

London Councils

The voice of London local government

Deregulation Bill - Clauses 34 & 38

House of Lords - Monday 7 July 2014

Summary on both Clauses

Clause 38. London Councils opposes Clause 38 on the issue of '*Civil penalties for parking contraventions: enforcement*'. We are very concerned for the following four reasons:

- **Provisions tabled hastily.** The provisions in Clause 38 have been tabled hastily and are not well thought through. They were tabled on 18 June, just a few days ahead of the last debate in the Commons on 23 June. This gave very little time for MPs and others to respond. This is at odds with what the minister said at the BPA Parking Summit in February this year "...Let me reassure you that, despite what some press reports claim, we have not already reached a decision. I will be looking at all the responses to the consultation carefully. We will not be taking any hasty decisions."
- **Government has not listened.** The government has not listened to the consultation responses. For example on the CCTV ban, six of the eight types of organisation detailed in the government response said that they opposed a camera ban and two had a mixed response. None supported a ban wholeheartedly. Nevertheless, the government is going ahead with a ban. There are other examples in the consultation response - see below.
- **Extensive powers.** The Clause gives very wide-ranging powers to a Secretary of State to issue regulations on whatever and whenever they want to. We believe this is not good legislative practise and gives too much power to whichever politician is in post.
- **Bad planning.** Although the Department for Transport consultation on parking had closed in mid-February, there was no mention in the Queen's Speech that the government wanted to legislate now on this issue. A clause was inserted in the Bill even before the government had responded to the consultation. This is not a good way to legislate.

Clause 34. London Councils also opposes Clause 34 on the 'short-term use of London accommodation: power to relax restrictions'. See the expanded section overleaf.

Clause 38. What London Council wants on parking.

Whilst we are strongly against a complete CCTV ban, there may be a case for restricting the use of CCTV in some circumstances. **The government must ensure that CCTV's continued use is allowed where it is judged to be essential either to prevent accidents or to reduce congestion at critical locations.** As drafted, Clause 38 is a blanket ban on the use of CCTV and puts all the power in the hands of the Secretary of State to add or to remove exemptions. This is an unwelcome centralising power and London Councils as well as other organisations are against this. In addition, we would be very concerned if Clause 38 is also applied to 'off-street' as well as 'on-street' parking - it's not clear.

We were reassured the minister said on 27 March 2014 at the Westminster Hall debate that 'we must ensure that the basic rules and regulations help councils to deliver balanced and effective parking strategies'. He also said that he is 'very aware of the wide range of views among stakeholders about sensitive issues such as camera enforcement' and that 'the majority of local authorities and parking providers are doing very good work'. If these statements are true, why has this provision been launched with little advance notice and a very short time to consider the provisions before they are debated?

London Councils believes that parking regulations are an essential element of urban transport and traffic management. Parking regulations are primarily in the motorists' interest and are needed to reduce accidents and congestion and to manage the use of the kerb space where demand exceeds supply.

In regard to the use of CCTV, London Councils believes that:

- CCTV cameras are a vital enforcement tool and any ban would significantly reduce the effectiveness of parking enforcement and have a negative impact on the road traffic network.
- There are many locations where reliance on on-street Civil Enforcement Officer (CEO) enforcement has not proved effective, and the introduction of CCTV has been crucial in improving compliance and reducing congestion. Such areas include (not an exhaustive list): major junctions; no waiting/loading restrictions; bus stops; pedestrian Crossings marked by zig-zag lines; footways
- London Borough of Camden evidence is that over 86 per cent of CCTV PCNs are issued for contravening the above parking restrictions. CCTV is not used where vehicles are permitted to park, for example in pay and display bays or residents-only bays.
- The physical presence of a CEO often does not act as a deterrent. CCTV use eliminates this problem, and increases compliance. Any CCTV ban would have negative effects on congestion and traffic management, as more motorists would take a chance and stop where it is not permitted.
- Removing the ability to enforce by CCTV would result in significantly increased costs to achieve equitable levels of compliance and reverse authority efficiency gains. There would also be costs to councils, as investment in CCTV enforcement infrastructure would have to be decommissioned.
- CCTV has a positive impact on community safety and boroughs have reported that many interventions in crime and anti-social behaviour were initiated by operators involved in traffic enforcement.

Clause 34. Short term lets in London.

London Councils is concerned about the relaxation of restrictions on short-term lets and the impact this could have on London boroughs' ability to provide and maintain suitable housing for their communities. We believe this clause should be deleted in order to ensure that boroughs retain the flexibility to protect, as far as possible, the right mix of housing supply in the interests of local residents. There is no evidence that London boroughs seek to enforce existing provisions excessively or inflexibly, and that this change is necessary.

We are concerned that removal of the current provisions could lead to too many residential properties moving permanently into the short-term lettings sector. This could potentially lead to a loss of housing to permanent residents. Given the acute housing crisis in London, boroughs are already facing an uphill battle to ensure sufficient homes are available for local people. A further reduction in available long-term housing for Londoners could be extremely damaging.

In addition, when properties move permanently into the short-term rented sector, the resulting transient populations can have negative impact on long-term residents and the local community including, noise pollution, anti-social behaviour and loss of community identity.

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London Councils represents all 32 London boroughs and the City of London. The Mayor's Office for Policing and Crime and the London Fire and Emergency Planning Authority are also in membership