



Deniz Huseyin

**"We need to make the enforcement of parking a much less controversial — after all, we are only talking about the enforcement of parking, we are not taking away people's liberty. When an attendant is subject to assault that cannot be right. We owe them a duty to do something about it."**  
**Richard Childs**

An extensive review of parking enforcement regimes has been carried out for the British Parking Association by Richard Childs (above)

## Wake up call for enforcers

A former Chief Constable has taken a long, hard look at parking regimes, reports **Deniz Huseyin**

**T**he British Parking Association (BPA) took the bold step last year of hiring an independent consultant to mercilessly dissect decriminalised enforcement. Richard Childs, Chief Constable of Lincolnshire Police until 2003, set about an extensive, no-holds-barred review, and his findings, published last month, may prove uncomfortable reading for some. The review, part funded by the Department for Transport (DfT), aims to help the government draw up statutory guidance notes on parking in the Traffic Management Guidance Act 2004.

During his research into decriminalisation, Childs consulted a range of organisations including the BPA, Association of Chief Police Officers, the Association of London Government, parking contractors, parking adjudicators, parking attendants, supervisors, parking managers and back office staff.

Childs believes that research is urgently needed to illustrate how effective parking management allows people to visit businesses, keeps school entrances clear and improved access for buses and emergency vehicles. Though data exists on how decriminalised enforcement operates, Childs found little evidence of the impact of parking controls on traffic flows or road safety.

Some of the money raised by enforcement should be reinvested into raising awareness of the benefits of parking regimes, Childs suggests.

Up-to-date evidence that shows how decriminalised regimes can improve the quality of life on and around roads "may go some way to justifying the costs that some of them [the public] ultimately bear for the operation of the regime", says Childs. Without evidence that parking controls achieve greater compliance, regimes will continue to face suspicion and will be easy to

attack, he says. There is a need for a "robust model", which measures the tangible road safety, traffic flow and kerb space management improvements. Childs urges the DfT to carry out "urgent work" to gather this evidence. The DfT's statutory guidance, due to be drawn up in 2006, should require councils to carry out regular public opinion surveys of parking controls and decriminalisation, says Childs. There is a need for proper market research to identify what are the main areas of contention among the public, with surveys should be carried out every three years.

Childs found that some parking managers were under "significant pressure" to meet financial targets, usually from elected members and treasurers. Another major recommendation in the 56-page report is for councils to publish annual figures of parking income, expenditure and what parking surpluses are spent on. Childs says that DfT should draw up a national model, presenting these figures in a concise way, and allowing easy comparison between local authorities. Currently each council tends to present financial details in different ways making comparisons with others virtually impossible, says Childs.

Among his 40 recommendations, Childs also suggests that the Highway Code should include mention of parking controls and decriminalised enforcement. He says the current version contains no information for new drivers about the dangers and social consequences of poor parking. Though revising the Highway Code would not inform existing drivers, a start would be made in raising awareness among new drivers.

**Councils must challenge assumptions that the main object of parking enforcement is to create surpluses, says Childs.** He urges councils to adopt the BPA's model contract, or one along similar lines, which replace penalty charge notice (PCN) targets with key performance indicators based on quality of service.

### Attendants' pay and conditions need improving

## Childs plays with names

**T**he poor pay and conditions of many parking attendants were examined by Richard Childs, who also questioned the appropriateness of their job title. Contractors claimed they found it hard to increase pay rates, as "no company would be awarded a contract if it unilaterally sought to drive up pay levels or conditions by raising a tender price".

Operators who did this stood the risk of being undercut by competitors, with councils traditionally having to accept the lowest tender. "Given the link between pay and conditions and

the quality of service parking attendants give, it is regretted that no evidence was found that local authorities are actually proactively trying to improve them," says Childs. He went on to question if councils actually preferred to keep pay and conditions poor.

Currently many attendants are caught in a "vicious downward spiral", says Childs. Attendants tend to react in a defensive and unsympathetic manner to what they see as hostile treatment from the road user, which, says Childs, antagonises the road user further.

Childs also asks DfT to consider whether, through changes in legislation, the term 'parking attendant' should be replaced. "Attendant has lavatorial connotations," he told *Parking Review*.

"I don't think it's a nice thing to call them. It trivialises what they do. They need a name that reflects the contribution they make on the streets." When asked what would be preferable he says: "Even parking control officer is better, but really it's up to the industry to decide for themselves." □

Childs was disappointed to find that, so far, few authorities have adopted this new style of contract. He says that target-driven enforcement — as opposed to making “reasonable budget predictions” — results in negative public perception of parking enforcement. “Whilst it is an easy way to manage a contract, and may maximise the income to a local authority because it is a real motivator for contractors and parking attendants, it is an inappropriate way of managing an enforcement regime.” However, numerical information could be used as tool in managing a contract, though not to reward individuals or contractors.

With PCNs becoming a less important aspect of judging performance, parking attendants may be able to assume a broader remit, suggests Childs. He says that this might involve them playing a role in other areas of civil enforcement as is now happening in Manchester.

While stressing the need for fairness and proportionality in parking enforcement, Childs wants a tougher line against persistent offenders. During his research he learned of motorists who either avoided paying PCNs by “exploiting a loop hole” or manipulated the system “to avoid paying until as late as possible”.

Some of the chief culprits were said to be delivery, dispatch, courier and utility firms who openly flouted regulations and treated PCNs as a legitimate business overhead. Childs calls on the DfT to start a review into how tougher penalties could be issued to companies guilty of systematic abuse of parking controls. But Childs acknowledges that in some city areas, such as London’s West End, the loading and unloading arrangements make it “practically impossible” for a delivery to be made. There needs to be a balance between the need to make a delivery and an effective enforcement regime, he says.

He says persistent offenders who have had their vehicles removed should only get them back when they have paid all outstanding fines.

Childs observes that penalties currently do not distinguish between different types of offender. He suggests that someone who overstays in a pay-and-display bay should not be penalised as highly as someone who deliberately parks on a double yellow line. “It has been, not unreasonably, suggested that the way in which decriminalised enforcement operates is insensitive and heavy handed.” He proposes that a range of different levels of penalty should be issued for different types of behaviour.

Councils and contractors must strive to change the public’s view of attendants. A more positive perception of attendants would improve their status and result in a better calibre of recruit, Childs believes. “If this was combined with enhancements to their role and an improvement in their terms and conditions, a virtuous rather



## HEAVY HANDED ENFORCEMENT?

Richard Childs believes that clamping and removing vehicles overstaying in parking bays is “draconian”. Under present legislation a vehicle cannot be clamped until it has overstayed by 15 minutes. Childs says the statutory guidance should extend this time period. “It is legitimate for an ‘overstayer’ to be immobilised, but only after a very significant period has elapsed,” he argues. “If it were not after an extended period it would be disproportionate.”

than a vicious spiral would then develop. The end result would be an improved quality of service.”

Childs acknowledges that though this would not be a quick or simple process, councils and contractors do have the power to raise the status of attendants. To do this they must invest more in training them, says Childs. He notes that the BPA and City & Guilds created a new qualification for parking attendants, with a nationally recognised certificate.

The DfT should consider making it compulsory for attendants to undergo independently assessed training such as the City and Guilds course, Childs suggests. He also urges the DfT to encourage councils and contractors to provide financial support for attendants wishing to take job-related training.

Parking managers also need more training support, argues Child. He says the BPA should create a professional qualification for parking managers, perhaps as a module within a general management qualification. The parking industry must also do more to address the “victimisation” of attendants, the study says. Childs found that, particularly in London, attendants from ethnic minorities frequently suffer racial abuse. The author urges the BPA to gather evidence of abuse against attendants, noting if there is a racial element, and also monitor police response to

incidents. “I don’t think there is sufficient understanding of parking attendant victimisation. I would like to see some work done to establish the scale of it. Contractors and authorities are concerned about the abuse of attendants but they must do more to protect them,” he told *Parking Review*.

The BPA should also forge closer links with the Association of Chief Police Officers (ACPO) to “allow good practice to be shared and problems to be more easily identified and resolved”.

Once details of attendant victimisation have been gathered, the BPA should campaign for a new criminal charge to be introduced for threats or attacks against parking attendants, Childs recommends.

## Childs’ review also examines parking appeals

During his research, he found that councils often had to contend with evidence provided by the motorist at a late stage of the appeal, just before or at the actual hearing. This makes it hard for a council to examine the evidence and to challenge it, says Childs. It also means the council has little time to voluntarily withdraw the penalty notice without criticism. The DfT should consider imposing a time limit on appellants after which new evidence cannot be presented at an appeal, suggests Childs.

In his interviews with parking managers, Childs learned that their relationship with adjudicators was “not as positive as it might be”. He found that this was especially the case outside London, with managers critical of the National Parking Adjudication Service (NPAS) describing it as “antagonistic, negative and confrontational”.

Parking managers also told the author that the decisions made by both NPAS and the Parking and Traffic Appeals Service (PATAS) in London were “more than occasionally inconsistent and adjudicators exceeded their powers in some of the decisions they made”. When Childs asked the local authorities why they did not legally challenge the adjudicators, they told him the cost of doing so was too high to make it practical.

DfT should explore the cause of the “poor relationship between NPAS, and to a lesser extent PATAS, and parking managers and how it might be improved”, says Childs. ■

A Review of Decriminalised Parking Enforcement: [www.britishparking.co.uk](http://www.britishparking.co.uk)

## ‘Discretion should rest with back office, not attendants’

### The perils of too much independence

**G**iving parking attendants more discretion on street would leave them vulnerable to abuse or violence, warns a new report on parking enforcement commissioned by the British Parking Association.

Author Richard Childs, a former Chief Constable, says that it would also “introduce further inconsistency” in the way enforcement is carried out. He says that it may also encourage corruption among attendants in “either issuing or not issuing a

penalty charge notice”.

Also, giving attendants more discretion would have “very significant training and monitoring implications”. Some issues of perceived discretion, such as length of observation time, are actually to do with council policy, Childs points out. “It only becomes a matter of an attendant exercising discretion if he/she chooses to further extend the observation time or does not issue a penalty notice for some other reason.”

Childs believes it makes more sense for discretion to be exercised at formal representation stage in the back office.

“I am not saying that discretion is inappropriate but it should be exercised by the local authority, not the attendant. Discretion is a complex thing,” Childs told *Parking Review*. “That kind of judgement can ask a lot of a parking attendant. And, anyway, they already have to make a decision whether to issue a ticket or not.” □