



Councils in the driving seat?

Local authorities and traffic enforcement

LGiU
the local democracy think tank

 **sea**

Contents

Forewords	2
Jonathan Carr-West, Chief Executive, LGiU	2
Steve Hill, Managing Director, SEA	3
Executive Summary	4
Context	5
Government consultation on local authority parking	5
Safety in schools zones	6
Key Findings	7
Body of report	8
Key traffic problems	8
Enforcement priorities	9
Difficulties with enforcement	9
Barriers to enforcement	10
Strategy for managing traffic flow	11
Management of traffic enforcement	12
Income from enforcement	12
Moving forwards	13
How local authorities are responding to challenges	14
Conclusion	15

Forewords

Jonathan Carr-West, Chief Executive, LGiU

The role of the council as we know it is evolving rapidly. Responding to profound changes to demographics, economies and resources, local authorities are increasingly moving from commissioning and delivering services to 'curating' places and working with communities to ensure their well being and prosperity.

This proactive, preventative role takes many forms, but it nearly always involves bringing together environmental, social and economic considerations.

Traffic flow may seem like a purely technical issue, but in fact it is a vital condition of modern life and an immediate priority for local government. An effective strategy improves mobility, facilitates thriving local economies, protects and improves community safety - especially for vulnerable groups such as children and the elderly - and keeps air pollution down. An ineffective strategy allows the irresponsible and the reckless to disrupt and endanger the law-abiding majority.

Our research reflects how seriously local authorities take their responsibility to deliver appropriate, local strategies to protect citizens and facilitate the kind of environment in which they are able to flourish. But many feel the current political climate and discourse around traffic management threatens their ability to do this.

LGiU firmly believes that democratically-elected councils, who know their areas and the problems unique to their local environment, are far better placed than central government to devise a traffic management strategy to serve the community. Councils need the freedom to implement solutions driven by local circumstances and local conditions. This report provides compelling evidence that DCLG needs to recognize that their commitment to localism must include this issue.

Steve Hill, Managing Director, SEA

SEA is the UK manufacturer of ROADflow enforcement cameras, certificated by the VCA as “approved devices” for parking contraventions.

Parking enforcement has always been an area of controversy. Different parties view it on one hand as just another form of taxation and on the other as the only effective control over dangerous parking and the causes of traffic congestion. The picture is more complicated than some of the simplistic views would have you believe. This report attempts to provide a balanced view of the challenges faced by local authorities trying to address issues of road safety and traffic congestion in their local community.

SEA sees council parking managers every day. In our experience, the majority of parking managers are extremely cautious in their approach to enforcement and do their utmost to ensure that motorists in their area are treated fairly and reasonably. Many have attended our ROADflow user group meetings, and through their experience have helped to develop and inform “best practice” which has been adopted by other local authorities and can significantly improve acceptance of automated enforcement systems.

The LGiU has undertaken this important survey seeking to understand the current state of parking enforcement and has directly questioned local authority members and officers responsible for parking and traffic management, planning, regeneration & the economy for their views. SEA is pleased to have been asked to sponsor this report, as it helps to explain the reality behind much of the rhetoric associated with parking enforcement.

Often people tend to confuse local authority income from parking (which includes on & off-street paid parking) with revenue from parking enforcement (parking fines or tickets). One of the key findings of this report is that in practice, more than 80% of local authorities lose money or break even on parking enforcement with only 19.7% reporting a surplus from enforcement.

SEA welcomes this balanced and informed study by LGiU into the attitude and experiences of local authorities toward parking enforcement and believes its findings merit serious consideration.

Executive Summary

The traffic enforcement strategies of local authorities have been the subject of continuous debate in recent months, prompted by announcements from the Department for Communities and Local Government (DCLG) voicing their concern that some local authorities are using their strategies to raise revenue. The DCLG launched a consultation on 6 December 2013 inviting views on current local authority parking strategies, and specifically on options the Government is considering to change the balance of how parking is enforced.

LGiU ran a survey from November 5th – December 11th 2013 seeking to understand the state of traffic regulation and the key successes and challenges around the issue. The findings were highly interesting and suggested that, rather than needing to be constrained or required to report back to the DCLG, local authorities in fact need to be emboldened and empowered to carry out their statutory requirements around traffic regulation and enforcement.

Our research found that the most significant difficulty local authorities face in enforcing traffic regulations is the public unpopularity of enforcement, with two thirds of respondents stating this is a problem. Respondents expressed frustration with the negative portrayal of local authority traffic enforcement in the media, and particularly underlined their frustration with the Department for Communities and Local Government's negative characterisation of enforcement. Rather than an issue of practicality or resourcing, this is an issue around the politics and perception of local authority traffic enforcement.

The income generated from traffic enforcement is a controversial issue, and one that no doubt prompted the DCLG's current consultation. Our research revealed that the officers and elected members who responded did not see traffic enforcement primarily as a means of generating funds. Fewer than one in five (19.7%) respondents reported making surplus income on enforcement while for the majority (80.3%) income from enforcement either solely covers the cost of enforcement (50.7%) or doesn't cover the cost of enforcement at all (29.6%).

The issue of safety in schools zones is one that many respondents highlighted. An AXA Roadsafe Schools Report, published June 2013¹ found that there have been 557,200 vehicle collisions near schools over 6 years, a total of 130,659 pedestrian casualties, and that 37 per cent of local school areas have had at least one child casualty each year. Our findings demonstrate that just over three-quarters (77.3%) of respondents identified schools zones as a key problem and safety as key to the success of their enforcement.

It is therefore entirely appropriate that councils seek to prevent a minority of irresponsible motorists from disrupting and endangering the law-abiding majority of citizens. Popular discourse around traffic enforcement therefore needs turning on its head. Local authorities need to get better at making this case, and the DCLG needs to avoid interference from the centre.

1 AXA Roadsafe Schools Report, published June 2013 <https://axainsurancezone.com/wp-content/uploads/2013/06/AXA-report.pdf>

Context

The Department for Communities and Local Government (DCLG) has become increasingly concerned with the traffic management strategies of local authorities. The perception that, in the context of considerable budgetary pressures, local authorities are looking to boost revenue through a heavy-handed approach to traffic enforcement, has led the DCLG to launch a consultation on parking and to freeze parking penalty charge levels.

Given the public unpopularity of enforcement, traffic management is now a political issue, and local authorities are obliged to consider the political impact of delivering on their statutory duty to manage traffic effectively.

The Traffic Management Act 2004 provides the regulatory framework which gives local authorities the option of adopting civil parking enforcement (CPE) powers. Most local authorities in England (over 90%) have now taken up these powers. This means that they, rather than the police, can issue parking tickets for on-street parking contraventions, and in local authority off-street car parks.

Government consultation on local authority parking

The government launched a consultation on local authority parking on 6 December 2013, which will run until 14 February 2014. The consultation document invites views on current local authority parking strategies and specifically on options the Government is considering to change the balance of how parking is enforced.

In particular, the consultation document highlights concerns that some local authorities are being over-zealous in their parking enforcement strategies, and are setting parking charges too high in order to raise

revenue. The document states “the time is now right to review how local authority parking is being managed and enforced, and to take action to ensure that parking strategies are properly focused on supporting communities, businesses and road users in a fair and proportionate way, and not being used simply as a source of revenue.”

The Secretary of State for Transport announced in December 2013 that parking penalty charge levels will be frozen for the remainder of the Parliament.

In addition, under new requirements laid out in the Transparency Code of Practice published by the Secretary of State for Communities and Local Government, all local authorities are now required to make clear all revenues from parking in annual reports and where that revenue goes. The Code of Practice also includes a list of recommendations which represent good practice.

The consultation document states “Local authority parking strategies should be fair and reasonable and must not act as an unnecessary disincentive, particularly to shoppers who want to visit our town centres. Local authority parking strategies should be linked to local objectives and circumstances, and take account of planning policies and transport powers.”

The Government is currently inviting views on amending significant elements of local authority parking policy including:

- Stopping the use of CCTV for on-street parking enforcement;
- Giving local communities and businesses new rights to require authorities to review

aspects of their parking strategies such as the level of parking charges and whether all double-yellow lines are appropriate and-necessary at particular locations;

- Introducing limited “grace periods” where a driver has stayed in a parking place for a short period before issuing a parking ticket; and
- Updating statutory guidance to local authorities to emphasise a less heavy-handed approach to parking enforcement, and re-emphasise that parking charges and fines cannot be used to as a means to raise revenues.

Safety in schools zones

The issue of safety in schools zones is one that many respondents highlighted. An recent AXA Roadsafe Schools Report, published in June 2013 found that:

- Overall, there have been 557,200 vehicle collisions near schools over 6 years
- There are, on average, six collisions per school per year
- There have been a total of 130,659 pedestrian casualties – that’s 21,777 per year
- 37 per cent of local school areas have had at least one child casualty each year
- 85,814 children have been casualties on local roads around British schools – equating to as many as 1,190 every month
- Fortunately, 5,831 schools (20 per cent) have reported no child casualties in the past six years².

2 AXA Roadsafe Schools Report, published June 2013 <https://axainsurancezone.com/wp-content/uploads/2013/06/AXA-report.pdf>

Key Findings

LGiU ran a survey from November 5th – December 11th 2013 which sought to understand the state of traffic regulation and the key successes and challenges around the issue. We targeted members and officers with responsibility for traffic management, planning, regeneration and the economy. 71 councils are represented. Of these, 31 were District councils, 17 were Unitary authorities, 12 were County councils, 6 were Metropolitan districts and 5 were London boroughs. Two-thirds of respondents were councillors and a third were officers. Conservative-controlled councils are slightly over-represented.

The survey aimed to understand key traffic problems, how far strategies for managing traffic flow are aligned to strategies in planning, economic growth, environmental health and community safety, whether traffic enforcement is carried out in-house or contracted out, and if so on what basis, how important enforcement statistics, mobility, thriving local economies, pollution and safety are to the success of enforcement, assess the income from enforcement, key barriers to enforcement, and the advantages and disadvantages of current arrangements.

The most significant difficulty local authorities face in enforcing traffic regulations is the public unpopularity of enforcement, with two thirds (66.7%) of respondents stating this is a problem. Rather than an issue of practicality or resourcing, this is an issue around the politics and perception of local authority traffic enforcement. Respondents expressed frustration with the negative portrayal of local authority traffic enforcement in the media, and particularly underlined their frustration with the Department for Communities and Local Government's negative characterisation of enforcement. This finding shows that negative public opinion is hampering local authorities' ability to deliver their statutory obligations around traffic enforcement.

The survey findings also demonstrate that one of the key difficulties surrounding enforcement is actually catching law-breakers. 41.7% of respondents said that identifying those who break the law is an issue, suggesting that to carry out their statutory requirements around traffic management effectively, local authorities in fact need to strengthen their ability to identify and reprimand law-breakers.

The disconnect between the roles of District and County Councils was identified as a key barrier to enforcement, as the County Council has responsibility for enforcement. Furthermore, the two tiers can have different strategies and priorities, making a coordinated approach difficult.

In addition, the ineffectiveness of the police in enforcing the law was highlighted as an issue. Respondents reported that they felt traffic law enforcement was a low priority for police, which led to disregard for the law from motorists.

Just over three-quarters (77.3%) of respondents identified schools zones as a key problem. This supports a separate finding that a high proportion of authorities prioritise safety as key to the success of their enforcement.

The findings of this survey suggest that local authorities need to be emboldened and empowered to carry out their statutory requirements around traffic regulation and enforcement. This requires the Department for Communities and Local Government, rather than placing limitations on local authorities' ability to reprimand law-breakers or to generate a surplus from enforcement, to in fact give local authorities' greater freedom to improve their effectiveness in delivering on this duty. This also requires local authorities to push back on the negative public perception of their traffic enforcement role, and proactively make the case for policies that foster safer neighbourhoods, greater mobility, and thriving local economies.

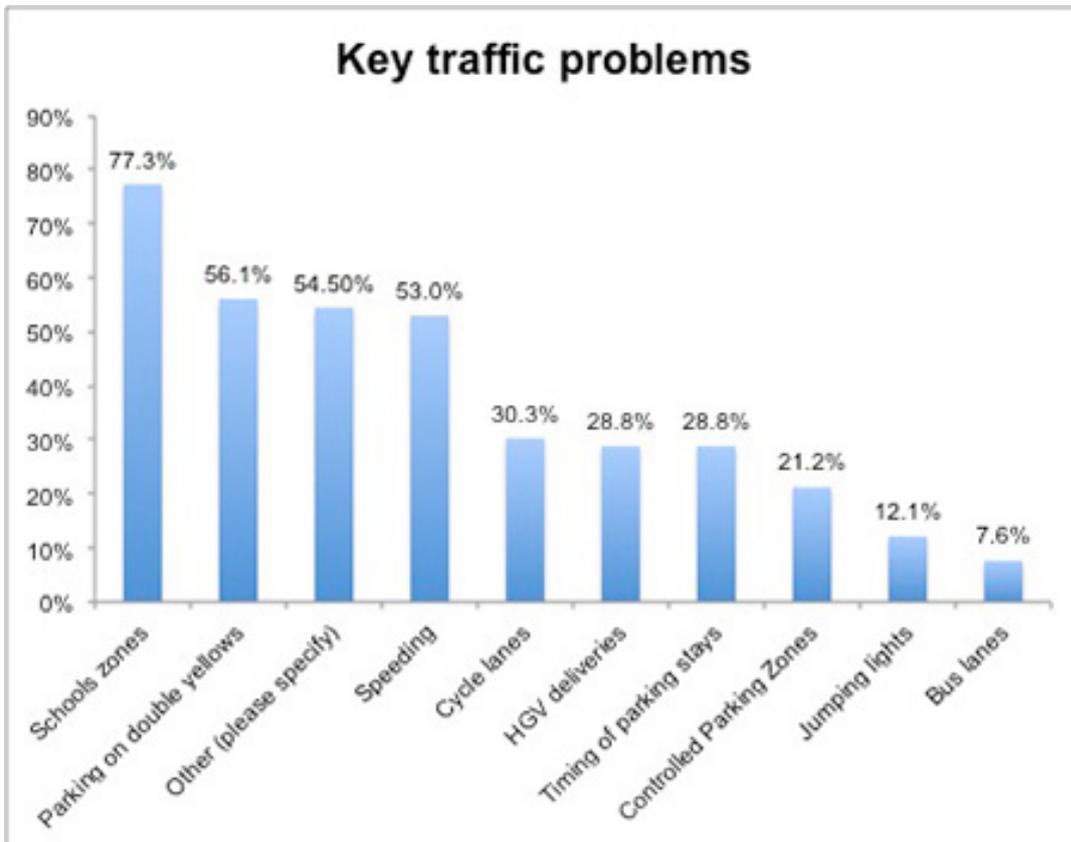
Body of report

Key traffic problems

Just over three-quarters (77.3%) of respondents identified schools zones as a key problem, which links to later findings

Another key problem highlighted was congestion, which a number of respondents reported as a significant concern.

Around a third of respondents highlighted HGV

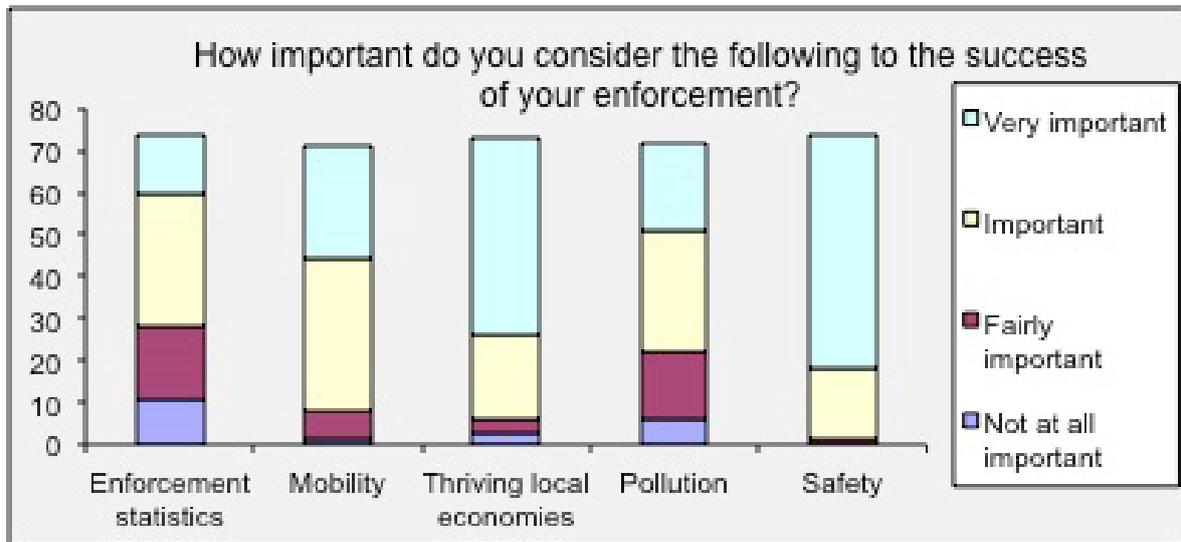


about the high proportion of authorities which prioritise safety as key to the success of their enforcement.

In addition, just over half of respondents identified parking on double yellow lines (56.1%) and speeding (53%) as a problem.

deliveries (28.8%), timing of parking stays (28.8%) and cycle lanes (30.3%) as issues. 21.2% of respondents said that Controlled Parking Zones are a key problem.

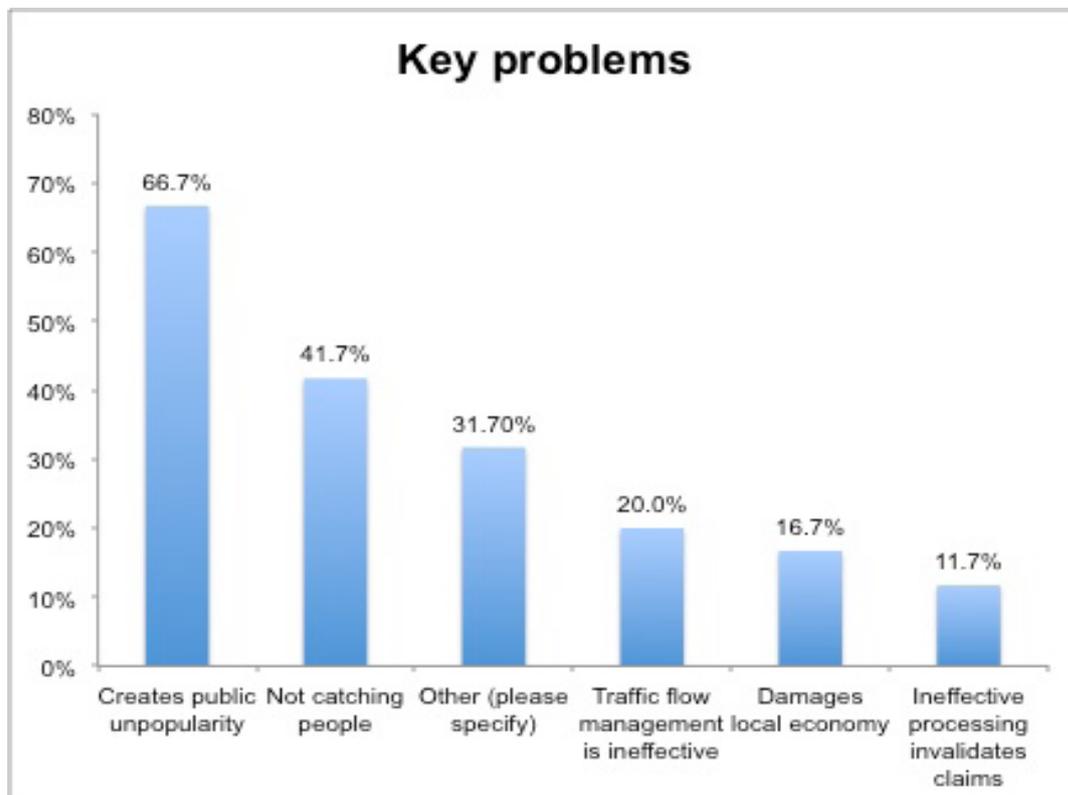
Enforcement priorities



Safety, mobility and enabling a thriving local economy were identified as enforcement priorities, whereas enforcement statistics and pollution are reported to be less of a priority.

The prioritisation of safety in particular links to the earlier finding that for many councils, key traffic problems include schools zones and speeding.

Difficulties with enforcement



Public unpopularity

One of the most significant difficulties local authorities face in enforcing traffic regulations is the public unpopularity that enforcement creates, with two thirds (66.7%) of respondents reporting this is a problem. Rather than an issue of practicality or resourcing, this is an issue around the politics and perception of local authority traffic enforcement. Respondents expressed frustration with the negative portrayal of local authority traffic enforcement in the media, and particularly underlined their frustration with the Department for Communities and Local Government's negative characterisation of enforcement.

"The current system works and would work better if national politics and media were less involved. The restrictions have been applied for a purpose. Assuming the purpose valid in the first place then effective enforcement is essential"

"Ignorant and ill informed nonsensical comments from people who should know better at the DCLG."

"Inaccurate media coverage."

Catching offenders

The other key difficulty surrounding enforcement is actually catching people - 41.7% of respondents said that identifying those who break the law is an issue, in particular, moving traffic offences. This suggests that, rather than placing limitations on local authorities, more support is needed to identify those breaking the law. Respondents stated:

"Not being able to enforce moving traffic offences is a real limitation, as these cause problems for flow, but we are unable to respond."

"Inability to enforce speed limits or parking in cycle lanes."

"Need more powers over moving offences."

Barriers to enforcement

Central interference

Respondents also expressed frustration with central interference:

"Excessive central interference based on a one size fits all approach from the secretary of state. Local control works if local government is allowed to get on with it."

"There are no 'disadvantages'. Local Government should resist the current clap-trap to the contrary and face it down openly as the nonsense that it is."

Lack of resources and insufficient powers

"The mindset of drivers now is that its ok to speed and park wherever, which infuriates others who demand we 'do something' but we can't keep up with that demand. Driver bad behaviour is not reducing and will not unless enforcement increases."

"Enforcement teams spread too thinly."

"Manpower resources."

"Civil Parking Enforcement officers have insufficient powers and are too limited with what they can enforce."

"Inability to enforce speed limits."

Disconnect between the roles of District and County Councils

The disconnect between the roles of District and County Councils was identified as a key barrier to enforcement, as the County Council has responsibility for enforcement.

Furthermore, the two tiers can have different strategies and priorities, making a coordinated approach difficult. Respondents stated:

“Two-tier political system makes holistic management more difficult, i.e. separation of off street parking management and enforcement.”

“Traffic regulations orders are not always effective. Police seem to feel that non compliance to traffic regulations is not their problem.”

“Current enforcement within Dorset is disadvantaged due to no single enforcement agency across the board for both on and off street.”

“Most moving traffic offences are enforced by the Police. This is generally low priority for them resulting in little or no enforcement and consequential congestion problems.”

“Strategy for congestion management is set by the County Council. Enforcement of parking management is delegated to the District Authority and this creates a disconnect in terms of priorities with greater focus from Districts in managing parking supply and availability in residential areas rather than strategic focus on tackling congestion.”

“Police enforcement of moving traffic offences has reduced substantially over recent years resulting in widespread disregard of traffic regulations by many motorists.”

Low priority for police

In addition, the ineffectiveness of the police in enforcing the law was highlighted as an issue. Respondents reported that they felt traffic law enforcement was a low priority for police, which led to disregard for the law from motorists:

The remainder of respondents suggested that ineffectiveness of traffic flow management is a problem (20.0%), as is the damage to the local economy (16.7%) and the invalidations of claims resulting from ineffective processing (11.7%).

“Main disadvantage is that moving traffic offences are a police, not local authority matter, and a relatively low priority for them, which inhibits our ability to help proactively manage the traffic system.”

Strategy for managing traffic flow

Two thirds of respondents (64.1%) have an active strategy for managing traffic flow, whereas a third (35.9%) of respondents do not have an active strategy.

The majority of respondents answered that their strategy for managing traffic flow is aligned to their strategies in planning, economic growth, environmental health and community safety.



Management of traffic enforcement

A very slight majority (55.4%) of authorities carried out traffic enforcement in house, whereas 44.6% of authorities contract out the management of traffic enforcement.

Of those that contracted the management out, a slight majority did so on a flat fee (57.6%). The remainder contracted management out to the local police, a flat fee plus performance payments, tendered procurement, via the county council as opposed to the district council, through a parking partnership, or

through a partnership with other districts or boroughs.

Income from enforcement

For the majority (80.3%) of the respondents, the income from enforcement either solely covers the cost of enforcement (50.7%) or doesn't cover the cost of enforcement at all (29.6%). Less than one in five (19.7%) respondents reported making surplus income on enforcement.

Moving forwards

The findings of this research have demonstrated that local authorities' traffic strategies have been developed to improve safety and traffic flow, and to protect local economies. There has been a lively debate around how much of an income local authorities make from their traffic enforcement strategies.

For example, RAC Foundation research finds that 85% of local authorities make a surplus.³ This has clearly informed the thinking of the Department for Communities and Local Government, and has contributed to the critical outlook of the department.

However, others argue that these figures don't show the full picture. The Local Government Association (LGA) has rejected the characterisation of the Secretary of State for Communities and Local Government of traffic enforcement. Councillor Tony Ball, vice-chairman of the LGA's economy and transport board, has stated:

“Parking controls are not about revenue raising, they are absolutely essential for keeping the roads clear and making sure people can park near their homes and local shops... Camera cars have been instrumental in keeping children from being hurt or killed on the way to school and CCTV plays an important role elsewhere in monitoring traffic flow and keeping cars moving.”

In addition, we found that the majority (80.3%) we surveyed reported that the income from enforcement either solely covers the cost of enforcement (50.7%) or doesn't cover the cost of enforcement at all (29.6%). Less than one

in five (19.7%) respondents reported making surplus income on enforcement.

This discrepancy of views may be in part accounted for by a difference in what people are measuring: whether they are talking about income in relation to on-street enforcement only, or to the entire cost of managing parking in the area.

Whilst there is an argument to be had around how much local authorities are generating a surplus from traffic enforcement, our findings highlight that the objectives of local authorities are in fact focused on safety, mobility and enabling a thriving local economy. The findings suggest that local authorities need to be empowered to carry out their statutory requirements around traffic regulation and enforcement. Rather than having limitations placed on their ability to reprimand law-breakers or to generate a surplus from enforcement, local authorities in fact need greater freedom to improve their effectiveness in delivering on this duty.

The key barrier to enforcement is the negative perceptions of the general public towards local authority traffic enforcement. In this context, it's unhelpful for the Department for Communities and Local Government to perpetuate these perceptions. Central government interference is more of a problem than a solution: local authorities need the freedom to fulfill their statutory duties.

Local authorities also need to play a role in reversing these negative perceptions, and in proactively making the case for traffic enforcement. Effective traffic management protects children in schools zones, improves safety for older pedestrians, and encourages good traffic flow, which benefits the local economy. Making the case would involve

³ http://www.racfoundation.org/assets/rac_foundation/content/downloadables/council_parking_accounts_2012-13_tables.pdf

emphasising the benefits and improved safety in the community, and avoiding associations with punishment. It would emphasise that the hard-working majority who adhere to the rules should not have to suffer the irresponsible behaviour of other road users.

There also needs to be greater local dialogue between all agencies engaged in delivering local authorities' traffic strategies. Our research suggests that local authorities need improved relationships with the police and between District and County councils. In this context, national guidelines are inappropriate: local authorities need the freedom to adopt local approaches.

How local authorities are responding to challenges

Some councils are already doing this well. For example, Bristol City Council uses ANPR cameras to automatically enforce bus lanes and bus gates within the City of Bristol. Fair and consistent enforcement has helped in reducing delays and journey times for buses, improving punctuality, enhancing the attractiveness of public transport and helping to make the roads safer for road users and pedestrians. In addition, mobile approved devices are being used to enforce parking restrictions outside of schools, zig-zag markings around pedestrian crossing, bus

stops and where parking restrictions are used to provide road safety, maintain traffic flow and reduce congestion. They are not used to enforce parking restrictions where waiting is permitted or a Blue Badge holder is allowed to park.

Plymouth City Council has installed VCA-approved bus lane cameras at seven sites, carefully selected by their public transport partners. The cameras were installed in support of local transport policy with the aims of improving bus reliability and punctuality, reducing congestion and improving road safety and traffic flow. A realistic delivery programme included education and awareness campaigns, partner engagement, signs and lines audit and a clear code of practice together with a well-publicised warning and evidence-gathering period prior to going "live" with enforcement. Results show a 75% reduction in contraventions, with 99.9% of motorists now complying with bus lane regulations. More importantly, public transport partners have witnessed improved punctuality for bus services and the number of passenger injuries has also fallen. Importantly, public perception of the Plymouth scheme has been largely favourable, and this is almost certainly down to the levels of attention paid to education and awareness from the outset of the project.

Conclusion

There is a clear public perception that local authority traffic enforcement is designed solely to separate citizens and their cash. In fact as this research shows it is about protecting vulnerable road users, especially children, creating a better environment and growing local economies.

The officers and elected members who responded to this research did not see traffic enforcement primarily as a means of generating funds. Popular discourse around traffic enforcement therefore needs turning on its head.

As the 2013 AXA Roadsafe Schools Report⁴ found, there have been a great number of collisions and casualties around schools zones. It is entirely appropriate that councils seek to prevent a minority of irresponsible motorists from disrupting and endangering the law-abiding majority of citizens.

Councils need to get better at making this case and there is a clear role for local councillors to engage local people around this.

In this context the emphasis of the DCLG consultation may be unfortunate, as it risks

perpetuating an adversarial view of councils' enforcement activities. Many of the specific suggestions trialed in the consultation document have merit: councils should indeed for example consider whether a review of existing TRO's might benefit local street economies, or whether suspending parking charges might generate greater footfall.

But these solutions should be driven by local circumstances and local conditions and should be accountable to the communities they affect through the mechanisms of local democracy.

It is not appropriate or helpful to try and apply a common approach to different communities across the length and breadth of the United Kingdom.

The coalition government has, since 2010, significantly reduced the burden of statutory guidance and regulation upon local authorities, something which has been broadly welcomed across the sector.

On this issue too, they should trust their instincts and stick to the localist principles they espouse.

⁴ AXA Roadsafe Schools Report, published June 2013 <https://axainsurancezone.com/wp-content/uploads/2013/06/AXA-report.pdf>

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The LGiU is a think-tank and local authority membership organisation. Our mission is to strengthen local democracy to put citizens in control of their own lives, communities and local services. We work with local councils and other public services providers, along with a wider network of public, private and third sector organisations.



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