



## Parking Enforcement

05 April 2005

Report to the City Council

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# Enforcing Parking in Birmingham



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

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## Parking Enforcement

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## Parking Enforcement

# 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. Sadly, too often that doesn't happen.

Our principal recommendations are aimed at increasing focus in a number of areas, particularly where it concerns tackling congestion. Parking restrictions are there to make the situation on the roads better, and people need to see how the penalty charges go back into investing in our highway infrastructure.

One of the problems is that enforcement isn't consistent across the city: you are more likely to be caught if you break restrictions in the city centre, rather outside it. Consequently, some motorists may feel that it's worth taking a chance and ignoring restrictions outside the city centre. Motorists need to be aware of the consequences of their actions. Effective enforcement is also a way in which the Council can show greater responsiveness and sensitivity to the needs of our residents and improve the safety of roads around schools.

A handwritten signature in black ink, which appears to read 'Alistair Dow'.



## Parking Enforcement

# 1 Summary

- 1.1.1 The enforcement of parking restrictions is one of the most controversial activities that local authorities undertake. However, it is also one of the most socially necessary. Without enforcement of the restrictions, they would be abused and the restrictions would not operate as they should. A clear consequence of this is congestion.
- 1.1.2 In many respects, the best position that the Council can hope for in enforcing parking restrictions is that it is perceived to be 'done fairly'. Quite often the benefits of enforcement are not readily apparent, and it is essential that the Council seeks to identify the cause of and address poor perceptions.
- 1.1.3 Members found that parking restrictions are generally effectively enforced in Birmingham, given the level of resource allocated to do this. However, it was noticeable that there is a differential in the level of enforcement in the city centre and the areas outside it. Reducing this differential and increasingly meeting the needs in areas outside the centre hold the key to the public appreciating the benefits of quality enforcement.
- 1.1.4 In working with a partner to enforce parking it is important that the contractor is focused upon delivering the policy objectives that the Council requires. One means of achieving greater focus is through a performance contract that creates a relationship whereby good performance against policy objectives by the contractor is rewarded and poor performance is penalised. Such contracts are among the latest best practice within the parking industry.
- 1.1.5 With the forthcoming re-tendering of the contract for enforcement the Council has an opportunity to develop how parking is enforced. This is not only through the level of contractual focus on performance, but also in the systems that are used to support the process. It is felt that there is scope for investment here to drive improved rates of collection of issued Penalty Charge Notices (PCNs), thereby improving the efficiency of the process.
- 1.1.6 It is essential that the Council continues to re-evaluate how it conducts activities such as parking enforcement. This is particularly the case where the legislative environment and industry best practice have developed considerably since the activity was commenced.



## Parking Enforcement

# 2 Summary of Recommendations

|    | <b>Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Responsibility</b>                                 | <b>Completion Date</b> |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|------------------------|
| R1 | Consideration is given to increasing the level of parking enforcement and Parking Attendant deployment in areas outside the main city centre area.                                                                                                                                                                                                                                                                                                                                                                                | Cabinet Member for Transportation and Street Services | 31 May 2005            |
| R2 | A list of priority areas where parking enforcement can make a difference to congestion outside the city centre should be identified.                                                                                                                                                                                                                                                                                                                                                                                              | Cabinet Member for Transportation and Street Services | 31 May 2005            |
| R3 | Increased deployment of Parking Attendants outside the city centre should be targeted on the priority congestion areas identified in R2, but should also provide demonstrably improved flexibility and increased capacity to meet requests from residents, schools and other organisations for ad hoc enforcement.                                                                                                                                                                                                                | Cabinet Member for Transportation and Street Services | 31 May 2005            |
| R4 | The Council should regularly (at least annually) and clearly publicise how it uses the income raised from on- and off-street parking and parking enforcement. This should make clear <ul style="list-style-type: none"> <li>How the Council uses enforcement to reduce congestion; and</li> <li>How the income is invested in parking infrastructure.</li> </ul>                                                                                                                                                                  | Cabinet Member for Transportation and Street Services | 30 September 2005      |
| R5 | The British Parking Association (BPA) Standard Contract should form the basis of the re-tendering for the parking enforcement contract that is due to commence from September 2006.                                                                                                                                                                                                                                                                                                                                               | Cabinet Member for Transportation and Street Services | 30 September 2005      |
| R6 | Issues relating to the quality of enforcement should be dealt with by the City's Parking Board, in order to identify, examine, consider and resolve those issues.<br><br>The board should meet at least quarterly and membership should be extended to include all relevant stakeholders, including as a minimum <ul style="list-style-type: none"> <li>The Cabinet Member;</li> <li>Representatives of the Contractor;</li> <li>Representatives of the Police;</li> <li>Officers from the Council's Highways Service.</li> </ul> | Cabinet Member for Transportation and Street Services | 31 May 2005            |
| R7 | Uniform clothing standards for Parking Attendants (PAs) should be changed within the existing and future contracts to specify the wearing of high-visibility clothing. The exception is where there are specifically identified risks associated with this.                                                                                                                                                                                                                                                                       | Cabinet Member for Transportation and Street Services | 30 September 2005      |



## Parking Enforcement

|     | <b>Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Responsibility</b>                                 | <b>Completion Date</b> |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|------------------------|
| R8  | <p>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 individually:</p> <ul style="list-style-type: none"> <li>• Removal of vehicles and the operation of the vehicle pound;</li> <li>• PAs reporting abandoned vehicles, missing lines, damage to street furniture, signage and parking equipment;</li> <li>• Administration and notice processing.</li> </ul> | Cabinet Member for Transportation and Street Services | 31 May 2005            |
| R9  | <p>There should be consideration of the case for achieving improved rates of collection through investment in a new software for processing PCNs.</p>                                                                                                                                                                                                                                                                                                                            | Cabinet Member for Transportation and Street Services | 31 May 2005            |
| R10 | <p>Progress towards achieving these recommendations should be reported to the Transportation and Street Services Overview and Scrutiny Committee no later than its December 2005 meeting.</p> <p>Subsequent reports on progress will be scheduled by the Committee on a regular basis thereafter until all are completed.</p>                                                                                                                                                    | Cabinet Member for Transportation and Street Services | 31 December 2005       |



## 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 traffic to flow better and improve road safety;
  - Ensure turnover and availability of parking spaces, particularly within the City Centre;
  - Ensure that those parking pay for what they use.
- 3.1.3 Decriminalised parking was examined in 2002/3 by a member group from the Co-ordinating Overview and Scrutiny Committee. This work focused principally upon a large amount of unrecovered debt at that time.
- 3.1.4 In revisiting the subject of parking, this review has focused upon the impact of enforcement upon congestion and how congestion could be further alleviated through effective enforcement.



## Parking Enforcement

### 3.2 How Has This Review Been Conducted?

3.2.1 The review has been conducted by a review group led by Councillor Alistair Dow, and comprising Councillors Mohammed Fazal, Kath Hartley and Bruce Lines. The group used a range of evidence-gathering techniques, including

- Discussion with City Council officers from the Parking management team, Constituency Services (who create Traffic Regulation Orders) and Corporate Communications;
- Discussion with representatives of the Council's enforcement contractor, Control Plus;
- Visiting sample locations within the city to see first hand the different kinds of issues faced in enforcing parking;
- Examining background material on best practice approaches within the UK parking industry;
- Seeking views of how parking is enforced by the Council from a sample of organisations. These organisations were drawn from the groups that are consulted upon the introduction of Traffic Regulation Orders, including those with direct involvement in the parking sector and also other key groups affected.



*Cars parked on the pavement, opposite pay and display bays, leaving little road space for passing traffic.*



## **4 About Parking Enforcement**

### **4.1 Introduction**

- 4.1.1 It is important to understand what decriminalised parking enforcement is, and how it differs from the traditional perception of parking being enforced by Traffic Wardens.
- 4.1.2 'Decriminalised' parking enforcement is conducted by local authorities (or by contractors on their behalf). In local authorities where enforcement is not decriminalised, parking is enforced by Traffic Wardens employed by the Police. The term 'decriminalised' is used because the legal process is through the County Court (civil process), rather than the Magistrates' Court (criminal process).
- 4.1.3 This section explains the background to decriminalised parking enforcement and also how it operates within Birmingham. This involves looking at the legislative background and the decisions that Birmingham City Council has taken, as well as how parking enforcement is organised and delivered. This section concludes with an explanation of how the process of enforcement is paid for and the constraints on what the proceeds may be used for.

### **4.2 Legal and Policy Background**

- 4.2.1 Local authorities have been enforcing elements of parking for twenty years now, initially taking over some aspects of enforcement from the Police under the Road Traffic Regulation Act (1984). The Road Traffic Act (1991) required local authorities in London to take over decriminalised parking enforcement and later provided the option for authorities outside London to apply to the Secretary of State for Transport for enforcement powers. Enforcement by local authorities in London commenced in 1994, but movement towards this outside London was initially slow, with the first schemes starting in 1996.
- 4.2.2 The Traffic Management Act (2004) consolidated much of the earlier legislation and replaced areas of the 1991 Act. It also widened the scope of enforcement to include moving traffic offences, such as enforcement of bus lanes.



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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 - [www.parking-appeals.gov.uk](http://www.parking-appeals.gov.uk))
- 4.2.6 Councils are therefore required to behave fairly and reasonably in how they conduct enforcement.

### 4.3 Traffic Regulation Orders

- 4.3.1 Under 'decriminalised parking' it is the City Council, rather than the Police, that enforces the majority of elements within Traffic Regulation Orders (TROs). Birmingham has just over a thousand TROs across the city, of which around a thousand relate to parking.
- 4.3.2 TROs specify (among other things) where people may park and for how long, and are physically evident on the street in terms of the lines and signs for motorists. As a simple example, where there are double yellow lines on the road and a 'No Waiting' sign, the TRO will state that there is no waiting permitted in this area.



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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 potentially dangerous actions (such as parking where it may obscure visibility or obstruct access / egress);
- Capacity issues involve ensuring that there is capacity so traffic can flow as required (such as restricting parking along narrow residential streets).

4.3.4 Other reasons for TROs might be to encourage or discourage certain patterns of parking, or to deal with specific needs such as those of residential areas or adjacent to schools. There is also a need to ensure adequate access to streets, such as for emergency services vehicles and refuse collection vehicles.

4.3.5 The need for enforcing TROs is simple: why make the orders if we do not intend to enforce them? In many cases TROs are made to reduce and prevent inconsiderate and dangerous behaviour. If a TRO is to be effective, there is little option but to enforce it when people ignore it.

4.3.6 Of course matters aren't always as straightforward as simply enforcing the restrictions. In creating TROs there is an element of trying to encourage motorists towards different behaviours. In particular, where TROs are made to ease congestion it can be difficult to convey the need for regulation to those whose behaviour is causing the problem. The problem also may not be necessarily experienced by those living and working in the area in which the TRO exists – it could be for those passing through the area.



*Causing a hazard on a narrow city centre street junction and on double-yellow lines.*

4.3.7 Birmingham, like many local authorities in England and Wales, does have a problem in that many of its TROs have been inherited over a long period of time. There have been many different approaches and styles of TRO and this can result in contraventions not being enforceable, and can potentially lead to inconsistencies in enforcement. Where this is the case, enforcement is not carried out. The difficulty of changing TROs is discussed in detail in section 6.3.



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### 4.4 Enforcing Parking

- 4.4.1 The Council conducts decriminalised parking enforcement in three main ways:
- Penalty Charge Notices (PCNs or 'Parking Tickets') are issued by Parking Attendants directly employed by a contractor – Control Plus – and by On-Board Parking Attendants employed by the Council;
  - Where vehicles are removed, this is conducted by Control Plus, accompanied by On-Board Parking Attendants. Vehicles are stored at a secure pound rented from the Council and operated by Control Plus;
  - Payment of PCNs is processed by Council staff, including appeals, debt collection and referral to external bailiffs where necessary.
- 4.4.2 There are additional elements to facilitate the enforcement and collection process. These include staff whose role it is to:
- Liaise with and monitor how the contractor enforces parking on a daily basis, and
  - Maintain the infrastructure for parking, including lines and signs, pay and display machines and so forth.
- 4.4.3 Parking Attendants can only enforce where there is contravention of a TRO. This underlines the importance of consistent TROs. For example, where a TRO applies kerb to kerb, rather than building line to building line, a Parking Attendant will be unable to enforce parking on the pavement.
- 4.4.4 Where there is no TRO, there is nothing for Parking Attendants to enforce, and tackling the problem becomes a matter for the Police. Situations here include:
- Causing an obstruction;
  - Parked in a dangerous position;
  - Parked within the limits of a pedestrian crossing;
  - Driving on pavements;
  - Parking causing damage to grass verges.
- 4.4.5 This can be problematic because there can be a general perception that Parking Attendants can enforce all parking contraventions in a similar way to Traffic Wardens. This is not actually the case.



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### 4.5 Deployment of Parking Attendants

4.5.1 Birmingham covers a large geographical area, in excess of 100 square miles. Given the level of resource allocated to enforcing parking this means that at some point decisions have to be taken about where enforcement can take place.

4.5.2 Maintaining a consistently high level of enforcement in the city centre is critical to effective enforcement. It is here that more parking contraventions can be expected to take place and that the consequences of contravention are more significant in terms of congestion. Control Plus therefore concentrates the majority of its attendants in the city centre, with typically around 30 Parking Attendants working at any one time over a 12-hour span (0700 to 1900 hours), Monday to Saturday. Outside these times enforcement operates to a lesser degree.

4.5.3 Parking Attendants work regular 'beats', patrolling a set route throughout their shift. This ensures that areas are covered effectively, without unnecessary repeat visits to the same location. Different attendants are rotated around different beats.



*Parked on the pavement, but the double yellow lines still apply here.*

4.5.4 Outside the city centre there is less resource covering a significantly greater area. This necessitates a different method of deployment, using a mixture of mobile Parking Attendants (on motor-scooters) and Parking Attendants deployed by car. Here, enforcement is focused upon:

- Patrolling the main arterial routes during peak times;
- Areas where there are large numbers of single-fronted shops and small businesses and where congestion is therefore a high priority
- Visiting areas with known parking issues or issues reported by the public or organisations such as the Police;
- On request, outside schools with particular parking problems, mostly as a deterrent.

4.5.5 Particularly in the case of schools, requests for Parking Attendants far outstrip the possible supply. There are also locations where Parking Attendants are not deployed alone for safety reasons.



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- 4.5.6 In addition to the regular deployment of Parking Attendants, there is a need to cater for planned events. For example, when there are events such as VIP visitors to the city or high-profile court proceedings, it may be necessary to co-ordinate enforcement in specific areas with the Police.
- 4.5.7 It is also necessary to be able to respond to emerging situations and unplanned events. Where there are unexpected congestion issues caused by vehicle breakdowns or security situations, Parking Attendants may be deployed to help deal with this.

### 4.6 Vehicle Removals

- 4.6.1 Sometimes it is necessary to remove a vehicle. In such cases the removal is conducted by a Control Plus crew, with a council-employed On-Board Parking Attendant present to ensure that removal is necessary. Vehicles are lifted and removed to a secure vehicle pound.
- 4.6.2 The criteria for prioritising whether removal is necessary are shown in **Appendix 1**; these are essentially focused towards where the vehicle is causing a danger or obstruction, or is parked in a disabled bay without displaying a disabled badge.
- 4.6.3 A large proportion of vehicles removed are not claimed by their owners. These are often old vehicles with no registered keeper or vehicles where the value of the vehicle is less than the amount that would have to be paid to release it. Ultimately many of the vehicles lifted have to be scrapped.
- 4.6.4 Birmingham decided to operate a removals service upon entering into enforcing decriminalised parking. This was a result of its experience with enforcing on-street parking, and also the experience of Glasgow and Manchester City Councils, who similarly elected to do so. However, most councils do not conduct removals; the NPAS Annual Report for 2002/3 indicated that outside of London, only five councils (including Birmingham) operate such a service.

### 4.7 Processing Penalty Charges

- 4.7.1 Once a PCN has been issued, the charge needs to be collected. The Penalty Charge is £60, or £30 if paid within fourteen days of issue.
- 4.7.2 If a PCN has not been paid after 28 days, a Notice to Owner (NtO) is issued. This means contacting the DVLA to identify the Registered Keeper of the vehicle.



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- 4.7.3 The purpose of an NtO is to:
- Remind the motorist of the unpaid charge;
  - Warn the motorist that if the charge is unpaid within a further 28 days it may be increased by 50% to £90;
  - Give the motorist an opportunity to make representations against the Penalty Charge.
- 4.7.4 There is no maximum time for issuing the NtO. However, in practice an unreasonable delay in issuing the NtO increases the likelihood that NPAS will uphold any appeal. NPAS has indicated that a period of 10 weeks between the issue of the PCN and the issue of the NtO is acceptable. As an NtO cannot be issued until four weeks have elapsed, this leaves six weeks to conclude all enquiries and issue the NtO.
- 4.7.5 This sounds like a lengthy period of time. However, where correspondence is received and mitigating circumstances need to be considered, this can often take a long time to investigate and conclude. Much here depends upon the accuracy of information held by the DVLA on the owner of the car. Where such details are inaccurate, a new NtO may need to be sent to the new keeper.
- 4.7.6 All aspects of appeals against PCNs are dealt with by the Council's Processing team. This may be done either by the motorist 'challenging' the issue of the PCN, or appealing following rejection of a representation following an NtO.
- 4.7.7 The recipient of a PCN may 'challenge' its issue by contacting the council. Local authorities are advised that they should consider cancelling PCNs where any of set of defined circumstances apply. It may be that the motorist accepts that a contravention occurred, but that there were mitigating circumstances. National guidance lists these as:
- All parking meters / pay and display machines in the vicinity were faulty;
  - Inadequate or inaccurate information due to an error by the Parking Attendant;
  - The vehicle had broken down and reasonable steps were being taken to move it;
  - "Well-defined compassionate grounds", for example, due to personal circumstances or a medical emergency.
- 4.7.8 Alternatively, the recipient of an NtO may make a representation to the council. Where this is rejected, they may appeal to NPAS for one of six reasons:
- Vehicle Ownership: That they have never owned the vehicle, had ceased to own it before the PCN was issued or became its owner after that date;
  - No Contravention: That the alleged contravention did not occur;



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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 Council has little recourse other than to refer these cases to bailiffs for debt collection.

### 4.8 Paying for Enforcement

- 4.8.1 Enforcing parking is a process that costs the Council money. It is a legitimate expectation that the cost of carrying out enforcement must be covered by payment of fines arising from the activity. Theoretically, it is possible that if there is not a certain level of parking contravention the City Council would lose money through enforcing parking. However, as with any large city where there is a high volume of cars, it is unlikely that the Council will be unable to cover the cost of enforcement in Birmingham.
- 4.8.2 The permitted use of this income is specified within the legislation. Section 55 of the Road Traffic Regulation Act (1984) requires that local authorities ring-fence the income received from on-street parking and decriminalised parking enforcement. This money may be used for:
- Enforcing decriminalised parking;
  - Providing and maintaining off-street parking;
  - Highway and road improvements.
- 4.8.3 The level of enforcement in the city, the number of PCNs issued and the amount of income are all discussed in more detail in chapter 5.



## **5 Examining Effectiveness**

### **5.1 What is 'Effective' Enforcement?**

- 5.1.1 Measuring and demonstrating the impact of parking enforcement is difficult. Yet the low visibility of the benefits of effective enforcement probably lies at the root of public perceptions about the activity of enforcement.
- 5.1.2 How a council determines what is 'effective' depends upon its priorities. Priorities around parking involve striking a balance across three areas:
- Compliance with TROs: the relative importance of congestion and road safety issues;
  - The relative importance of ensuring that people pay for what they use in relation to parking;
  - Paying for enforcement: the relative importance of covering costs.
- 5.1.3 As stated in 4.8.1, covering the costs of enforcement is not an issue in Birmingham under the current enforcement arrangements. The key priorities here are to:
- Relieve congestion and greater road safety through greater compliance with TROs, and
  - Protect car parking revenue.
- 5.1.4 The volume of vehicles and the level of competition for road space mean that there will always be a significant need for TROs and an enforcement operation to ensure compliance. Equally, the pressure upon the capacity for on- and off-street car parking means that if there is not an element of revenue protection, the council could lose significant income from its assets.
- 5.1.5 This section examines how effectiveness is measured in terms of the three aspects of Birmingham's enforcement operation (enforcement, removals and processing), and goes on to examine how the revenue from parking enforcement is used.



## Parking Enforcement

### 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 deployed effectively. The rationale is that if Parking Attendants are not issuing PCNs then the implications are that:

- There are too many Parking Attendants being deployed;
- They are not being used effectively; or
- That enforcement is working and less PCNs are issued as a result.



*Parking bays are squeezed into a narrow side street. However, this car is blocking the entrance to premises.*

5.2.3 It isn't easy to find relevant comparators. Comparing Birmingham against other cities and local authorities simply on the basis of the total of PCNs issued is a potentially misleading statistic. Due to its size it would be unusual were Birmingham not to be at the top of any such list.

5.2.4 An alternative is to examine other indicators. The proportion of:

- Cases where a PCN issued was subject to an appeal – indicating the level of disagreement that motorists have with the Council's decision regarding their representation;
- Cases contested and lost on appeal to NPAS – indicating a judgement of the quality of evidence in favour of the appellant;
- Cases where there has been no contest made to the appeal – indicating the level of insufficient evidence due to an error by the Parking Attendant or evidence submitted later at appeal;
- Cases where a vehicle has been removed and the removal cost has been refunded later – indicating the extent to which appeals are upheld or discretion exercised by the Council;
- Cases cancelled due to Parking Attendant error.

5.2.5 Some authorities have sought to measure compliance by monitoring



## Parking Enforcement

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, turnover of spaces (and parking revenue) increased at these locations.

### 5.3 The Effectiveness of Enforcement

5.3.1 It is appropriate to describe first the level of parking enforcement that takes place in Birmingham. In 2004<sup>1</sup> there were

- 176,825 PCNs issued in Birmingham<sup>2</sup>;
- 127,736 person hours of Parking Attendant deployment;
- 1.37 PCNs on average issued by each Attendant<sup>3</sup>, each hour;
- The majority of PCNs issued within the city centre area (60%).

5.3.2 The general trend is of an increase in the number of PCNs issued and increasing numbers of hours for which Parking Attendants are used. From the 2002/3 year to 2004/5:

- The number of PCNs issued increased from an average of 13,497 per month to 14,312;
- The number of hours of Parking Attendant deployment increased from an average of 8,809 per month to 10,745;
- There was a decrease in the number of PCNs issued per hour by Parking Attendants from an average of 1.59 per hour to 1.37;
- The proportion of PCNs issued in the city centre decreased from 66% in 2002/3 to 60% in 2004/5.

5.3.3 The decrease in the number of PCNs issued per attendant hour can be linked directly to the fall in the overall proportion issued within the city centre.

5.3.4 There are no specific measures of how the level of enforcement relates to the level of compliance with TROs. One measure of how appropriately PCNs are issued is the proportion that is later cancelled or written off. The proportions here are shown in Fig. 1 below.

<sup>1</sup> The figures quoted for '2004' and '2004/5' reflect the figures up to 31 December 2004.

<sup>2</sup> This is the combined figure for PCNs issued by both Control Plus and City Council staff.

<sup>3</sup> This is the figure for Control Plus Parking Attendants only.



## Parking Enforcement

|                                     | 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 <sup>4</sup> | £ 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 the subsequent progress that has been made.
- 5.3.6 The biggest single reason for cancellations is due to the production of a valid ticket or season ticket after the PCN has been issued. This accounted for 22.48% of all cancelled PCNs in 2003 and has accounted for 24.58% so far in 2004.
- 5.3.7 This does not of course guarantee that the ticket was displayed or present at the time that the PCN was issued. However, this is an area where the Council seeks to give the owner the benefit of the doubt. If there were to be an appeal to NPAS it is likely that the Council would lose such cases.
- 5.3.8 Another significant cause of cancellations is comprised by a group of reasons:
- Uncollectable PCNs (including foreign vehicles, cases returned from the bailiff and stolen vehicles);
  - Machine and Hand Held Computer Terminal faults; and
  - TROs not matching the lines and signs.
- 5.3.9 The group of 'Other' reasons for cancellations include Parking Attendant errors, production of a valid Disabled Badge, use of managerial discretion as to the circumstances of the case and being unable to trace the vehicle owner. For 2003 these comprised a total of nearly 38% of cancellations; for 2004 this is 42%.

<sup>4</sup> Value reflects the case value at the time of cancellation.



## Parking Enforcement

### 5.4 The Effectiveness of Removals

- 5.4.1 Similarly to the enforcement activity, no specific measures are available to demonstrate the benefits derived from having a removals service. Such measures are even more difficult to define for removals, since these need to quantify the extent to which the likelihood of removal is an effective deterrent and the extent to which this encourages improved traffic flow and road safety.
- 5.4.2 However, there are more simplistic measures that are indicative of whether the removal service operates effectively. Fig. 2 below shows that:
- The proportion of PCNs issued that result in a removal has fallen slightly from the level in 2002/3 and 2003/4 to 0.99% in 2004/5;
  - The proportion of removals that has been refunded (i.e. following an appeal to NPAS) has increased from 3.33% in 2002/3 to 5.78% in 2004/5;
  - On the basis of 2004/5 to date, the net cost to the Council per paid removal has increased over four times since 2002/3.
- 5.4.3 Information from NPAS indicates that the proportion of PCNs that result in a vehicle being removed in Birmingham is comparable to the four other authorities that conduct removals. Authorities that remove vehicles (including Birmingham) did so in 2.72% of PCNs issued in 2003. Birmingham's percentage for 2003 of 2.68% and the current rate for 2004/5 of 0.99% is considerably less than this.

|                           | 2002/3   | 2003/4   | 2004/5*   |
|---------------------------|----------|----------|-----------|
| Vehicles Removed          | 3,451    | 3,794    | 1,747     |
| Proportion of PCNs Issued | 2.15%    | 2.15%    | 0.99%     |
| Removals Refunded         | 115      | 168      | 101       |
| Proportion Refunded       | 3.33%    | 4.43%    | 5.78%     |
| Net Cost Per Paid Removal | £ 25.41  | £ 22.88  | £ 96.71   |
| Net Cost of Removals      | £ 87,681 | £ 86,807 | £ 168,959 |
| Proportion Disposed Of    | 4.64%    | 5.72%    | 1.55%     |

\* To 31 December 2004.

**Fig. 2** Vehicle Removals

Source: Highways

- 5.4.4 The reality of the service is that there is always going to be a significant need for disposing of vehicles. Where the cost of releasing a vehicle exceeds the value of that vehicle, there is little incentive for the owner to reclaim it.
- 5.4.5 However, the continued viability of employing fixed overheads to deal with removals is an issue where there is a lower level of removal. Due

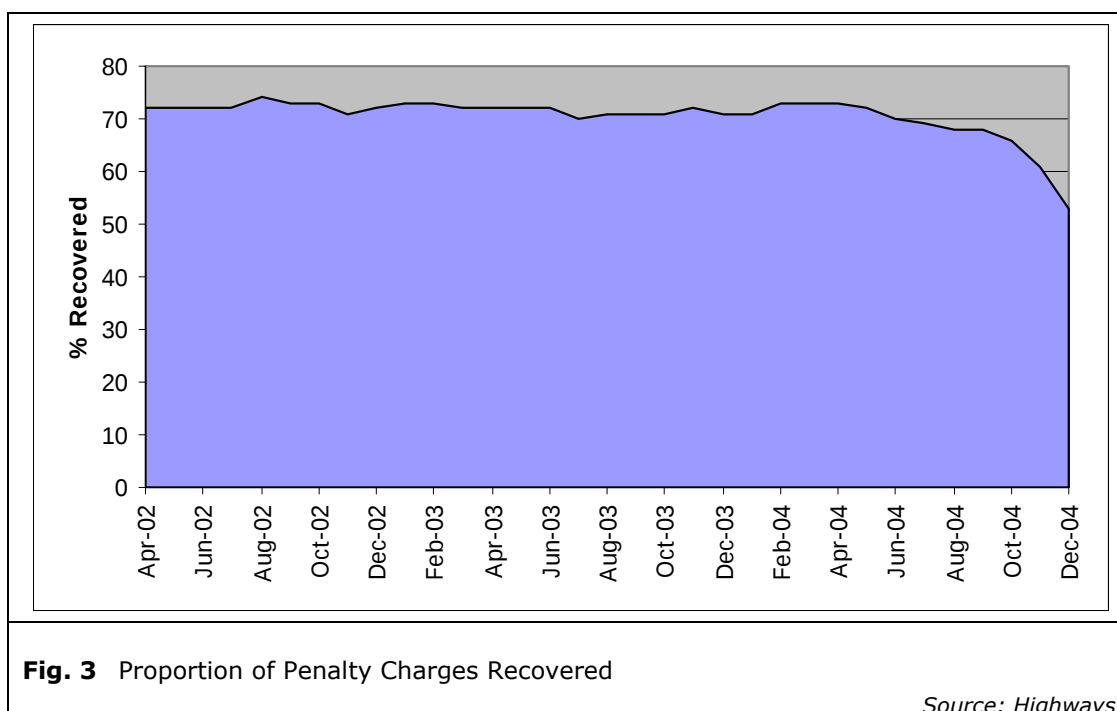


## Parking Enforcement

to a decrease in the number of vehicles that are removed the service has already exceeded the net total cost of removals for 2003/4. For 2004/5 the total cost is projected to be in the region of £ 264k.

### 5.5 The Effectiveness of Collection

- 5.5.1 The effectiveness of collection of penalty charges is easier to measure than the impact of enforcement and removals. Here this relates simply to the proportion of charges issued where the amount has been recovered.
- 5.5.2 As described in paragraphs 5.3.6 to 5.3.9, in issuing PCNs it has to be accepted that a proportion of these will always be non-recoverable and will need to be written off. However, as shown in Fig. 1 on page 20, this has decreased and is now a relatively small percentage of the number of PCNs issued. There remains a proportion of cases that are either (i) where enquiries are still ongoing, or (ii) have been referred to bailiffs for collection.
- 5.5.3 Fig. 3 below shows the proportion of PCNs that is recovered. This proportion has run between 69% and 74% since January 2002 and (as can be seen from the chart) has remained relatively constant.
- 5.5.4 Cases in progress are reflected by the slightly lower percentage of collection for the most recent months; most of these cases can be expected to become 'paid' cases over time.





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### 5.6 Where the Money Goes

5.6.1 Looking at the income from parking enforcement, the following key points are relevant:

- Income from enforcement for 2003/4 was £ 5,180,642;
- The majority of PCNs are paid at the discounted rate within the first 14 days (typically approximately 80%);
- Due to the escalated costs of cases that are outstanding, the value of these cases is higher than the initial penalty charge of £60.

5.6.2 As indicated in 4.8.2, the Council is restricted by legislation in how it may use the net proceeds from parking, combining the proceeds from On-Street Parking with those from Decriminalised Parking Enforcement. In Birmingham, the sums of money involved are inevitably significant, as Fig. 4 below shows.

|                                    | 2001/2          |                 | 2002/3          |                 | 2003/4                |                 |
|------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------------|-----------------|
|                                    | Income          | Expenditure     | Income          | Expenditure     | Income                | Expenditure     |
| On-Street Parking                  | £ 3,419k        |                 | £ 3,386k        |                 | £ 3,466k              |                 |
| Decriminalised Parking Enforcement | £ 1,213k        | £ 1,537k        | £ 3,630k        | £ 3,171k        | £ 4,590k <sup>5</sup> | £ 3,682k        |
| On-Street - Premises               |                 | £ 34k           |                 | £ 19k           |                       | £ 21k           |
| On-Street - Transport              |                 | £ 2k            |                 | £ 0.038k        |                       | £ -             |
| On-Street - Supplies and Services  |                 | £ 144k          |                 | £ 34k           |                       | £ 180k          |
| On-Street - Support                |                 | £ 780k          |                 | £ 361k          |                       | £ 433k          |
| <b>Total</b>                       | <b>£ 4,632k</b> | <b>£ 2,498k</b> | <b>£ 7,016k</b> | <b>£ 3,684k</b> | <b>£ 8,056k</b>       | <b>£ 4,315k</b> |
| <b>Net Surplus</b>                 | <b>£ 2,134k</b> |                 | <b>£ 3,332k</b> |                 | <b>£ 3,741k</b>       |                 |

**Fig. 4** Net Surplus from Parking - Extracts from Section 55 Statements, 2001/2 to 2003/4

Source: Highways

5.6.3 After costs are deducted, income from on-street parking and decriminalised parking enforcement contributes to portfolio expenditure on off-street parking infrastructure and highway improvement works.

<sup>5</sup> This is the figure at the end of the financial year. 5.6.1 reflects payments received after this.



## 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 also understand that efficient enforcement of parking control is essential in managing 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."*

*Source: Local Government Ombudsmen,  
'Parking Enforcement by Local Authorities' (Dec. 2004)*

- 6.2.2 Any kind of enforcement activity, no matter how socially necessary, is rarely popular. However, there is a particular antipathy reserved by public and press alike for the activity of enforcing parking. Much of the adverse image that is attached to any enforcement activity is derived from how fair that activity is perceived to be. Unfortunately, the 'Traffic Warden' / Parking Attendant is alongside taxmen and ticket inspectors within the group of jobs that people "love to hate".
- 6.2.3 Prior to the introduction of decriminalised parking, the level of enforcement by the Police and Traffic Wardens was significantly less. When local authorities began to enforce parking more effectively



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requiring greater compliance with parking restrictions, it was inevitable that this would be unpopular.

- 6.2.4 It is often difficult to convey how problematic things would be without some enforcement. However, an example of the effects of non-enforcement of parking is provided by St. Albans, where the effects of non-enforcement drew national media attention. Early in 2004 the Police withdrew their Traffic Wardens and there was a delay in introducing decriminalised parking enforcement. During this time there was no parking enforcement, resulting in widespread traffic chaos and abuse of parking restrictions.



*A tight corner in the city centre:  
Delivery vans on double yellow lines cause problems for a lorry trying to get through.*

### 6.3 Traffic Regulation Orders

- 6.3.1 In a city the size of Birmingham there will always be a great deal of change and development in the highway infrastructure and street scene. Patterns of road use and the needs of people change over time and TROs need to respond to those changing needs.
- 6.3.2 Due to the complexity and length of time involved in making a TRO, the pace of change in the orders inevitably has not kept up with all changes in needs for all roads. Changes in TROs are mainly those relating to major highway schemes, including initiatives such as Bus Showcase.



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- 6.3.3 Balancing what local people want with wider needs is part of the difficulty with TROs. There are occasions where the City Council needs to have TROs that prevent or significantly limit parking in an area, in order to maintain traffic flow or improve safety. However, this may run contrary to the needs of local people who may want parking for convenient access to shops and so on.
- 6.3.4 Part of the issue is that there are cases where the physical indications of TROs (the lines and signs on the street) are not as they should be. Road surfaces are continually repaired, signs become damaged and there are redevelopments that occupy the footpath and sometimes the road also.
- 6.3.5 Where lines and signs do not match the TRO this is not enforceable and the Council does not seek to enforce such cases where they are known. However, if parts of the Council do not communicate effectively with one another at such times, this can lead to inappropriate enforcement (and consequentially negative publicity).
- 6.3.6 Because many of the existing TROs consist of partial variations of earlier orders, the process of checking these can become protracted. It is more straightforward to consolidate a TRO than to make a new one. This problem is being addressed, and the Council will consolidate many of the TROs into new base TROs, completing the central area by October 2005.

### 6.4 Utilising Limited Resources

- 6.4.1 It is inevitable that there will be some variation in the level of enforcement between the city centre and the areas outside it. It is simply impractical to 'have a Parking Attendant on every corner', and therefore decisions have to be taken about where resources are allocated. Particularly outside the city centre, these decisions are about proportioning the level of enforcement to get the maximum benefit.
- 6.4.2 Enforcement of parking restrictions around schools is an issue of concern. Demand for enforcement is difficult to meet because limited resources are available at the times problems occur. Parking Attendants deployed to these locations act mainly in a deterrent capacity, rather than actively issuing PCNs. However the benefits of the presence of Parking Attendants in terms of safety and accident prevention are difficult to measure.
- 6.4.3 Requests for enforcement in areas outside the city centre, significantly outstrip the current ability to meet them. The key question to be asked here is that, in seeking to achieve a more even level of enforcement across the city, are sufficient resources allocated to this?



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### 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, effectively 'running to stand still' with recruitment;
- It erodes the experience base of the staff;
- There is a time lag in recruiting and training staff to replace leavers.

6.5.4 Turnover of Parking Attendants in Birmingham indicates that 81% left within their first six months. A significant number simply do not turn up for work again and this is felt to be because they dislike the job and the working environment.

6.5.5 The reasons underlying turnover are often complex. Control Plus cites two main reasons behind turnover in Birmingham as being (i) the nature of the job and (ii) the rate of pay.

6.5.6 In terms of the nature of the job, the key point is that there are a number of incidents that occur on the street. The characteristics of these issues are that:

- Reported incidents have occurred roughly on the basis of one a week from September 2003 to November 2004;
- Most have involved actual assault or physical contact, whereas others have mostly involved verbal abuse and threatening behaviour;
- Certain locations have higher likelihood of serious incidents occurring, and have necessitated Parking Attendants not working alone in such areas.



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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';
  - Exposing applicants to the actual job at as early a point as possible in their employment (during the first week);
  - Delivering training in confrontation handling, enabling Parking Attendants to avoid confrontation and handle conflict better.

### Rates of Pay

- 6.5.9 In terms of pay, Parking Attendants in Birmingham are paid only slightly above national minimum wage levels. At lower rates of pay, high turnover can be expected because there are more opportunities within the acceptable rate of pay for applicants. In seeking to recruit, Control Plus is in direct competition with retailers and those employing security staff. Quite often the rates of pay in these areas are higher.
- 6.5.10 Pay alone is unlikely to be a sole factor that causes high turnover. However, when combined with problems in the working environment, low pay will make it more likely that Parking Attendants will wish to leave and make other jobs relatively more attractive.
- 6.5.11 The rate of pay of Parking Attendants is determined by Control Plus. However, the rate that the contractor can afford to pay is influenced by the Council through the tendering process. Successful tenders will always need to be keen on price.
- 6.5.12 Issues around pay are more difficult to address and essentially require a solution to involve a change in the terms of the contract for enforcement. However, there would almost certainly be additional cost associated with this.



## Parking Enforcement

### 6.6 Collecting Penalty Charges

- 6.6.1 The ability to recover the penalty charges issued for parking underpins the effectiveness of enforcement. This was a key focus of the previous Scrutiny Review and a number of improvements resulted from this. These included the appointment of bailiffs to collect outstanding charges and a significant reduction has been achieved in the number of cases that are being written off and cancelled.
- 6.6.2 However, it remains a key challenge that in issuing PCNs the Council must seek to collect as high a proportion as possible of what it issues. Improving the rate of recovery of PCNs issued improves the cost-efficiency of existing enforcement, and there are still areas in which this can be improved.
- 6.6.3 The view of NPAS is that two areas that the Council can improve upon are the proportion of cases in which it does not contest an appeal and where cases are lost due to delays in issuing the Notice to Owner.
- 6.6.4 Councils do not contest cases usually where the evidence is not strong enough to support a case. In 2003 Birmingham did not contest 509 of 751 appeals to NPAS (68%). This was because either:
- Closer scrutiny should have been made at the representation stage and the case cancelled, so as not progress to a formal appeal; or
  - New evidence being submitted at the appeal stage resulting in a change to the circumstances of the case since the representation was investigated.
- 6.6.5 The view of NPAS on delays in the process is that they are “intrinsically unfair”. Because a penalty is being issued, the recipient has the right to have the matter concluded as swiftly as possible. This affects recollections of the incident and the quality of evidence. In some cases the length of time taken has been the principal grounds upon which an appeal has been allowed. It also disadvantages the Council in that it increases the likelihood of an appeal succeeding.
- 6.6.6 Measures implemented to resolve the issues of not contesting appeals and delays in the issuing process include:
- Reviewing the Processing Team staffing structure, to better examine cases at an earlier point;
  - Allowing more time for motorists to forward information;
  - Introducing a standard, pre-printed pocket book for Parking Attendants, to improve the quality of supporting evidence.

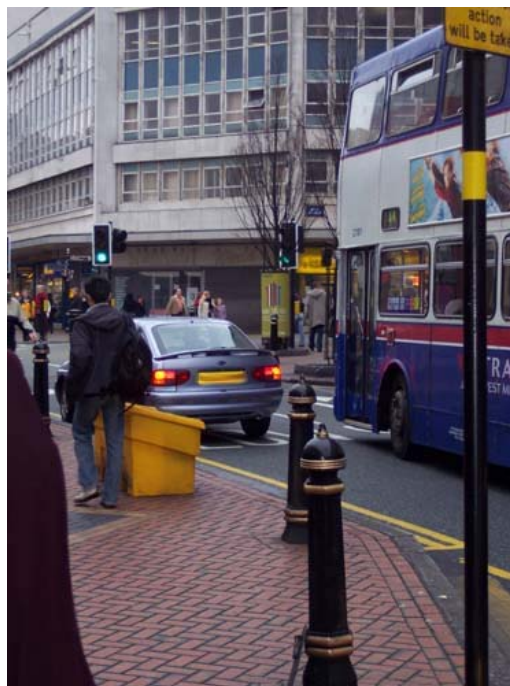


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6.6.7 However, NPAS did comment that the cases that the Council does contest are well-prepared and evidenced. Although Birmingham overall lost (including those not contested) 83% of cases going to appeal with NPAS, 50% of cases contested were actually won. This is similar to most other authorities. Additionally, Birmingham's level of appeals was only 0.43% of PCNs issued – lower than many authorities.

6.6.8 There has recently been criticism of some local authorities from the Local Government Ombudsmen regarding whether motorists are given sufficient information about their rights to appeal. Three general areas of fault were found:

- Misrepresentation of what a council has a duty to consider;
- Misleading advice about what may be accepted as a plea of mitigation; and
- Denial of an opportunity to plead mitigation at an appropriate stage in the process.<sup>6</sup>



*Parked at traffic lights in front of the exit from city centre bus bays. Buses have to pull out and block the flow to get around this car.*

6.6.9 On the whole, such criticisms do not apply to Birmingham City Council. Mitigating circumstances are taken into consideration by the Processing Team as soon as they are raised, and action at this stage might include cancellation of the NtO based upon this. This is a step that many authorities do not take.

6.6.10 The approach taken with regard to the content of the NtO is in line with the guidance provided by the Department for Transport. However, the indication from the Ombudsmen report is that this wording could imply restrictions on the ability to appeal.

6.6.11 The Ombudsmen report was published whilst this report was being drafted. Given that this is a recommendation of best practice the Council will seek to follow this guidance as closely as possible. As a result, officers from the Parking team are considering the need for any changes to be made. It is also important to note that it is uncommon for parking cases to be dealt with through the Local Government Ombudsmen, since there is already an independent appeal process through NPAS.

<sup>6</sup> *Special Report: Parking Enforcement by Local Authorities, Advice and Guidance from the Local Government Ombudsmen, December 2004.*



## **7 Developing Quality Enforcement**

### **7.1 Introduction**

- 7.1.1 Largely driven by a negative public perception, the quality of enforcement has become the most pertinent issue today within the parking industry. With perceptions fuelled by media hyperbole about Councils 'cashing in' it has become increasingly important that the activity of enforcement is perceived as being conducted fairly.
- 7.1.2 The current parking enforcement contract concludes in September 2006 and due to the lengthy tendering process, now is the appropriate time to consider what the council wants from this contract. This is also an opportune time to see where practices elsewhere can impact upon our ways of working.
- 7.1.3 In the previous section, the challenges to delivering effective enforcement were looked at; this section examines the areas in which the quality of enforcement within Birmingham can be improved. These involve extending the level of enforcement more evenly across the city, making use of new legislative powers, best practice in the parking industry relating to contracts, and using systems and IT to support these processes.

### **7.2 The Phasing of Enforcement**

- 7.2.1 When decriminalised parking was introduced in Birmingham, it was acknowledged that this was a large project and it would not be possible to introduce a consistent level of enforcement immediately across the entire city. It was expected that this would move through three incremental phases:
  - Introduction within the city centre;
  - Extension of limited enforcement to areas outside the city centre;
  - Full enforcement outside the city centre.
- 7.2.2 Three years after the start of enforcement, there is currently full enforcement within the city centre and limited enforcement outside the city centre. However, it has to be accepted that moving towards full



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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 level of compliance with parking restrictions. Moving towards a position where enforcement is carried out more evenly across the city as a whole can only encourage greater compliance: this promotes the expectation that those parking against the restrictions will be ticketed.

### 7.3 Legislative Changes

- 7.3.1 It has already been mentioned in 4.2.2 that the Traffic Management Act 2004 (TMA) provides for changes in the way that local authorities enforce parking and widens the scope of enforcement to include moving traffic offences. This is a significant shift towards permitting authorities to focus enforcement on behaviour that contributes to congestion.
- 7.3.2 The TMA is an extensive piece of legislation, and the changes relating specifically to areas of local authority enforcement alone are significant. Changes within the TMA that relate specifically to parking enforcement include:
- 'Special Parking Areas' become 'Civil Enforcement Areas'. 'Parking Attendants' will accordingly become 'Civil Enforcement Officers';
  - Provision for local authorities to enforce contraventions associated with pedestrian crossings, bus lanes, prohibited turns, box junctions, vehicle class restrictions, pedestrian zones and one way traffic;
  - The means of enforcement (i.e. using an approved device such as a camera) may also be specified;
  - Allowing local authorities to set (under guidance) different levels of penalty charge for different contraventions;
  - Permitting the secretary of State to make regulations to permit vehicles to be relocated prior to clamping;
  - Allowing earlier penalty charges to be recovered prior to the release of the vehicle;
  - Giving Parking Attendants the authority to require anyone in a vehicle displaying a blue disabled badge to produce it for inspection;



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- Widening the scope of Section 55 of the Road Traffic Regulation Act (1984) to permit income from parking to be used for 'local environmental improvements', including recreational or scenic improvements.
- 7.3.3 Many of these powers are upon application to the Secretary of State for Transport, or are subject to specific guidance and clarification from the Department for Transport. As the Act is a relatively new piece of legislation, some of this guidance is not yet available.
- 7.3.4 Applying for and using the full extent of these powers will allow Birmingham City Council to focus very specifically on tackling congestion through its enforcement. There may also be an indirect impact, as the Secretary of State could require authorities that currently do not operate decriminalised parking to take over enforcement. This could affect Solihull, Walsall and Dudley specifically. Achieving a more consistent level of enforcement across the West Midlands area will deliver similar benefits to greater consistency across Birmingham (7.2.3).

### **7.4 Re-Tendering for the Enforcement Contract**

- 7.4.1 The current enforcement contract was tendered for over four years ago and a great deal has changed in the practice of local authorities enforcing parking in that time. It is a commonly reported misconception that Parking Attendants are paid a bonus for the number of PCNs that they issue and are given incentives to issue more tickets.
- 7.4.2 There are four key performance measures in the contract that give incentive to Control Plus in Birmingham:
- The number of 'quality' PCNs issued: those paid without formal dispute following issue, prior to the issuing of a Charge Certificate;
  - The turnover of staff among Parking Attendants on a sliding scale where turnover of more than 20% results in no incentive payment;
  - Turnover of support / supervisory staff on a similar basis to that for Parking Attendants;
  - A performance quality payment for the quality of service received, based upon the reliability of the contractor, attendance records, staff appearance and public liaison.
- 7.4.3 However, the above potential performance incentives remain very small in terms of the value of the contract. The bulk of what the Council pays for enforcement relates simply to the number of hours that Control Plus deploys Parking Attendants.
- 7.4.4 Local authority contracts have tended to be relatively unsophisticated in terms of giving direct incentives to contractors to perform in the areas that are important to the Council. Indeed, there has been a general



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reluctance in the past to establish contracts that provide financial incentive or disincentive to contractors.

- 7.4.5 However, it is a generally recognised priority that the Council should be more focused upon performance. The re-tendering process represents a clear opportunity for the City Council to create a sharper focus of its parking enforcement towards meeting its policy priorities by linking payment to its contractor directly to key indicators of performance.

### 7.5 The BPA Standard Contract

- 7.5.1 The British Parking Association (BPA) is a private organisation of not only providers of parking enforcement, consultants and suppliers of technology related to the industry and local authorities, but also those who own car parks (such as health authorities and shopping centres to name but two). Birmingham City Council is a member.
- 7.5.2 The BPA is effectively a private standards body for the parking industry in the UK. It describes itself:

*"As the recognised authority within the parking industry, the BPA represents, promotes and influences the best interest of the parking and traffic management sectors throughout the UK and Europe."*

*Source: BPA Web Site ([www.britishparking.co.uk](http://www.britishparking.co.uk))*

- 7.5.3 The BPA has recently produced a template for tendering and contracting for Decriminalised Parking Enforcement (DPE). A prototype version formed the basis of the London Borough of Hackney's Contract Invitation to Tender for Enforcement Services, which was issued in May 2004. The Hackney contract commenced from November 2004.
- 7.5.4 The contract seeks to tackle the source of some of the perceptions about DPE: particularly that it is enforced unfairly or as a money-generating activity. The contract gives incentive to contractors to meet the criteria that the Council sets, by rewarding them financially for doing so. These criteria are focused upon issuing good quality Penalty Charge Notices (PCNs) and having presentable, competent contracted staff.
- 7.5.5 The structure of remuneration under the contract is an interesting improvement to how such contracts have previously operated:
- The direct costs of carrying out enforcement are paid by the Council. In specifying the target cost for Parking Attendants, the Council is in a position to set the rate of pay;
  - The contractor has the opportunity to earn (i) payment towards their overheads and (ii) profit from the contract through exceeding the standards set for the Key Performance Indicators (KPIs);



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- Failure to consistently meet performance standards will mean that contractors lose money by not covering their overheads.
- 7.5.6 One of the main features of the BPA proposals is for parking enforcement contracts to contain indicators of performance (the KPIs). The BPA Contract contains a suggested 'shopping list' of KPIs. These are not prescriptive, and authorities are encouraged to select only those that are directly related to the achievement of the Council's parking policy objectives.
- 7.5.7 There are ten areas that KPIs might encompass. Some of these (e.g. administrative procedures) are not areas that the City Council contract presently covers. However, they are included in the template standard because other authorities contract out such activities. The areas are as follows:
- Effective parking enforcement;
  - Good quality, motivated and informed Parking Attendants;
  - Issue of good quality PCNs;
  - Level of compliance;
  - Clamping and removal operations;
  - Car pound operations;
  - Abandoned vehicles;
  - Full and timely reporting of all defective / missing lines and signs, street furniture and parking equipment;
  - Police liaison;
  - Administrative procedures.
- 7.5.8 Views given by parking contractors see this contract as a step forward in the kind of relationship that they are keen to establish with local authorities. The emphasis moves to being able to meet the needs of the City Council as a customer. As those needs develop and are quantified better through mechanisms such as the standard contract, this helps demonstrate this responsiveness.
- 7.5.9 This may also provide an opportunity for the Council to consider how it wishes to approach activities such as clamping and removal operations, car pound operations, abandoned vehicle reporting and conducting administrative procedures related to parking (including notice processing and administration of parking permits). These are all activities that are conducted by the Council itself at present.



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### 7.6 Developing IT Systems and Equipment

- 7.6.1 The continuing development of technology means that IT systems supporting parking enforcement are developing constantly.
- 7.6.2 There are two key elements to the IT systems and equipment used by the City Council in parking:
- The Hand-Held Computer Terminal (HHCT) used by the Parking Attendants to issue tickets;
  - The Notice Processing System that tracks the payment of PCNs that have been issued.
- 7.6.3 The Council currently uses the Compex Notice Processing System. This is an upgraded version of the system that was used prior to operating decriminalised parking enforcement. As such, it is now not as advanced as systems currently available in the marketplace, from both Compex and other suppliers.
- 7.6.4 The use of digital cameras is one area that has been highlighted where improvements to enforcement and collection may be made. There are various options as to what can be done with this image:
- Transferred to the PCN or NtO, so that the motorist can see a thumbnail;
  - Made available to the motorist through a secure web site;
  - Stored for reference if there is any question about the issue of the PCN.
- 7.6.5 The use of digital images has reputedly increased collection rates by as much as 3%. Such an increase in collection could yield between £150k and £300k in a year<sup>7</sup>. The implication is that it is not necessarily important what is done with the image as the very fact that motorists are aware that images are taken that decreases the number of challenges.
- 7.6.6 Such changes would necessitate not only a means of Parking Attendants taking the images but also a change in the system used for processing notices. In considering the need to update the systems in place there is an obvious need for the HHCT to be compatible with the Notice Processing System.
- 7.6.7 There are a number of alternative HHCTs and Notice Processing Systems available. The variation in HHCTs ranges between those that simply issue the PCN (as is presently used), to versions that include integral digital cameras and can print the image on the PCN.
- 7.6.8 There is an opportunity to achieve a degree of synergy in the systems in use. The Council will shortly commence camera enforcement of bus

<sup>7</sup> Based on a 3% increase in collection of the 2003 PCNs issued, at the £30 and £60 charge rates.



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lanes, which is proposed to be handled by the Processing Team. This process is dependent upon having a system that can process images. In this event, the Notice Processing System and the bus lane enforcement could be handled by the same system.

- 7.6.9 These improvements are all targeted in the same direction. The advantage of improving rates of collection is that this is an efficiency improvement within the existing level of enforcement. It is not dependent upon the need to deploy more Parking Attendants, simply to collect more of the charges that are already issued, and ensures that the Council gets better value from the resources it currently uses.



## **8 Conclusions and Recommendations**

### **8.1 Introduction**

- 8.1.1 During the course of this review, members felt that key themes emerged where the enforcement of parking in the city can be improved. The key themes that are examined here are:
- Increasing the extent to which residents can see the benefits of effective enforcement;
  - Consideration of what the council wants from its contractor and how the council focuses its contractor upon delivering this;
  - Systems, IT and equipment to facilitate this focus.
- 8.1.2 It is important to stress that in some cases this will involve a more detailed evaluation to be conducted by the Cabinet Member prior to taking a decision.

### **8.2 Increasing Visible Benefits**

- 8.2.1 It is clear that without parking enforcement, particularly within the city centre, there would be widespread problems with traffic within the city. Regulation is a necessary part of the Council discharging its responsibilities for traffic management.
- 8.2.2 The uneven level of enforcement across Birmingham (and to some extent, in comparison to neighbouring authorities) creates uncertainty as to whether a motorist is likely to get a ticket. Where there is doubt, motorists may take the risk of getting a ticket, especially in outer areas where there is more doubt. A perception of a high likelihood of getting a ticket will actively discourage the taking of such chances.
- 8.2.3 Differential levels of enforcement between areas outside the city centre and the centre itself were a necessary part of the phased introduction of decriminalised parking in a city the size of Birmingham. As enforcement develops within the city, it is important that these differentials are reduced.



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8.2.4 It is essential that people are able to see the benefits of enforcement upon traffic and congestion in the city. An increase in the level of enforcement alone is likely to prove unpopular if not clearly and rationally explained. Increasing the level of enforcement therefore needs to be perceptibly linked to a commitment to:

- Tackling congestion;
- Invest in transport infrastructure; and
- Being demonstrably more responsive to requests from the public to conduct targeted enforcement in their areas.

### Conclusions:

1. *Parking enforcement in Birmingham is conducted relatively effectively at present, given the level of resource utilised.*
2. *Although enforcement is focused heavily on the city centre, the level of enforcement there is not disproportionately high compared to the need for compliance and risk / consequences of congestion.*
3. *A greater degree of responsiveness is required for requests for enforcement outside the city centre and there is a need to move towards full enforcement in these areas. This will ultimately mean that more Parking Attendants will need to be deployed to achieve this.*
4. *Additional deployment of Parking Attendants outside the city centre must balance the competing needs for tackling congestion on arterial and key traffic routes in those areas with requests for ad hoc enforcement by residents, schools and other organisations.*

|    | Recommendation                                                                                                                                                                                                                                                                                                                                                       | Responsibility                                        | Completion Date   |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|-------------------|
| R1 | Consideration is given to increasing the level of parking enforcement and Parking Attendant deployment in areas outside the main city centre area.                                                                                                                                                                                                                   | Cabinet Member for Transportation and Street Services | 31 May 2005       |
| R2 | A list of priority areas where parking enforcement can make a difference to congestion outside the city centre should be identified.                                                                                                                                                                                                                                 | Cabinet Member for Transportation and Street Services | 31 May 2005       |
| R3 | Increased deployment of Parking Attendants outside the city centre should be targeted on the priority congestion areas identified in R2, but should also provide demonstrably improved flexibility and increased capacity to meet requests from residents, schools and other organisations for ad hoc enforcement.                                                   | Cabinet Member for Transportation and Street Services | 31 May 2005       |
| R4 | The Council should regularly (at least annually) and clearly publicise how it uses the income raised from on- and off-street parking and parking enforcement. This should make clear <ul style="list-style-type: none"> <li>• How the Council uses enforcement to reduce congestion; and</li> <li>• How the income is invested in parking infrastructure.</li> </ul> | Cabinet Member for Transportation and Street Services | 30 September 2005 |



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### 8.3 Focusing Contractor Performance

- 8.3.1 Best practice in parking management has evolved considerably even over the time frame from the commencement of tendering for the Council's current enforcement contract. Now is an opportune time to be looking forward at re-tendering for the next contract starting in September 2006.
- 8.3.2 The structure of the current enforcement contract is discussed in section 5.1.5. The contract only gives small incentives and whilst there are penalties to the contractor, these defaults are complicated. It is questionable whether the contract structure sufficiently focuses the contractor upon delivering the policy objectives that the Council wants.
- 8.3.3 There are three clear steps within the process of increasing the degree to which our contractor is focused on delivering what the Council wants:
- Determining the policy outcomes that we want the contractor to deliver;
  - Establishing the contractual framework to provide an appropriate system of incentive and penalty to the contractor;
  - Selecting the elements of the process that we require the contractor to carry out and contractual performance indicators to accompany these.
- 8.3.4 The BPA Standard Contract does represent a considerable move forward from the perspective of both client and contractor. It also provides a flexible means by which the Council can determine what policy it wants to deliver, focus the contractor on delivering this and then measure progress against delivery.

#### Conclusions:

5. *There is an opportunity to instigate important changes in re-tendering for the contract, particularly in increasing the focus of the contractor on performance to meet the Council's key objectives.*
6. *The BPA Standard Contract provides a positive step forward on encouraging better quality enforcement. Selecting carefully from the suggested indicators will provide a more comprehensive approach of managing contractor performance.*

|    | Recommendation                                                                                                                                                                      | Responsibility                                        | Completion Date   |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|-------------------|
| R5 | The British Parking Association (BPA) Standard Contract should form the basis of the re-tendering for the parking enforcement contract that is due to commence from September 2006. | Cabinet Member for Transportation and Street Services | 30 September 2005 |



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### 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:
- Demonstrating where the Council is receptive and responsive to feedback and seeking to improve this;
  - Putting our side of the case, explaining the positive action we are taking and why.
- 8.4.4 There are means by which the Council can improve the degree to which it gathers and responds to feedback on parking issues. These particularly relate to proactively identifying problems as well as responding to issues raised and enabling the contractor to be directly involved in this.
- 8.4.5 Implementing other recommendations (such as R4) will work towards putting across the benefits of effective enforcement. However, it is important that the Council takes forward measures to directly tackle perceptions that parking is enforced unfairly.
- 8.4.6 One such issue is that Parking Attendants are often accused of 'lurking in the shadows' and 'swooping on unsuspecting motorists'. An approach taken by others to assuage such sentiments is to give the Parking Attendants more visible clothing, such as high-visibility jackets. This approach was considered to have particular merits in Birmingham where the Parking Attendants wear a dark blue uniform.

#### Conclusions:

7. *In conducting enforcement, the best position the Council can hope for is to be perceived as 'doing it fairly'.*
8. *Perceptions are affected by the enforcement of TROs that do not reflect the needs of the local community, or those which it will not be possible to enforce effectively. The work that is proposed within Highways to address the consistency of TROs is supported as a starting point of improving consistency.*



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9. *The Cabinet Member is not presently represented on the existing 'Parking Board'. Extending membership to involve all relevant stakeholders will provide a mechanism for examining persistent issues with enforcement and seeking to resolve these.*
10. *There are also more straightforward measures to tackle perceptions. A simple measure is to increase the visibility of Parking Attendants by replacing the dark blue clothing with brighter, high visibility clothing to discourage accusations that they 'lurk in the shadows'.*

|    | Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Responsibility                                        | Completion Date   |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|-------------------|
| R6 | Issues relating to the quality of enforcement should be dealt with by the City's Parking Board, in order to identify, examine, consider and resolve those issues.<br><br>The board should meet at least quarterly and membership should be extended to include all relevant stakeholders, including as a minimum <ul style="list-style-type: none"> <li>• The Cabinet Member;</li> <li>• Representatives of the Contractor;</li> <li>• Representatives of the Police;</li> <li>• Officers from the Council's Highways Service.</li> </ul> | Cabinet Member for Transportation and Street Services | 31 May 2005       |
| R7 | Uniform clothing standards for Parking Attendants (PAs) should be changed within the existing and future contracts to specify the wearing of high-visibility clothing. The exception is where there are specifically identified risks associated with this.                                                                                                                                                                                                                                                                               | Cabinet Member for Transportation and Street Services | 30 September 2005 |

### 8.5 More Effective Systems

- 8.5.1 There are options to achieve greater synergy, both within the process of enforcing parking and also other on-street activities conducted by the Council. The BPA Standard Contract highlights these as being removal / clamping of vehicles and the operation of the vehicle pound, Parking Attendants reporting abandoned vehicles and administration and notice processing. The BPA also provides appropriate indicators incorporated into their standard contract.
- 8.5.2 The process of re-tendering is an opportunity for the council to evaluate whether its current approach to parking enforcement is organised effectively. This is an appropriate juncture to also consider whether the current level of resourcing for those activities is appropriate and whether the best approach is to continue to conduct other elements of the process in-house.
- 8.5.3 Upon entering into decriminalised parking enforcement there was uncertainty as to some of the costs involved. In the circumstances, prudence with regard to the level of investment in IT systems and hardware may have been appropriate at that time.



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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.*
12. *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 individually: <ul style="list-style-type: none"> <li>Removal of vehicles and the operation of the vehicle pound;</li> <li>PAs reporting abandoned vehicles, missing lines, damage to street furniture, signage and parking equipment;</li> <li>Administration and notice processing.</li> </ul> | Cabinet Member for Transportation and Street Services | 31 May 2005     |
| R9 | There should be consideration of the case for achieving improved rates of collection through investment in a new software for processing PCNs.                                                                                                                                                                                                                                                                                                                      | Cabinet Member for Transportation and Street Services | 31 May 2005     |

## 8.6 Progress on Implementation

- 8.6.1 In order to keep the Committee informed of progress in implementing the recommendations within this report, it is recommended that the Cabinet Member for Transportation and Street Services reports back on progress on a regular basis.

|     | Recommendation                                                                                                                                                                                                                                                                                                         | Responsibility                                        | Completion Date  |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|------------------|
| R10 | Progress towards achieving these recommendations should be reported to the Transportation and Street Services Overview and Scrutiny Committee no later than its December 2005 meeting.<br><br>Subsequent reports on progress will be scheduled by the Committee on a regular basis thereafter until all are completed. | Cabinet Member for Transportation and Street Services | 31 December 2005 |



## **Parking Enforcement**



## Parking Enforcement

# 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.                                        | 86                  |
| 2        | A disabled person's parking badge holder causing a serious obstruction. (Must relocate to the nearest possible location where the vehicle is no longer parked in contravention).          | ALL                 |
| 2        | Parked in a position causing a serious obstruction to traffic flow or hazard to other road users e.g. near a junction and preventing access by emergency vehicles.                        | ALL                 |
| 2        | Obstruction of a restricted bus lane when in operation.                                                                                                                                   | 02                  |
| 2        | Parked in a restricted bus stop.                                                                                                                                                          | 47                  |
| 2        | Preventing access to or from private property.                                                                                                                                            | ALL                 |
| 2        | Parked on the footway and causing an obstruction to pedestrians, particularly dropped kerbs for the disabled.                                                                             | 60, 61              |
| 2        | Parked on an area where stopping is prohibited (where there is a loading/unloading ban).                                                                                                  | 02                  |
| 3        | Stopped on an urban clearway during peak periods.                                                                                                                                         | 46                  |
| 3        | Parked in a suspended bay or parking place.                                                                                                                                               | 21                  |
| 3        | Parked on a Taxi rank marked subject to a restriction.                                                                                                                                    | 45                  |
| 4        | Parked in a parking place or area not designated for that class of vehicle.                                                                                                               | 23, 91              |
| 4        | Untraceable Evader – A vehicle with five or more outstanding PCNs which have remained outstanding for at least 28 days, and the vehicle does not have a current traceable keeper at DVLA. | ALL                 |

N.B. In all instances a vehicle must be parked in contravention and a PCN must be issued before the vehicle is removed.

In the Priority column, '1' is the highest priority and '4' is the lowest.