyond our frontline activity, we work closely with government, creditors and partners to improve the UK's money and debt environment.



## Foreword

Since the publication of our last *Stop The Knock* report in 2017, concerns over the use of enforcement agents, more commonly known as bailiffs, have risen higher up the agenda in Westminster, Whitehall and Town Halls across the country. This is entirely appropriate, given the human cost of bailiff action to the people we help day in, day out.

Along with our partner charities in the rest of the debt advice sector, the Money Advice Trust continues to campaign for fundamental bailiff reform. The Ministry of Justice's review of the case for independent regulation – a cause now endorsed by the Justice Select Committee – gives us some hope that we are on the cusp of at last making progress on this vital issue.

Reforming bailiff action is vital if we are to protect people from harm. Of equal importance, however, is reducing the number of debts that are passed to bailiffs in the first place – by improving debt collection practices and helping to resolve debt problems at an earlier stage.

In this, our third *Stop The Knock* report, we present our latest findings on the debt collection practices of councils in England and Wales. They show that more than **2.6 million debts** were passed to bailiffs in 2018/19 by the 367 local authorities that responded to our research – with a **7% like-for-like overall increase** over a two-year period. Beneath these overall figures, however, lies a much more nuanced picture across debt types.

For the first time in our research, **the use of bailiffs to collect council tax remained stable** between 2016/17 and 2018/19 (compared to a 10% surge in the preceding two-year period). At more than 1.4 million referrals a year, council tax bailiff use remains far too high – and many individual authorities continue to increase their use of bailiffs to collect council tax arrears. Nevertheless, we are encouraged by this levelling off – particularly in the context of growing arrears – as potentially an early sign that the tide is finally beginning to turn.

Similarly, more local authorities are now engaging with this agenda. Our findings show modest net improvement in debt collection practices over the last two years. These changes relate mainly to council tax – and improvements are slow, but meaningful.

Set against this limited progress on council tax, however, is a 21% increase in bailiff use for parking debts – with **nearly 1.1 million parking debts passed to bailiffs** in 2018/19.

We will continue to work constructively with councils to help them reduce their bailiff use – and to impress on central government the urgent need for independent bailiff regulation and other national policy changes required to protect people in debt from harm.

A handwritten signature in cursive script that reads "Joanna Elson".

Joanna Elson OBE  
Chief Executive, Money Advice Trust

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# 1. Introduction

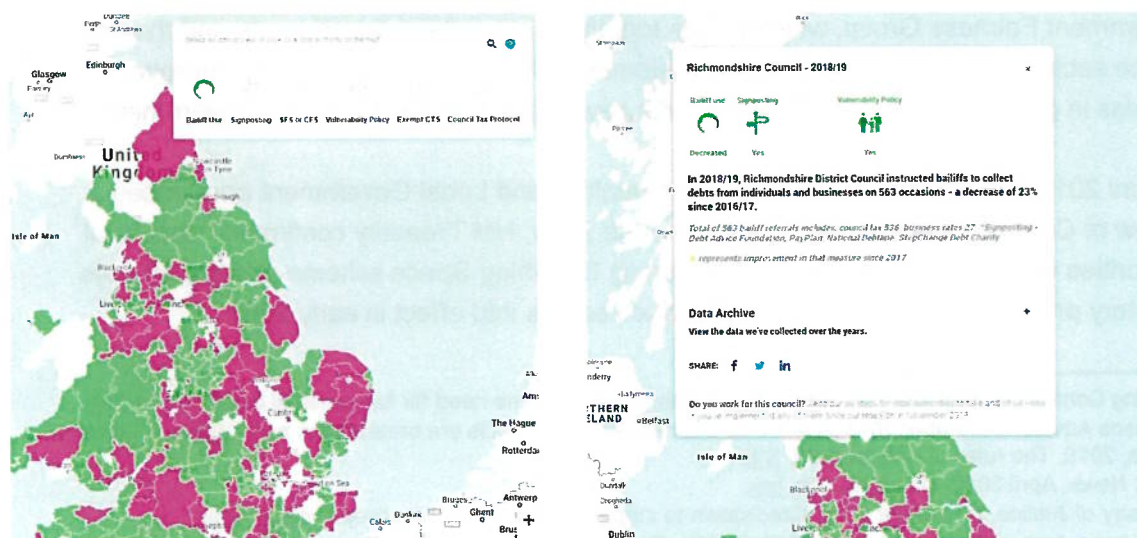
This is the third *Stop The Knock* report we have published, at two-year intervals since 2015, and the research it presents forms part of the Money Advice Trust's ongoing efforts to improve local government debt collection practices.

In this latest report, we present a review of developments in this area since our previous report published in 2017, together with our latest research on the use of bailiffs<sup>1</sup> (now known officially as enforcement agents) by local authorities in England and Wales during 2018/19.

Our findings show that more than 2.6 million debts were passed to bailiffs by local authorities in England and Wales in the 2018/19 financial year – a like-for-like overall increase of 7% since 2016/17, with this overall increase driven by a significant rise in the use of bailiffs to recover parking debts. For the first time in our research series, the use of bailiffs to collect council tax arrears remained stable – and yet at 1.4 million, the number of council tax debts being passed to bailiffs remains far too high.

The report also presents our updated mapping of local authority debt collection practices, which shows a modest net improvement in debt collection practices over the last two years. The full online map is available at [www.stoptheknock.org](http://www.stoptheknock.org)

We conclude with six steps that we recommend local authorities take in order to improve their debt collection practices – and a summary of our latest set of recommendations for central government.



The full results presented in this report are available to explore at [www.stoptheknock.org](http://www.stoptheknock.org)

<sup>1</sup> For a summary of how local authorities in England and Wales use bailiffs to collect different types of debt, see Appendix A.

<sup>2</sup> Taking Control group of charities, March 2017, Taking Control: The need for fundamental bailiff reform, [link](#)

## 2. Developments since 2017

Since the publication of our 2017 report, issues around the use of bailiffs to collect debts owed to local government have continued to rise steadily higher on the political agenda.

### Government reviewing the case for bailiff reform

Since 2017, the Money Advice Trust, Citizens Advice, StepChange Debt Charity and eight other organisations have been working together as the Taking Control group of charities campaigning for fundamental bailiff reform. The launch of the original Taking Control report<sup>2</sup> in March 2017 has been followed by subsequent reports<sup>3</sup> from Citizens Advice and significant public debate in response to the BAFTA-winning BBC Three docudrama *Killed By My Debt*,<sup>4</sup> which powerfully demonstrated the tragic impact that bailiff action can have.

In November 2018, the Ministry of Justice launched<sup>5</sup> a call for evidence on the impact of bailiff action, the responses to which are currently being considered. In January 2019, the Justice Select Committee held a one-day evidence session on the case for bailiff reform, going on to endorse<sup>6</sup> calls for independent regulation and a single complaints mechanism.

### A renewed fairness agenda in government debt collection

Just as the issue of bailiff reform has become more pertinent in Westminster and Whitehall, the last two years has seen increased attention on fairness in government debt collection – an agenda brought into sharp relief by strong criticism from the National Audit Office in its Tackling Problem Debt report<sup>7</sup> in September 2018. Following this report, the cross-government Fairness Group, which brings together government departments and the debt advice sector, issued a new joint public statement<sup>8</sup> and renewed its efforts to improve fairness in government debt collection – with new representation from local government.

In April 2019, the Ministry of Housing, Communities and Local Government announced a review of Council Tax Collection<sup>9</sup>, while in June 2019, HM Treasury confirmed<sup>10</sup> that local authorities would be included in its forthcoming Breathing Space scheme offering 60 days statutory protection from creditor action, which comes into effect in early 2021.

<sup>2</sup> Taking Control group of charities, March 2017, Taking Control: The need for fundamental bailiff reform, [link](#)

<sup>3</sup> Citizens Advice, November 2018, A law unto themselves: How bailiffs are breaking the rules, [link](#) and Citizens Advice, 2019, The rules of enforcement, [link](#)

<sup>4</sup> BBC News, April 2019, How debt kills, [link](#)

<sup>5</sup> Ministry of Justice, November 2018, Crackdown to stop rogue bailiffs making lives a misery, [link](#)

<sup>6</sup> Commons Justice Committee, April 2019, Bailiffs: Enforcement of debt, [link](#)

<sup>7</sup> National Audit Office, September 2018, Tackling Problem Debt, [link](#)

<sup>8</sup> Cabinet Office, May 2019, Fairness Group Joint Public Statement, [link](#)

<sup>9</sup> Ministry of Housing, Communities and Local Government, April 2019, Government pledges to improve the way Council Tax is recovered, [link](#)

<sup>10</sup> HM Treasury, June 2019, Consultation outcome – Breathing Space: Consultation on a policy proposal, [link](#)

## Increased engagement from local government

Many local authorities have also continued to engage constructively with the advice sector on improving their debt collection practices. In November 2018, the Money Advice Service, now the Money and Pensions Service, published its Supportive Council Tax Recovery Toolkit<sup>11</sup> – developed in conjunction with debt advice charities and several individual local authorities – as a means of sharing, more widely, the good practice that exists.

In January 2019, the Welsh Government and Welsh Local Government Association published the Council Tax Protocol for Wales: Good Practice in Collection of Council Tax.<sup>12</sup> The Welsh Government has amended regulations<sup>13</sup> to remove the option of imprisonment for non-payment of council tax as part of a wider package of reforms following campaigning from the Institute of Money Advisers, PayPlan, Money Saving Expert and others. The Welsh Government has also endorsed<sup>14</sup> the ‘six steps for local authorities’ published by the Money Advice Trust in our 2017 *Stop The Knock* report.

## An unchanged context of rising arrears and debt problems

Despite these promising developments, at both a local and national level, the context of rising arrears and debt problems relating to local government debt remains largely unchanged.

Council tax arrears accounted for 30% of callers to National Debtline in 2018 – compared to just 15% a decade ago and up from 26% when we published our last *Stop The Knock* report in 2017. Callers to National Debtline with benefit and tax credit overpayments, which include overpayments of Housing Benefit, have risen from just 3% of callers in 2010 to 16% in 2018.

Council tax arrears have continued to climb, with the total outstanding (from all years) in England now standing<sup>15</sup> at £3.2 billion at 31<sup>st</sup> March 2019 – up from £2.8 billion at 31<sup>st</sup> March 2017. The effects of the replacement of Council Tax Benefit with local Council Tax Support schemes continue, with New Policy Institute research<sup>16</sup> showing that the number of local authorities retaining 100% support declined further to just 62 in 2018/19 – meaning that even more low-income residents are now paying council tax for the first time.

It is in this challenging context that we present, in the next section, the results of our latest *Stop The Knock* research, as part of the advice sector’s continued efforts to secure positive policy change, and in support of local authorities’ own efforts to improve their practices.

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<sup>11</sup> Money Advice Service, Supportive Council Tax Recovery, December 2018, [link](#)

<sup>12</sup> Welsh Government and Welsh LGA, January 2019, Council Tax Protocol for Wales, [link](#)

<sup>13</sup> Rebecca Evans AM, May 2019, Making council tax fairer in Wales, Thoughts at the Trust blog, [link](#)

<sup>14</sup> Welsh Government, 2018, Removal of sanction of imprisonment for non-payment of council tax, [link](#)

<sup>15</sup> Ministry of Housing, Communities & Local Government, 2019, *Collection rates and receipts 2018-19*, [link](#)

<sup>16</sup> New Policy Institute, 2019, Council Tax Support update 2018/2019, [link](#)

## 3. Research aims and methodology

### 3.1. Research aims

The aims of our *Stop The Knock 2019* research were to:

- establish the **extent of bailiff use** by councils in England and Wales in the 2018/19 financial year, again examining debts relating to council tax, parking, Housing Benefit overpayments, business rates, commercial rents and other debt types.
- establish **trends in bailiff use** by lower-tier local authorities over time.
- map current **debt collection practices** employed by lower-tier local authorities in the areas of signposting, affordability and vulnerability, and (for authorities in England only), approaches to Council Tax Support recipients and the Council Tax Protocol.
- establish **how collection practices have changed** between 2016/17 and 2018/19.

### 3.2. Methodology

As in our previous *Stop The Knock* research,<sup>17</sup> a Freedom of Information request was issued to all local authorities<sup>18</sup> in England and Wales, in April 2019. 367 authorities (98%) responded to the request (up from 94% in 2017), with seven authorities not responding within the research period, which in all cases was longer than the statutory timeframe of 20 working days. 17 authorities responded only partially, in that they did not provide bailiff use figures for all of the debt types requested. One authority<sup>19</sup> declined to respond.

340 of the councils that responded to the request were lower-tier authorities (District, Borough and Unitary councils which are responsible for council tax collection), while 27 were upper-tier (County Councils in England) that primarily collect parking-related debts.

291 individual like-for-like comparisons were possible between lower-tier authorities who fully responded to our (identical) requests for information on bailiff use in both 2016/17 and 2018/19. Similarly, 270 individual like-for-like comparisons were possible between lower-tier authorities who responded in full to our requests relating to each of the 2014/15, 2016/17 and 2018/19 years. Any trends presented on bailiff use over time have been based solely on those authorities for which the relevant set of like-for-like comparisons are available.

All data used in this research has been provided by local authorities themselves via our Freedom of Information request, and so the accuracy of our results is dependent on the accuracy of information provided to us.

The data is presented via an interactive map of local authorities at [www.stoptheknock.org](http://www.stoptheknock.org), where the full data-set is also available for download.

<sup>17</sup> Money Advice Trust, 2015, *Stop The Knock: Local authorities and enforcement action* and Money Advice Trust, 2017, *Stop The Knock: Mapping local authorities debt collection practices in England and Wales*

<sup>18</sup> Several combinations of authorities in England merged with each other on 1<sup>st</sup> April 2019. This research relates to the 2018/19 financial year and therefore relates to the practices of authorities that existed during 2018/19.

<sup>19</sup> Newcastle City Council declined on the basis of commercial sensitivity due to an ongoing tender process.



## 4. Research findings

In this section we present our findings on the extent of bailiff use in 2018/19, bailiff use for different types of debt,<sup>20</sup> trends in bailiff use over time, and the results of our updated mapping of the debt collection practices of lower-tier local authorities.

### 4.1. The extent of bailiff use in 2018/19



The total number of bailiff referrals in 2018/19 from the 367 local authorities that responded to our Freedom of Information request stood at more than 2.6 million.

Council tax arrears were passed to bailiffs on 1.4 million occasions, with close to 1.1 million referrals for parking fines and 39,470 for Housing Benefit overpayments. There were 79,899 referrals to bailiffs for unpaid business rates, 3,665 for commercial rents and 26,521 for other/sundry debts owed by individuals and businesses.

Debt type	Total bailiff referrals	% of total
■ Council tax	1,417,736	54%
■ Parking	1,079,119	41%
■ Housing Benefit overpayments	39,470	1%
■ Business rates	79,899	3%
■ Commercial rents	3,665	0%
■ Other/sundry debts	26,521	1%
<b>All debt types</b>	<b>2,646,410</b>	

Figure 1: Bailiff use in 2018/19

Total bailiff use by debt type

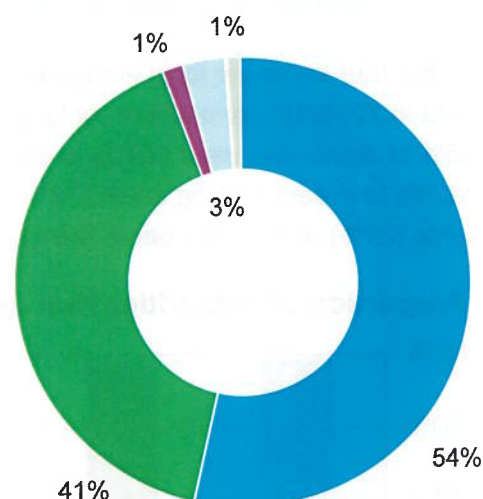


Figure 2: Total bailiff use in 2018/19 by debt type

### Bailiff use by region

Local authorities in London, the North West and South East again referred the highest number of debts – unsurprisingly given their populations – in the regional breakdown of bailiff use in 2018/19, with councils in the North East and Wales again referring the least.

Approaching one third of the total number of debts passed to bailiffs related to London Borough councils (31%), with the 29 (out of 32 London Boroughs) that responded to our request, and the City of London Corporation, passing 792,416 debts to bailiffs in 2018/19 between them. As with our previous findings, it should be noted that the volume of penalty charge notices for parking issued in the capital is a key driver of this high figure (parking

<sup>20</sup> For a breakdown of how local authorities use bailiffs for different debt types, see *Appendix A*

accounts for 541,970 or 67% of the 807,855 bailiff referrals reported to us by local authorities in London). This effect is also evident, to a much lesser extent, in other large cities.

Region	Response rate to FOI	Bailiff referrals	% of total
Greater London	94%	807,855	31%
North West	95%	356,084	13%
South East	100%	346,778	13%
West Midlands	97%	265,940	10%
East	96%	214,068	8%
Yorkshire and the Humber	100%	199,266	8%
East Midlands	100%	192,979	7%
South West	100%	126,129	5%
Wales	100%	83,523	3%
North East	90%	53,788	2%

Figure 3: Bailiff use in 2018/19 by region

\* For a separate analysis of local authority bailiff use in Wales, where the policy context is considerably different to England, see *Section 4.3*.

### Use of bailiffs for different debt types

All but four lower-tier local authorities<sup>21</sup> that responded used bailiffs to collect some kind of debt in 2018/19 – and all but six local authorities<sup>22</sup> used bailiffs to collect council tax debts. 95% of authorities used bailiffs to collect business rates, with smaller proportions using bailiffs to collect parking debts (72%), Housing Benefit overpayments (45%), commercial rents (24%) and sundry debts (28%).

#### Proportion of authorities that use bailiffs for each debt type

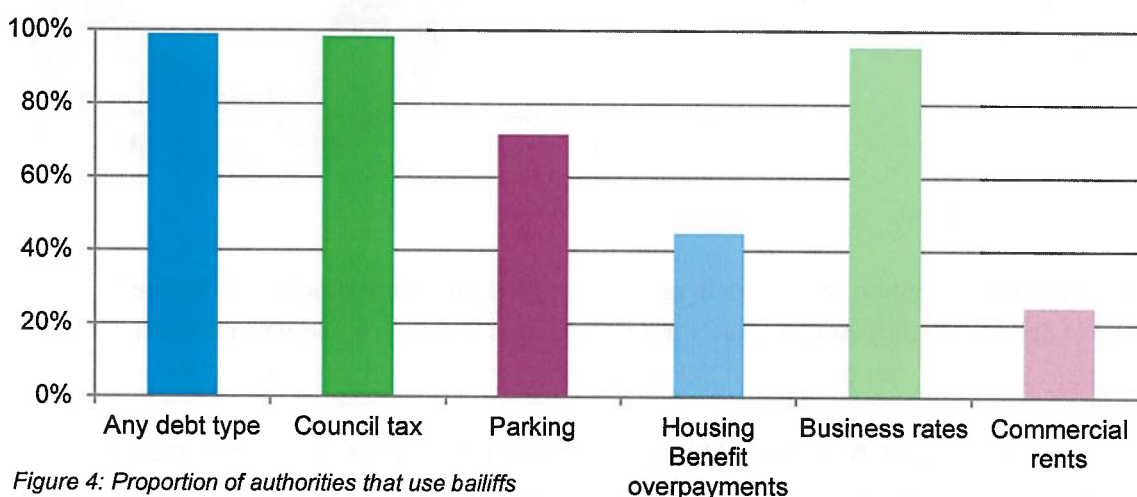


Figure 4: Proportion of authorities that use bailiffs for each debt type

<sup>21</sup> Since our 2017 research, Isles of Scilly Council has been joined by Lewes District Council, Maldon District Council and Wealden District Council in reporting no bailiff use for any debt type (in 2018/19).

<sup>22</sup> In addition to the four listed authorities above, Harrogate Borough Council and the London Borough of Hammersmith and Fulham reported that they had used no bailiffs for council tax debts in 2018/19.

## 4.2. Change in bailiff use over time



Our findings show a like-for-like increase of 7% in the total use of bailiffs across all debt types by comparable lower-tier authorities in the two years between 2016/17 and 2018/19.<sup>23</sup> This overall increase, however, is driven by a surge in bailiff use for recovering parking debts – with parking debt referrals up 21% over the two year period.

For the first time in our *Stop The Knock* research series, the use of bailiffs to collect council tax arrears remained stable over the research period, with no change between 2016/17 and 2018/19 (in comparison with a 10% increase between 2014/15 and 2016/17). Bailiff use for Housing Benefit overpayments and business rates decreased, by 21% and 6% respectively.

Debt type	2016/17*	2018/19*	Change
Council tax	1,198,973	1,202,259	0%
Parking	672,631	812,698	+21%
Housing Benefit overpayments	44,165	34,826	-21%
Business rates	71,751	67,411	-6%
Commercial rents	1,636	3,645	+123%
Other/sundry debts	20,300	21,321	+5%
All debt types	2,009,456	2,142,160	+7%

Figure 5: Change in bailiff use by debt type between 2016/17 & 2018/19 for councils where comparison available\*

Going back further in time, a like-for-like comparison of lower-tier local authorities across each of the 2014/15, 2016/17 and 2018/19 years<sup>24</sup> shows a 22% overall increase in the use of bailiffs across all debt types over this six year period – with a 10% increase in bailiff use for council tax arrears and a 55% increase in bailiff use for parking.

Debt type	2014/15*	2016/17*	2018/19*	Change
Council tax	1,036,402	1,139,139	1,139,900	+10%
Parking	505,066	650,937	781,461	+55%
Housing Benefit overpayments	34,228	42,393	33,352	-3%
Business rates	65,677	68,953	64,806	-1%
Commercial rents	2,494	1,585	2,847	+14%
Other/sundry debts	29,083	19,642	21,117	-27%
All debt types	1,672,950	1,922,649	2,043,483	+22%

Figure 6: Change in bailiff use by debt type between 2014/15 & 2018/19 for councils where comparison available\*

<sup>23</sup> Trends presented between 2016/17 and 2018/19 are based on the 291 lower-tier local authorities for which like-for-like comparisons are available between these two years. See *Methodology*.

<sup>24</sup> Trends presented between 2014/15, 2016/17 and 2018/19 are based on the 270 lower-tier local authorities for which like-for-like comparisons are available between all three of these years. See *Methodology*.

\* Note that bailiff use figures are presented in figures 5 and 6 only for those authorities for which like-for-like comparisons are available over time. These figures therefore will not match the 2018/19 totals in figure 1.

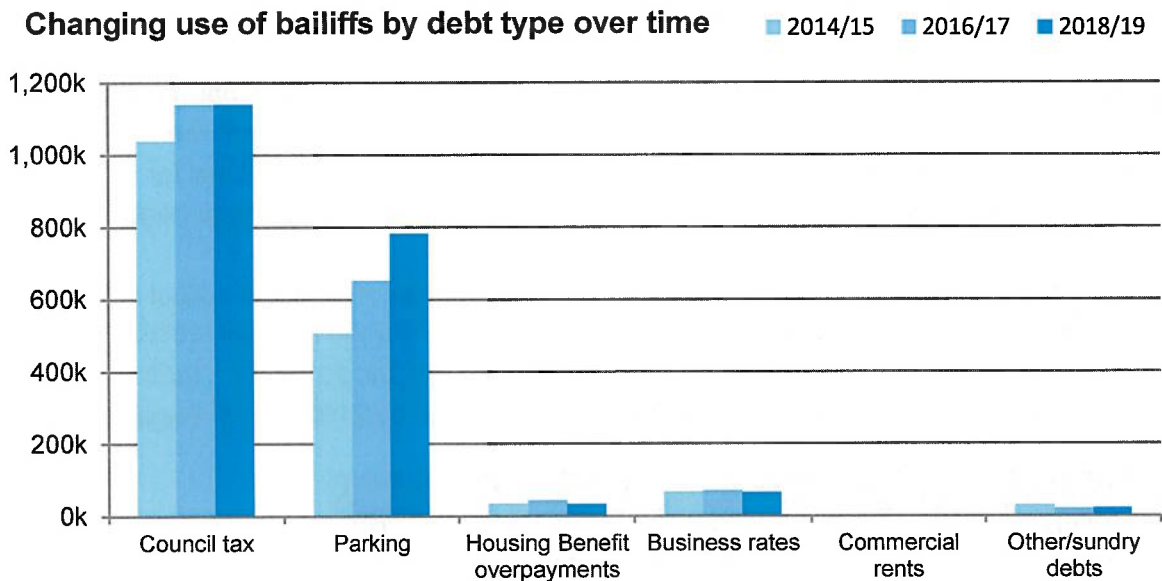


Figure 7: Change in bailiff referrals by debt type over time for authorities where comparison available

As in previous years, our findings show a continued divergence in volume of bailiff referrals. Of the 291 lower-tier authorities where comparisons can be made, 49% of authorities increased their use of bailiffs between 2016/17 and 2018/19 – down from 62% two years ago. 51% decreased their bailiff use in that time – up from 38% two years ago. This same 49/51 split is seen in bailiff use for council tax arrears specifically.

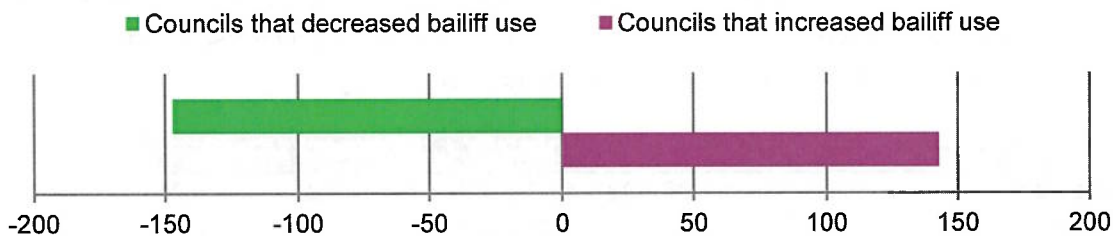


Figure 8: Councils that increased/decreased bailiff use between 2016/17 and 2018/19

For those councils that increased their bailiff use, the total increase in the number referrals was 41%. For those that used fewer bailiffs, the total decrease in referrals was 24%.

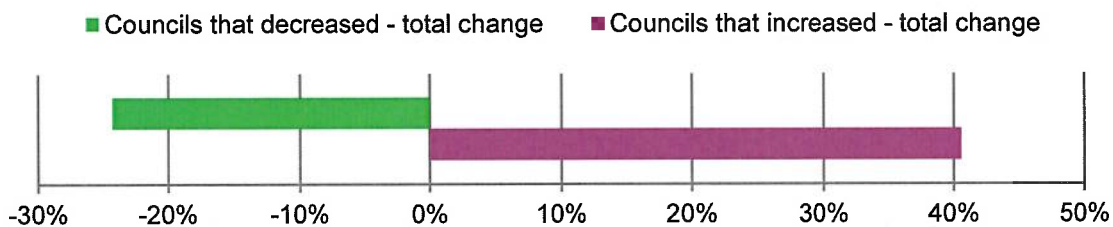


Figure 9: Total change in number of bailiff referrals by councils between 2016/17 and 2018/19

### 4.3. Bailiff use by local authorities in Wales

Local authorities in Wales account for only a small fraction (3%) of bailiff use in England and Wales, and the policy context also differs in Wales in one key aspect in particular – the Welsh Government’s continued funding of a 100% Council Tax Support scheme.<sup>25</sup> The Welsh Government has also implemented a wider package of work to improve council tax collection practices, including removing the sanction of imprisonment for non-payment and endorsing<sup>26</sup> the Money Advice Trust’s ‘six steps’ for local authorities. Given this very different policy context, the results for authorities in Wales are considered separately in this section.

#### Extent of bailiff use in Wales

Local authorities in Wales<sup>27</sup> passed 83,523 debts to bailiffs in 2018/19. This total comprised 53,671 council tax debts (64% of the total), 22,515 parking debts (27%), 1,396 Housing Benefit overpayments (2%), 2,594 business rate debts (3%), 205 commercial rents and 3,142 other/sundry debts (4%).

#### Changes in bailiff use in Wales over time

Overall bailiff use by local authorities in Wales increased 16% between 2016/17 and 2018/19 – but as in England, this was driven by a significant increase in bailiff referrals for parking debts (and more specifically, in Cardiff). The use of bailiffs to collect council tax debts in Wales has continued its decline, falling 2% over the two year period.

Of the 18 councils in Wales where comparisons can be made<sup>28</sup> between 2016/17 and 2018/19, only seven councils (39%) increased their use of bailiffs – down from 72% two years ago. 11 councils (61%) decreased their bailiff use in that time – up from 26% two years ago. Taking a longer-term view,<sup>29</sup> bailiff use for council tax has decreased 7% in Wales between 2014/15 and 2018/19, while bailiff use for parking debts has increased 36%.

Debt type	2014/15	2016/17	2018/19	Change
Council tax	45,627	43,042	42,523	-7%
Parking	15,976	7,135	21,777	+36%
Housing Benefit overpayments	874	1,572	832	-5%
Business rates	2,737	3,470	1,971	-28%
Commercial rents	34	209	202	
Other/sundry debts	644	2,922	2,277	
All debt types	65,892	58,350	69,582	+6%

Figure 10: Change in bailiff use Welsh councils between 2014/15 & 2018/19, where comparison available

<sup>25</sup> Welsh Government, 2016, Council Tax Reduction Scheme Regulations, [link](#)

<sup>26</sup> Welsh Government, 2018, Removal of sanction of imprisonment for non-payment of council tax, [link](#)

<sup>27</sup> All 22 local authorities in Wales responded to our Freedom of Information request. However, three councils provided only partial responses, with some (non-council tax) debt types not provided at time of publication.

<sup>28</sup> Of the 22 local authorities in Wales, 18 like-for-like comparisons were possible between 2016/17 and 2018/19.

<sup>29</sup> 16 like-for-like comparisons were possible between 2014/15, 2016/17 and 2018/19.

## 4.4. Mapping of debt collection practices



As in our previous *Stop The Knock* report, our research has again mapped local authority debt collection practices – beyond the single metric of bailiff use – addressing the key areas of signposting, affordability and vulnerability, and (for local authorities in England only) councils' approaches to Council Tax Support recipients, and the Council Tax Protocol. The findings in this section relate to lower-tier authorities only.

Our findings show that all but three councils<sup>30</sup> (99%) now signpost to free debt advice, 77 have adopted the Standard Financial Statement (SFS) (23%) and 202 have a formal vulnerability policy in place (59%). Amongst authorities in England, 30 exempt Council Tax Support recipients from bailiff action (9%) and 64 councils have adopted the Citizens Advice/Local Government Association Council Tax Protocol (20%).

A further 14 councils are currently considering adopting the SFS, while an additional nine councils are currently considering putting in place a vulnerability policy. A further 23 councils in England are currently considering adopting the Council Tax Protocol.

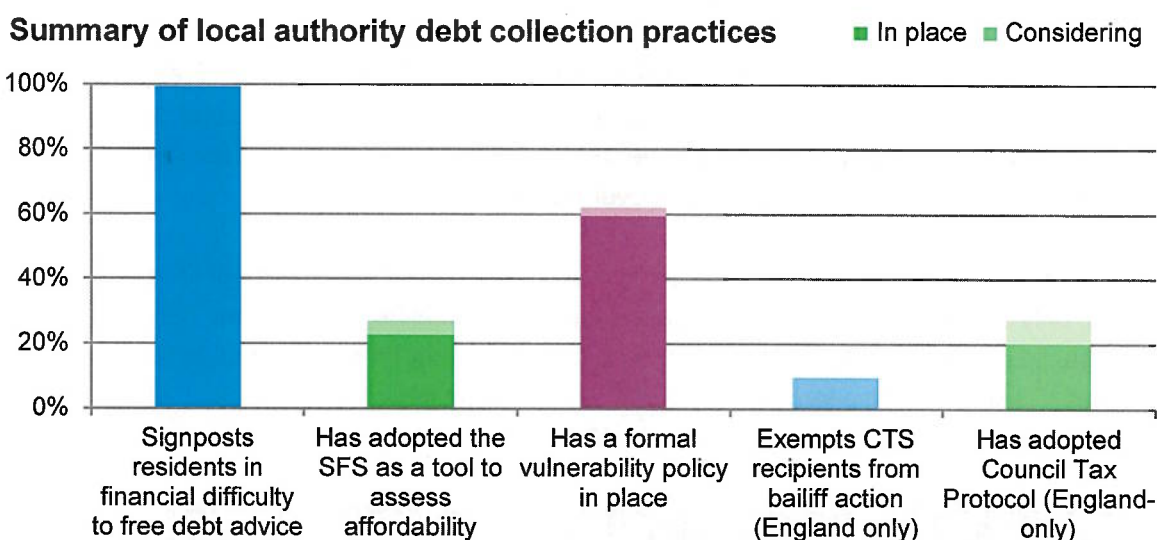


Figure 11: Summary of local authority debt collection practices

In comparison to our mapping of debt collection practices in 2016/17, these findings represent a modest net improvement in debt collection practices over the past two years.

Debt collection practice in 2018/19	Councils	%	Change
Signposts residents in difficulty to free debt advice	337	99%	+2%
Has adopted the SFS as a tool to assess affordability	77	23%	+4%
Has a formal vulnerability policy in place	202	59%	+3%
Exempts CTS recipients from bailiff action (England)	30	9%	+1%
Has adopted the Council Tax Protocol (England)	64	20%	+4%

Figure 12: Summary of local authority debt collection practices in 2018/19 and changes since 2016/17

<sup>30</sup> South Hams District Council, West Devon Borough Council, and Wirral Council.

## Signposting



The vast majority of local authorities (99%) **signpost** residents in financial difficulty to free debt advice – with only three councils<sup>30</sup> reporting that they do not take this basic step, down from 10 authorities two years ago. The vast majority (88%) signpost to Citizens Advice while approaching half signpost to national telephone and online advice providers StepChange Debt Charity (48%) and National Debtline (46%). There has been a small increase in signposting to telephone/online advice compared to two years ago.

Signposting destination	Councils	%	Change
Citizens Advice	299	88%	0%
StepChange Debt Charity	164	48%	+6%
National Debtline	156	46%	+6%
Money Advice Service	122	36%	+9%
Christians Against Poverty	64	19%	+5%
AdviceUK	43	13%	+2%
PayPlan	32	9%	+3%
Business Debtline	13	4%	-2%

Figure 12: Signposting destinations in 2018/19, with changes since 2016/17

## Affordability



77 councils told us that they had adopted the Standard Financial Statement (SFS) as an objective tool for assessing **affordability** as part of their debt collection process, representing 23% of authorities surveyed (up from 61 councils or 19% two years ago). A further 14 councils told us they are considering adopting the SFS, while a small number reported they had started to use the SFS but have since stopped doing so.

As we found two years ago, several other councils volunteered that they do use a formal income and expenditure tool, but based on their own figures, and a small number stated that they believed their own tool was similar to the Standard Financial Statement.

## Vulnerability



Around six in 10 authorities (59%) have a formal policy in place for dealing with residents in **vulnerable circumstances**, up from 56% two years ago. Formal policies were in place both in the form of separate documents, and as specific vulnerability sections in wider debt collection policies. A further 3% said they are currently considering putting a vulnerability policy in place.

Of those councils who do not have a policy in place, several volunteered that they instead 'treat every resident individually', or instead cited their bailiff firms' vulnerability policies.

## Council Tax Support recipients



30 local authorities in England told us that they had a policy of exempting recipients of **Council Tax Support** from bailiff action – representing 9% of authorities and an increase from 23 councils (8%) two years ago. Some local authorities volunteered that they had implemented measures that fell short of a full exemption, but that did have the effect of making the use of bailiffs in these cases less likely.

It should be noted that some authorities in England have retained a 100% Council Tax Support scheme, and the Welsh Government funds a Wales-wide 100% Council Tax Support scheme, and so the need for such an exemption policy does not arise in these circumstances, as no council tax is charged in the first place.

## Council Tax Protocol



64 authorities in England (20% of councils that responded) reported that they had signed the Citizens Advice/Local Government Association **Council Tax Protocol**. A further 23 councils told us they are currently considering taking this step (7% of councils). A small number of other councils reported that while they have not formally adopted the Protocol, they believed most of its elements were already in place.

Since our last *Stop The Knock* report, all 22 local authorities in Wales have signed up to the separate Welsh Government/Welsh Local Government Association Council Tax Protocol.

Our findings for authorities in England provide further evidence of a correlation between adoption of the Council Tax Protocol and better debt collection practices. In 2018/19 councils which had adopted the Protocol were significantly more likely to have adopted the Standard Financial Statement (44% for Protocol councils, compared to 17% for non-Protocol councils), more likely to have a vulnerability policy (68% compared to 60%) and twice as likely to exempt Council Tax Support recipients from bailiff action (14% compared to 7%).

## Collection practices in Wales

All 22 local authorities in Wales reported that they signposted residents in financial difficulty to free debt advice. Only four authorities told us they had adopted the Standard Financial Statement – up from two councils two years ago – with one more considering doing this. 12 authorities have a formal vulnerability policy in place – up from eight two years ago – with three more councils currently considering taking this step.

## Further details

Further details of these findings, including an online map of debt collection practices and how these have changed over time, are available at [www.stoptheknock.org](http://www.stoptheknock.org)



## 5. Recommendations

In this section we present steps for local authorities to consider in reducing their bailiff use and improving debt collection practices, and our recommendations for central government.

### 5.1. Six steps for local authorities

In our previous *Stop The Knock* report in 2017 we published ‘six steps’ for local authorities to consider in improving their debt collection practices and reducing the use of bailiffs. These steps, updated and summarised below, have since been endorsed by the Welsh Government and used by several councils in considering changes to policy and practice.

#### **1 Make a clear public commitment to reduce the use of bailiffs over time**

We recommend that council leaders make a clear public commitment to reduce the use of bailiffs over time by improving their debt collection practices, in order to provide clarity to officers at an operational level. This commitment could take the form of a public statement, a formal decision or statement of administration policy, or a motion of Full Council. This commitment should include all debt types, not just council tax arrears.

#### **2 Review signposting to free debt advice, including phone/online channels**

We recommend that all councils regularly review their signposting and referrals processes to ensure that all opportunities to help people access free debt advice are maximised. This should be implemented for all debt types, not just council tax. For councils who currently signpost only to face-to-face agencies, we recommend providing residents with a choice of channel by additionally signposting to telephone/online advice agencies.

#### **3 Adopt the Standard Financial Statement to objectively assess affordability**

We recommend that councils adopt the Standard Financial Statement (SFS), which provides a consistent, fair and industry-recognised method of working out affordable repayments, for residents in financial difficulty. For all types of debt, councils should proactively establish ability to pay before sending accounts for enforcement – and accept any provided SFS-compliant financial statement as a true reflection of income and expenditure.

#### **4 Put in place a formal policy covering residents in vulnerable circumstances**

We recommend that all local authorities should introduce, for all debt types, a formal vulnerability policy – either as a standalone document or in the form of specific and detailed provisions in a broader debt collection or corporate debt recovery policy. This should include identifying vulnerable residents and amending collections processes accordingly. Policies should be published and reviewed regularly, and should be accompanied by staff training.

## 5 Exempt Council Tax Support recipients from bailiff action (England only)

For authorities in England, we recommend exempting recipients of Council Tax Support, who have already been identified as requiring additional support through locally-determined criteria, from bailiff action altogether. This recommendation would see local authorities follow the lead of the small number of councils who have adopted this approach, which has been shown to deliver significant results for both residents and the taxpayer.<sup>31</sup>

## 6 Sign the Council Tax Protocol and review current practice against the Money and Pensions Service ‘Supportive Council Tax Recovery’ Toolkit

Finally, we recommend that all local authorities in England should sign up to the revised Citizens Advice/Local Government Association Council Tax Protocol,<sup>32</sup> agreed in June 2017. Many of the principles in the Protocol – and its Wales equivalent – can be operationalised using the Money and Pensions Service’s Supportive Council Tax Recovery Toolkit,<sup>33</sup> against which we would recommend all local authorities review their current practices.

For full details of the ‘six steps’ see our briefing for local authorities at [www.stoptheknock.org](http://www.stoptheknock.org)

### 5.2. Recommendations for central government

While the debt advice sector will continue to work with local authorities to improve policies and practices at a local level, the pace of this improvement is too slow. As part of the Ministry of Justice’s review of bailiff reform and the Ministry of Housing, Communities and Local Government’s ongoing review of council tax collection, the government should:

- Introduce **independent bailiff regulation** and a single complaints mechanism, as recommended by the Taking Control group of charities and Justice Select Committee.
- Review and amend the **Council Tax (Administration and Enforcement) Regulations 1992**, including putting an end to residents becoming liable for their entire annual bill upon one missed payment, and removing the sanction of imprisonment.<sup>34</sup>
- Place the **Good Practice Guidance for Council Tax collection** on a statutory footing and introduce statutory reporting of **debt collection methods and outcomes**, across all debt types, to incentivise good practice and quicken the pace of improvement.
- Introduce (and fully fund) a mandatory requirement for local authorities in England to re-introduce **100% Council Tax Support schemes**, to ensure that those residents identified as most in need of support using locally-set criteria are not required to pay.
- Review the **enforcement of parking penalty charge notices** to bring this into line with the enforcement of County Court Judgments, including measures to allow the court to suspend warrants and people to apply to pay through affordable instalments.

<sup>31</sup> For more information on this see CPAG and Z2K, 2016, Still too poor to pay, [link](#)

<sup>32</sup> Citizens Advice and LGA, 2017, Revised Collection of Council Tax Arrears Good Practice Protocol, [link](#). A separate Wales-wide Council Tax Protocol has been developed by the Welsh Government and Welsh LGA

<sup>33</sup> Money Advice Service, Supportive Council Tax Recovery, December 2018, [link](#)

<sup>34</sup> For further information on amendments that could be made to the Council Tax (Administration and Enforcement) Regulations 1992 see recommendations in Citizens Advice, 2019, The Costs of Collection, [link](#)

## Appendix A: Bailiff use by debt type

The following table<sup>35</sup> shows when and how local authorities use bailiffs to recover different types of debt.

Council tax arrears	Parking penalties
<p>If someone falls behind with council tax payments, the local authority may apply to the magistrates' court to make a '<i>liability order</i>'. This is a court order that states that they owe council tax but have not paid it. The local authority will also add on any court costs they have had to pay.</p> <p>If the person owing the debt does not pay the amount stated on the order, the local authority can take enforcement action, which could include:</p> <ul style="list-style-type: none"> <li>• using bailiffs to try and take goods;</li> <li>• making deductions from earnings;</li> <li>• making deductions from benefits;</li> <li>• charging orders (where the debt is secured on a property owned by the person in debt);</li> <li>• bankruptcy; and</li> <li>• imprisonment (in England only).</li> </ul> <p>The council can decide which type of enforcement action to use. However, they can only use one type of enforcement action at a time. Most local authorities prefer to use bailiffs or deductions from earnings to try and recover unpaid council tax. The person owing the debt can make an offer of payment to the council at any time before they use enforcement action. This could stop the action from happening.</p> <p>In England only, if the local authority uses bailiffs and the person owing the debt still hasn't paid their council tax in full, the local authority may apply to the magistrates' court for an order for them to be sent to prison.</p> <p>The sanction of imprisonment for non-payment of Council Tax in Wales has now been removed by the Welsh Government.</p>	<p>Local authorities typically have their own traffic wardens (called civil enforcement officers) who issue penalty charge notices, for example, for parking on double yellow lines, in a permit only zone, on zigzag lines or in parking meter zones.</p> <p>Most local authorities have the power to enforce these parking penalties under the Traffic Management Act 2004. These parking penalties are not treated as criminal offences. They are often known as a 'parking penalty charge' or a 'penalty charge notice' (PCN). A PCN is enforced through the county court and private bailiffs.</p> <p>The local authority applies for a court order through the Traffic Enforcement Centre at Northampton County Court. This order authorises the local authority to instruct private bailiffs to collect the charge. 21 days after the court order is issued, the local authority can issue a warrant to the bailiffs, which allows the bailiffs to act.</p> <p>Unlike the usual county court process it is not possible to ask the court to suspend the warrant or to make an order to allow the charge to be paid in affordable installments. It is not easy to negotiate directly with the local authority to avoid bailiffs being instructed.</p> <p>The enforcement of PCNs relies heavily on the use of private bailiffs. There is no power to send anyone to prison for not paying a parking penalty.</p>

<sup>35</sup> Reproduced and updated from Money Advice Trust, 2015, *Stop The Knock: Local authorities and enforcement action*, September 2015, [link](#)

Housing Benefit overpayments	Business rates
<p>Housing Benefit overpayments are recoverable by a variety of methods such as deductions from future payments of Housing Benefit, deductions from other benefits, via an adjustment to the tenant's rent account or by way of a direct earnings attachment.</p> <p>Where none of these recovery methods are practical it is possible for a local authority to obtain a court order in the County Court which allows them to take enforcement action. This can include applying for a warrant of control to authorize private bailiffs to act. If the debt is more than £600, the debt may be transferred to the High Court for enforcement by High Court Enforcement Officers, although this rarely happens in practice.</p>	<p>If a business falls behind with business rate payments, the local authority may apply to the magistrates' court to make a <i>'liability order'</i>. This is a court order which confirms that the business owes business rates and has not paid them. The liability order will be for the total amount owed plus any court costs the local authority has to pay.</p> <p>Once the magistrates' court grants a liability order, the council may use bailiffs to try and recover the debt. They can attend a business premises or a home. Bailiffs can only call between the hours of 6am and 9pm except where the businesses normal trading hours are outside this period (e.g. pubs and restaurants), and must provide the business with full written details of the liability.</p>

## Appendix B: Further reading

This report builds on the Money Advice Trust's two previous reports, *Stop The Knock: Local authorities and enforcement action* (2015) and *Stop The Knock: Mapping local authority debt collection practices in England and Wales* (2017) along with a range of other relevant research, reports and guidance published in the last two years.

A selection of the most relevant reports and other documents published by other organisations since 2017 are included below.<sup>36</sup>

### Local government debt collection

Money Advice Trust, 2015, *Stop The Knock: Local authorities and enforcement action*, September 2015, <http://www.moneyadvicetrust.org/SiteCollectionDocuments/Research%20and%20reports/Council%20tax%20arrears%20and%20enforcement%20V7.pdf>

Money Advice Trust, 2017, *Stop The Knock: Mapping local authority debt collection practices in England and Wales*, November 2017, <http://www.moneyadvicetrust.org/researchpolicy/research/Documents/Money%20Advice%20Trust%20-%20Stop%20The%20Knock%202017%20report.pdf>

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National Audit Office, 2018, *Tackling Problem Debt*, September 2018, <https://www.nao.org.uk/report/tackling-problem-debt/>

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# Stop The Knock |

## Money Advice Trust

The Money Advice Trust is a charity formed in 1991 to help people across the UK tackle their debts and manage their money with confidence.

For more information about this report:

Email: [policy@moneyadvicetrust.org](mailto:policy@moneyadvicetrust.org)

Website: [www.moneyadvicetrust.org](http://www.moneyadvicetrust.org)

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**PATROL AND BUS LANE ADJUDICATION SERVICE JOINT  
COMMITTEE  
Executive Sub Committees**

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<b>Date of Meeting:</b>	29 <sup>th</sup> October 2019
<b>Report of:</b>	The Director on behalf of the Advisory Board
<b>Subject/Title:</b>	Appointments to the Advisory Board

---

**1.0 Report Summary**

- 1.1 This report seeks approval for the inclusion of and nomination to a new position on the Advisory Board representing Charging Clean Air Zones (CCAZ).

**2.0 Recommendation**

Members are requested to:

- 2.1 Approve the inclusion of a new position on the Advisory Board representing CCAZ authorities.
- 2.2 Approve the nomination of Emma Slater of Leeds City Council to that position for a period of four years to July 2023.

**3.0 Reasons for Recommendations**

- 3.1 To enable the Advisory Board to reflect forthcoming areas for enforcement and appeals.

**4.0 Financial Implications**

- 4.1 The budget makes provision for the Advisory Board

**5.0 Legal Implications**

- 5.1 The Joint Committee's governance arrangements make provision for the appointment of an Advisory Board

**6.0 Risk Management**

- 6.1 The Advisory Board scrutinises the Joint Committee's Risk Management Strategy and associated documentation.

## **7.0 Background and Options**

- 7.1 The Standing Orders provide for the Joint Committee to establish and appoint an Advisory Board comprising the Lead Officer and other such officers and persons appointed by the Joint Committee to advise it on its functions.
- 7.2 The attached Terms of Reference enable an effective and efficient arrangement for matters relating to the PATROLAJC and the Bus Lane Adjudication Service Joint Committee BLASJC.

## **8.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Louise Hutchinson  
Designation: Director  
Tel No: 01625 445566  
Email: lhutchinson@patrol-uk.info

## Appendix 1

### **PATROL ADJUDICATION SERVICE & BUS LANE ADJUDICATION SERVICE ADVISORY BOARD**

#### **Terms of Reference**

1. To assist and advise the Joint Committees on the overall policies and strategies for administering the adjudication service and on their responsibilities under
  - section 81 of the Traffic Management Act 2004 (TMA) and Regulations 17 and 18 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (the English General Regulations);
  - section 81 of the TMA and Regulations 16 and 17 of the Civil Enforcement of Road Traffic Contraventions (General Provisions) Wales Regulations 2013 (the Welsh General Provisions Regulations);
  - Regulations 12 and 13 of The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (the Road User Charging Regulations).
  - Regulation 18 of The Littering from Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018

These functions are exercised through PATROL in accordance with Regulation 16 of the English General Regulations and Regulation 15 of the Welsh General Provisions Regulations.

2. The Advisory Board has no remit to consider or influence decisions of adjudicators and the function of the adjudication service as an Independent Tribunal.
3. To receive and monitor progress against the Performance Management Strategy produced by the Director and to review the service structure, organisation and administration and to scrutinise recommendations for changes before they are put before the Joint Committees.
4. To monitor and review the service revenue budgets and to scrutinise recommendations for changes before they are put before the Joint Committees.
5. To assist and advise the Director on the preparation of an annual service plan
6. The Board shall consist of always the Lead Officer plus up to eleven people:
  - Seven representatives of local authorities as follows:

- At least one representing an English Authority
  - At least one representing a Welsh Authority
  - At least one representing a District Council
  - At least one representing a County Council
  - At least one representing a Unitary or Metropolitan Council
  - At least one representing a Civil Bus Lane Enforcement Council.
  - At least one representing a local authority enforcing road user charging in respect of Charging Clean Air Zone.
- A representative from the Department for Transport (road user charging).
  - A representative from a motoring association.
  - An independent person with knowledge of judicial or tribunal systems.
  - An independent consumer representative

The DfT, WG, Motoring Association and Independent members would act as ex-officio members.

Department for Transport and Welsh Government representatives will be welcomed to attend meetings or provide updates.

The Joint Committees shall make appointments to the Advisory Board based on recommendations received from the Advisory Board. Such appointments are to be for four years but may be subject to reappointment. Except for the Lead Officer, members shall retire on a four-year rotation cycle.

The Advisory Board shall recommend to the Joint Committees representatives of an appropriate motoring organisation and appropriate independent persons who should sit on the Board.

The DfT shall nominate a specific representative for road user charging.

Advisory Board members should not be day-to-day managers of parking services and should where possible include representatives from legal and financial backgrounds as well as those responsible for parking.

The Board shall elect a Chairman, a Vice-Chairman and a Secretary from within the membership of the Board.

Where a representative has been unable to attend three consecutive meetings, the Chair will draw this to the attention of the Board to determine whether an alternative representative be sought.

## Appointments and four-year cycle

### Local Authority Members

The following local authority members were appointed by the Joint Committees and retire as set out below.

#### July 2019

Cheshire East Council	George Broughton	Lead Authority
South Lakeland Council	Pat Knowles	English District
Calderdale Council	Ian Hughes	Metropolitan Authority

#### July 2020

Carmarthenshire Council	Stephen Piliner	Welsh Authority
Brighton & Hove City Council	Paul Nicholls	Unitary Authority

#### July 2021

City of Stoke on Trent	Michael Clarke	Bus Lane Authority
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#### July 2022

Hampshire	Marc Samways	English Shire
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### Welsh Government Member

This is a matter for the Welsh Government Transport Directorate to decide from time to time. Currently Owen Jones Williams is their representative.

### Department for Transport Member

This is a matter for the DfT to decide from time to time. Dana Fletcher is currently their representative in respect of road user charging.

### Independent Member

The Joint Committee has appointed Graham Addicott OBE, as the independent member for a four-year period ending July 2021.

### Motoring Organisation Member

The Advisory Board considers it appropriate that from time to time. This appointment should be rotated between the RAC Foundation and the AA Motoring Trust.

**Bus Lane Member**

The Bus Lane Joint Committee has appointed Michael Clarke of City of Stoke on Trent.

**Recommendations**

The below named are re-appointed for a four-year period to July 2023

Cheshire East Council  
South Lakeland Council  
Calderdale Council

George Broughton  
Pat Knowles  
Ian Hughes

Lead Authority  
English District  
Metropolitan Authority

**PATROL AND BUS LANE ADJUDICATION SERVICE JOINT  
COMMITTEES  
Executive Sub Committees**

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**Date of Meeting:** 29<sup>th</sup> October 2019

**Report of:** The Director

**Subject/Title:** Risk Management Framework

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**1. Report Summary**

The report presents the current assessment of risk.

**2. Recommendation**

To note the current assessment of risk (Appendix 1).

**3. Reasons for Recommendations**

To report on arrangements for identifying, managing and reporting risk

**4. Financial Implications**

None at this time

**5. Legal Implications**

None

**6. Risk Management**

Provides a framework for risk management.

**7. Background and Options**

The Risk Register is set out at Appendix 1

**8. Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Louise Hutchinson

Designation: Director

Tel No: 01625 445566

Email: [lhutchinson@patrol-uk.info](mailto:lhutchinson@patrol-uk.info)

## Appendix 1

# Risk Management Framework

## 1. Introduction

This report provides a summary of the most significant threats facing the Joint Committees which may prevent or assist with the achievement of its objectives. We are grateful to input from Cheshire East Council in reviewing our approach to managing and reporting risks and feedback from officers and members.

It is the role of the Joint Committee's Resources Working Group and Sub Committee to review the report prior to consideration by the Joint Committees or their Executive Sub Committees. This review aims to provide assurance on the adequacy of the risk management framework and internal control environment. Risk management is not about being risk averse, it is about effectively managing risks that could affect the achievement of objectives and ensuring that an appropriate risk culture is in place.

A risk is concerned with a threat, or a possible future event, which will adversely or beneficially affect the Joint Committee's ability to achieve its objectives. Risk management is central to good governance and is all about people making the best decision at all levels within the organisation.

A strong risk framework:

- Strengthens governance effectiveness
- Provides a focusing mechanism
- Balances the scale of risk and reward
- Enables better decision making

## 2. Corporate Risks

The Joint Committee summarises its risk appetite as follow:

*"We will avoid risks that threaten our ability to undertake our principal objectives in a way that provides quality and value. We will maintain a sufficient level of reserves to support liquidity and absorb short-term fluctuations in income and expenditure beyond our control."*

There are presently five threats on the Corporate Risk Register. These are currently measured as being "low" or "medium" scale risks. The classification of risk is set out below.



**Risk Matrix**

		Consequence				
		5	4	3	2	1
Likelihood	5	25	20	15	10	5
	4	20	16	12	8	4
	3	15	12	9	6	3
	2	10	8	6	4	2
	1	5	4	3	2	1

**3. Background to Corporate Risks:**

Local authorities who undertake civil parking and bus lane enforcement are required by statute to make provision for independent adjudication. The relationship between the adjudicators and the Joint Committee is derived from and governed by the Traffic Management Act 2004 and, in the case of the Bus Lane Adjudication Service Joint Committee, the Transport Act 2000.

The main function of the Joint Committee is to provide resources to support independent adjudicators and their staff who together comprise the Traffic Penalty Tribunal. The tribunal's appeal streams include:

- Parking
- Bus Lanes
- Moving Traffic (Wales only)
- Road User Charging
- Littering from vehicles

The objectives of PATROL include:

- a) A fair adjudication service for Appellants including visible independence of adjudicators from the authorities in whose areas they are working.
- b) Consistency in access to adjudication.
- c) A cost effective and equitable adjudication service for all Parking Authorities and Bus Lane authorities in England and Wales.
- d) Flexibility to deal with a wide range of local authorities with varying levels of demand for adjudication.

The relationship between the adjudicators and the PATROL and Bus Lane Adjudication Service Joint Committees is underpinned by a Memorandum of Understanding. The overriding principle of this memorandum is that the adjudicators are independent judicial office holders exercising a judicial function.

The adjudicators and joint committees are committed to a fair adjudication service for appellants including visible independence of adjudicators from the authorities in whose area they are working.

A core principle for the tribunal has been providing an accessible tribunal which is proportionate to the jurisdiction. It is recognised that for most appellants, appealing to the tribunal will be the only time they come into contact with the judiciary. For this reason, the tribunal seeks to provide access to adjudication which is simple to use and timely for appellants in England and Wales.

The focus for the delivery of adjudication is:

***“a tribunal service that is user-focused,  
efficient, timely, helpful and readily accessible”***

The Traffic Penalty Tribunal is committed to the principles of Digital by Design and the provision of Assisted Digital Support to support people who are unable to or need assistance to appeal online. The tribunal’s online appeal system has received national and regional awards and its levels of customer service has also been commended. The FOAM (Fast Online Appeal Management) initiative and the collaboration between more than 300 local authorities has been cited as a digital exemplar.

#### 4. Review

The Director is responsible for coordinating the review of the Risk Management Framework and reporting to the Joint Committee’s Officer Advisory Board and the Resources Working Group and Sub Committee whose terms of reference include the review of risk. Following this scrutiny, the Risk Management Framework is report to the PATROL and Bus Lane Adjudication Service Joint Committees or their Executive Sub Committees.

Additional assurance is provided by Internal and External Audit. PATROL and the Bus Lane Adjudication Service is not required to prepare and publish audited accounts but does so to promote transparency.

## 5. Corporate Risks

Ref & Type	Risk Description (Including Cause, threat and impact upon outcomes)	Risk Owners	Rating and Direction	Comments
CR1	<p><b>Inability to meet demand for service</b> (Cause) The tribunal provides a statutory function which is available to all vehicle owners who receive a Notice of Rejection of Representations in respect of specified penalties. (Threat) the tribunal is unable to meet its statutory obligations (impact) appellants are unable to appeal penalties</p>	Chief Adjudicator and Stakeholder Manager.	4 ↔	The net risk rating is 4 low. The tribunal has a fully scalable online system and a flexible adjudicator and staffing model. This is complimented by assisted digital support for appellants who are unable to make their appeal on line. The tribunal continues to refine and develop the online system in response to user feedback.
CR2 Threat	<p><b>Lack of Financial Resilience</b> (Cause)The basis for defraying Joint Committee expenses is based on variable rather than fixed charges. This means that the Joint Committee must manage unforeseen significant fluctuations in either Income or Costs such that (threat) Reserves are significantly eroded and (impact) financial obligations cannot be met.</p>	Director and Central Services Manager	8 ↓	This rating has reduced from 9 reported to the July 2019 meeting and reflects internal audit assurance concerning financial management. The introduction of new enforcement schemes continues to be assessed.
CR3 Threat	<p><b>Loss of Data Integrity</b> (Cause) The Tribunal operates an on-line appeal system to improve the quality and flexibility for tribunal users. Support systems are also underpinned by a range of technologies. With this deployment of technologies, the risk of security breaches increases. This could result in the inability of IT to support the needs of the organisation and users</p>	Director and Stakeholder Manager	9 ↔	This rating remains unchanged - medium. A range of security monitoring features, data management procedures and training are being reviewed/deployed in the light of the General Data Protection Regulation 2016 and Data Protection Act 2018.

	such that (threat) the statutory service is not accessible to all and (impact) appeals cannot be adjudicated online. Potential breach of General Data Protection Regulations 2016 and Data Protection Act 2018.			
CR4 Threat	<b>Lack of Resource Planning</b> (Cause) Insufficient adjudicator or staff resources to support the needs of the organisation such that (threat) the organisation is unable to meet its statutory obligations and (impact) the quality or timeliness of the adjudication process, administrative standards or the achievement of development objectives compromised	Chief Adjudicator & Director	6 ↔	This rating remains unchanged - medium. Continued monitoring of workload and capacity, training and appraisals combined with documentation of processes and procedures and the delegations to the Resources Sub Committee act to mitigate this risk.
CR5 Threat	<b>Lack of preparation for business continuity</b> (Cause) that an internal or external incident occurs which renders the organisation unable to utilise part or all of its infrastructure such that (impact) the organisation is unable to deliver some or all of its services resulting in (impact) reduced accessibility to our service.	Central Services Manager & Stakeholder Engagement Manager	6 ↔	This rating is medium A detailed DR plan is held and reviewed each quarter. This is accessible to all managers and has clearly defined responsibilities. This plan acts to mitigate this risk. This plan is due to be reviewed and as such is on the 'watch' list

**Appendix 1**

# General Progress Report

**1 April 2019 – 30 September 2019**

## 1. Introduction

### 1.1

This report provides an overview of Traffic Penalty Tribunal (TPT) statistics, trends and initiatives for the period 1 April to 30 September 2019.

This period has seen a 39% increase in penalty charge notices (PCNs) appealed when compared to the same period last year. The majority of this increase relates to appeals against road user charging penalties issued from the Mersey Gateway Bridge Crossing scheme (further details of which are included in the report).

## 2. Background

### 2.1

The TPT decides appeals against penalties issued for traffic contraventions by enforcement and charging authorities in England (outside London) and Wales.

### 2.2

This includes appeals against civil enforcement penalties issued by local authorities for Parking, Bus Lane, Littering from Vehicles (England only) and Moving Traffic contraventions (in Wales only), as well as appeals arising from Road User Charging enforcement.

### 2.3

The Road User Charging schemes for which the TPT sees appeals for include the:

- Dartford-Thurrock River Crossing ('Dart Charge'), where the charging authority is the Secretary of State for Transport
- Mersey Gateway Crossings ('Merseyflow'), where the charging authority is Halton Borough Council
- Durham Road User Charge Zone ('Durham RUCZ'), where the charging authority is Durham County Council.

## 2.4

The TPT comprises 27 part-time adjudicators (wholly independent lawyers whose appointments are subject to the consent of the Lord Chancellor) working remotely with the support of 14 administrative staff, who provide customer support and process appeals.

## 2.5

The Chief Adjudicator is Caroline Sheppard OBE and the Deputy Chief Adjudicator is Stephen Knapp.

## 2.6

The TPT is funded by the PATROL Joint Committee of over 300 local authorities. PATROL fulfils a statutory duty to make provision for the independent adjudication provided by the TPT.

## 2.7

The TPT Adjudicators are independent, judicial office holders, exercising a judicial function, and not employees of the Joint Committee. Together they constitute the independent and impartial tribunal for the determination of appeals made to them. The Adjudicators and their administrative staff are, for convenience, described collectively as the Traffic Penalty Tribunal.

## 2.8

The relationship between the TPT and the PATROL Joint Committee is largely derived from and governed by the *Traffic Management Act 2004* and *Transport Act 2000* and the regulations made under those two Acts. The TPT and Joint Committees have also established a Memorandum of Understanding, which is reviewed each year.

### 3. Appeals and PCN summary, April to September 2019

Please note: The figures within this section include all PCNs dealt with by the Tribunal. This includes Witness Statements. It should be noted that the PCN figures will also include a small number of duplicated PCNs, and those PCNs not registered by the adjudicator

#### 3.1 PCNs appealed: All appeal streams

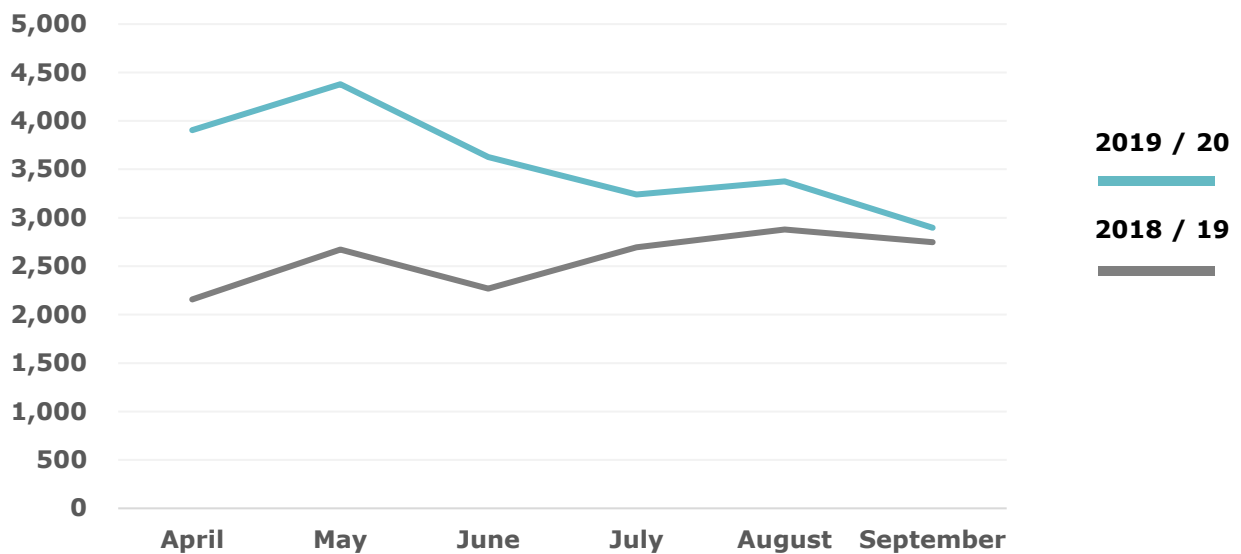
The below table and graph show all PCNs appealed to the Tribunal from April – September for this year (2019/20), against the same period in the year 2018/19.

The figures for 2019/20 show a 38.9% increase Year-on-Year (YOY).

	2018/19	2019/20
<b>April</b>	2,157	3,905
<b>May</b>	2,671	4,379
<b>June</b>	2,270	3,627
<b>July</b>	2,695	3,240
<b>August</b>	2,879	3,375
<b>September</b>	2,747	2,897
<b>TOTAL</b>	<b>15,419</b>	<b>21,423</b> <b>(+38.9% YOY)</b>

The increase in penalties appealed is predominantly related to road user charging enforcement at the Mersey Gateway Bridge Crossing and reflects the comparison between the three-month period April to September 2018 of significantly lower appeal activity, with the same period April to September 2019 (see 3.6).

**FIG 1: PCNs appealed: All appeal streams**  
(Apr–Sep 2019/20 vs. 2018/19)



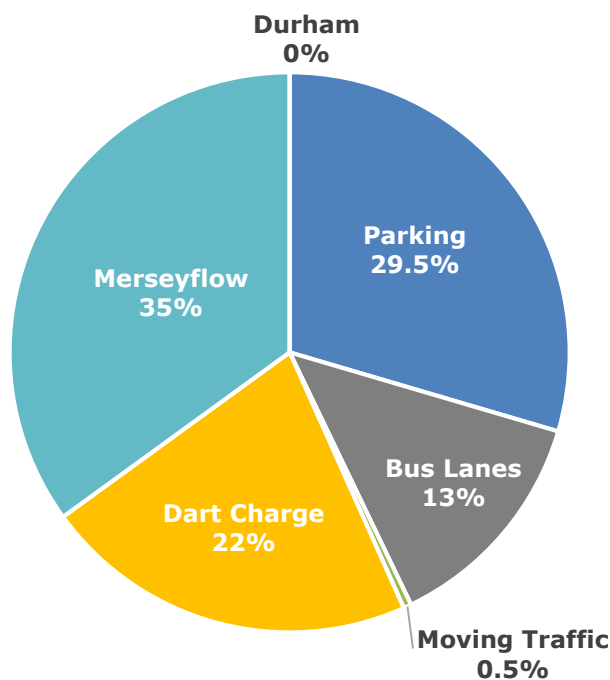
3.2 PCNs appealed: Specific appeal streams

The below table breaks down all PCNs appealed to the Tribunal by separate appeal stream between April – September for this year (2019/20). Totals for the same period in 2018/19 are also shown, together with the % increase or decrease YOY.

2019/20						
	Parking	Bus Lanes	Moving Traffic	Dart Charge	Merseyflow	Durham RUCZ
<b>April</b>	1,021	517	17	887	1,463	0
<b>May</b>	1,032	473	17	1,010	1,847	0
<b>June</b>	1,033	415	23	759	1,397	0
<b>July</b>	1,165	508	15	685	866	0
<b>August</b>	1,109	478	14	602	1,171	0
<b>September</b>	971	459	12	703	752	0
<b>TOTAL</b>	<b>6,331</b>	<b>2,850</b>	<b>98</b>	<b>4,646</b>	<b>7,496</b>	<b>0</b>
Totals for Apr–Sep 2018/19	5,608	3,052	113	5,546	1,100	0
	+12.9% YOY in 2019/20	-6.6% YOY in 2019/20	-13.3% YOY in 2019/20	-16.2% YOY in 2019/20	+581.5% YOY in 2019/20	~ YOY in 2019/20

The pie chart below shows the types of appeal stream as a percentage of the total number of PCNs appealed to the Tribunal this year (2019/20).

FIG 2: PCNs appealed by appeal stream, as percentage of total appealed (Apr–Sep 2019/20)





### 3.3 PCNS appealed: England

The below table provides a breakdown of PCNs appealed to the Tribunal issued from England Parking and Bus Lane schemes from April – September this year (2019/20). Totals for the same period in 2018/19 are also shown, together with the % increase or decrease YOY.

2019/20		
	Parking England	Bus Lanes England
<b>April</b>	958	483
<b>May</b>	958	452
<b>June</b>	958	390
<b>July</b>	1,088	493
<b>August</b>	1,047	462
<b>September</b>	897	442
<b>TOTAL</b>	<b>5,906</b>	<b>2,722</b>
Totals for Apr-Sep 2018/19	5,353	2,932
	<b>+10.3% YOY against 2018/19</b>	<b>-7.2% YOY against 2018/19</b>

### 3.4 PCNs appealed: Wales

The below table provides a breakdown of PCNs appealed to the Tribunal issued from Wales Parking and Bus Lane schemes from April – September this year (2019/20). Totals for the same period in 2018/19 are also shown, together with the % increase or decrease YOY.

2019/20		
	Parking Wales	Bus Lanes Wales
<b>April</b>	63	34
<b>May</b>	74	21
<b>June</b>	75	25
<b>July</b>	77	15
<b>August</b>	62	16
<b>September</b>	74	17
<b>TOTAL</b>	<b>425</b>	<b>128</b>
Totals for Apr-Sep 2018/19	255	120
	<b>+66.7% YOY against 2018/19</b>	<b>+6.7% YOY against 2018/19</b>

The increase in PCNs appealed is mainly due to increases for existing authorities. A small proportion is related to five new authorities that commenced enforcement during the period (Blaenau Gwent County Borough Council; Caerphilly County Borough Council, Monmouthshire County Council, Newport City Council and Torfaen County Borough Council).

#### 3.4.1 PCNs appealed: Moving Traffic Wales

During the period April to September 2019, a total of 98 PCNs issued from Moving Traffic enforcement in Wales (Cardiff Council only at this stage) were appealed to the Tribunal.

### 3.5 PCNs appealed: Dartford-Thurrock River Crossing ('Dart Charge')

– Charging Authority: Secretary of State for Transport

The below table provides a breakdown of Road User Charging PCNs appealed to the Tribunal that were issued from the Dart Charge scheme from April – September this year (2019/20). Totals for the same period in 2018/19 are also shown, together with the % increase or decrease YOY.

2019/20	
	Dart Charge
<b>April</b>	887
<b>May</b>	1,010
<b>June</b>	759
<b>July</b>	685
<b>August</b>	602
<b>September</b>	703
<b>TOTAL</b>	<b>4,646</b>
Totals for Apr–Sep 2018/19	5,546
	<b>-16.2% YOY against 2018/19</b>

### 3.6 PCNs appealed: Mersey Gateway Bridge Crossings ('Merseyflow')

– Charging Authority: Halton Borough Council

The below table provides a breakdown of Road User Charging PCNs appealed to the Tribunal that were issued from the Merseyflow scheme from April – September this year (2019/20). Totals for the same period in 2018/19 are also shown, together with the % increase or decrease YOY.

2019/20	
	Merseyflow
<b>April</b>	1,463
<b>May</b>	1,847
<b>June</b>	1,397
<b>July</b>	866
<b>August</b>	1,171
<b>September</b>	752
<b>TOTAL</b>	<b>7,496</b>
Totals for Apr–Sep 2018/19	1,100
	<b>+581.5% YOY against 2018/19</b>

In considering the increase in appeals above, it should be noted that there have been significant fluctuations in the volume of penalties referred to the Tribunal over the two-year period reported. Following an adjudicator decision, a new charging order was introduced in April 2018 and cases under the old 2017 order did not progress. The reduction in penalties reported for 2018 / 19 reflects the interim period before cases were brought under the new 2018 order.

## 4. Hearings

### 4.1

The TPT’s Fast Online Appeals Management (FOAM) system has transformed the way that appeals are handled, and this is particularly evident in the figures for Hearings. The ability to message, comment on evidence and request that extra evidence be uploaded within the FOAM system has meant that most cases can be resolved without a Hearing (through an e-Decision). In addition, an appellant only has the option to request a Hearing once all the evidence is available to the parties, and the adjudicators are able to review cases in advance to see whether a Hearing is actually required.

### 4.2

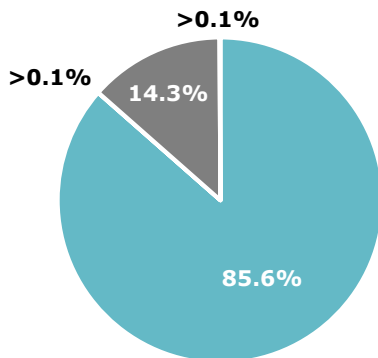
Telephone Hearings have replaced Face-to-Face Hearings as the primary Tribunal Hearing method (Face-to-Face is still an option, where circumstances necessitate it), requiring no travel or related costs by either party or the TPT, and a decision often given during a call. The TPT also began to trial video hearings in 2018, and is rolling these out further in 2019.

### 4.3

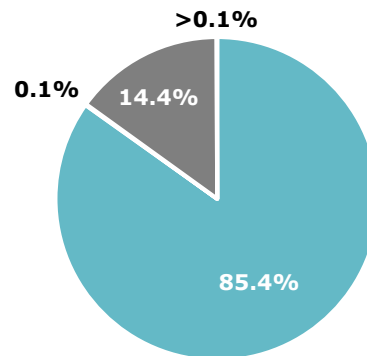
The table below shows a breakdown of the different Hearing types (together with e-Decision) selected by appellants for April to September 2019/20, alongside figures for the same period in 2018/19.

Breakdown of decision method					
	TOTAL Cases	e-Decision	Face -to-face Hearing	Telephone Hearing	Video Hearing
<b>2019/20 (Apr-Sep)</b>	<b>13,299</b>	<b>11,380</b>	<b>2</b>	<b>1,904</b>	<b>13</b>
<b>2018/19 (Apr-Sep)</b>	<b>11,230</b>	<b>9,596</b>	<b>6</b>	<b>1,617</b>	<b>11</b>

**FIG 3:**  
Decision method  
(Apr-Sep 2019/20)



**FIG 4:**  
Decision method  
(Apr-Sep 2018/19)



■ e-Decision ■ Face-to-Face ■ Telephone ■ Video

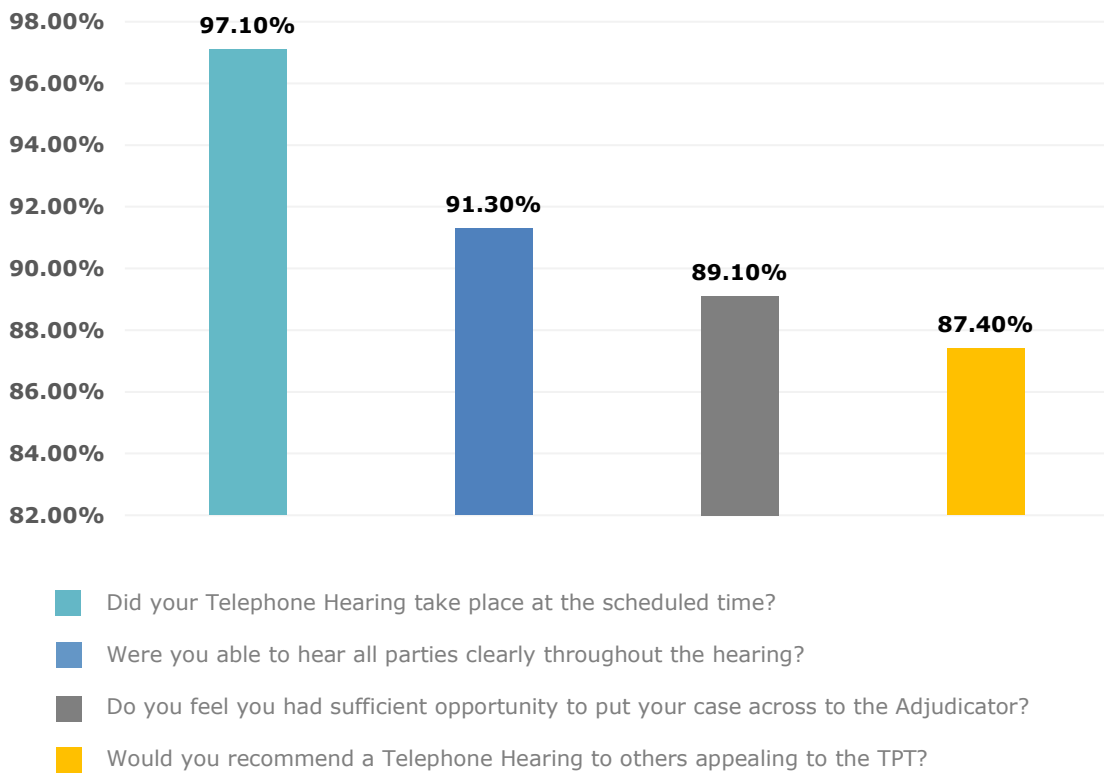
■ e-Decision ■ Face-to-Face ■ Telephone ■ Video

4.4

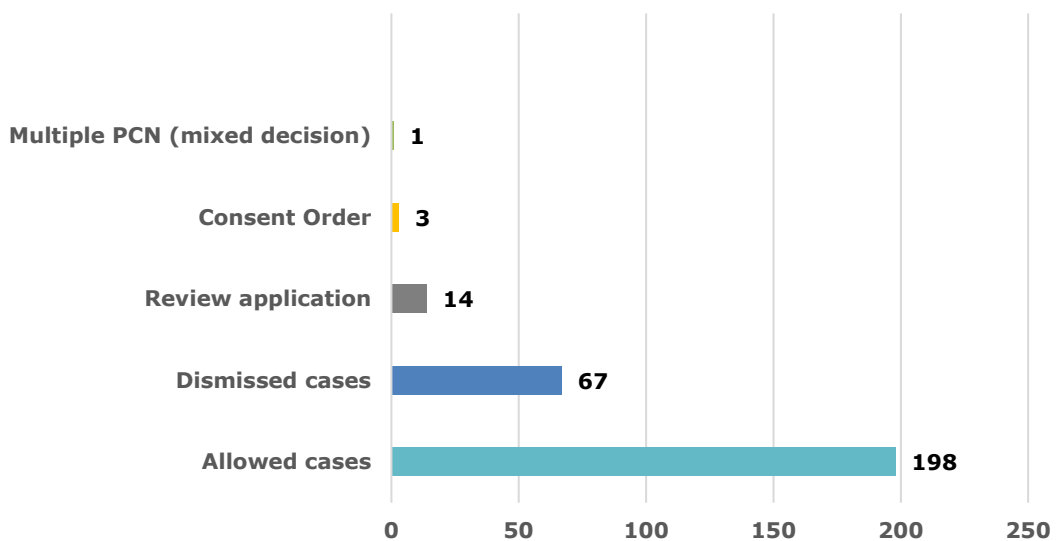
Online appellants are routinely surveyed on their Telephone Hearing experience and the feedback is used to refine the service offered and address any technical issues.

Following all Telephone Hearings, a survey is sent to those appellants that are managing their case online. The overwhelming response to these surveys is positive.

**FIG 5: Telephone Hearing appellant feedback**  
(April – September 2019; 278 respondents)



**FIG 6: Feedback responses by case decision**  
(April – September 2019; 278 respondents)



## 5. Case Closure

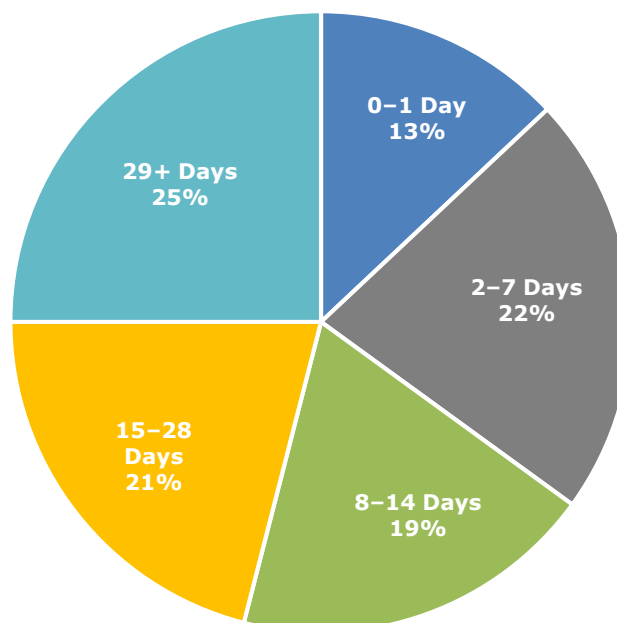
### 5.1

Appealing to the Traffic Penalty Tribunal is a judicial process and whilst it is not appropriate to set rigid timescales, the TPT's objective is to provide a tribunal service that is user-focused, efficient, timely, helpful and readily accessible. For appellants and authorities, case resolution times provide a clear window on the efficiency and usability of the online system and associated improved business processes.

### 5.2

The pie chart below shows appeal case closure times from April to September this year (2019/20), in terms of numbers of days. More than half of cases during this period were closed within 14 days, with nearly three quarters of cases closed within 28 days.

**FIG 7: Case closure times (all decisions)**  
(Apr–September 2019/20)



- 13% of cases were resolved in **0-1 day**
- 22% within **2-7 days**
- 19% in **8-14 days**
- 21% in **15-28 days**
- 25% in **29 days+**

*In effect, these figures show that three quarters of cases (75%) appealed to the TPT are resolved within 28 days.*

It is understandable that cases which have a Hearing involved will take longer to be finalised. When appellants request a Hearing, the time to close their case will typically allow for a Hearing date 7-10 days away, and where adjudicators are seeking to clarify points using messaging, the time taken to close cases will also be affected.

## 6. Helping ‘offline’ appellants

### 6.1

The TPT has long recognised the importance of complementing the online system with an experienced customer service team, in order to provide support to appellants in making an appeal.

While more than 90% of all appeals to the TPT are now submitted online through the Fast Online Appeals Management (FOAM) system, introduced in 2016, appellants who cannot or prefer not to submit their appeal online are supported by the TPT customer service team.

### 6.2

For the small percentage of people who do find it initially difficult to go online, the TPT provides ‘Assisted Digital’ support. In line with the stipulations set out in the Government’s Digital Service Standard, Assisted Digital at the TPT provides an active form of customer engagement with appellants, to ‘walk through’ the online appeal submission process and / or complete it on their behalf (by ‘proxy’).

Contact with the TPT customer service team remains available throughout the process should it be required, including through instant messaging and Live Chat functionality within the FOAM system.

### 6.3

While support is there for appellants who need it, the percentage of cases submitted by proxy is reducing, broadly (see below). It is accepted there will be fluctuations, however, and the Tribunal continues to monitor this.

**FIG 8: Percentage of proxy cases as a total of all appeals**  
(Apr 2017 – September 2019)



### 6.4

The Tribunal does recognise, however, that there will be appellants who, because of their ability, confidence or preference, still choose to request a paper form be sent to them. Once returned, these cases will be submitted to the online system by the TPT customer service team. The case is shown as online for the authority, but all communications to the appellant will be carried out via post.

A survey is being carried out in the coming months to assess the reasons such appellants choose not to appeal online using the FOAM system.

## 7. Live Chat

### 7.1

In August 2018, a Live Chat facility was added to the appeal pages on the TPT website and within the Fast Online Appeals Management (FOAM) system.

### 7.2

The TPT conducts regular surveys with Live Chat users. Excerpts from survey responses received (from 150 respondents) from April to September this year (2019/20) are included below and overleaf.

#### What is your query regarding? (564 answers)

Dropdown | Required



#### Is this the first time you have chatted with us? (173 answers)

Choice list | Required



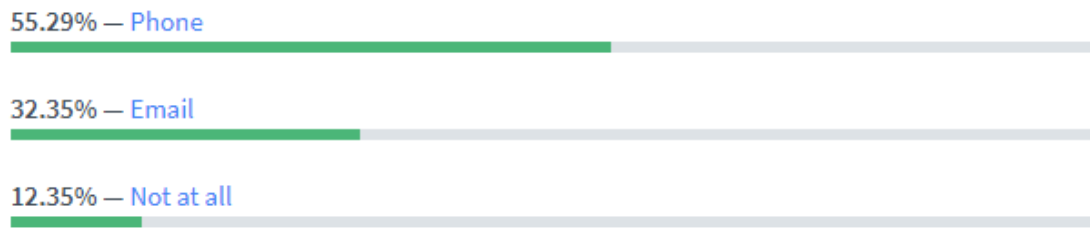
#### Was the issue resolved during the chat? (173 answers)

Choice list | Required

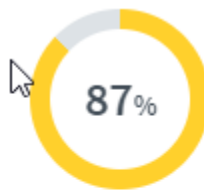


How would you have contacted us if Livechat wasn't available. (170 answers)

Choice list | Optional



Average satisfaction rate



Industry's average satisfaction rate

Rated good

**136** (91%)

Rated bad

**14** (9%)

7.3

Live Chat has since become an extra channel for case-related enquiries and enhances the TPT's 'Assisted Digital' offer (see Page 10) by being a useful support channel for appellant queries when creating their cases online

- TPT customer service staff are able to add links to the chats, which can take appellants to the exact page they need to be in FOAM.
- TPT customer service staff can see the website pages the appellant has already viewed and whether they have a case already.
- Chat volumes are relatively low (approx. 5–10 chats per day) with feedback very positive – average chat satisfaction rate is recorded as 91%. This is higher than the 87% average satisfaction rate for UK Government / not-for-profit organisations of 10–49 employees.
- 72% of respondents said that their issue was resolved within the chat.
- The majority of those who have used Live Chat indicated that they would have contacted the Tribunal by phone had the Live Chat facility not been available.

7.4

A recent review has taken place of the common themes arising from the chats, which will help the team further develop FOAM and provide the best user experience possible

The team are also looking to roll-out the Live Chat function across further areas of the TPT website to encourage more use. It is currently only available from the 'I want to appeal' page (the portal into the FOAM system), onwards.



## 8. Local Authority Workshops

### 8.1

The visibility and insight into the issues that impact both authorities and the motorist, seen through the course of appeals to the TPT, have helped to allow the PATROL Joint Committee of over 300 local authorities (which fulfils a statutory duty to make provision for the independent adjudication provided by the TPT) become a strong, representative voice on civil parking and traffic enforcement in England and Wales outside London.

One of the primary forums for engagement between these authorities to share experience and best practice over the last few years has been the annual Regional Local Authority Workshops that PATROL has facilitated across England and Wales, supported by the Adjudicators of the TPT.

### 8.2

The workshops have allowed local authority members to get together, share ideas and insight on parking and other traffic management enforcement, and to discuss how they respond to representations and appeals. The workshops have also been designed to encourage a fair and reasonable approach to challenges, reminding authorities of the statutory obligation to properly consider representations. In essence, instilling a consideration and appreciation of the purpose of civil traffic enforcement.

### 8.3

A series of workshops for 2019/20 was held in September and October 2019. While the workshops provided a forum for open dialogue and discussion between authorities, topics included:

- Shedding light on Adjudication: Including an update from TPT Chief Adjudicator, Caroline Sheppard OBE; the adjudicator and authority perspective on decision making, and the chance to test your knowledge.
- Key traffic management updates impacting enforcement: Including progress on the roll-out of Charging Clean Air Zones and PATROL's engagement with the Transport Committee Pavement Parking Inquiry.
- Best practice in using the TPT's Fast Online Appeals Management (FOAM) system: Including the submission of evidence and Witness Statements.
- Annual reporting: Adopting digital channels and tools to produce a compelling Annual Report, supported by a new online PATROL Annual Report Toolkit.

Dates and locations of the 2019/20 workshops were as follows:

- Newcastle - 17 September 2019: The Life Sciences Centre
- Manchester - 18 September 2019: The Imperial War Museum
- Llandrindod Wells – 24 September 2019: The Metropole Hotel
- Coventry – 25 September 2019: Coventry Transport Museum
- Buckinghamshire – 1 October 2019: The Dairy, Waddesdon Manor
- London – 2 October 2019: The Museum of London
- Exeter – 8 October 2019: Exeter Castle
- Portsmouth – 9 October 2019: The Royal Navy Historic Dockyard

### 8.4

Selected feedback from the 2019/20 workshops includes:

- ***Very useful – many topics covered, but detailed and relevant information given.***  
Durham County Council
- ***As always, Iain delivered a very informative and enjoyable workshop.***  
Gateshead Council

- ***It was well presented and informative; pleased to have an event on the south coast.***  
Isle of Wight Council
- ***Iain was very engaging and clear. I found it very valuable to discuss similar issues we are all experiencing with other authorities.***  
Powys County Council
- ***I have only just joined the parking team within my local authority, so it was all new to me with a lot of information that I had not had access to yet.***  
Rugby Borough Council

## 8.5

A number of additional workshops are planned before the end of the year. In planning for workshops in 2020, topics, locations and venues will, as always, be kept under review.