

Crime & Disorder Sub-Committee 1 st March 2016:	
Briefing Paper	
Anti-Social Parking Behaviour “Issues, Impacts & Solutions”	
Presented by	Supported by
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<p>1. Introduction</p> <p>1.1. In many instances illegal parking is an unbridled act of anti-social behaviour and the tools conventionally used to manage such situations are to be found across a range of traffic and parking control legislation, with primacy resting with the Traffic Management Act 2004. (TMA 2004). However, in the last year that legislation has been amended and it is now more difficult and time consuming to deal with some common type of illegal parking. Those difficulties come to the fore at traffic pressure points, such as outside schools during the school run, and bring with them dangers to children, parents and carers, and other pedestrians who are likely to be residents who also tolerate great inconvenience and frustration at having their off street parking access obstructed by those on the school run, or even as has been witnessed on a number of occasions, motorists on the school run actually parking on a residents’ off street parking place.</p> <p>1.2. The situation has become such that Traffic & Parking Control officers consider existing civil parking enforcement regulations not specific enough to manage down the problems of school run anti-social parking behaviours witnessed, and their underlying causes. Accordingly officers have examined alternative approaches and consider that the use of Public Space Protection Orders, in combination with other controls and activities, may have a beneficial impact locally in areas where the school run is problematic and a danger.</p> <p>1.3. This briefing paper sets out how many illegal parking acts are traits of anti-social behaviour, and how officers consider that current traditional civil parking enforcement legislation could be augmented with powers available within the Anti-social Behaviour Crime and Policing Act 2014, viz Public Space Protection Orders (PSPOs), to minimise anti-social parking behaviours, and in turn reduce obstructive parking often encountered by local residents, and most importantly, reduce the anti-social parking behaviour that impacts so negatively upon the safety of children, their parents, carers, other pedestrians and legitimate road users during the school run outside many of the boroughs schools.</p> <p>1.4. Officers are planning to present a report to Cabinet in the near future entitled, “Improving the Safety of Our Schools and across the wider Borough” and that report will detail a full analysis of the school run problem and proposals to reduce the same via PSPOs and complementary measures and activities.</p>	

2. Background

- 2.1. The TMA 2004 defines civil parking enforcement and regulates the penalties and the process for undertaking that enforcement, from enforcement officers uniforms, personal ID that needs to be worn, equipment that can or cannot be used to monitor and enforce (CCTV), the certification of electronic equipment used, the cost of a penalty, observation times, grace periods and the type and level of discretion that must be applied to all cases upon challenge. Further, it dictates how challenge and enforcement sections of the Council must be separate units, and describes the composition of an independent appeals service, and how arising parking debts should be progressed through the County Court service, and on to a recovery process thereafter. So, civil parking enforcement is complex and of course a topic that attracts much scrutiny from the public, media and others.
- 2.2. The TMA 2004 has performed well since its introduction and allowed many Council's, such as Havering, with a relatively small team of enforcement officers, and historically being in the lowest three "Penalty Charge Notice issuing" Council's in London, to deliver its enforcement responsibilities more efficiently without effectively increasing the size of its enforcement team, through the use of CCTV for specific and more serious types of illegal parking, such as those occurring on double yellow lines, footways, across residential and other dropped kerbs, outside of schools on zig zags, bus stops and others which were previously defined as the more serious type of illegal parking.
- 2.3. Unfortunately, the media and others very vocally considered the use of CCTV and its positive effect on enforcement efficiency as a negative and dubbed it "the war on motorists". That and other considerations combined to see the government launch a consultation in 2014 into how CCTV was being used as an enforcement tool, and some other peripheral enforcement issues.
- 2.4. The outcome of the consultation was legislated by the government in April 2015 through its Deregulation Act 2015. That act significantly curtails and so limits the use of CCTV to monitor and enforce illegal parking, the net effect being its use limited to only school keep clear areas and bus stops. (CCTV can continue to be used as before to enforce bus lanes and Moving Traffic Contraventions (MTCs) such as banned turns. Havering commenced MTC enforcement in September 2015).
- 2.5. All other acts of illegal parking now need to be monitored and enforced conventionally by a Civil Enforcement Officer (CEO) observing from the kerbside and manually processing a PCN on site. That process requires an observation period and time taken to physically process and then legally issue a PCN, which comes near the end of the process and not at the moment details of a contravention are observed, evidenced and recorded. Therefore, there exists a window of opportunity to illegally park of up to ten minutes whilst the aforementioned is completed, whereas that was previously close to zero when using CCTV.

- 2.6. In addition to that already described above, the Deregulation Act 2015 also introduced a mandatory ten minute grace period before enforcement could take place against vehicles parked in most permitted parking spaces such as a disabled bay, resident bay or other parking bay, both on and off street. This grace period is permitted in addition to the observation time already required. Therefore, by adding the two periods together one can see how the opportunity to enforce can be considerably restricted in some circumstances according to the type of illegal parking act. The circumstances today are that a vehicle can, in a majority of circumstances, come to an illegal stop, drop off, or collect, or even wait a few minutes, before the legal point of “illegal parking” is reached, observed and evidenced; a situation that is detrimental across a number of factors, including but not limited to, traffic congestion and pedestrian safety.

3. The School Run & Obstructive Parking

- 3.1. As part of an initiative entitled “Improving the Safety of Our Schools and across the wider Borough” officers have examined the potential to PSPOs as a complementary measure to minimise the volume of vehicles entering a specific area to stop, and then drop and collect children during what is colloquially referred to as the “School Run”.
- 3.2. The most serious issue arising from the chaos witnessed at the majority of locations during the school run is the direct danger posed to children due to irresponsible and selfish parking and vehicle manoeuvring. Those core issues then easily translate into what we consider to be anti-social behaviour. That view is further compounded when considering the level of obstructive parking that also takes place during the school run with many residents justifiably complaining that they cannot drive on or off their off street parking places as a vehicle has parked across the associated dropped kerb thus preventing access.
- 3.3. The ability of conventional civil parking enforcement regulations to deal with the situations arising from the school run are limited and described elsewhere in this paper.

4. Proposed Use of Public Space Protection Orders (PSPOs)

- 4.1. Using a PSPO to limit the accessing of, and stopping of any vehicle in an area during a prescribed time would address the school drop off and pick up issues and improve safety around schools and derive peripheral benefits for local residents. It is considered that the introduction of PSPO's will result in the behavioural change required to improve safety via a reduction in the illegal, unsafe and anti-social parking behaviours that cause significant dangers to pedestrians and much inconvenience to local residents and other stakeholders.
- 4.2. The proposal includes a facility, managed by a simple virtual permit system, to retain full unhindered access to an area for local residents, their visitors and other legitimate visitors and entities during the times of an active PSPO.

- 4.3. The geographical range of a PSPO will vary according to the actual target location and will be monitored via demountable CCTV cameras and automatic number plate recognition software. That software will support the identification of those in the area so prevent the erroneous issuing of a Fixed Penalty Notice (FPN) to those entitled to be present within the PSPO area at the time.
- 4.4. PSPO have at their core the authority for a Fixed Penalty Notice (FPN) to be issued. An FPN is classified as a minor criminal device and once issued the recipient is able to settle the FPN within 14 days, without there being any criminal record established. Alternatively, if no payment is made, or if the recipient so opts to do so, then the FPN can be dealt with by a Magistrate in a local Court as a criminal proceeding. The Council also reserves the authority to instigate Magistrate proceedings instead of discharging the evidenced offence via a FPN in situations of repeat offences by the same individual.
- 4.5. Existing civil parking enforcement PCNs are classified as a civil misdemeanour and non-payment constitutes a civil debt. Additionally, it is subject to a multi-layered appeal system that encompasses a significantly wide interpretation and application of discretion at all stages of the process. Accordingly, the process can be lengthy and lack the level of gravitas that the issues it seeks to manage deserve. Also, as a civil matter the deterrence factor is low.
- 4.6. The focus of a PSPO FPN being a criminal proceeding compared to a civil parking enforcement PCN being a civil proceeding will provide appropriate gravitas to the situation and act as a suitable deterrence in support of a PSPO and its aims and objectives.
- 4.7. It is important to stress that the placing of a PSPO will be accompanied, where appropriate, with other traffic and parking control measures and activities. This could see new parking controls being placed in support of a PSPO, or in rare instances, changes to junction layouts and or footways. However, if complementary measures are not necessary or appropriate then a PSPO could be a lone controlling device. Also, it is certain that not all locations will be suitable for a PSPO and where so, other conventional control measures will be assessed.
- 4.8. The aim of PSPO deployment is to improve the safety of children and others around our schools during the school run, and to minimise the opportunity there currently exists for residents to suffer obstructive and anti-social parking behaviours that limit their ability to access their off street parking places.

5. Project Management

- 5.1. A Project Management Team has been established and it's currently working within a significant project brief. That brief is very substantive and includes the gathering of evidence necessary to support the use of PSPOs, consultations with schools, including head teachers and governors where applicable, parents (Carers), local residents and businesses, the general public, the Police and other stakeholders. Most importantly, the project team have engaged directly,

and continue to do so as the scope of the project develops, with local members. Member engagement is essential and it's intended to invite members to meetings with schools and other stakeholders as the project progresses. The project team will also be emailing weekly a project update to all members informing them of progress and up and coming events. Members are without doubt central to the success of the project.

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6. Project Team Contacts

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