

REPORT TO: Cabinet Member (Planning and Transport)

DATE: 5 August 2009

DEPARTMENT: Development Services

REPORTING OFFICER: Head of Highways & Transport
(John Dobinson – Parking Services Manager)

SUBJECT: **PARKING SERVICES ANNUAL REPORT – 2008/09**

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 THE REPORT

- 3.1 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.
- 3.2 Part 6 of the Traffic Management Act 2004 did not come into force until 31 March 2008. As a result this report covers the period from 31 March 2008 to 31 March 2009.

- 3.3 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.
- 3.4 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.
- 3.5 In addition, the Traffic Penalty Tribunal, have to be informed of the number of PCNs issued.
- 3.6 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
 - Ensure 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.

4.0 BACKGROUND AND ISSUES

- 4.1 The Borough Council carries out enforcement as agents of North Yorkshire County Council for all on street parking areas covered by Traffic Regulation Orders (TRO's) 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.
- 4.2 The Council also operates CPE in its own off-street car parks.
- 4.3 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.
- 4.4 In addition to their enforcement duties the Parking Services staff also undertake routine maintenance inspections, coning duties and the display of signs and setting out of cones for parking suspensions.
- 4.5 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.

- 4.6 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.
- 4.7 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.
- 4.8 Processing of PCN's 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 5 full time equivalent Parking Administrators. There is also a full time Representations Officer who deals with formal objections.
- 4.9 Training is given to all enforcement staff in Customer Care, Health and Safety, Personal Safety and First Aid. 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.

5.0 ASSESSMENT

- 5.1 The information below is intended to give an overview of the parking service. This covers the period from the 31 March 2008 to 31 March 2009.
- 5.2 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

- 5.3 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.
- 5.4 The regulations in the Traffic Management Act 2004 require that the on-street parking account is no longer limited to on-street parking income and expenditure. It must also include income and expenditure for all parking contraventions within the Council's off-street car parks as well as on-street.
- 5.5 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.

- 5.6 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.

The table below summarises the key financial information for 2008/09.

TABLE 1	
FINANCIAL INFORMATION	
2008/2009	
On Street Parking	
Income Total	2,274,912.56
Expenditure Total	967,637.40
Income	
Pay and Display/Meters	1,648,816.96
Residents/Visitors/Business Permits	70,249.42
Other non-PCN income	99,992.03
PCN Income	455,584.15
Total Income	<u>2,274,912.56</u>
Expenditure	
Employee Costs	708,457.17
Maintenance	17,047.08
Supplies & Services	49,632.87
Transport	6,730.00
Support Services	185,770.28
Total Expenditure	<u>967,637.40</u>
Surplus	<u><u>1,307,275.16</u></u>
Off Street Parking	
Income Total	86,570
Expenditure Total	292,176
Income	
PCN Income	86,570.07
Total Income	<u>86,570.07</u>
Expenditure	
Employee costs	254,670.11
Maintenance	0.00
Supplies & Services	21,448.78
Transport	2,458.82
Support Services	13,598.45
Total Expenditure	<u>292,176.16</u>
(Deficit)	<u><u>205,606.09</u></u>

Total on - and off-street

Income	2,361,482.64
Expenditure	1,259,813.56
Surplus	<u>1,101,669.07</u>

Areas Identified for Improvement and Development

- 5.7 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.

Operational Statistics

- 5.8 The key operational statistics are as follows:

TABLE 2 KEY OPERATIONAL STATISTICS			
	Off Street	On Street	Total
Number of higher level PCNs issued	389	7364	7753
Number of lower level PCNs issued	3455	8128	11583
Number of PCNs issued with no charge level	0	0	0
Total number of PCNs issued	3844	15492	19336
Number of PCNs paid at discount rate	2322	10019	12341
Number of PCNs paid at the non-discount rate	444	2061	2505
Total number of PCNs paid	2766	12080	14846
Total number of PCNs unpaid	1037	3453	4490
Number of Charge Certificates registered at TEC	205	1097	1302
Number of PCNs which had an informal or formal representation made against them	1141	4067	5208
Number of PCNs cancelled as a result of informal or formal representation being made	739	2087	2826
Number of PCNs written off for other reasons	106	546	652
Number of PCNs which resulted in adjudication because of representation	2	14	16

- 5.9 At the time of reporting the payment rate is just under 77%. Of the total number of PCNs issued 3534 have been cancelled or written off (see table 5). The remaining 956 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.

- 5.10 Table 3 breaks down the number of PCN's issued into numbers issued per calendar month from the 31 March 2008 to 31 March 2009.

April 08	1825
May 08	1731
June 08	1709
July 08	1957
August 08	1664
September 08	1417
October 08	1749
November 08	1566
December 08	1291
January 09	1486
February 09	1263
March 09	1678
Total	19336

Penalty Charge Notices Issued by Contravention (Top 10)

- 5.11 Table 4 shows the Top 10 contravention codes where PCN's have been issued. All the codes relate to On Street parking areas with the exception of codes 82, 83 and 86 which are for PCN's issued for contraventions occurring in an Off Street parking place.

- 5.12

Contravention Code	Description	Number Issued	% of Total PCN's Issued
06	Parked without clearly displaying a valid pay & display ticket or voucher.	2022	10.5%
83	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock.	1933	10%
05	Parked after the expiry of paid for time.	1682	8.7%
01	Parked in a restricted street during prescribed hours.	1186	6.1%
82	Parked after the expiry of paid for time.	853	4.4%
35	Parked in a disc parking place without clearly displaying a valid disc.	852	4.4%
25	Parked in a loading place during restricted hours without loading.	731	3.8%
40	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner.	484	2.5%
86	Parked beyond the bay markings	312	1.6%
45	Parked on a taxi rank.	302	1.6%

Cancellations

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

TABLE 5 CANCELLATIONS SUMMARY TABLE			
Total Number Cancelled		3534	
% of Total Number Issued		18.3%	
	No. of PCN's	% of Total PCN's Issued	% of Total Number of Cancellations
Inadequate signage/lines/markings	76	0.4%	2.2%
Civil Enforcement Officer Error	356	1.8%	10.1%
Loading/unloading proved	75	0.4%	2.1%
Machine Fault	21	0.1%	0.6%
Operator Error	43	0.2%	1.2%
Handheld Computer fault	63	0.3%	1.8%
Training/Test Notice	103	0.5%	2.9%
Valid Blue Badge	453	2.3%	12.8%
Valid Dispensation/Waiver Produce	68	0.3%	1.9%
Valid Guest Permit Produced	448	2.3%	12.7%
Valid Other Permit	56	0.3%	1.6%
Valid Parking Ticket Produced	460	2.4%	13%
Valid Residents Permit	197	1%	5.6%
Valid Season Ticket	63	0.3%	1.8%
Vehicle Broken Down	27	0.1%	0.8%
Vehicle Drove Away	80	0.4%	2.3%
Vehicle Reported Stolen	5	0.3%	0.1%
Bailiffs Unable to Execute Warrant	0	0%	0%
Compassionate Reasons	35	0.2%	1.0%
*Discount Payment Accepted	144	0.7%	4.1%
Foreign Vehicle/Keeper	176	0.9%	5%
Medical Reasons	55	0.3%	1.6%
No Disc Displayed	309	1.6%	8.7%
On Higher Authority	41	0.2%	1.2%
*Reduced Payment Accepted	17	0.1%	0.5%
Unable to Trace Keeper/Driver	152	0.8%	4.3%
Proof of Bankruptcy	6	0.3%	0.2%
Representations			
I was not the owner/keeper of the vehicle	0	0%	0%
The vehicle had been taken without my consent	0	0%	0%
We are a hire firm and have supplied the name	0	0%	0%
The contravention did not occur	2	0.1%	0.6%
The traffic order was invalid	1	0%	0.3%
The penalty exceeded the relevant amount	0	0%	0%
Other Representation Allowed	2	0.1%	0.6%
Adjudication not contested	0	0%	0%

- 5.14 The cancellation reasons *listed above covers all cancellations, which includes case closed, discount payment and reduced payment as the full charge is not recovered and part of the debt is written off.

- 5.15 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 giving comparisons of cancellation data for 2007/08 and 2008/9.

Representations and Appeals

- 5.16 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).

- 5.17 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.

- 5.18 Table 6 below 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	3	0	0
Harrogate Off Street	1	0	0	0
Knaresborough On Street	0	2	0	0
Knaresborough Off Street	0	0	0	0
Ripon On Street	0	1	0	0
Ripon Off Street	1	1	0	0
Rural On Street	0	0	0	0
Rural Off Street	0	1	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

5.19 **Summary of Appeals Allowed by the Adjudicator (1)**

Case 1 – The Appellant had parked in a dual purpose parking place. The Adjudicator determined that the signage was not sufficient to convey the restrictions.

Case 2 – Appellant was parked on double yellow lines with kerb markings. However, Adjudicator accepted the Appellant's submission that the penalty charge notice was not correctly served.

Case 3 – Although the appellant was parked in a disc parking area displaying a parking disc that was set 4 hours prior to the time at which the vehicle was parked, the Adjudicator accepted that the Appellant was only away from his vehicle for between 5 and 10 minutes.

Case 4 – The Appellant had parked in a disc parking area without displaying either a disc or permit. However, the Adjudicator decided that the bay markings on the carriageway were not sufficient to enforce the parking restriction.

Case 5 – The Adjudicator accepted that, although the Appellant's pay and display ticket had expired, she had been delayed by urgent business.

Case 6 – Although the Appellant had parked his vehicle in a pay and display area without displaying a pay and display ticket, the Adjudicator accepted that the Appellant was unloading his vehicle at the time.

Case 7 & 8 – Two cases involved hire agreements that did not contain all the requirements of Schedule 2 of The Road Traffic (Owner Liability) Regulations 2000. The Adjudicator determined that sufficient information was recorded. A review of these decisions has been requested.

5.20 **Summary of Appeals Refused by the Adjudicator (2)**

Case 1 – The Appellant had parked in a disc parking area of Knaresborough without displaying a disc and the Adjudicator accepted that the signage clearly indicated the parking restrictions.

Case 2 – The Appellant had parked in a pay and display area on a Bank Holiday Monday without purchasing a ticket. The Adjudicator determined that the signage complied with regulations, the restrictions applied to Bank Holidays and that additional signage was not required.

Case 3 – The Appellant had parked in rural off street car park and had forgotten to display his permit. The Adjudicator accepted that, although it was a genuine mistake, the Appellant had previously had another PCN cancelled for the same reason.

Case 4 – The Appellant had paid the discounted charge outside of the discount period. The Adjudicator accepted the evidence of a postmarked envelope indicated that the payment was sent after the discount period had expired and the full payment was due.

Case 5 – The Adjudicator accepted that, although utility repairs damaged the bay marking, they were sufficient to convey the restrictions and the Appellant was aware that it was a disc parking zone.

Case 6 – The Appellant contested that he thought parking in a Ripon off street car park was free. However, the Adjudicator accepted that the signage indicating that it was a pay and display car park was clear and unambiguous.

Case 7 – The Appellant contested that the double yellow lines that he had parked on served no purpose and he was not causing an obstruction. The Adjudicator accepted that the lines clearly indicated the restriction.

Case 8 – Involved an appeal against a PCN issued in a restricted area of Ripon. However, the appeal was made after the appeal period of 28 days had expired.

Background Papers – None

OFFICER CONTACT: Please contact John Dobinson, 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 – john.dobinson@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		✓	

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

APPENDIX A

PCN'S CANCELLED/WRITTEN OFF	2007/08	2008/09
Inadequate signage/lines/markings	46	76
Civil Enforcement Officer Error	399	356
Loading/unloading proved	67	75
Machine Fault	22	21
Operator Error	34	43
Hand-held Computer Fault	111	63
Training/Test Notice	70	103
Valid Blue Badge	359	453
Valid Dispensation/Waiver Produce	31	68
Valid Guest Permit Produced	365	448
Valid Other Permit	57	56
Valid Parking Ticket Produced	411	460
Valid Residents Permit	170	197
Valid Season Ticket	57	63
Vehicle Broken Down	21	27
Vehicle Drove Away	213	80
Vehicle Reported Stolen	2	5
Bailiffs Unable to execute Warrant	0	0
Compassionate Reasons	39	35
Discount Payment Accepted	174	144
Foreign Vehicle/Keeper	180	176
Medical Reasons	35	55
No Disc Displayed	259	309
On Higher Authority	20	41
Reduced Payment Accepted	14	17
Unable to Trace Keeper/Driver	157	152
Proof of Bankruptcy		6
Representations		
I was not the owner/keeper of the vehicle	0	0
The vehicle had been taken without my consent	2	0
We are a hire firm and have supplied the name	0	0
The contravention did not occur	8	2
The traffic order was invalid	3	1
The penalty exceeded the relevant amount	13	0
Other Representation Allowed	0	2
Adjudication not contested	0	0
TOTAL	3339	3534