

**To the Chair and Members of the  
South East Area Committee*****Clarification of Response to Committee Question***

The following question was put at the South East Area Committee meeting on 8 October 2018:

*'Can the area manager issue a full report with regards the allegations of unlawful clamping within the South East Area over the past number of years? This report to include all reporting to Dublin City Council (DCC) of any individual who felt that they were illegally or wrongfully clamped.*

*What efforts if any the CEO of DCC has taken to investigate these matters. A full breakdown of all motor cars that were clamped in the South East Area over the past two years.'*

The response to the question was as follows:

*'Protected disclosures were made by two employees of DSPS - the City Council's parking enforcement contractor - to the City Council early in 2017. The disclosures raised serious concerns regarding the performance of DSPS. They also raised serious concerns regarding the performance of the City Council in overseeing the parking enforcement contract with DSPS.*

*Initially the Council appointed Mr Michael J McCarthy, former Assistant Garda Commissioner to investigate these allegations. Mr McCarthy produced a draft report, which was submitted to both DSPS and to the City Council in June 2017. Following representations from DSPS, the Council agreed to withdraw Mr McCarthy's report and to terminate his investigation. This was done in light of legal advice received that the investigations on which Mr McCarthy's report was based breached the principles of natural justice. The Council also agreed to expunge the report from Dublin City Council's records.*

*Following the demise of Mr McCarthy's report, the issues raised in the protected disclosures were pursued directly by the Chief Executive with both DSPS and with management in the Environment & Transportation Department, who oversee the parking enforcement contract. These issues can be summarised as follows:*

- *Concern about the alleged clamping of vehicles where there were no or inadequate road markings and where, as a consequence, a parking offence may not have been committed. No allegation of unlawful clamping as such was made.*
- *Concern about the operation of an 'incentive' scheme related to taking breaks on-street which was targeted at clamping crews and based on achieving a specified level of clamps and de-clamps. In addition to service quality concerns this gave rise to a related concern as to whether or not the evening clamping KPI was being met, given the practice of DSPS staff to 'clock out' early due to the operation of the 'incentive' scheme .*

- *Concern that there was an undue reliance by DSPS and the City Council on the appeals mechanism as a substitute for on-going quality control.*
- *Concern that an inconsistent approach to parking enforcement was being pursued with a failure to enforce parking restrictions at certain city centre locations and against certain categories of vehicles (e.g. commercial vehicles) to a sufficient extent.*
- *Concern at the alleged failure of DSPS to respond adequately to reports of poor and unacceptable performance submitted by its own staff members.*
- *Concern at the alleged deployment of supervisory staff on operational roles with the result that there was inadequate on-street supervision of DSPS staff.*
- *Concern at the alleged failure to achieve the relocations KPI and to respond adequately to complaints of illegal parking in bus lanes, clearways, cycle lanes etc.*
- *Concern that the parking enforcement contract was not being adequately monitored by the City Council.*
- *Concern that insufficient 'Grace Time' was being given before enforcement action was taken, in breach of City Council clamping procedures, and the recording of vehicles as being de-clamped before they were actually de-clamped to avoid the delayed de-clamp penalty - both of which it was alleged were facilitated by the practice of manually recording times on occasions. (As the Chief Executive was advised that the introduction of the second Husky device early in 2017 had eliminated manual recoding of times and the possibility of non-compliance with 'Grace Time' requirements and the incorrect recording of de-clamp delay times he decided not to pursue this allegation further.)*

*The Chief Executive concluded his investigation on 8 September 2018. He wrote to the Chair of the Transportation SPC and advised him on the conclusions he had reached.*

*In general, the Chief Executive was satisfied that parking enforcement service in the City Council area operates to a reasonable standard. However, he concluded there was a valid basis for the various concerns that were raised. He noted that DSPS have, with considerable justification, robustly denied any wrongdoing on their part or any failure to comply with their obligations to the City Council under the parking enforcement contract. He further concluded that primary responsibility for any problems with the parking enforcement service must be attributed to the City Council's monitoring of the parking enforcement contract over the past 3 years or so. This in turn reflected a number of factors as follows:*

- 1. the failure to fill the vacant position of Parking Enforcement Officer,*
- 2. inadequate on-street monitoring of the service by the City Council and*
- 3. inadequate KPIs in the current parking enforcement contract.*

*In addition to actions being taken by DSPS the following actions have/are being taken by the City Council to address the problems that have been identified:*

- 1. A major programme of road marking renewals has been implemented to address inadequate/missing road markings.*

2. *In all cases where required road markings were not in place and enforcement action was taken the de-clamp fees paid have been refunded.*
3. *Arrangements are being made to improve the on-going monitoring of the parking enforcement contract. The vacant position of Parking Enforcement Officer, who will have overall responsibility for monitoring the performance of the parking enforcement contract, is being filled and a new Inspector position is being created to ensure greater on-street monitoring of the parking enforcement contract and a better response to complaints.*
4. *The new parking enforcement contract which is currently out to tender will emphasise the importance of service quality and the achievement of broad traffic/parking management objectives. It will contain a range of new KPIs.*

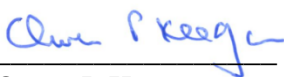
*The Head of Finance is arranging for a review to be carried out of the City Council's supervision of the DSPS contract over the past three years.*

*For data protection reasons it is not possible to release information on individuals who made complaints regarding the parking enforcement service over the past two years or to release details of all vehicles that were clamped in the South East Area over that period.*

**Contact:**

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A member of the public has raised a concern in relation to the statement in the first bullet point in the response, namely that '*No allegation of unlawful clamping as such was made*', on the basis that if the necessary road marking did not exist or were inadequate there would have been no legal basis to take enforcement action in respect of the relevant vehicles and any enforcement action taken would have been 'illegal'. This seems reasonable to me. Having considered the issue, I agreed to clarify the matter to the South East Area Committee.



Owen P Keegan  
**Chief Executive**