

Item No.	Classification: Open	Date: 21 July 2023	Meeting Name: Cabinet Member for Climate Emergency, Clean Air & Streets
Report title:		Parking Enforcement Protocol	
Ward(s) or groups affected:		All	
From:		Director of Environment	

RECOMMENDATIONS

1. That the Cabinet Member for Climate Emergency, Clean Air & Streets approves the parking enforcement protocol.

BACKGROUND INFORMATION

2. As the Highway and Traffic Authority for the London Borough of Southwark, Southwark Council (“the Council”) has a statutory responsibility to manage the traffic network to ensure the expeditious movement of traffic, (including pedestrians and cyclists) around the borough, as required under section 16 of the Traffic Management Act 2004 (“the Network Management Duty”).
3. The Parking Service is responsible for managing the limited kerb space available in Southwark through the enforcement of parking and moving traffic restrictions. This is to enable the free flow of traffic on the Council’s highway network in accordance with the Network Management Duty and is managed in accordance with this parking enforcement protocol.
4. The parking enforcement protocols set out the car parking enforcement and cancellation procedures in Southwark. It applies to on-street parking, housing estates, council operated car parks and traffic enforcement. It does not include privately operated car parks.
5. Specifically the purpose of the parking enforcement protocol is to:
 - make clear the parking enforcement policy for each contravention, for the benefit of the public and the action of the Civil Enforcement Officers (“CEOs”) and guidance of parking staff;
 - set out the rules and procedures for issuing Penalty Charge Notice (“PCN”) - what most people call ‘parking tickets’;
 - inform the public of our criteria for consideration of mitigation in response to the issue of a PCN.

KEY ISSUES FOR CONSIDERATION

Streets for People

6. Through our Streets for People transport strategy, we're taking ambitious steps to improve the air we breathe in Southwark, by moving away from favouring cars and freeing up space for walking, cycling and public transport. We're improving walking and cycling routes to schools; creating more opportunities to walk and cycle; investing in our community spaces making them safer, greener and more pleasant environments
7. The parking enforcement protocols will significantly contribute to the objectives of Streets for People in that the protocol sets out how the service regulates the use of the kerb space and improving use for pedestrians and other modes of active travel.

Purpose of the Parking Enforcement Protocol

8. The parking enforcement protocol sets out the exemptions that exist and the evidence that CEOs are required to take to ensure that a PCN is issued fairly. This is presented by each contravention type that is currently enforced in Southwark (Appendix 1).
9. Appendix 2 contains the parking and moving traffic contraventions that the Council enforce listed by the codes which define each type of contravention. London councils maintain the contravention code list and the severity of the penalty type. Under each code we list the exemptions that exist to our enforcement, each exemption may not always be obvious to the CEO who is enforcing the contravention, their test is one of civil law that they have reasonable grounds to believe a contravention is occurring. If a PCN is contested, the parking back office team will use their discretion to decide whether the penalty has been issued correctly, whether one of the exemptions applies and taking into account any mitigating circumstances.

Amendments to the Enforcement Protocol

10. The parking enforcement protocols were approved in February 2022, these protocols have been updated to include amendments to observation times and the CCTV exemption policy (Appendix 3).

Observation times

11. For the majority of contraventions a five-minute observation time is currently applied by CEOs to vehicles parked in contravention. This has been reviewed for each relevant contravention to respond to:
 - Complaints from residents in relation to the highway being blocked by vehicles being used to unload/load and/or drop off/collect passengers
 - Complaints from businesses that space for loading and unloading is being occupied by vehicles in contravention
 - Complaints from residents because the perception is that CEOs are not taking action whilst they are observing for the five minutes
 - The need to enable free movement of vehicles on the highway.

12. The observations time to be applied has been amended for the majority of contraventions from five minutes to two minutes.

Contravention code	Current	Proposed	Rationale
01 - Parked on Waiting restriction	5 minutes	2 minutes	Two minutes constant observation will allow Civil Enforcement Officers to ascertain whether loading and unloading is taking place. Longer casual observations to take place when loading is observed to support local businesses.
11 - Parking without payment	5 minutes	2 minutes	Two minutes constant observation will allow Civil Enforcement Officers to ascertain whether loading and unloading is taking place. Longer casual observations to take place when loading is observed to support local businesses.
12 - No paid time or permit	5 minutes	2 Minutes	Two minutes constant observation will allow Civil Enforcement Officers to ascertain whether loading and unloading is taking place. Longer casual observations to take place when loading is observed to support local businesses.
14 - Parked in Electric vehicle bay	5 minutes	instant	Any vehicle parked in an electric vehicle charging bay and found not to be charging or not an electric vehicle has no exemption to park
16 - No valid permit	5 minutes	2 Minutes	Two minutes constant observation will allow Civil Enforcement Officers to ascertain whether loading and unloading is taking place. Longer casual observations to take place when loading is observed to support local businesses.

19 - Invalid paid time or permit	5 minutes	2 Minutes	Two minutes constant observation will allow Civil Enforcement Officers to ascertain whether loading and unloading is taking place. Longer casual observations to take place when loading is observed to support local businesses.
22 - Vehicle reparked	5 minutes	2 minutes	Two minutes constant observation will allow Civil Enforcement Officers to ascertain whether loading and unloading is taking place. Longer casual observations to take place when loading is observed to support local businesses.
23 - Wrong class of vehicle	5 minutes	Instant	Where a vehicle is parked in a bay that is not designated for that type of vehicle an instant PCN can be issued. For example a car in a motorcycle bay. Where loading exemptions apply and loading is observed then longer casual observations will take place.
24 - Not within markings of the bay	5 minutes	Instant	Vehicles not parked within the markings of the bay can obstruct crossing points and other parking bays. They can also have an impact on sight lines of other motorists.
25 - Parked in Loading bay	5 minutes if not loading	2 Minutes	Two minutes constant observation will allow Civil Enforcement Officers to ascertain whether loading and unloading is taking place. Longer casual observations to take place when loading is observed to support local businesses.

28 - Parked on raised table	5 minutes	Instant	Parking on a raised table is very similar to parking against a dropped kerb; both Highway additions allow pedestrians ease of access when travelling from carriageway to footway and vice versa and therefore the decision to make this an instant PCN brings contravention code 28 in line with contravention code 27 and also Southwark in line with the other LAs benchmarked against.
30 - Parked longer than permitted	5 minutes	2 minutes	Two minutes constant observation will allow Civil Enforcement Officers to ascertain whether loading and unloading is taking place. Longer casual observations to take place when loading is observed to support local businesses.
45 - Parked in Taxi Rank	5 minutes	Instant	In accordance with Schedule 7, Part 6, sub-paragraph 1 and diagram 1025.1 of the Traffic Signs Regulations and General Directions 2016, a 'no stopping' clearway line forms part of the taxi rank. Therefore the decision to move to an instant PCN brings us in line with other Local Authorities.
55 - Lorry parked during overnight lorry ban	5 minutes	2 minutes	Two minutes constant observation will allow Civil Enforcement Officers to ascertain whether loading and unloading is taking place. Longer casual observations to take place when loading is observed to support local businesses.
63 - Vehicle idling	5 minutes	instant	Drivers are asked to switch off their engines if they are in the vehicle. If they are not in the vehicle or they refuse switch off their engine, an instant PCN will be issued.

13. Two minutes constant observation will allow CEOs to ascertain whether loading and unloading is taking place. Longer casual observations will take place when loading is observed to support local businesses and ensure they receive the deliveries they need.

CCTV exemption policy

14. The exemptions policy facilitate easier travel for people with disabilities and enables emergency services to deliver assistance to people as quickly as possible (Appendix 3).
15. Since the exemptions policy was approved in February 2022 there has been an increase in the number of residents whom have applied for an AD permit, which provides the exemption for blue badge holders. The Council's contracted providers of SEND transport are also exempt since the adoption of this policy
16. Appendix 3 details the Council's policy towards moving traffic contraventions and illustrates the different exemptions that exist dependent on the type of restriction, this falls into three broad categories:
 - Standard moving traffic restrictions, which there are few exemptions for other than the emergency services
 - Low traffic neighbourhoods, which extend the exemptions to Blue Badge Holders, SEND vehicles and some other Council services
 - School Streets which extend the exemptions to residents of the school street and reduce the time of enforcement to term time only.
17. There have been minor changes to the policy including the addition of:
 - Access for the bus dedicated to a specific school within a school street
 - Car Club vehicles which have dedicated bays within the limits of school streets.

Policy implications

18. The parking enforcement protocols support the Council's Streets for People Strategy as detailed in paragraphs 6 and 7 of this report.
19. The use of parking enforcement and parking charges also support the Council's Air Quality Action Plan, with the aim of discouraging the use of the most polluting vehicles by varying the charges made.

Community impact statement

20. The recommendation to approve the enforcement protocol is not considered to have a disproportionate effect on any particular community group.

Climate Implications

21. As noted in the report, effective management of the kerbside is essential in not only the regulation of traffic flows, but to facilitate an increase in levels of walking, cycling and public transport. This in turn leads to a reduction in emissions, improvement in air quality and road safety. The effective use and strengthening of enforcement protocols therefore supports the aims of the council's Climate Change Strategy and Action Plan, which has a key themes to make walking and cycling easier, improve public transport and reduce unnecessary journeys.

Equalities (including socio-economic) impact statement

22. The enforcement protocol has been subject to an Equality Impact Assessment (Appendix 4).

23. The recommendation supports the Council's equalities and human rights policies and promotes social inclusion by providing a written policy which explains the processes in which the Parking Service operates for all motorists to follow. The protocols also provide specific exemptions for disabled blue badge holders who may usually be adversely impacted by parking restrictions because of the need to park close to their destination. These include all exemptions which are set by national government legislation and permits access through specific street space measures with no penalty charge incurred.

24. All motorists, regardless of disability or other protected characteristics are expected to follow parking and moving traffic restrictions set by National Government. The change from five minutes to two minutes constant observation for the majority of contraventions will allow CEOs to ascertain whether loading and unloading is taking place and provide longer casual observations when loading is observed, in particular for blue badge holders. This approach will support local businesses and ensure they receive the deliveries they need, ensure that vehicles parked in contravention are tackled more swiftly and allow the Council's CEOs to move on more quickly to tackle other contraventions.

25. The additions to the CCTV exemptions will:

- provide car club vehicles access to the bays where they are housed within the limits of school streets and in doing so will support the Council's plan of promoting car sharing and encouraging a reduction in overall vehicle numbers. Increased take up of car sharing will result in fewer vehicles parking on our roads taking up valuable kerbspace that could be used for other things, which will ease congestion, reduce air pollution and improve road safety, all of which are benefits for all residents and businesses of Southwark.
- Formalise an existing process of allowing school dedicated minibuses access through their school street and maintain the safety of Southwark residents children.

26. In light of the above, the parking enforcement protocol and its changes are not considered to have a disproportionate effect on any age, disability, race, faith or religion and is not considered to have a detrimental impact on the equality of opportunity under the Equality Act 2010.

Health Impact Statement

27. The report notes that managing kerbside space can help with the flow of traffic and encourage active travel. In turn, these can improve the health and wellbeing of Southwark's population. A reduction in idling and unnecessary car trips can reduce air pollution, which is associated with numerous poor health outcomes. Conversely, engaging in active travel, like walking and cycling, can lead to positive health outcomes. Southwark Council's Air Quality

Joint Strategic Needs Assessment recommends parking as a way to improve air quality in the borough.

Resource implications

28. There are no additional resource or funding implications introduced by this report as the current levels of parking activity can be managed within existing Council staffing and financial resources. The updated parking protocol ensures the Council provides a consistent and fair approach to managing the traffic network and demonstrates the Council's commitment to staying abreast with significant changes in legislation, guidelines and regulations within the industry.
29. The adoption of more environmentally oriented policies to address concerns such as the climate emergency would also enhance the Council's benchmarking capability in quality standards in service delivery against industry best practice.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Assistant Chief Executive – Governance and Assurance (AGG 06/2023)

30. The Cabinet Member is asked to make the recommended decision to approve the parking enforcement protocol as set out within this report. In the event the Cabinet Member is satisfied with the contents of this report then they have the authority to make the decision in accordance with paragraph 22, Part 3D of the Council's Constitution.
31. The Council has a duty under section 149 of the Equality Act 2010, when making decisions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation or other prohibited conduct; (b) to advance equality of opportunity; and (c) foster good relations between persons who share a relevant protected characteristic and those who do not share it. An Equalities Impact Assessment for this recommendation is attached at Appendix 4 and is discussed at paragraphs 22-26 of the report.
32. The Human Rights Act 1998 imposes a duty on the Council as a public authority to apply the European Convention on Human Rights; as a result the Council must not act in a way which is incompatible with these rights. The most important rights for highway and planning purposes are Article 8 (respect for homes); Article 6 (natural justice) and Article 1 of the First Protocol (peaceful enjoyment of property). The implementation of the parking enforcement protocol is not anticipated to engage or breach the provisions of the Human Rights Act 1998.
33. Council Assembly on 14 July 2021 approved a change to the constitution to confirm that all decisions made by the Council will consider the climate and equality (including socio-economic disadvantage and health inequality) consequences of taking that decision. This has been considered in paragraphs 21 above.

Strategic Director of Finance (ENG23/039)

34. The strategic director of finance notes to the recommendation to the Cabinet Member for Climate Emergency, Clean Air & Streets to approve the parking enforcement protocol.
35. The strategic director of finance and governance also notes that there are no additional resource implications arising from the recommendation.
36. Staffing and any other costs connected with these recommendations to be contained within existing departmental revenue and capital budgets.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Streets for People Strategy https://www.southwark.gov.uk/tran-sport-and-roads/streets-for-people	Southwark Council Environment, Neighbourhoods and Growth	John Wade 0207 525 0141

APPENDICES

No.	Title
Appendix 1	Parking enforcement protocols
Appendix 2	Parking contraventions
Appendix 3	CCTV exemption policy
Appendix 4	Equalities Impact Assessment

AUDIT TRAIL

Lead Officer	Matt Clubb – Director of Environment	
Report Author	John Wade – Head of Service	
Version	Final	
Dated	July 2023	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Governance	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
Climate emergency team	Yes	Yes
Public health team	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	21 July 2023	