

Local Government Association briefing: Deregulation Bill, Report Stage Clause 39 Parking Contraventions

11 February 2015



KEY MESSAGES

- **The Local Government Association (LGA) opposes, in principle, clause 39, which would ban the use of CCTV in the enforcement of parking.** Councils are best placed to make decisions about enforcing parking restrictions as parking is a local issue. The clause is at odds with the Government's commitment to localism.
- **Clause 39 allows the Secretary of State to make exemptions to these rules in guidance.** The Government has already undertaken to grant exemptions at bus stops, in bus lanes, outside schools and on red routes, thereby limiting CCTV enforcement 'to critical routes where public transport must be kept moving for safety reasons'.¹
- The proposed exemptions represent a significant LGA campaigning success as we have argued that CCTV is needed to enforce parking restrictions near schools, in bus lanes, at bus stops or on red routes. However, **these exemptions should be included on the face of the Bill to ensure that they are given a statutory footing.**
- **The LGA therefore supports amendments 54 and 55 tabled by Lord McKenzie of Luton, and supported by Baroness Hanham and Lord Tope.** These would insert into the Bill the exemptions needed for the use of CCTV. The amendments cover the exemptions the Government has promised and also exempt the no-stopping zones around pedestrian crossings and other no stopping contraventions from the ban on the same safety grounds. They also extend the exemption "to school entrance keep clear" markings or any stopping or loading contravention within 100 metres of a school entrance.
- Clause 39 has not been subjected to either a regulatory impact assessment or an equalities impact assessment. **Amendment 56 would require such assessments in order for the clause to come into effect.**
- **The LGA also supports amendment 57 promoted by The Guide Dogs for the Blind Association, designed to bring the regulation of pavement parking outside London into line with that in the capital.** This will remove the legislative restrictions which currently hamper attempts by local authorities to protect the safety of blind and other disabled road users.
- The LGA also **supports amendment 57A** which would permit the use of Automatic Number Plate Recognition in car parks.
- Amendment 53 would address the concern that the Bill as currently drafted would make it impossible to enforce a penalty where a driver fled the scene before the Penalty Charge Notice (PCN) could be fixed to their windscreen.

Background

There is no evidence to show that CCTV enforcement is less fair than enforcement by other means. The issuing of a PCN is subject to strict time limits. **The Government's consultation on this issue failed to demonstrate support for the measure, which is opposed by cycling groups, disability**

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campaigners, the bus industry, transport groups and schools. Meanwhile, businesses and motoring groups offered mixed responses, with some motoring groups calling the ban a retrograde step and some businesses stressing that CCTV could remain beneficial at particular times and at particular locations.

Impact assessments

Clause 39 has not been subject to either a Regulatory Impact Assessment (RIA) or an Equalities Impact Assessment (EIA). **The LGA urges the Government to clarify on what grounds an EIA, which we understand to be required under equalities legislation, is not being conducted.**

The Government has previously said it does not need to conduct an RIA because there is no direct impact on business. However, the LGA has heard from private companies contracted to enforce parking that they will be directly affected by the measures in the Bill. **Parking guidance should be reviewed by a working group of stakeholders.**

Exemptions

Exemptions to the ban on the use of CCTV should be included on the face of the Bill. As it is, Parliament is being asked to pass a blanket ban on the use of CCTV (something the LGA, the British Parking Association, head teachers and charities representing blind and disabled people have argued against) and then to empower the Secretary of State to grant exemptions at a later date. This means that a future Secretary of State will be free to remove the exemptions without amending legislation.

Peers should support amendments 54 and 55 tabled by Lord McKenzie of Luton, and supported by Baroness Hanham and Lord Tope, which would insert into the Bill the exemptions needed for the use of CCTV. They are crucial to ensure safety at bus stops, in bus lanes, outside school and on clearways. In addition, the amendments exempt the no-stopping zones around pedestrian crossings from the ban on the same safety grounds.

The Government has accepted that it is necessary to allow CCTV enforcement of the zig-zag markings at school entrances for safety reasons and because these locations are impractical to enforce by other means. It would be illogical if a camera enforcing these restrictions were prevented from issuing tickets to cars parked on yellow lines next to the zig-zags. Amendments 54 and 55 which extend the exemption to within 100 metres of a school entrance would address this.

The arguments for preventing parking on the zig-zag lines at pedestrian crossing are similar to those made in relation to school entrances. Cars parked on the white zig-zags on either side of pedestrian crossings can obscure motorists' views of those about to cross, especially children, the visually impaired and wheelchair users. This is particularly dangerous at zebra crossings where there are no traffic lights and motorists only slow down on seeing a pedestrian starting to cross.

Amendments 54 and 55 would extend the exemption to clearways. Currently, there are junctions and other parts of clearways where parking is prohibited to protect pedestrians, cyclists and motorists themselves. It is unclear why the Government has chosen to exempt red routes but not clearways given the same safety considerations are concerned.

These locations are often located outside the normal patrol of a civil enforcement officer, as school entrances often are, thereby making non-CCTV enforcement prohibitively expensive. Banning CCTV enforcement in locations where it is provided by a fixed camera would also remove a useful visual deterrent which prevents brief stopping where it is dangerous, for example, at certain roundabouts.

Impact on the bus network

95 per centⁱⁱ of the London bus network operates on London borough roads (not on TfL's Red Route network) **which, under these proposals, would be subject to reduced levels of enforcement, potentially affecting 6.5 million journeys a day.** Most of these roads cannot be designated clearways as they allow street parking and/or loading for part of their length and parking restrictions on them may only apply for part of the day. The position is the same in the rest of England. **Bus users make up 29 per cent of all city centre spending and 30 per cent of shoppers rely on the bus as they have no access to a car or van, with a further 6 per cent having only infrequent access.**ⁱⁱⁱ

To maintain bus reliability in England, it will be necessary to exempt enforcement of all 'no stopping' and 'no loading' contraventions from the CCTV ban. This would maintain the spirit of the Government's proposals without bringing misery to the many thousands of people who travel to work each day by bus and making it harder for shoppers to reach our high streets. **Peers are urged to support amendments 54 and 55 which would achieve this.**

ⁱ <https://www.gov.uk/government/news/government-bans-use-of-cctv-spy-cars-for-on-street-parking>

ⁱⁱ Figure provided by London Travel Watch and London Councils

ⁱⁱⁱ <http://www.greenerjourneys.com/2013/12/bus-first-choice-city-centre-visitors/>