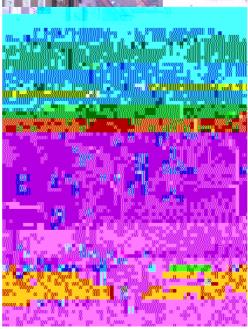
05 April 2005

Report to the City Council

Enforcing Parking in Birmingham



Car parked on double yellow lines in front of Birmingham Children's Hospital

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Preface

By Councillor Alistair Dow Chair, Transportation and Street Services Overview and Scrutiny Committee 05 April 2005



There has been a great deal of media interest since many local authorities took over the enforcement of parking restrictions. Birmingham, as the largest local authority in the country, has attracted more than its share of the criticism and accusations. We were conscious that our approach to this subject therefore needed to be objective. And getting behind headlines always proves an interesting experience.

Motorists may complain about parking restrictions being enforced, but they also get frustrated when roads are blocked or traffic slows through inconsiderate parking and restrictions that aren't enforced. Lines and signs ask road users to follow their instruction, but it is clear that enforcement is needed when they don't.

Observing how motorists behave in the course of this review was interesting and showed much about the problem that we have to combat. Whilst the car gives us freedom and mobility, it can often create a desire to drive right up to the door of our destination. When that destination is a shop or building on a main road, for the consideration of others the driver has to accept that parking around the corner is what they must do. Sadl



2 Summary of Recommendations

_		Recommendation	Responsibility	Completion Date
-	R1	Consideration is given to increasing the level of	Cabinet Member for	31 May 2005
		parking enforcement and Parking Attendant deployment in areas outside the main city centre area.	Transportation and Street Services	·

A list of priority areas where parking enforcement can make a differer 13.22.0802o conges/TT4 1 Tf7.98 0 0 7.9.98 0 0 7.98 317.77007 567.080207 253ges/TT4 1



3 Background to the Review

3.1 Why Look At This Subject?

- 3.1.1 The Transportation and Street Services Overview and Scrutiny Committee agreed to conduct this review for the following reasons:
 - Tackling congestion forms part of Priority 4 in the Cabinet and Corporate Plan;
 - The issue is one of **high public interest**, with concerns expressed in the local and national media regarding decriminalised parking enforcement by local authorities;
 - There is a need to **reduce negative perceptions** and promote the benefits of good parking management.
- 3.1.2 The Committee has established an overall theme for its work in the year 2004/5 of 'tackling congestion'. This review forms part of the theme in that effective enforcement will:
 - · Reduce the incidence of obstructions, allowing tr

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- 4.2.3 There is a general legislative trend of moving enforcement of 'minor', offences away from the Police and into the responsibilities of local authorities. The reasons for this are related to efficiency in processes:
 - It allows the Police to focus their time and resources on dealing with crime:
 - Debt collection through the County Court is a much more streamlined process than the Magistrates' Court. This frees capacity to deal with criminal cases in the Magistrates' Court; and
 - As the Highway Authorities, Councils create the regulation orders that establish where people can and cannot park. They are theoretically in the best position to enforce this.
- 4.2.4 Whether or not to take responsibility for enforcing parking restrictions is a decision for councils and not all local authorities choose to do so. Birmingham City Council already enforced pay and display parking following the 1984 Act, and took the decision to take enforcement responsibility from the Police in September 1999. This commenced from September 2001. Although the first schemes outside London only started in 1996, more authorities are choosing this option and there are now over a hundred authorities enforcing decriminalised parking.
- 4.2.5 Where formally challenged, the enforcement decisions of local authorities and the issue of PCNs are heard by the National Parking Adjudication Service (NPAS). To quote from its web site:

"The National Parking Adjudication Service is an independent tribunal where impartial lawyers consider appeals by motorists and vehicle owners whose vehicles have been issued with Penalty Charge Notices (or have been removed or clamped) by councils in England and Wales enforcing parking under the Road Traffic Act 1991."

(Source: NPAS Web Site -



- 4.3.3 There are a number of reasons why the Council makes TROs. Principally, these relate to road safety and capacity:
 - Safety issues include discouraging or preventing



4.4.1 The Council conducts decriminalised parking enforcement in three main ways:

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- Stolen Vehicle: That the contravention occurred because of use of the vehicle without the owner's permission;
- Invalid TRO: That the TRO is not valid, for example where the lines and signs do not match the order;
- Hired Vehicle: That the recipient of the NtO is a hire firm and the vehicle was hired at the time;
- Excessive Charge: That the penalty charge exceeded the amount applicable in the circumstances of the case.
- 4.7.9 Dealing with the collection of payment and any challenges and representations arising is a time-consuming process. As well as continually evaluating whether PCNs were issued correctly (and therefore whether to proceed with their collection), where cases do go to a formal appeal, it is necessary to compile a case file accordingly.
- 4.7.10 Ultimately, where people refuse to pay Penalty Charges, the Counc

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5.2 Measuring Effectiveness in Birmingham

- 5.2.1 One of the difficulties with parking enforcement is that although it is clear that it can contribute to reducing congestion, this is very difficult to quantify in objective measures.
- 5.2.2 The most simplistic measure used relating to parking enforcement is the number of PCNs issued. This has managerial relevance in ensuring that the limited resource that the City Council employs to enforce parking is ded0.02

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certain locations on a regular basis, thus measuring compliance with TROs. An example of this is Nottingham, where there was perceived to be a problem with people staying considerably past the time they had paid for on pay and display spaces. The level of compliance at certain locations was monitored over a period of time and enforcement was targeted to the problem. As a result

	2002	2003	2004
PCNs Written Off / Cancelled	34,290	22,981	7,210
Proportion of PCNs Issued	21.31%	13.04%	4.08%
Value of Cancellations ⁴	£ 2,379k	£ 1,539k	£ 449k

Fig. 1 PCNs Written Off / Cancelled, 2002-4

Source: Highways

5.3.5 Although the figures for 2004 in particular reflect cases that are currently still in progress, as can be seen from Fig. 1, the proportion and value of PCNs that have been cancelled has fallen significantly since 2002. This was a major concern of the previous Scrutiny Review in this area and this shows how this work helped towards





6 Challenges for Enforcement

6.1 Introduction

- 6.1.1 Examining how effective the current processes are is important, but it is also essential to acknowledge that there are a number of challenges inherent in enforcing parking effectively. Meeting these challenges provides the key to the Council being able to provide effective enforcement across the city and meet its policy objectives through this process.
- 6.1.2 This section examines the key challenges that the Council faces. These are challenges in how parking is not only enforced in practice, but also how it is perceived to be enforced. The following sections also describe how on a practical level there are difficulties in using the resources available to enforce the TROs that the city has, and the challenges in collecting the charges that enforcement results in.

6.2 Negative Perceptions

6.2.1 General attitudes towards parking enforcement are neatly summarised by the Local Government Ombudsmen:

"We recognise that councils operating the decriminalised procedures face a difficult task and we that efficient enforcement of parking control is essential in increasing levels of traffic. This task is possibly made more difficult by the perception of some motorists that the imposition and pursuit of penalty charges is inherently unfair."



6.5 People Issues

- 6.5.1 The most important single element in enforcing parking effectively and with any degree of quality is the staff that do it. Moreover, there are two particular human resource challenges that are a feature of the parking industry:
 - · Turnover of staff, and
 - · Rates of pay.
- 6.5.2 Contending with these problems is one of the greatest challenges in delivering quality enforcement.

Turnover of Staff

- 6.5.3 The key human resource issue in Birmingham, as with most cities, is turnover of staff. It is not surprising therefore that there are performance incentives related to turnover of staff within the present enforcement contract (see 7.4.2 on page 33 for more detail). High turnover is an issue because:
 - It affects the ability to deliver the service on a day to day basis;
 - It uses a lot of resource, efk5 0 0 10.ce on

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- 6.5.7 As these represent only reported incidents, they are probably the 'worst' cases; for each of these there are also a number of cases of 'minor' verbal abuse.
- 6.5.8 To some extent incidents are to be expected as going hand-in-hand with the unpopularity of the job that Parking Attendants do. The British Parking Association greatly emphasises the need for standards of training for Parking Attendants. Control Plus is also working upon aspects to address the turnover in particular. These are specifically focused upon tackling the confrontation element:
 - Encouraging applicants to make an informed choice about being a Parking Attendant at an early point in the selection process – 'self-selecting';

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6.6 Collecting Penalty Charges

6.6.1



- enforcement outside the city centre would mean more Parking Attendants need to be deployed.
- 7.2.3 There are arguments for and against increasing the level of enforcement outside the city centre. Opponents would argue that there are already too many PCNs issued in Birmingham. The counterpoint is that requests for enforcement in outer (predominantly residential) areas already outstrip the Council's ability to meet these alongside congestion priorities outside the city centre.
- 7.2.4 This is indicative of a low levegs44j10.02 0 0 10.0229.54749 587.35913 Tj1.639



8.3 Focusing Contractor Performance

8.3.1 Best practice in parking management has evolved considerably even over the time frame from the co

8.4 Tackling Poor Perceptions

- 8.4.1 One of the problems with enforcement of parking in Birmingham in particular is the associated negative image. A key theme that came across was the perception that the Council uses it as a revenue-generating activity, and penalising motorists is therefore unfair.
- 8.4.2 Yet, despite negative perceptions and press coverage indicating this, there was no evidence found during the course of this review to indicate that the Council enforces parking unfairly. There are cases where the Council does not operate as effectively as it should, especially with regard to communication within the Council. However some mistakes can always be expected with an operation of this scale and complexity, and the key point is how the Council deals with those mistakes.
- 8.4.3 The key elements to being able to tackle negative perceptions are:
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8.5.4 Technology continues to improve and the Council now also has greater experience with enforcing parking. The application of more modern processing systems and the use of techniques such as digital imaging provide potential means to improve collection rates. Similar to other considerations in the course of re-tendering, now is an appropriate time to review the IT systems and hardware in use.

Conclusions:

- 11. Given the relative cost and the fact that most other authorities do not do so, there is a clear need to evaluate in particular continuing to provide an in-house vehicle removal service.
- On a similar basis, as a matter of good practice, the continued in-house provision and level of resourcing of other elements of the process should be re-evaluated.
- 13. The improved objectivity of enforcement and rates of collection from using digital images provide a persuasive case for investment in modern support systems that can facilitate their use.

Recommendation

Responsibility

Completion Date

R8 The business case for including each of the following elements of the parking enforcement process in the specification for re-tenders for the contract is evaluated indivtm

Appendix 1 Vehicle Removal Criteria

Priority	Description	Contravention Codes
1	Parked in a disabled bay without displaying a disabled badge.	40, 87
1	Parked in a position likely to cause a danger to other road users.	ALL
2	Parked causing a serious obstruction within a Council car park where it directly affects another motorist's ability to enter or exit the car park.	86a posit