

	<h2>Environment Committee</h2> <h3>24 September 2015</h3>
<p style="text-align: right;">Title</p>	<p>Enforcement of Single Yellow Lines on Bank Holidays</p>
<p style="text-align: right;">Report of</p>	<p>Commissioning Director - Environment</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>No</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix 1 – PCNs issued on Bank holidays Appendix 2 – Contravention Codes Appendix 3 – Bank Holiday Single and Double Yellow Line Enforcement over two year</p>
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<h2>Summary</h2>
<p>In November 2014, this Committee agreed a new Parking Policy which sets out the Council’s approach to parking and in particular how it undertakes parking design and enforcement. This report is in response to a previous request by this Committee to provide specific details on the current practice of enforcing single yellow lines on Bank Holidays.</p>

Recommendations

- 1. That the Environment Committee note the reasons why single yellow lines are required on Bank Holidays and authorises that parking enforcement continues for the reasons set out in this report.**
- 2. That the Environment Committee agree that the signs at the top 10 locations listed in Appendix 3 where the most PCNs have been issued be reviewed and improved to ensure motorists are clear when the parking controls operate and to improve compliance.**

1. WHY THIS REPORT IS NEEDED

- 1.1 At the November 2014 meeting of this Committee, members agreed a new Parking Policy which included a schedule indicating the days of enforcement for specific parking restrictions. The Policy makes provision for enforcing single yellow lines on Bank Holidays with the exception of Christmas Day.
- 1.2 At the Environment Committee of 11th June 2015 a Member's item was received in relation to the practice of particularly enforcing single yellow lines on Bank Holidays. The Committee agreed that a further report providing answers to specific issues discussed is brought back to a future Committee and this report contains the information requested.
- 1.3 One of the objectives of agreeing a new policy was to move away from the historical amalgamation of separate decisions accumulated on a case by case basis and to develop a reasoned and consistent approach. It also provides a framework to monitor the performance of delivering the Councils aims and objectives.
- 1.4 It is a popular misconception that Bank Holidays are the same as Sundays and that waiting restrictions do not apply. Where a sign states 'Monday to Saturday' this therefore also includes a Bank Holiday Monday. For the Bank Holiday to be exempt the sign would also have to include the words 'Except Bank Holidays'.
- 1.5 All single yellow line waiting restrictions within the borough were designed on the basis that the restriction would also apply on a Bank Holiday and as such none of the signs currently include the wording 'Except Bank Holidays'.
- 1.6 Parking enforcement contributes to the authority's transport objectives. The aim is to increase compliance with parking restrictions through clear, well designed, legal and enforced parking controls. Civil parking enforcement provides a means by which an authority can effectively deliver wider transport strategies and objectives. Enforcement of parking controls ensure that parking in town centres and other shopping areas is convenient, safe and secure, including appropriate provision for motorcycles and deliveries.
- 1.7 Parking controls have been developed over time to meet the following objectives:

- Improving road safety;
- Managing the traffic network to ensure expeditious movement of traffic, (including pedestrians and cyclists),
- Improving the local environment;
- Improving the quality and accessibility of public transport;
- Meeting the needs of disabled people, some of whom will be unable to use public transport systems and depend entirely on the use of a car; and
- Managing and reconciling the competing demands for kerb space of:

residents; shops; businesses; visitors (especially where there are many tourist attractions and hotels); pedestrians; delivery vehicles; buses, taxis, private hire vehicles; cars; bicycles; and motorcycles.

- 1.8 All proposals were subject to a thorough design review process which involved a qualified engineer assessing the specific needs based on the circumstances of each location and determining the appropriate parking controls to resolve a particular issue.
- 1.9 The design and provision of yellow lines is primarily focussed on addressing the parking issues which occur locally on a regular basis (i.e. during the regular working week and/or on weekends) in order to meet the Council's aims to keep traffic moving and making roads safer.
- 1.9 Although it is accepted that traffic conditions on a public/bank holiday differ from what occurs on an equivalent "normal" day, it should be noted that due to various cultural events in the borough, there are areas which, on a public/bank holiday, generate additional traffic and attract a large number of visitors during a focussed period, which in turn would affect traffic flow and road safety without adequate enforcement of parking restrictions.
- 1.10 To allow parking on yellow lines on Public/Bank holidays would be contrary to the Council's stated transport objectives and its statutory Network Management Duty of ensuring the expeditious movement of traffic, (including pedestrians and cyclists), as required under the Traffic Management Act 2004 (TMA), as allowing motorists to park in lengths where they would otherwise be restricted, would likely result in increased congestion and a higher risk of accidents. It is for this reason that officers do not recommend any changes to the current parking enforcement regime.
- 1.11 The table in Appendix 1 shows the number of Penalty Charge Notices (PCNs) issued, by contravention type (Appendix 2), on bank holidays over the last two years. The majority of PCNs issued are for Code 01 contraventions - '*Parked in a restricted street during prescribed hours*'. A total of 2590 PCNs were issued on bank holidays during this period. It is therefore clear that enforcement of parking controls on bank holidays is necessary to ensure free flow of traffic and improve road safety.
- 1.12 There are approximately 2,200 single yellow lines waiting restrictions signs that would require replacement should a decision not to enforce on bank

holidays is taken. The cost of replacing these signs is estimated £132,000 at £60 per sign.

- 1.13 The cost of reviewing the top ten locations is estimated at £10,000.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Effective management of the road network is a key part of a long- term strategy for a modern, efficient and sustainable transport system. The Traffic Management Act 2004 imposes an explicit duty on local authorities to manage their network so as to reduce congestion and disruption. In agreeing the new parking policy at this Committee's meeting in November 2014, the Council ensured that its policies and standards with regards to parking enforcement are transparent, fair and consistent and that its duties under the TMA are met.
- 2.2 The restrictions that currently exist have been introduced, in many cases as a result of requests from residents and following extensive investigations and consultation. In relation to the restrictions that prohibit vehicles from waiting at a specific location these have been implemented to assist in the management of the highway network and specifically to meet with the duties imposed on the highway authority to maintain the free movement of traffic and hence avoiding congestion, whilst also ensure that the network is safe for all users.
- 2.3 On that basis the restrictions in place are considered essential in ensuring that the Council's duty to effectively and efficiently manage the highway network is met.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 In relation to the Parking Policy, the alternative option is not to implement the new Parking Policy (or parts of it) which would be inconsistent with approving the Policy in the first place and would leave the authority open to challenge.

4. POST DECISION IMPLEMENTATION

- 4.1 To implement the Council's newly adopted Parking Policy by enforcing all non-compliant parking related to single yellow lines.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 Barnet Council will work with local partners to create the right environment to improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study.

- 5.1.2 The priority outcomes set out in the latest Corporate Plan are:

- Opportunity, where people can further their quality of life
- Where people are helped to help themselves, recognising that prevention is better than cure
- Where responsibility is shared, fairly
- Where services are delivered efficiently to get value for money for the taxpayer

5.1.3 The effective implementation of the Parking Policy will help to achieve the above priority outcomes, particularly in respect of improving the satisfaction of residents through improved confidence in the Council due to operating an effective parking service which is detailed in a clear, publicised Policy which demonstrates that consistent processes are being followed in order to deliver the defined aims and objectives.

5.1.4 Shared responsibility includes motorists ensuring that they understand and practice compliant parking and in so doing take account of policy and guidance documents and in particular complying with the Highway Code recommendations.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 The enforcement carried out currently serves to improve compliance and also provides income into the Special Parking Account.

5.2.2 The cost of reviewing and improving signs at the top 10 locations is expected to be £10,000. This would be funded from the SPA.

5.2.3 If a decision was taken to cease enforcement this would reduce the SPA income and hence the SPA funding allocated for other service provision (those allowable) would not be sufficient to sustain the services at planned levels.

5.2.4 It would not be appropriate to simply cease enforcement. In order to remain consistent and compliant with statutory guidance the signage at all single yellow line locations would need to be replaced with a sign that identifies that the restrictions do not apply on a Bank Holiday. As there are a considerable number of signs that would need replacing there would be significant costs related to carrying out this work.

5.2.5 If enforcement were ceased there would also be a need to review and amend the existing Traffic Management Order to accommodate any proposed change and this would have a cost implication.

5.3 Legal and Constitutional References

5.3.1 The Council's Constitution (Responsibly For Functions, Annex A) gives the Environment Committee certain responsibilities related to the street scene

including pavements and all classes of roads, parking provision and enforcement, and transport and traffic management including agreement of the London Transport Strategy Local Implementation Plan.

- 5.3.2 Under the Road Traffic Act 1991 the Council took over the enforcement of all parking places on the highway in 1994. In 1994 following a pilot where decriminalised enforcement covered three areas, the Council applied for an order to be made designating the whole borough a Special Parking Area which was duly done - with the exception of the current Transport for London Road Network and the M1 motorway. Consequently the Council is empowered to enforce the full range of "decriminalised" parking controls that it implements in any borough road.
- 5.3.3 In using the powers under the Road Traffic Regulation Act 1984, the authority has a duty, amongst other considerations, to secure the expeditious, convenient and safe movement of vehicular and other traffic and the provision of suitable and adequate parking facilities both on and off the highway. This is pursuant to section 122 of the Road Traffic Regulation Act 1984.
- 5.3.4 The Department for Transport issued in February 2008 "The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions" (the "Statutory Guidance"). The Statutory Guidance is published by the Secretary of State under section 87 of the Traffic Management Act 2004. Section 87 (2) requires local authorities to have regard to the Guidance in the delivery of Civil Enforcement of Parking Contraventions.
- 5.3.5 The Department for Transport issued in November 2010 to all local authorities a document entitled: "Operational Guidance to Local Authorities: Parking Policy and Enforcement – Traffic Management Act 2004" ("DfT Guidance"). The DfT Guidance sets out the policy framework within which the Government believes all local authorities should be setting their parking policies.

5.4 Risk Management

- 5.4.1 Not enforcing parking restrictions in an effective and consistent manner would lead to confusion and would certainly have a detrimental impact on the Highway Authority's ability to comply with its Traffic Management Duties, including ensuring the safety of the highway and the effective and timely movement of traffic.
- 5.4.2 Any potentially negative view of the Council's Policy regarding the deployment of restrictions and the enforcement of them is outweighed by the need for a clear and understandable parking policy that explains the purpose of the parking controls in place throughout the borough.
- 5.4.3 Those road users who claim that they do not understand the signage in place should be reminded that all drivers have a responsibility to ensure that they obey the Highway Code and comply with parking restrictions. There are many sources of information available to drivers, including a number of web sites

whose main objective is to help drivers avoid paying PCNs. Even these sites identify that there is a myth that exists that Bank Holidays are treated the same as Sundays.

5.5 Equalities and Diversity

5.5.1 The Equality Act 2010 outlines the provisions of the Public Sector Equality duty which requires public authorities to have due regard to the need to

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

5.5.2 The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnership, but to a limited extent. A full Equalities Impact Assessment was carried out as part of the development of the parking policy. The overall feedback from this assessment did not indicate any adverse impacts to the protected groups or lead to any reassessment of the policy. Their involvement and participation gave confidence that our proposals were appropriate to the needs of the diverse groups that this policy may impact.

5.6 Consultation and Engagement

5.6.1 The Council's new parking policy (and hence its proposals) was developed through a robust and extensive public consultation exercise, which was approved by this committee.

6 BACKGROUND PAPERS

LONDON BOROUGH OF BARNET PARKING POLICY – NOVEMBER 2014
TRAFFIC MANAGEMENT ACT 2004

APPENDIX 1

Number of PCN's issued on Bank holidays over a two year period and by offence type.

Contravention codes	01	02	16	21	23	24	26	27	30	34	40	45	47	62	99	Grand Total
Boxing Day																
26/12/2014	82	12						1			3		1	11		110
Early May Bank Holiday																
05/05/2014	220	15	1				2	1	2		4	1	1	7	1	255
04/05/2015	261	12	4	3			1	7			4		2	19		313
Easter Monday																
21/04/2014	141	34			1		2	2	2		3	1	3	9		198
06/04/2015	160	3					2	2	2		3	1		15		188
Good Friday																
18/04/2014	136	19	1				4	3			3		3	9		178
03/04/2015	143	7						3	1		4		1	26		185
New Year's Day																
01/01/2014	114	21						3		110	4	1		8		261
01/01/2015	145	19						2	1		2			16		185
Spring Bank Holiday																
26/05/2014	201	26					1	5			2		1	11		247
25/05/2015	194	24	3			1		1			7		1	18	1	250
Summer Bank Holiday																
25/08/2014	187	15	1	1			3	4	2		5		1	6	1	226
Grand Total	1984	207	10	4	1	1	15	34	10	110	44	4	14	155	3	2596

Appendix 2

Contravention codes, descriptions and charge level

(H) = Higher penalty level (L) = Lower penalty level

- 01 - Parked in a restricted street during prescribed hours (H)
- 02 - Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force (H)
- 16 - Parked in a permit space or zone without displaying a valid permit (H)
- 21 - Parked wholly or partly in a suspended bay or space (H)
- 23 - Parked in a parking place or area not designated for that class of vehicle (H)
- 24 - Not parked correctly within the markings of a bay or space (L)
- 26 - Parked in a special enforcement area more than 50cm from the edge of the carriageway and not within a designated parking place (H)
- 27 - Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway (H)
- 30 - Parked for longer than permitted (L)
- 34 - Being in a Bus Lane (H)
- 40 - Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner (H)
- 45 - Parked on a taxi rank (H)
- 47 - Parked on a restricted bus stop or bus stand (H)
- 62 - Parked with one or more wheels on or over a footpath or any part of a road other than a carriageway (H)
- 99 - Stopped on Pedestrian Crossing or crossing area marked by Zig Zags (H)

Appendix 3

Bank Holiday Single and Double Yellow Line Enforcement over two year period (2014 -2015)

Top 10 Locations

TOP 10 ROADS WHERE PCN's ISSUED		Numbers Issued
1	High Road, N20	128
2	Finchley Road, NW11 (Location G)	81
3	Woodside Park Road, N12	74
4	Lodge Lane, N12	61
5	Finchley Road, NW11 (Location H)	60
6	East Barnet Road, EN4	56
7	Athenaeum Road, N20	40
8	West Heath Drive, NW11	35
9	Queens Road, NW4	35
10	Alderton Crescent, NW4	33

Note:

In total there were 2,191 PCN's issued in a total of 270 roads over a two year period