



Department
for Transport

From the Parliamentary
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All Parking Managers in England with Civil
Parking Enforcement powers

Dear Colleagues

16 SEP 2014

LOCAL AUTHORITY CAR PARK ENFORCEMENT

I understand that some of you are intending to withdraw your off-street parking operations from the parking enforcement framework in the Traffic Management Act 2004 (TMA) so that enforcement is carried out through contractual terms and conditions as if the car parks are privately owned. It is also my understanding that a couple of you may already be operating your car parking operations through contract law - I would hope this is not the case.

Let me assert, that although you may think the land is "unregulated" by virtue of revoking the parking orders made under the Road Traffic Regulation Act 1984 (RTRA), I am of the view that the land remains regulated because under Section 32(1)(a) of the RTRA, a Council retains the status of a Local Authority providing off-street parking places.

Part 6 to the TMA was enacted in 2008 with the aim of improving local authority on-street and off-street parking enforcement arrangements by enabling local authorities to take effective enforcement action, but to protect the motorists when a mistake has been made by a local authority. Any intention to operate outside this statutory regime would clearly go against the will of Parliament, Government policy and the expectations of local electorates.

I should warn you that should you have any plans to submit an application to the DVLA for access to keeper data on the basis of recovering unpaid charges for enforcement through contract law, this will more than likely not be approved because the Council will not be operating as an enforcement authority under the TMA.

The Department made a conscious decision to exempt local authorities from the provisions in Schedule 4 to the Protection of Freedom Act 2012 which provides for an enforcement regime and appeals system for privately owned car parks. This clearly demonstrates the will of Government to separate local authority off-street parking enforcement arrangements from the parking operations on private land.

As you know, local authorities are expected to comply with the relevant legislation and guidance, and are accountable to their electorates. I would hope that you would reconsider any plans to enforce your off-streets outside the parking framework in the TMA.

Yours sincerely

ROBERT GOODWILL