

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

DATE: 25 August 2010

DEPARTMENT: Development Services

REPORTING OFFICER: Head of Business Support
(*Susan McGarry – Parking Services Manager*)

SUBJECT: **PARKING SERVICES ANNUAL REPORT – 2009/10**

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 2009 to 31 March 2010.

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 Regulations 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 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 held by the Borough Council on behalf of 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 17 full time 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 Parking Maintenance Supervisor 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 2010.

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 2009 to 31st March 2010.
- 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**

| | 2009/2010 |
|---|------------------|
| On Street Parking | |
| Income Total | 2,196,089.92 |
| Expenditure Total | 1,026,007.40 |
| Income | |
| Pay and Display/Meters | 1,644,145.45 |
| Residents/Visitors/Business Permits | 59,369.44 |
| Other non-PCN income | 93,961.26 |
| PCN Income | 398,883.77 |
| Total Income | 2,196,089.92 |
| Expenditure | |
| Employee Costs | 767,697.19 |
| Maintenance | 16,227.12 |
| Supplies & Services | 44,748.57 |
| Transport | 7,014.57 |
| Support Services | 190,319.85 |
| Total Expenditure | 1,026,007.40 |
| Surplus (excluding off-street PCN income) | 1,170,082.52 |

Off Street Parking

PCN Income Total 84,612.07

Total on-street and off-street

| | |
|--|--------------|
| Income | 2,280,701.99 |
| Expenditure | 1,026,007.40 |
| Surplus (including off-street PCN income)* | 1,254,694.59 |

*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. In many cases these involve consideration and actions by the County Council.
- 7.7 The enforcement team times of deployment are to be reviewed in 2010/11, 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:

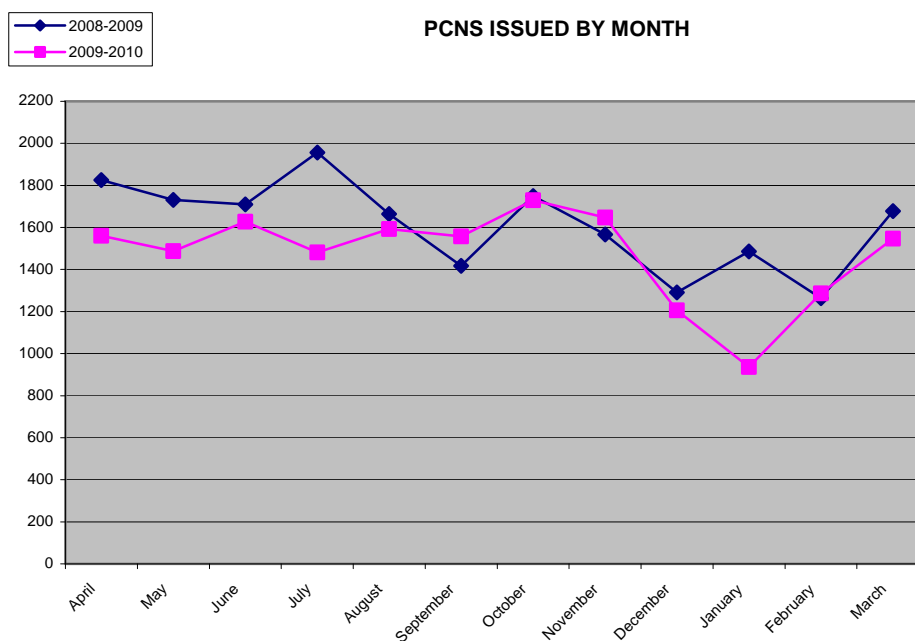
| TABLE 2 KEY OPERATIONAL STATISTICS | | | |
|---|------------|-----------|-------|
| | Off Street | On Street | Total |
| Number of higher level PCNs issued | 400 | 3583 | 3983 |
| Number of lower level PCNs issued | 3268 | 10411 | 13679 |
| Number of PCNs issued with no charge level | 0 | 0 | 0 |
| Total number of PCNs issued | 3668 | 13994 | 17662 |
| Number of PCNs paid at discount rate | 2248 | 9305 | 11553 |
| Number of PCNs paid at non-discount rate | 417 | 1867 | 2284 |
| Total number of PCNs paid | 2665 | 11172 | 13837 |
| Total number of PCNs unpaid | 1003 | 2822 | 3825 |
| Number of Charge Certificates registered at TEC | 210 | 1028 | 1238 |
| Number of PCNs which had an informal or formal representations made against them | 1152 | 3321 | 4473 |
| Number of PCNs cancelled as a result of informal or formal representations being made | 786 | 1818 | 2604 |
| Number of PCNs written off for other reasons | 77 | 429 | 506 |
| Number of PCNs which resulted in adjudication because of representation | 5 | 17 | 22 |

7.10 At the time of reporting the payment rate is just over 78%. Of the total number of PCNs issued, 3089 have been cancelled or written off (see table 5). The remaining 736 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 2009 to 31st March 2010. There was a significant reduction in PCNs issued in January 2010 due to the bad weather.

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

| | 2008-2009 | 2009-2010 | % + or - |
|--------------|------------------|------------------|-----------------|
| April | 1825 | 1560 | -14.52 |
| May | 1731 | 1487 | -14.10 |
| June | 1709 | 1628 | -4.74 |
| July | 1957 | 1482 | -24.27 |
| August | 1664 | 1592 | -4.33 |
| September | 1417 | 1558 | +9.95 |
| October | 1749 | 1730 | -1.09 |
| November | 1566 | 1648 | +5.24 |
| December | 1291 | 1206 | -6.58 |
| January | 1486 | 937 | -36.94 |
| February | 1263 | 1287 | +1.90 |
| March | 1678 | 1547 | -7.81 |
| Total | 19336 | 17662 | -8.66 |



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 and 83 which are for PCNs issued for contraventions occurring in a car park.

| Contravention Code | Description | Number Issued | % of Total PCN's Issued |
|---------------------------|--|----------------------|--------------------------------|
| 35 | Parked in a disc parking place without clearly displaying a valid disc. | 4461 | 25.26 |
| 06 | Parked without clearly displaying a valid pay & display ticket or voucher. | 2150 | 12.17 |
| 83 | Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock. | 1929 | 10.92 |
| 05 | Parked after the expiry of paid for time. | 1525 | 8.63 |
| 36 | Parked in a disc parking place for longer than permitted | 1455 | 8.24 |
| 01 | Parked in a restricted street during prescribed hours. | 971 | 5.50 |
| 82 | Parked after the expiry of paid for time. | 966 | 5.47 |
| 12 | Parked in a residents' or shared use parking place or zone without clearly displaying either a permit or voucher or pay and display ticket issued for that place | 817 | 4.63 |
| 25 | Parked in a loading place during restricted hours without loading. | 698 | 3.95 |
| 19 | Parked in a residents' or shared use parking place or zone displaying an invalid permit, an invalid voucher or an invalid pay and display ticket | 572 | 3.24 |

Cancellations

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

| | | | |
|-----------------------------------|---------------------|--------------------------------|---|
| Total Number Cancelled | 3089 | | |
| % of Total Number Issued | 17.49 | | |
| | No. of PCN's | % of Total PCN's Issued | % of Total Number of Cancellations |
| Inadequate signage/lines/markings | 74 | 0.42 | 2.40 |
| Civil Enforcement Officer error | 246 | 1.39 | 7.96 |
| Loading/unloading proven | 94 | 0.53 | 3.04 |
| Machine fault | 16 | 0.09 | 0.52 |
| Operator error | 59 | 0.33 | 1.91 |

| | | | |
|------------------------------------|-------------|------|-------|
| Handheld computer fault | 51 | 0.29 | 1.65 |
| Training/Test notice | 8 | 0.05 | 0.26 |
| Valid Blue Badge | 370 | 2.09 | 11.98 |
| Valid dispensation/waiver produced | 78 | 0.44 | 2.53 |
| Valid guest permit produced | 384 | 2.17 | 12.43 |
| Valid other permit | 82 | 0.46 | 2.65 |
| Valid parking ticket produced | 539 | 3.05 | 17.45 |
| Valid residents Permit | 140 | 0.79 | 4.53 |
| Valid season ticket | 48 | 0.27 | 1.55 |
| Vehicle broken down | 36 | 0.20 | 1.17 |
| Vehicle driven away | 68 | 0.39 | 2.20 |
| Vehicle reported stolen | 1 | 0.01 | 0.03 |
| Bailiffs unable to execute warrant | 44 | 0.25 | 1.42 |
| Compassionate reasons | 29 | 0.16 | 0.94 |
| Foreign vehicle/Keeper | 229 | 1.30 | 7.41 |
| Medical reasons | 58 | 0.33 | 1.88 |
| No disc displayed | 241 | 1.36 | 7.80 |
| On Higher Authority | 37 | 0.21 | 1.20 |
| Unable to trace keeper/driver | 156 | 0.88 | 5.05 |
| Proof of bankruptcy | 1 | 0.01 | 0.03 |
| | | | |
| TOTAL | 3089 | | |
| | | | |

- 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 2008/09 and 2009/10.

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 | 6 | 7 | 0 | 0 |
| Harrogate Off Street | 1 | 1 | 0 | 0 |
| Knaresborough On Street | 1 | 3 | 0 | 0 |
| Knaresborough Off Street | 1 | 0 | 0 | 0 |
| Ripon On Street | 0 | 0 | 0 | 0 |
| Ripon Off Street | 0 | 2 | 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 – A PCN issued for being parked after the expiry of paid for time at a pay and display bay, brought into question who was liable for the charge. The vehicle was the subject of a hire agreement that only lasted one day. The hire company provided details of the hirer and a copy of the hire agreement, however, a hire agreement of less than six months duration must contain certain information such as details of the hirer's driving licence. In this case, while the agreement had provision for that information it had not been recorded. On appeal, the hire company acknowledged that there had been a clerical error. The Adjudicator found that the contravention, of being parked after the pay and display ticket had expired, had occurred. It was also determined that the hire agreement did not contain all the necessary information required by the Road Traffic (Owner Liability) Regulations 2000 and that liability for the charge remained with the hire company and not the hirer. Appeal dismissed.

Case 2 – A PCN was issued to a vehicle parked in a loading bay on Cambridge Road, Harrogate. The issuing Civil Enforcement Officer had observed the vehicle for eight minutes and found no evidence of loading or unloading taking place and the Officer also noted that the vehicle was displaying a Blue Badge parking permit. The Appellant had made representations that the Traffic Regulation Order was invalid and explained that he had always parked in that location when visiting Harrogate. The Appellant went on to state that section 8 of the Local Authorities Traffic Order (Exemptions) for Disabled Persons (England) Regulations 2000 exempts Blue Badge holders from the restrictions of loading bays. The Council argued that the regulations quoted by the Appellant exempted Blue Badge holders from the restrictions of single and double yellow lines when displaying a badge and parking disc. The Council also produced copies of Department of Transport guidance provided to Blue Badge holders that explains where parking is allowed and that parking in loading bays is not permitted. The Adjudicator considered the case on the papers provided and determined that the signs and lines clearly informed drivers that it was a loading bay and that Blue Badge holders were not exempt from the loading/unloading only restrictions. Appeal dismissed.

Case 3 – A vehicle parked without a parking disc on Briggate, Knaresborough resulted in a PCN being issued following seven minutes observation. The Appellant made his representation on the ground that the contravention did not occur and indicated that a disc was displayed. The Council provided photographic evidence of the signage at the location concerned. On Appeal, the Appellant stated that the whole point of disc parking was to allow people to park for up to two hours. The Appellant had also explained that he had been ‘dropping off’ his son. The Adjudicator took the view that, while no disc was displayed, there was an indication that the Appellant’s son was not old enough to walk to his destination and that an exemption to the disc parking rules that allows a person to board or alight from a vehicle, applied. Appeal allowed.

Case 4 – A PCN issued on James Street, Harrogate led a driver to question the system of pay and display parking charges operated by Harrogate Borough Council. The charges were 60p for 30 minutes parking, £1.20 for one hour with the charges increasing to a maximum of three hours. The appellant had deposited a £1 coin which was sufficient for 30 minutes parking but not for one hour and the dispensed pay and display ticket only credited 30 minutes time and expired at 10.14am. The PCN was issued at 10.30 for having been parked after the expiry of paid for time. The Appellant made a number of points, including that the Council had retained extra money but had not credited him with the extra time that his overpayment entitled him to. The Council maintained that the signage clearly stated the charges, that change was not given and that the Appellant had chosen to deposit insufficient funds to purchase the next level of parking time. The Adjudicator was content that the signage was clear and that parking time is not purchased pro-rata with the money deposited. Appeal dismissed.

Case 5 – A car parked out of any bay, at the end of the road a cul-de-sac resulted in a PCN being issued on a Sunday morning at 11.33. In his initial objections, the Appellant had stated that his wife had returned home late at night and no bay parking was available. However, his representations stated that he had parked there for a short time to unpack his car. The Council maintained that the PCN was correctly issued as the bay markings and signage clearly conveyed the restrictions. However, the Adjudicator took the view that, while the vehicle was not parked within a parking bay, the signage did not inform the driver that parking where he did was prohibited. Appeal allowed.

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 2008/09. 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 08/09 have been updated from last years report to reflect the current status.

| PCNs CANCELLED/WRITTEN OFF | 2008/09 | 2009/10 |
|------------------------------------|----------------|----------------|
| Inadequate Signage/Lines/Markings | 77 | 74 |
| Civil Enforcement Officer Error | 358 | 246 |
| Loading/Unloading Proved | 77 | 94 |
| Machine Fault | 21 | 16 |
| Operator Error | 62 | 59 |
| Hand-Held Computer Fault | 64 | 51 |
| Training/Test Notice | 104 | 8 |
| Valid Blue Badge | 458 | 370 |
| Valid Dispensation/Waiver Produced | 71 | 78 |
| Valid Guest Permit Produced | 449 | 384 |
| Valid Other Permit | 56 | 82 |
| Valid Parking Ticket Produced | 461 | 539 |
| Valid Residents Permit | 198 | 140 |
| Valid Season Ticket | 63 | 48 |
| Vehicle Broken Down | 27 | 36 |
| Vehicle Drove Away | 80 | 68 |
| Vehicle Reported Stolen | 10 | 1 |
| Bailiffs Unable To Execute Warrant | 510 | 44 |
| Compassionate Reasons | 35 | 29 |
| Foreign Vehicle/Keeper | 179 | 229 |
| Medical Reasons | 59 | 58 |
| No Disc Displayed | 310 | 241 |
| On Higher Authority | 61 | 37 |
| Unable To Trace Keeper/Driver | 259 | 156 |
| Proof Of Bankruptcy | 13 | 1 |
| The Contravention Did Not Occur | 3 | 0 |
| The Traffic Order Was Invalid | 1 | 0 |
| Other Representation Allowed | 2 | 0 |
| Total | 4068 | 3089 |