

REPORT TO: Cabinet Member (Planning, Transport and Economic Development)

DATE: 21 September 2011

DEPARTMENT: Development Services

REPORTING OFFICER: Director of Development Services
(*Susan McGarry – Parking Services Manager*)

SUBJECT: **PARKING SERVICES ANNUAL REPORT – 2010/11**

WARD/S AFFECTED: ALL

FORWARD PLAN REF: N/A

1.0 PURPOSE OF REPORT

1.1 To note the annual report on the performance of the Council's parking service for submission to North Yorkshire County Council and the Department for Transport and for publication.

2.0 RECOMMENDATION/S

2.1 To endorse the Parking Services Annual Report for submission to North Yorkshire County Council in full and the Department for Transport and for publication.

3.0 RECOMMENDED REASON/S FOR DECISION/S

3.1 In order to comply with statutory requirements in relation to reporting the performance of the Parking Services operation.

4.0 ALTERNATIVE OPTION/S CONSIDERED AND RECOMMENDED FOR REJECTION

4.1 Failure to provide an annual report would mean that the Council is not complying with the requirements of the Traffic Management Act 2004 with regards to Annual Reports.

5.0 THE REPORT

5.1 The Borough Council has operated Decriminalised Parking Enforcement (DPE) since 15 July 2002. Under the terms of the Traffic Management Act 2004 the enforcement of parking became Civil Parking Enforcement (CPE). The Council is required to report annually to the Department for Transport on enforcement statistics. This report provides an overview of the performance of the service.

5.2 This report covers the period from 1 April 2010 to 31 March 2011.

5.3 Reporting is an important part of accountability. Monitoring also provides the Council with management information for performance evaluation and leads to the identification of areas where improvements can be implemented.

5.4 Enforcement authorities are required to produce an annual report on their enforcement activities within six months of the end of each financial year. The report is required to be published.

5.5 In addition, the Traffic Penalty Tribunal, have to be informed of the number of Penalty Charge Notices (PCNs) issued.

5.6 The key objectives of CPE are:

To keep traffic moving through improving:

- Enforcement of loading restrictions and bus stops
- Enforcement of designated parking spaces, including disabled bays, taxi bays and residents parking zones
- Compliance with Traffic Regulation Orders
- Links to integrated transport strategies and policies as set out in the North Yorkshire County Council's Local Transport Plan.

6.0 BACKGROUND AND ISSUES

6.1 The Borough Council carries out enforcement as the agent of North Yorkshire County Council for all on street parking areas covered by Traffic Regulation Orders (TROs) within the whole of the District. The Agreement operates on the basis that the Council recovers its costs for administering the CPE and any surpluses are transferred to the County Council and are ring-fenced for expenditure on parking/transport related projects within the Borough.

6.2 The Council also operates CPE in its own off-street car parks.

6.3 Information about parking and parking enforcement is available via the Council's website. The address is www.harrogate.gov.uk and, in addition, a number of guides are produced and distributed giving information about parking throughout the District.

- 6.4 In addition to their enforcement duties the Parking Services staff also undertake routine maintenance inspections, coning duties, the display of signs and setting out of cones for parking suspensions.
- 6.5 The service has a Parking Services Manager supported by an Operations Manager who in turn manages an Operations Supervisor, 6 Senior Civil Enforcement Officers with 16 full time equivalent Civil Enforcement Officers operating across the District. The patrols are carried out either on foot or in vehicles. The enforcement team has 3 vehicles at their disposal for rural and urban patrols.
- 6.6 Patrols are carried out between the hours of 7 am to midnight each day. However, after 6.30pm only customer requests and hot spot enforcement is carried out. The Council receive many requests for enforcement from Residents, Businesses and the public who appreciate the need for parking enforcement to help regulate the use of the public highway.
- 6.7 The cash collection service is undertaken by the Cashiers section of the Department of Resources, and the in house Maintenance Team ensures the correct operation and the re-supply of tickets for the on and off street pay and display machines.
- 6.8 Processing of PCNs and informal objections are dealt with by a small team of officers within the Department of Development Services, comprising of a Senior Administration Assistant with 4.5 full time equivalent Parking Administrators. There is also a full time Representations Officer who deals with formal objections.
- 6.9 Training is given to all enforcement staff in Customer Care, Health and Safety, Personal Safety and First Aid. Our aim is that all enforcement staff complete the City and Guilds 1885 (Parking Control) within the first year of their employment. All staff have an annual appraisal to establish learning gaps and personal development needs.
- 6.10 It should be noted that statistical information is taken from a live system which is updated daily. The PCN figures in this report are correct as at 17th August 2011.

7.0 ASSESSMENT

- 7.1 The information below is intended to give an overview of the parking service. This covers the period from the 1st April 2010 to 31st March 2011.
- 7.2 In addition, the information also covers that which an enforcement authority is required to produce on an annual basis as indicated within the statutory guidance.

Financial Statement

- 7.3 The income and expenditure of the Council in connection with its on-street charging and with both its on and off-street enforcement activity, is governed by Section 55 of the Road Traffic Regulation Act 1984 as amended by Section 95 of the Traffic Management Act 2004. This requires that surplus income, after meeting operating costs, is spent on parking facilities as a top priority. If parking needs are met then the surplus can be used to fund highway improvements, public transport or environmental improvements.
- 7.4 The regulations also reinforce the requirement that the Council is not permitted to set a budgetary target for penalty charge income, and that any surplus income earned from off-street penalty charges may be used only to fund expenditure on parking and other transport related functions set out in Section 55 of the Road Traffic Regulation Act 1984.
- 7.5 In the past, on-street income has been used to fund the redevelopment of off street car parks as well as public transport and highway improvements.

TABLE 1
FINANCIAL INFORMATION
On Street Parking

	2010/2011
Income Total	2,182,889.48
Expenditure Total	922,436.15
 Income	
Pay and Display	1,647,462.45
Residents/Visitors/Business Permits	114,859.19
Other non-PCN income	44,680.56
PCN Income	375,887.28
Total Income	2,182,889.48
 Expenditure	
Employee Costs	547,336.62
Maintenance	25,800.11
Supplies & Services	83,859.98
Transport	5,833.28
Support Services	259,606.16
Total Expenditure	922,436.15
 Surplus (excluding off-street PCN income)	 1,260,453.33
 Off Street Parking	
PCN Income Total	78,425.27
 Total on-street and off-street	
Income	2,261,314.75
Expenditure	922,436.15
Surplus (including off-street PCN income)*	1,338,878.60

*The overall surplus does not take into consideration any expenditure related to the off street enforcement.

Areas Identified for Improvement and Development

- 7.6 Civil Enforcement Officers are required to identify and report areas within the Borough where the parking controls are not enforceable due to inadequate signs or lines. This requires on going action by us and the County Council.
- 7.7 The enforcement team times of deployment are to be reviewed in 2011/12, together with the structure and operation of the whole Parking Services section.
- 7.8 As part of our on-going commitment to service improvement, we are working towards the payment of parking fees through improved technology to offer cashless payment such as pay by mobile, pay by debit/credit card and to develop the accessibility of services via the web.

Operational Statistics

- 7.9 The key operational statistics are as follows:

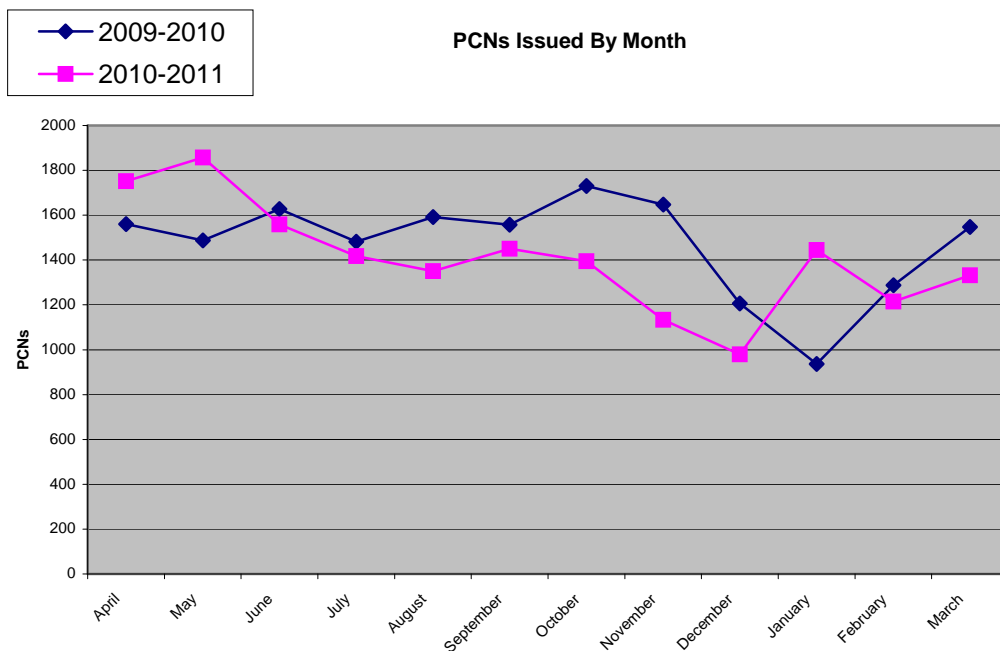
	Off Street	On Street	Total
Number of higher level PCNs issued	301	2399	2700
Number of lower level PCNs issued	2939	11247	14186
Number of PCNs issued with no charge level	0	0	0
Total number of PCNs issued	3240	13646	16886
Number of PCNs paid at discount rate	2000	9097	11097
Number of PCNs paid at non-discount rate	407	1792	2199
Total number of PCNs paid	2407	10889	13296
Total number of PCNs unpaid	833	2757	3590
Number of Charge Certificates registered at TEC	181	845	1026
Number of PCNs which had an informal or formal representations made against them	965	3102	4067
Number of PCNs cancelled as a result of informal or formal representations being made	651	1955	2606
Number of PCNs written off for other reasons	78	307	385
Number of PCNs which resulted in adjudication because of representation	1	15	16

- 7.10 At the time of reporting the payment rate is just over 78.7%. Of the total number of PCNs issued, 2982 have been cancelled or written off (see table 5). The remaining 608 are at various stages of recovery either registered with the Traffic Enforcement Centre or with the Council's appointed Bailiffs. Therefore the payment and cancellation figures are subject to a variation.

7.11 Table 3 breaks down the number of PCNs issued per calendar month from 1st April 2010 to 31st March 2011. Harsh weather conditions in November and December 2010 led to a reduction of PCNs issued over the same period in 2009.

**TABLE 3
PENALTY CHARGE NOTICES ISSUED BY MONTH**

	2009-2010	2010-2011	% + or -
April	1560	1752	+12.31
May	1487	1857	+24.88
June	1628	1559	-4.24
July	1482	1418	-4.32
August	1592	1350	-15.20
September	1558	1451	-6.87
October	1730	1395	-19.36
November	1648	1134	-31.19
December	1206	979	-18.82
January	937	1444	+54.11
February	1287	1215	-5.59
March	1547	1332	-13.90
Total	17662	16886	-4.39



Penalty Charge Notices Issued by Contravention (Top 10)

- 7.12 Table 4 shows the Top 10 contravention codes where PCNs have been issued. All the codes relate to on street parking areas with the exception of codes 82, 83 and 86, which are for PCNs issued for contraventions occurring in a car park.

TABLE 4 -TOP TEN CONTRAVENTION CODES FOR PCNs ISSUED			
Contravention Code	Description	Number Issued	% of Total PCN's Issued
35	Parked in a disc parking place without clearly displaying a valid disc.	5036	29.82
6	Parked without clearly displaying a valid pay & display ticket or voucher.	2470	14.63
36	Parked in a disc parking place for longer than permitted	1846	10.93
83	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock.	1615	9.56
5	Parked after the expiry of paid for time. (on street)	1567	9.28
82	Parked after the expiry of paid for time. (off street)	1021	6.05
1	Parked in a restricted street during prescribed hours.	958	5.67
25	Parked in a loading place during restricted hours without loading.	570	3.38
40	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge	383	2.27
86	Parked beyond the bay markings	248	1.47

Cancellations

- 7.13 Table 5 below gives information on the reasons why cases have been cancelled:

TABLE 5 CANCELLATIONS SUMMARY TABLE			
Total Number Cancelled		2982	
% of Total Number Issued		17.66	
	No. of PCN's	% of Total PCN's Issued	% of Total Number of Cancellations
Inadequate signage/lines/markings	59	0.35%	1.98%
Civil Enforcement Officer error	250	1.48%	8.38%
Loading/unloading proven	77	0.46%	2.58%
Machine fault	23	0.14%	0.77%
Operator error	68	0.40%	2.28%
Handheld computer fault (PCN not issued)	32	0.19%	1.07%
Training/Test notice (PCN not issued)	2	0.01%	0.07%
Valid Blue Badge	358	2.12%	12.01%
Valid dispensation/waiver produced	152	0.90%	5.10%
Valid guest permit produced	310	1.84%	10.40%
Valid other permit	48	0.28%	1.61%
Valid parking ticket produced	446	2.64%	14.96%
Valid residents permit	132	0.78%	4.43%
Valid season ticket	28	0.17%	0.94%
Vehicle broken down	25	0.15%	0.84%
Vehicle driven away	13	0.08%	0.44%
Vehicle reported stolen	21	0.12%	0.70%
Bailiffs unable to execute warrant	79	0.47%	2.65%
Compassionate reasons	54	0.32%	1.81%
Foreign vehicle/Keeper	153	0.91%	5.13%
Medical reasons	34	0.20%	1.14%
No disc displayed	428	2.53%	14.35%
On Higher Authority	16	0.09%	0.54%
Unable to trace keeper/driver	168	0.99%	5.63%
Proof of bankruptcy	3	0.02%	0.10%
Adjudication Accepted	3	0.02%	0.10%
TOTAL	2982		

- 7.14 Analysis of the above information will allow the Council to review its public information to help clarify to motorists the nature of orders and offences. Appendix A gives comparisons of cancellation data for 2009/10 and 2010/11.

Representations and Appeals

7.15 The Borough Council deals with all appeals in the following way:

The vehicle owner may dispute the issuing of a PCN at three stages:

- Owners may make ‘informal challenges’ or ‘informal representations’ (or ‘pre Notice to Owner letters’) against the PCN before the Borough Council has served a ‘Notice to Owner’.
- Once a ‘Notice to Owner’ has been served, an owner may make a formal representation against the Notice to Owner to the Borough Council; and
- If a formal representation is rejected the owner may appeal against the ‘Notice of Rejection’ to an independent adjudication at the Traffic Penalty Tribunal (TPT).

7.16 The Council has appointed staff to deal with appeals. The Council’s Representations Officer deals with all cases where a formal representation is made to the Council. Where formal representations are rejected the officer deals with any subsequent appeals to the Parking Adjudicator.

7.17 Table 6 gives unattributed details of Formal Appeals received by the Council and the outcome of Adjudicators decision.

TABLE 6 CASES APPEALED TO TPT				
	Appeal Allowed (1)	Appeal Refused (2)	Not Contested (3)	Pending (4)
Harrogate On Street	2	7	1	2
Harrogate Off Street	0	0	0	0
Knaresborough On Street	1	4	0	0
Knaresborough Off Street	0	0	0	0
Ripon On Street	0	0	0	0
Ripon Off Street	0	1	0	0
Rural On Street	0	0	0	0
Rural Off Street	0	0	0	0

(1) - Successful appeal by an appellant

(2) - Unsuccessful appeal by an appellant

(3) - Appeal not contested by the Council, due to further consideration of evidence or additional evidence provided

(4) – Awaiting adjudicators decision

7.18 Summary of Appeal Cases

Below are some examples of appeals that have been dismissed or allowed and the reasons why.

Case 1 – This PCN was issued under contravention code 06 for being parked without clearly displaying a valid pay and display ticket. The vehicle did display a permit but that had been revoked some months previously. The Owner telephoned the Council within the discount period and was informed that, when an objection is received, the case would be placed on hold. However, the Owner did not make an objection until after the discount period had expired and the full charge of £50 applied. The Owner then made a payment of £25. The Adjudicator dismissed the appeal on the ground that the discount period had closed and therefore the outstanding balance of £25 applied. – **Appeal Dismissed**

Case 2 – A PCN was issued under contravention 35 for being parked without displaying a valid parking disc. Two previous PCNs issued under the same contravention and in the same location were issued some months previously and had been cancelled. One was cancelled because the CEO had mistakenly recorded the wrong location and the other because double yellow lines ran through the parking bay. The lines were removed and although the Owner appealed on the grounds that the bay markings were still incorrect, the Adjudicator found that the road markings and signs were now correct and adequately conveyed the parking restrictions. – **Appeal Dismissed**

Case 3 – The PCN was issued for not displaying a parking disc. The Appellant was aware of the need to display a disc but stated that she didn't have one in her car and went to a nearby café to obtain one. The Adjudicator determined that a High Court decision relating to the need to obtain and display a pay and display ticket before leaving a vehicle did not apply to parking discs and that, although not seen by the CEO, the Appellant was engaged in the process of exhibiting a parking disc when the PCN was issued. – **Appeal Allowed**

Case 4 – A vehicle parked partially over the pavement that had double yellow lines adjacent to it led an Adjudicator to clarify the definition of 'highway'. The Appellant argued that the land was privately owned and not governed by the restrictions. However, the Adjudicator determined that it was not a matter of ownership but of public use and the pavement over which the vehicle was parked was considered highway and therefore the 'no waiting' double yellow lines restrictions applied. – **Appeal Dismissed**

Case 5 – The Appellant parked over the bay markings within a surface level car park but argued that, as his son had bought the pay and display ticket, he did not notice the tariff board and the instruction to park within the marked bays. The Adjudicator stated that the Council does not have to prove that it actually brought the conditions on the tariff board to the attention of drivers and that providing adequate notice in strategic places is sufficient. – **Appeal Dismissed**

8.0 FINANCIAL IMPLICATIONS

8.1 Finance staff have been consulted during preparation of this report and approved the report content.

9.0 HUMAN RESOURCES IMPLICATIONS

9.1 Consultation with the Human Resources section was not necessary during the preparation of this report

10.0 LEGAL IMPLICATIONS

10.1 Consultation with the Legal section was not necessary during preparation of this report.

11.0 ICT IMPLICATIONS

11.1 Consultation with the ICT section was not necessary during preparation of this report.

12.0 RISK ASSESSMENT

12.1 A risk assessment has been undertaken and the major risks are outlined below.

12.2 Failure to provide an Annual Report would mean that the Council does not comply with the Traffic Management Act 2004.

13.0 EQUALITY AND DIVERSITY

13.1 An Equality and Diversity Impact Assessment has been undertaken and there is no impact from this proposal on race, disability and gender equality in the local community or in the Council.

14.0 CONCLUSIONS

14.1 This report reflects the performance of the Parking Service for 2010/11. The Service will reflect on the statistics of this report and make adjustments to its operation as necessary.

Background Papers – None

OFFICER CONTACT: Please contact Susan McGarry, Parking Services Manager if you require any further information on the contents of this report. The officer can be contacted at Harrogate Borough Council, Knapping Mount, West Grove Road, Harrogate HG1 2AE by telephone on 01423 556971 or by Email – susan.mcgarry@harrogate.gov.uk

SUSTAINABILITY ASSESSMENT / POLICY CONSIDERATIONS

		Implications are		
		Positive	Neutral	Negative
A	Economy	✓		
B	Environment	✓		
C	Social Equity			
i)	General		✓	
ii)	Customer Care / People with Disabilities		✓	
iii)	Health Implications		✓	
D	Crime and Disorder Implications		✓	
E	Business Transformation		✓	
F	Communications	✓		

If all comments lie within the shaded areas, the proposal is sustainable.

APPENDIX A

The PCN figures for 09/10 have been updated from last years report to reflect the current status.

PCNs CANCELLED/WRITTEN OFF	2009/10	2010/11
Inadequate Signage/Lines/Markings	75	59
Civil Enforcement Officer Error	247	250
Loading/Unloading Proved	94	77
Machine Fault	16	23
Operator Error	64	68
Hand-Held Computer Fault	51	32
Training/Test Notice	8	2
Valid Blue Badge	370	358
Valid Dispensation/Waiver Produced	79	152
Valid Guest Permit Produced	384	310
Valid Other Permit	82	48
Valid Parking Ticket Produced	539	446
Valid Residents Permit	140	132
Valid Season Ticket	48	28
Vehicle Broken Down	36	25
Vehicle Drove Away	68	13
Vehicle Reported Stolen	1	21
Bailiffs Unable To Execute Warrant	481	*79
Compassionate Reasons	30	54
Foreign Vehicle/Keeper	231	153
Medical Reasons	58	34
No Disc Displayed	242	428
On Higher Authority	38	16
Unable To Trace Keeper/Driver	175	168
Proof Of Bankruptcy	2	3
Adjudication Accepted	8	3
Total	3566	2982

* Most warrants for PCNs issued in 2010/2011 are still valid and being pursued.