



# B O S T O N

## BOROUGH COUNCIL

Municipal Buildings, West Street, Boston, Lincolnshire, PE21 8QR

### **Annual Parking Report 2017/18**

#### **Introduction to Civil Parking Enforcement**

##### **The Traffic Management Act 2004 (Part 6/7) (TM04)**

The Traffic Management Act 2004, Parts 6/7 (TMA04) remained the basis of most parking enforcement activity in the Boston Borough.

##### **Contraventions**

Vehicles and drivers are dealt with by our Civil Enforcement Officers (CEOs). Parking events are considered to be 'Contraventions' and are administered under Civil Law. We issue vehicles with a Penalty Charge Notice (PCN) and a financial penalty if they commit a parking contravention, but they no longer receive a criminal record. The Traffic Management Act 2004, Parts 6/7 (TMA04) remains the bedrock on which the vast majority of enforcement takes place.

This has been supplemented by the Government's 2015 Transparency Code that requires, annually, the Council to report:

- a breakdown of income and expenditure on the authority's parking account, to include details of revenue collected from off-street parking and Penalty Charge Notices
- a breakdown of how the authority has spent a surplus on its parking account
- the number of marked out controlled off-street parking spaces within their area, or an estimate of the number of spaces where controlled parking space is not marked out in individual parking bays or spaces.

Boston Borough Council operates a number of 'Off Street' car parks which are operated under a 'Pay and Display' charging system. Enforcement activity is undertaken in these car parks by Civil Enforcement Officers directly employed by Boston Borough Council.

Lincolnshire County Council carries out 'On Street' parking enforcement in Lincolnshire using a third party contractor and, as the Enforcement Authority for on-street car parking. We manage and maintain the machines in turn and keep the income from the on street car parks listed within this report.

##### **Legal Provisions**

The Traffic Management Act 2004 (TMA) lays down the requirements under which Civil Parking Enforcement is carried out. These provisions apply to 'off street' car parks as well as on the roads. The car parks in Boston are subject to a Traffic Regulation Order.

This order and its amendments detail the car park regulations in car parks. The order also allows for the issue of Penalty Charge Notices for certain contraventions of the order. The issue of these notices and the procedures which follow their issue are laid down by the TMA and regulations made under it.





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Patrol and enforcement activities in the council owned and operated car parks are carried out by Civil Enforcement Officers employed by Boston Borough Council.

Section 55 of the Traffic Management Act defines the purposes for which income specifically from charges and Penalty Charge Notices for on-street car parking and Penalty Charge Notices for off-street car parking can be used.

These purposes are for:

- all operational costs in delivering a car parking service (including capital repair and maintenance in addition to staffing)
- supporting public transport passenger services
- supporting road or highway improvement projects
- environmental improvements which includes improving or maintaining the appearance or amenity of -
  - (i) a road or land in the vicinity of a road, or
  - (ii) open land or water to which the general public has access; and
  - (iii) the provision of outdoor recreational facilities available to the general public without charge.

### **Boston Borough Council Car Parks**

There are 16 pay and display car parks with a total of 1106 parking spaces within the Boston Borough operated by the Council. These are located within the town centre to service the needs of residents and visitors to the areas.

These car parks are:

- Artillery Row
- Bargate Green
- Botolph Street
- Buoy Yard
- Cattle Market
- Custom House Quay
- Doughty Quay
- George Street
- Maud Street
- Municipal Buildings
- Spayne Road
- Staniland
- St George's Road
- Tunnard Street





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- Victoria Place
- West End

In addition there are further five car parks that are deemed to be "on street" car parks. These are owned by Lincolnshire County Council and enforced by the County Council's appointed enforcement contractor.

Under current arrangements, Boston Borough Council retains the income derived from these five "on street" car parks.

These car parks are:

- Market Place
- Pump Square
- Station Approach
- South Square
- Wide Bargate

Boston Borough Council reviews the parking charging each year and an annual Finance report is submitted through Council with any amendments.

The main objectives in the making of charges for parking in the council's car parks are:

- To cover the costs of their maintenance, infrastructure and management of car parks, including those areas of associated land and nearby facilities that are available to the public.
- To ensure that parking is available for people using the facilities in the town by ensuring a turnover of spaces in the car parks. This is particularly important in the car parks supporting the shops in the town centres.

A large scheme was undertaken in 2015/16 in which all the parking machines were replaced. These new machines are networked via digital connection, enabling monitoring to be undertaken remotely thus introducing more efficiencies into the service and ensuring that faults can be identified and rectified promptly.

In addition, pay by phone parking has also been introduced at all car parking locations that are owned and operated by Boston Borough Council.

Throughout the early months of 2019, new signage to inform users of the car park it may be slippery when icy or wet has been introduced as advised by a solicitor.

### **Enforcement Activities**

Whilst we find a large percentage of the population park with consideration for others, there are still some who park wherever they wish. The Council employs (two full time and one part time) uniformed Civil Enforcement Officers (CEO's) to patrol and enforce off street parking matters. As well as ensuring the charging regime in the car parks is complied with, staff also





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help to ensure that any defects or other issues affecting the car parks are reported and rectified.

The Officers are all trained to nationally recognised standards and receive refresher training when necessary. Officers also receive Personal Safety Training, Safeguarding and Fraud training.

The Officers are not set targets to issue a set amount of tickets a day, they will only issue where a contravention has occurred.

### Penalty Charge Notices

Vehicles appearing to be parked in contravention of certain aspects of the Traffic Order can be issued with a Penalty Charge Notice (PCN), which is normally attached to the vehicle or handed to the driver by the CEO. The level of the charges, set by central government, is currently £50 for a lower level contravention, and £70 for a higher-level contravention. The charges can be settled at a reduced charge of £25 or £35 respectively if paid within 14 days of issue.

The level of the charge is designed to reflect the severity of the contravention. For example if someone was to remain in the car park for a longer period than they had paid for then they would receive a lower level charge. Those who park in a disabled person's bay, when not holding the appropriate badge, which is considered a more serious contravention, would receive a higher-level charge.

Once a PCN is issued, the driver can challenge the issue of the notice with the Central Processing Unit, clear instructions are provided on the back of the PCN. Trained members of staff will consider the circumstances and any mitigation given by the driver. While the challenge is being considered the case will be placed on hold so that, even if the challenge is rejected, the motorist can still settle the matter at the reduced charge.

When a challenge is made and rejected, or no payment made, the owner of the vehicle is sent a 'Notice to Owner'. This is the driver's opportunity to make formal representations against the issue of the Penalty Charge Notice. Consideration of these representations are carried out by the Central Processing Unit.

Should the representations be rejected a driver then has an opportunity to appeal against that decision to the Traffic Penalty Tribunal. This is an independent body where Adjudicators will consider the case and whose decision is binding on both the Council and the Motorist.

### Statistics – April 2017 – March 2018

Issued by our CEO's in the off street car parks.

Total PCNs issued	1857
Higher level PCN's issued	245
Lower level PCN's issued	1612





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Paid at discount	1006
Paid at full (or above)	229
PCNs paid	1235
PCNs against which formal or informal representations made	1404
PCNs cancelled as a result of formal or informal representations	339
PCNs cancelled for other reasons	44
PCNs written off	0

### Contraventions

Issued by our CEO's in the off street car parks.

The table below shows the PCN issue figures for all contraventions:

Code	Off Street National Contravention Description	Amount Issued
80	Parked for longer than the maximum period permitted	0
81	Parked in a restricted area	41
82	Parked after the expiry of paid for time	399
83	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	958
85	Parked in a permit bay without clearly displaying a valid permit	136
86	Parked beyond the bay markings	234
87	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	37
89	Parked in a car park or area not designated for that size of vehicle	0
91	Parked in a car park or area not designated for that class of vehicle	28
92	Parked causing an obstruction	3
93	Parked in a car park when closed	15
94	Parked in a pay & display car park without clearly displaying two valid pay & display tickets when required	6
95	Parked without purpose	0

### Adjudication Statistics

Issued by our CEO's in the off street car parks.

Cases appealed to the Traffic Penalty Tribunal by motorists, with the following outcomes:

No hearing outcome	0
Appeal allowed	2
Appeal not contested	1
Appeal rejected	2





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### Income and Expenditure

Income and expenditure in relation to on and off street parking activities

<b>Expenditure</b>	<b>£</b>	<b>Income</b>	<b>£</b>
Employee Costs	115,053	Parking ticket income	(834,267)
Premises Costs	171,850	Fines	(44,391)
Supplies and Services	44,468	Season tickets and Private bays	(80,711)
Support Services	24,070	Other income	(22,375)
Capital Financing	131,803		
Total	487,244	Total	(981,744)
		Surplus	(494,500)

The surplus is used to cover costs such as car park lighting, relining, resurfacing, signage and in some cases CCTV and public toilets.

This completes the annual report for off street car parking activities in Boston Borough.

