

QUESTIONS AND ANSWERS

Q: What is Civil Parking Enforcement?

A: The Road Traffic Act 1991 introduced the concept of local authorities undertaking enforcement of parking management schemes. This system was called Decriminalised Parking Enforcement (DPE). Parking 'offences' became 'contraventions' and parking attendants employed by the relevant Local Authority, issued [civil] Parking Charge Notices (PCN) where previously traffic wardens employed by police, undertook the enforcement and issued [criminal] Fixed Penalty Notices (FPN). This reflected the need for police to concentrate on core policing priorities.

Commencing in London the system has been extended across the UK and over 200 local authorities, in all of our cities and major towns, now operate DPE.

The Traffic Management Act 2004 calls this Civil Parking Enforcement, making the change from Decriminalised Parking Enforcement and expands the range of contraventions that can be managed in this way. Legally speaking, Parking Attendants will be known as Civil Enforcement Officers (CEOs).

Q: When do the new Civil Parking Enforcement (CPE) regulations come into force?

A: On 31 March 2008 the new regulations will be introduced in England and Wales.

Q: Where in the country will the new regulations be used?

A: CPE will initially only apply in those parts of England and Wales where local authorities currently undertake parking enforcement. Around 200 councils do this at present but the number is growing all the time.

Q: What are the main changes?

- The new CPE regulations will introduce proportionality. The motorist will benefit from having the Penalty Charge more closely aligned with the seriousness of the contravention, with parking on a yellow line incurring a higher penalty than simply over-staying in a parking place.
- Changes in the regulations will mean that all CPE Local Authorities will be able to issue PCNs by post when camera evidence is available or when CEOs are prevented from serving notices by threat or actual violence, or to motorists who regularly contravene the rules but simply drive away when they see a CEO. Authorities outside London will also be able to enforce obstruction of dropped footways (areas lowered to form ramps for wheelchairs and baby buggies for example) and double parking, although this is not expected to be universally adopted in the early stages.

- There will be an increased discount period for PCNs sent by post from 14 days to 21, except where violence or threats of violence prevented the service of the PCN, in which case it remains at 14 days.
- The new regulations will also give more power to independent adjudicators. They will have the power to refer cases back to Local Authorities where a parking contravention has taken place, but in mitigating circumstances, and they can ask the Local Authority Chief Executives to consider withdrawal of the PCN. They will also consider cases where the authority has not followed the correct procedures. Local Authorities have 35 days to respond to adjudicators and if they do not respond by in this time the adjudicator's decision will be final.

Q. What will be the Penalty Charge Notices under the new two-tier system?

A: The Regulations give CPE authorities two options in relation to the charging bands for higher and lower level of penalty charge and the Council needs to determine which band it will use and set these charges.

Band	Higher level penalty charge	Lower level penalty charge	Higher level penalty charge paid early	Lower level penalty charge paid early
Option 1	£70	£50	£35	£25
Option 2	£60	£40	£30	£20

Gateshead Council have adopted Option 1 (higher charge band), in line with the majority of other local authorities nationally, as it will ensure that an operationally sustainable scheme can be achieved in the medium to long term. It is also in line with Gateshead's reasonable and proportionate approach to parking enforcement. It is hoped that this option will lead to increased levels of compliance in those areas that affect traffic flow the most. Likewise including parking in a disabled bay or residents bay in the higher band will seek to address the more anti social aspects of driving which can cause considerable frustration from law abiding motorists and likewise lead to increased levels of compliance in these areas.

Q. Will the two-tier penalty charge system not just mean more revenue for Local Authorities?

A: For many Local Authorities the new rules are likely to mean an effective reduction in parking income as the new Penalty Charge for less serious contravention is lowered. This is all part of the philosophy of CPE of a fair traffic management policy.

Differential penalties were introduced in London in July 2007 and there does not appear to have been any adverse effect from the new two-tier system. It has only served to demonstrate that parking enforcement can be tailored to match the severity of the contravention. This should help reinforce that parking enforcement is

not about revenue generation, but about managing our streets for the public's benefit.

Q: Aren't Postal Penalty Charge Notices unfair?

A: The introduction of what is called the postal PCN is not a new concept. This power has been available in London since 2000. It is used mainly with CCTV and camera enforcement and its use is now being extended.

It can now also be used where vehicles are driven away before the PCN can be completed and issued to the motorist or attached to the vehicle. The CEO will be required to provide evidence that the PCN was 'in production' and would otherwise have to be cancelled on return to the parking office.

The new regulation will deal with those people who persistently contravene the parking regulations but simply drive away when they see a CEO or where a PCN is physically created but has not been served due to threatening behaviour towards the CEO.

A Postal PCN may also be appropriate in cases of moving traffic, where it is safer to issue a PCN by post using camera evidence rather than have the CEO take personal risks. Where the physical act of stopping (e.g. on a Red Route) causes a traffic management problem, a Postal PCN may be issued.

Q: What do the new Civil Parking Enforcement (CPE) legislations mean to motorists and the parking industry?

A: Most motorists will not notice any real change to on-street parking, apart from the differential charges, but there is a real shift in the philosophy aimed at making the regulations appear more legitimate and introducing greater transparency and fairness for all – not just the motorist. The parking industry will benefit from the greater transparency, and hopefully recognition that this is not all about income generation, but proper management of the streets in the UK, where 30 million cars are registered.

Civil Parking Enforcement is a legal process - it sets the law on how Civil Parking Enforcement should be carried out. We hope that the changes will improve the public's perception of parking enforcement – through educating them about the reasons for local parking restrictions, and getting them to accept that parking enforcement is necessary. Greater publicity and awareness of the new regulations will help the motorist ensure that they park where they can and avoid penalties.

Q: What are the key reasons for the changes?

A: The three key reasons are legitimacy, transparency and fairness.

- **Legitimacy** - This means that enforcement is for the right reasons: street management; to reduce congestion and the potential for road casualties, and to manage the kerb space where there are competing demands. The new regulations make it clear that Local Authorities and other enforcement agencies should not use CPE as an income generator.
- **Transparency** - This means there is a need for Local Authorities and others to be open about what they are doing, why they are doing it, and the consequences of their actions. For example, all Local Authorities are required to produce an annual report including its parking policy, method of enforcement and publish statistics such as the number of penalty charge notices issued, the number cancelled, the income generated and details of how any surplus income has been used to benefit the local community.
- **Fairness** - The new regulations have introduced Differential Penalties and improved protection available for those on the 'front line' of parking enforcement – the Civil Enforcement Officer. This will be most welcome and should go a long way towards making parking management firmer but fairer. The motorist will benefit from having the Penalty Charge more closely aligned with the seriousness of the contravention.

Q: Do councils need to run the old system and new system in tandem until cases which commenced before 01 April 2008 have run through the system?

A: Yes