



SPARKS

Cross Border Civil Traffic Enforcement

It is quite infuriating that UK drivers are subject to all manner of Road Regulations that many foreigners in this country choose to ignore. Even more irritating is the fact that many fail to pay fines, tax and insure their vehicles and cause traffic chaos without penalty.

Private Hire and Taxi drivers of course have far more chance of being hit by these often uninsured vehicles than most other drivers but this will hopefully change with the **SPARKS Programme**, which aims to bring equality to all. **London Councils** are leading the way and we report on their progress to bring this to an end.

The **SPARKS Programme** is a lobbying and influencing initiative that brings together local traffic enforcement authorities in the **UK** and other **EU** member states.

It aims to resolve the issue of cross-border enforcement of civil traffic violations:

Through changes in legislation, new conventions and inter-government agreements so offenders and evaders can be traced and national traffic laws enforced against them in other member states.

Success will lead to significantly higher numbers of people driving overseas-registered vehicles choosing to obey national traffic laws relating to parking, bus lanes, moving traffic, the congestion charge and other civil laws that may be introduced in the future.

SPARKS is funded by **London's Enforcement Task Force**, a group of organisations that co-ordinate traffic management activities across the capital. Members come from **London Councils, Transport for London, London local authorities, Driver & Vehicle Licensing Agency and the Department of Transport.**

Overall aim of the programme is to significantly increase the number of overseas drivers who obey **UK** traffic laws relating to parking, bus lanes, moving traffic, the congestion charge and other civil traffic laws that may be introduced in the future.

The key strands are:

- Lobbying at **UK** and **EU** levels to increase political understanding of the issue and their impact on safety, congestion and traffic flows
- Co-operative cross-border working to develop effective solutions with other **EU** traffic authorities
- Co-operative working between local authorities in **EU** Member States
- Developing and piloting practical solutions with London's local authorities
- Ongoing research into the scale and impact of traffic offences by overseas-registered vehicles.

The decriminalised approach to traffic enforcement has been successful in **UK** cities where it has been introduced. Most drivers of **UK**-registered vehicles obey local parking and driving laws and when they don't local authorities are able to issue and enforce penalties.

However they face difficulties when trying to issue and enforce penalties against vehicles registered outside the **UK** and so find that in practice they are not able to apply traffic laws fairly and equally to all drivers.

Drivers who park illegally should be treated equally and fairly, no matter their citizenship or where their vehicle is registered. Currently across the **EU** this is not possible, as cross-border driver and vehicle identification and judicial enforcement processes are uncoordinated.

At its heart enforcement is not a financial issue, but an issue of ensuring people obey the civil and criminal traffic laws of all countries where they drive. However, financial penalties have proved the most effective way of changing attitudes and behaviours and reducing repeat offending.

In **London** fines for illegal parking are enforced at least 70 per cent of the time against **UK**-registered vehicles, as local authorities are able to trace the keepers of virtually all **UK** vehicles and use county court procedures to ensure payment of fines. Other **UK** cities have similar success rates.

In contrast most penalty charge notices issued to **non-UK** registered vehicles, go unpaid and are eventually written off by local authorities. Drivers of these vehicles are effectively able to choose whether or not they comply with traffic regulations.

This is a significant problem for London, where each year 3.5 per cent of parking fines are for **non-UK** registered vehicles. More than 300,000 people are getting away with parking illegally and causing traffic congestion, accidents and irritation to other drivers, residents and pedestrians.



Civil Parking and Driving Laws in the UK

Decriminalisation of parking enforcement has been the norm in **UK** cities since the early 1990's, and is increasingly being adopted for other types of traffic offences. It is a successful strategy except in cases where the **DVLA** does not have details of the owner - perhaps because the vehicle is registered outside the **UK**.

The Road Traffic Act 1991 paved the way for the introduction of decriminalised parking enforcement in **London** and elsewhere, through the creation of permitted parking and

special parking areas with enforcement transferred from the police and traffic wardens to parking attendants employed by local authorities. This made violations a civil not a criminal offence.

All **London** boroughs had taken over responsibility for enforcement by 1994. Since then in the capital road safety has improved, congestion has reduced and kerb space is better managed where demand exceeds supply. Subsequently over 115 local authorities in **England** outside **London** and in **Wales** have also been given decriminalised parking enforcement powers.

The **London Local Authorities Act 1996** gave **London** authorities the power to issue penalty notices to vehicles driven illegally in bus lanes. Powers were subsequently extended in the **London Local Authorities & Transport for London Act 2003** to enable civil enforcement of certain moving traffic regulations including use of box junctions.

Separately the **Traffic Management Act 2004** provides a single body of primary legislation enabling civil enforcement of parking, bus lanes, moving traffic regulations and the **London lorry ban**, for local authorities in **England** and **Wales**. Regulations made under the Act's powers will in due course replace existing powers of the **Road Traffic Act 1991**, **Transport Act 2000** and the **London Local Authorities Acts**.

Decriminalisation in London

London's borough councils are responsible for managing parking, with many also enforcing bus lane and moving vehicle violations. **Transport for London** is responsible for the Capital's transport system and manages those major roads that have been designated red routes.

These local authorities can create on-street parking bays, controlled parking zones and provide and operate their own car parks. Penalty charge notices, wheel clamping and removal of vehicles can be used to manage parking space and deter parking contraventions. **UK** regulations prescribe road markings and signing of on-street parking controls.

Around six million penalty charge notices are issued by **London's** traffic authorities each year for violations of traffic laws, of which five million are for illegal parking. Vehicle owners are liable for the violations and are successfully pursued in at least 70 per cent of cases. Most of the time they pay without recourse to the courts.

A significant percentage of the remaining penalties are written off because the **DVLA** does not have keeper information. The vehicle may not be registered, registration details may be inaccurate, it may be a 'ringer' with a cloned or fictitious number plate, or it may be registered outside the **UK**. **Non-UK** registered vehicles account for 22 per cent of unpaid traffic fines each year.

Foreign drivers fall into two broad categories; people in the **UK** on short visits and those who are living in the country for longer periods. The number of visitors who bring their cars into the **UK** has grown continuously for many years, particularly in **London** and areas around the channel ports. Numbers of **non-UK** nationals living here have also grown as a result of the free movement of labour within the **EU**, road-based trade and second home ownership.

Owners of vehicles registered in other **EU** member states are permitted to drive their vehicles in the **UK** for six months in any 12 month period. It is the responsibility of the driver to prove how long the vehicle has been in the **UK**. *However, it is virtually impossible to track and enforce the time limit, as no central record is kept of vehicle movements - this would contravene the Freedom of Movement directive.*

London's traffic authorities have used a number of strategies to tackle these problems. Some issue residents' parking permits to **non-UK** registered vehicles for six months only, forcing owners to register their vehicle with the **DVLA** if they want a permit for longer. Some employ private debt collectors. Others automatically clamp and remove **non-UK** vehicles that break traffic laws. A massive 40 per cent do not attempt to enforce penalty charge notices issued to **non-UK** registered vehicles.

The Draft Road Transport Bill

It's Time to Tackle Foreign Penalty Evaders

The **SPARKS Programme** has called on the government to include provisions in the soon to be published **Draft Road Transport Bill** that will improve enforcement of civil traffic penalties against **foreign registered vehicles (FRVs)**.



a special 'thank you' ...

A special 'thank you' to **Peter and Susan Waterhouse** of **Speedicars of Brockley**, for inviting **Robin Hulf** and myself to an evening reception at the **House of Commons** in May.

Peter has always been involved in the various **Industry Trade Associations** and as one of our **founder Platinum and Private Hire Board Member** he has been a long standing friend of the **LPHCA** and a great contributor to our Industry.

It was nice to turn out for **Peter** at the reception, which was hosted by **Clive Efford MP for Greenwich (Eltham)** and by **The Greenwich, Bexley & Lewisham Chamber of Commerce's** in conjunction with **The Bromley Chamber**.

Peter is a great networker and his forward thinking sees the Chamber as a good vehicle to promote **Speedicars** as well as informing the world about our interests in Private Hire. It was also a great pleasure to meet one of **Peter's** drivers **Milan Lorinc**, a very smart young man representing the type

of quality driver that can be inducted into our sector.

Whilst on the veranda overlooking the Thames, **Peter** kindly agreed to host the next **Platinum dinner** in Parliament. This dinner will be called to promote the work we continue to do making Politicians and others more aware of our sector and the way we professionally conduct our business.

We will be writing to Platinum and potential Platinum members with details of this event, which will take place in the autumn.

Many Thanks to Peter and Susan from Steve Wright and Robin Hulf

