

OVERVIEW AND SCRUTINY BOARD

28 APRIL 2015

**DEPARTMENT FOR COMMUNITIES AND LOCAL
GOVERNMENT CONSULTATION - PARKING
REFORM: TACKLING
UNFAIR PRACTICES**

PURPOSE OF THE REPORT

1. To inform the Overview and Scrutiny Board of a Government consultation on parking following the Board's 2014 examination of enforcement in privately operated car parks and on private land.

RECOMMENDATION

2. That the Overview and Scrutiny Board notes the submitted report and determines how it wishes to proceed in respect of the Department for Communities and Local Government consultation on parking reform.

BACKGROUND

3. Following concerns raised by the Mayor, the issue of enforcement in privately operated car parks and on private land was examined by OSB in 2014. As a result, the Board made the following recommendations to The Executive in its final report on the subject:

1. *That The Executive calls on the Government to:*
 - a) *Protect the motorist and local economy by creating a 'level playing field' in respect of car parking enforcement, and so to introduce appropriate regulations relating to the conduct and licensing of private car park operators who are entitled to access records from the DVLA. This could be funded from the charge made by the DVLA when supplying such information.*
 - b) *In the interests of consistency and fairness, use national statutory limits for penalties and discounts that currently apply to local authorities in respect of all car parks, irrespective of whether they belong to local authorities or private operators.*
 - c) *Introduce a statutory appeals process to be followed by POPLA, or appropriate body, that involves mandatory suspension of the higher penalty charge while the appeal process is followed, together with a short period of grace to pay the discounted amount following an unsuccessful appeal.*

2. *That the Council considers whether action is necessary, and could be taken, to regulate private parking companies operating on Council-owned land in any future leases.*
4. The OSB's report, and the above recommendations, were approved by The Executive on 7 October 2014. In approving the recommendations, The Executive also agreed that:
 - 1) A letter be sent to both local members of Parliament highlighting the Mayor's concerns and requesting them to pursue matters within Westminster.
 - 2) A letter be sent to the Secretary of State for Communities and Local Government, highlighting the Mayor's concerns in relation to the abuse of powers by a majority of private car park enforcers, with a request that he makes appropriate changes in legislation.
 - 3) A review be undertaken of lease arrangements where private car parks are located on Council Land, and;
 - 4) That the Council's Enforcement Policy be reviewed in relation to car parking, bus lanes and other associated road traffic enforcement issues.

UPDATED POSITION/GOVERNMENT CONSULTATION

5. In March 2015, the responsibility for policy relating to off-street parking transferred within Government, from the Department for Transport to the Department for Communities and Local Government (DCLG). The DCLG has since indicated that this transfer provides an opportunity to review whether there is more that Government should do in this area.
6. As a result, DCLG is currently undertaking a consultation entitled '*Parking Reform: Tackling Unfair Practices*'. This invites responses from local authorities, and any other interested parties, in respect of the following questions:
 - 1) Do you think there are problems with how parking on private or public land is regulated, or the behaviour of private parking companies?
 - 2) If you answered Yes to Question 1, what problems do you think there are with parking on private land, or the practices of parking control companies managing parking on private or public land?
 - 3) If you answered Yes to Question 1, what steps do you think the Government should take to rectify these problems?
 - 4) Are you able to offer any evidence to support a case for change, or examples of best practice?
 - 5) Do you think there are other steps the Government could take to ensure that parking supports local shops and high streets?
 - 6) If you answered Yes to Q5, what steps do you think the Government should take to help support local shops and high streets, for example by encouraging the provision of free and competitively priced parking spaces?
 - 7) Should there be an obligation for local authorities to offer the ability to pay for parking by cash within a reasonable distance of where they have parking (for example via ticket machines or via local shops)?
 - 8) Do you have any examples demonstrating best practice approaches in the UK or abroad?

7. The consultation, which closes on 27 May 2015, provides an opportunity for Middlesbrough Council to press further on this issue, given the earlier OSB report on the subject and the subsequent decision of The Executive.

COUNCILLOR NICKY WALKER
CHAIR - OVERVIEW AND SCRUTINY BOARD

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