

# Parking Services Annual Report

## 2018 - 2019

Welcome to Cambridgeshire County Council's Parking Services Annual Report, which summarises the parking and traffic enforcement responsibilities conducted by the Council in 2018/2019, and provides details of activities and related financial information.

The key objective of the enforcement policy is to maintain an appropriate balance between the requirements of residents, visitors, businesses and access for disabled people and thereby contributing to the economic growth and success of Cambridge. Enforcement is conducted both on- and off-street by Cambridgeshire County Council Parking Services and Civil Enforcement Officers employed through a term contractor. These officers actively patrol and enforce parking restrictions supporting traffic management and safety responsibilities imposed on local authorities by legislation, directing patrol efforts to strategically important routes, areas of high contravention and sensitive locations in response to public demand.

We seek to enforce the various parking restrictions across the town in a fair and responsible manner, and continual care is taken when dealing with representations from the public against the Penalty Charge Notices to ensure that all the circumstances are fully considered on a case by case basis. We are fully committed to being transparent about our parking Services and enforcement activity. This report provides an extensive record of activities during the 2018/2019 financial year and explains how the service is managed and aims to develop an understanding and acceptance of such enforcement activity.

## Content

The Secretary of State's 'Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions' states that local authorities should produce annual reports about their enforcement activities. It is considered good practice to publish a report which provides the public with information about the way enforcement is undertaken and provides reassurance that enforcement is being undertaken properly. The view of the Secretary of State is that transparency about the civil enforcement of parking regulations enables the public to understand and accept the enforcement of parking contraventions.

This Annual Report provides a record of activities during the 2018/2019 financial year and explains how the service is managed aims to develop an understanding and acceptance of such enforcement activity.

## Policy Context

The Road Traffic Act 1991 introduced powers for Local Authorities to enforce on street parking and waiting restrictions under the term 'Decriminalised Parking Enforcement'. Cambridgeshire County Council introduced a Special Parking Area in 2005 under this legislation. This transfers responsibility for enforcement of non-endorsable parking contraventions from Cambridgeshire Constabulary to the Local Authority. The Traffic Management Act 2004 replaced The Road Traffic Act 1991 in 2008 and extended these powers to include the enforcement of restrictions by other methods which are known as 'Civil Parking Enforcement'. Parking offences are classified as civil offences rather than criminal offences under Civil Parking Enforcement.

The current guiding transport policy document is its Local Transport Plan 3 2011-2031 (LTP). The LTP demonstrates how our policies and plans for transport will contribute towards the County Council's vision – Creating communities where people want to live and work: now and in the future.

"The overarching transport strategy focuses on achieving our objectives, particularly those aimed at tackling climate change and enhancing the economy, and aims to address existing transport problems while at the same time catering for the transport needs of communities and improving air quality."

Although it is not possible to specifically measure the contribution of Civil Parking Enforcement on all the objectives, as there are a wide range of other factors that influence them, it is clear that well considered and implemented enforcement will support this vision.

## Parking Enforcement

Enforcement is conducted both on- and off-street by Cambridgeshire County Council Parking Services through Civil Enforcement Officers employed through a term contractor , OCS Legion. Each officer receives specific training resulting in two qualifications which are:

- Wamitab Roles and Responsibilities of a Civil Enforcement Officer; and

- Wamitab Conflict Management.

Civil Enforcement Officers are salaried and are not part of any incentive scheme. Their only enforcement requirement is to ensure that any Penalty Charge Notice is issued correctly and that all the supporting evidence (including photographs) is gathered and recorded.

Cambridgeshire County Council Parking Services currently enforces on-street parking restrictions (including through approved device method), off-street Council car parks and on-street resident parking schemes within Cambridge.

The Cambridgeshire County Council Parking Services team have a duty to consider all aspects of a case. The Secretary of States guidance states that even when a clear contravention has occurred, the Council has discretionary power to cancel a Penalty Charge Notice, and this duty is adhered too - "under general principles of public law, authorities have a duty to act fairly and proportionately and are encouraged to exercise discretion sensibly and reasonably and with due regard to the public interest". This exercise of discretion is approached objectively and without regard to any financial interest (in the penalty or decisions) that may have been taken at an earlier stage. However, discretion can be used to cancel or enforce a Penalty Charge Notice and some motorists who challenge their Penalty Charge Notice may not always receive the decision that they were looking for.

### **Penalty Charge Notices (PCN's)**

Penalty Charge Notices are issued when people contravene the parking code. Penalty Charge Notice tickets can be categorised as higher or lower depending on the seriousness of the contravention. Higher level tickets for more serious breaches are £70 (e.g. parking on yellow lines/ discounted to £35.00 if paid within 14 days from the date of issue) and lower level tickets for less serious breaches are £50 (e.g. parking with an expired permit or pay & display ticket/ discounted to £25.00 if paid within 14 days from the date of issue).

Road markings (such as yellow lines, loading bays, bus stops and residents zones) indicate that some sort of restriction applies and signs nearby will always explain the parking restrictions. If these restrictions are breached, a contravention has occurred and a Penalty Charge Notice will be issued.

In the Council's public car parks Penalty Charge Notices may be issued if you fail to pay the correct amount at a pay and display ticket machine or for parking in a space for longer than you are permitted to. Also, if your car is reported to be causing a safety hazard, a source of congestion or an obstruction the Police may remove it. Drivers are responsible for making sure that their vehicles are parked correctly and not causing any obstructions. If vehicles are parked correctly they should not be issued with a Penalty Charge Notice.

### **Traffic Management Act 2004 Statutory Process – Direct Issue Process**

The following process applies where the Civil Enforcement Officer has directly issued the Penalty Charge Notice to the vehicle or handed it to the driver.

- After 14 days of the date of issue of the Penalty Charge Notice

- The right to pay the discounted sum (£35/£25) after 14 days is lost. The 14 days starts with the date on which the Penalty Charge Notice was issued.
- After 28 days of the date of issue of the Penalty Charge Notice
  - If the charge is not paid 28 days from the date the Penalty Charge Notice was issued a Notice to Owner will be sent to the registered keeper of the vehicle.
  - At this point you can either pay the full charge within 28 days (£70/£50) or make representation to Cambridgeshire County Council.
  - Failure to act on the Notice to Owner may result in a Charge Certificate being issued.
- After 28 days of the date of issue of the Notice to Owner
  - A Charge Certificate may be sent to the registered keeper of the vehicle, notifying the keeper that the charge has been increased by 50% (£105/£75). If you receive a Charge Certificate you must pay within 14 days. There is no right to appeal at this stage.
- After 14 days of the date of issue of the Charge Certificate
  - If the Charge Certificate is not paid within 14 days, the debt may be registered at the Traffic Enforcement Centre and a court registration fee of £8.00 will be added to the charge (£113/£83). An Order for Recovery will be sent to the registered keeper of the vehicle.
  - If you receive an Order for Recovery you must either pay the outstanding charge within 21 days or file a witness statement.
- After 21 days after the Debt Registration
  - If the charge has not been paid or a witness statement has not been made, the Traffic Enforcement Centre will grant authority for a Warrant to be issued and a certificated Enforcement Agent will be requested to recover the outstanding debt from you. The Enforcement Agent will apply a charge.

The fees are set by legislation. Please see the Taking Control of Goods (Fees) Regulations 2014.

- **The Compliance Stage Fee of £75.00 is raised when the Enforcement**

### **Agents (EA) receive a case from the Council.**

The Compliance Stage provides the customer with the opportunity to make contact with the EA to make full payment, or to discuss an arrangement. An Enforcement Agent will not visit your property during this stage. Notice of Enforcement must be issued during this stage and allow at least 7 clear days from the issue of the Notice before a visit is made.

- **The Enforcement Stage Fee of £235.00 is raised upon the first visit to a customer's premises by the Enforcement Agent.**  
The case will have moved on to the Enforcement Stage either because no contact has been made by the customer to the EA within the specified timescale, or because a payment arrangements set up has defaulted
- **The Sale Fee of £110.00 is raised when we the EA have taken control of goods and attend to arrange for those goods to be removed.**
- All of the above information is available on websites such as [www.justice.gov.uk](http://www.justice.gov.uk) and <http://www.legislation.gov.uk>.

### **Paying a Penalty Charge Notice**

Penalty Charge Notices can be paid either online, by post or by phone. Once payment has been made, the driver/owner/hirer has accepted liability for the penalty charge and can no longer make a challenge/representation against the Penalty Charge Notice. Cambridgeshire County Council's interpretation of the relevant legislation (which is supported by the House of Commons Transport Committee) is that the recipient of a Penalty Charge Notice can pay the penalty or challenge the Penalty Charge Notice – it is not possible to do both.

## **Bus Lane Enforcement**

Cambridgeshire County Council and its partners want to make public transport reliable and punctual. Bus lanes, when operating properly, help improve journey times, punctuality and reliability which may help make public transport a more attractive option and in turn relieve congestion.

When bus lanes are misused they are less effective, hence the need for effective enforcement. When people ignore bus lanes they can cause delays to public transport and increase the risk of accidents as other road users are unlikely to be aware of their presence.

In October 2005, powers were introduced under the Transport Act 2000 that made it possible for Cambridgeshire County Council to enforce the regulations governing the use of bus lanes in Cambridge. The Police may still take action against persons driving in bus lanes or ignoring road signs, however, Cambridgeshire County Council's enforcement by approved

device camera's has substantially increased the likelihood of those abusing bus lanes being caught out.

The penalty for being in a bus lane is a £60 Penalty Charge Notice. Cameras record vehicles using bus lanes and penalties are issued based on this information. Enforcement officers check the recordings to determine whether a contravention of the rules has taken place or if there may be other circumstances e.g. to avoid an accident. It is possible to make a representation against the Penalty Charge Notice within 28 days of it being issued.

In 2018/2019 the Council introduced two approved device cameras on the network both on Station Road to ensure the free flow of busses at the very busy bus interchange.

### **Transport Act 2000 Statutory Process**

- The Penalty Charge Notice will be sent to the registered keeper of the vehicle; at this point you can either:

- Pay the discount within 14 days (£30).
- If the discount is not paid in the 14 days, pay the full charge within 28 days (£60).
- Make representation to Cambridgeshire County Council.

- After 28 days of the date of issue of the Penalty Charge Notice

- A Charge Certificate may be sent to the registered keeper of the vehicle, notifying the keeper that the charge has been increased by 50% (£90). If you receive a Charge Certificate you must pay within 14 days. There is no right to appeal at this stage.

- After 14 days of the date of issue of the Charge Certificate

- If the Charge Certificate is not paid within 14 days, the debt will be registered at the Traffic Enforcement Centre and a court registration fee of

£8 will be added to the charge (£98). An Order for Recovery will be sent to the registered keeper of the vehicle.

- If you receive an Order for Recovery you must either pay the outstanding charge within 21 days or file a statutory declaration.

- After 21 days after the Debt Registration

If the charge has not been paid or a statutory declaration has not been made, the Traffic Enforcement Centre will grant authority for a Warrant to be issued and a certificated Enforcement Agent will be requested to recover the debt from you. The Enforcement Agent will charge you for this

The fees are set by legislation. Please see the Taking Control of Goods

(Fees) Regulations 2014.

- **The Compliance Stage Fee of £75.00 is raised when the Enforcement Agents (EA) receive a case from the Council.**  
The Compliance Stage provides the customer with the opportunity to make contact with the EA to make full payment, or to discuss an arrangement. An Enforcement Agent will not visit your property during this stage. Notice of Enforcement must be issued during this stage and allow at least 7 clear days from the issue of the Notice before a visit is made.
- **The Enforcement Stage Fee of £235.00 is raised upon the first visit to a customer's premises by the Enforcement Agent.**  
The case will have moved on to the Enforcement Stage either because no contact has been made by the customer to the EA within the specified timescale, or because a payment arrangements set up has defaulted
- **The Sale Fee of £110.00 is raised when we the EA have taken control of goods and attend to arrange for those goods to be removed.**
- All of the above information is available on websites such as [www.justice.gov.uk](http://www.justice.gov.uk) and <http://www.legislation.gov.uk>.

## Challenges, Representations and Appeals

If a driver is issued a Parking Penalty Charge Notice, which they feel is unwarranted, they have the right to challenge the Penalty Charge Notice.

The first stage is an informal challenge to Cambridgeshire County Council which is followed up by the second stage which is a formal representation to the Council. If the formal representation to the Council is unsuccessful, the third stage is an appeal to the Traffic Penalty Tribunal (TPT). It should be noted that for Penalty Charge Notice issued by post (e.g. a Bus Lane/Gate PCN) there is no informal challenge.

The Cambridgeshire County Council Parking Services will deal with each case on its own merits and will take into account the evidence recorded by the Civil Enforcement Officer and the information provided for a case. There are statutory time limits for dealing with representations and appeals, whereas guidance is provided for informal challenges. In all cases the Cambridgeshire County Council Parking Services aim to deal with challenges, representation and appeals in an efficient, effective and impartial way.

### Stage 1 – Making an Informal Challenge

Cambridgeshire County Council Parking Services have a legal obligation to consider all informal challenges received. If an informal challenge is made within 14 days of the Penalty Charge Notice being issued, the discount period will be put on hold until the Council can deal with the challenge. A letter from the driver explaining the reasons why they feel they

have grounds for an appeal should be made as soon as possible to the address given on the Penalty Charge Notice. The letter can be submitted by writing to the Council using surface mail or making a challenge by way of a secure website. A letter will be replied to if the challenge is upheld and the Penalty Charge Notice will be cancelled. If the challenge is not upheld, provided the challenge was made within 14 days of the Penalty Charge Notice being issued, a further 14 days to pay the Penalty Charge Notice at a discounted rate will generally be re-offered.

## **Stage 2 – Representations**

A representation (under the Traffic Management Act 2004) can only be made upon receipt of a Notice to Owner, in cases where the PCN was affixed to the vehicle or handed to the driver. The Notice to Owner will be sent to the registered keeper of the vehicle 28 days after the issue of the Penalty Charge Notice. Should a Penalty Charge Notice have already been paid the case is considered closed and no representation or appeal may be made. Once a Notice to Owner has been issued, the vehicle owner has 28 days to make a representation. The Council has a legal obligation to consider all representations received and must reply within 56 days of receiving the representation, if the Council does not reply in this time period, the Penalty Charge Notice is automatically cancelled.

Should a representation be unsuccessful, the owner will be liable to pay the Penalty Charge Notice at the full amount of £50.00 or £70.00. If the Council rejects the representation, an appeal may then be made to the Traffic Penalty Tribunal.

This process is set down by the Traffic Management Act 2004 (and accompanying regulations) for parking contraventions.

The process is the same for bus lane contraventions issued under the Transport Act 2000, however, there is no informal challenge or time limit set for the Council to reply to a representation. A Penalty Charge Notice for being in a bus lane will be sent to the registered keeper of the vehicle. A formal representation must be made by the date on the PCN (two days are factored in for the PCN to be delivered). If a representation is received within 14 days and rejected, the discounted amount of £30.00 will generally be re-offered for a further 14 days from the date of the rejection letter being sent. The full amount of £60.00 would be due if representations are made after 14 days and rejected. An appeal may then be made to the Traffic Penalty Tribunal.

Complaints about the parking scheme itself should be made via: <https://www.cambridgeshire.gov.uk/council/contact-us/>

General enquiries concerning parking issues may be made by telephone.

## **Stage 3 – Appeal to the traffic Penalty Tribunal**

The Traffic Penalty Tribunal is a body independent of the Council. Adjudicators are people with at least five years legal experience who consider the evidence for appeals against



Penalty Charge Notices issued by Local Authorities. Their decision is final and binding on both parties.

Should a Representation to the Council be unsuccessful, a Notice of Rejection providing a unique pin/on line code enabling the customer to make an appeal to the TPT via their website <https://www.trafficpenaltytribunal.gov.uk/want-to-appeal/>

A Traffic Penalty Tribunal appeal can only be made should a representation to the Council already have been rejected to the registered keeper of the vehicle or to an individual who the registered keeper has given authorisation for them to act on their behalf. When the TPT receive a 'Notice of Appeal', the Council will be notified an appeal has been lodged. The Council are contacted via the FOAM (Fast on line management system) who complete information regarding the contravention date, registered keeper details and date of the PCN. The TPT will consider the appeal method requested by the customer, either by telephone, postal or a personal hearing. The TPT will inform the Council when their evidence needs to be submitted by and a hearing date will then be provided by TPT. Details of evidence submitted is visible to both parties (the appellant and the Council) In the case of a personal appeal being asked for, the Traffic Penalty Tribunal staff will schedule it for the next appropriate hearing at the registered keepers preferred location and give 21 days' notice of the precise date, time and venue.

## Permits

Permit Parking Zones were first introduced in Cambridge in the late 1970's with the intention to enable residents to park in streets that would have otherwise been occupied by shoppers or commuters parking near the City centre. As levels of car ownership and traffic patterns have developed, the zones have spread away from central Cambridge to other parts of the City affected by parking problems.

There are currently three main types of permits available, resident, visitor and business, however, temporary permits and other discretionary permits are also available.

The permit must be displayed in its registered vehicle at all times when the vehicle is parked in a permit bay. The permit should be displayed on the windscreen and be readable so that the information contained on it is legible. The information on the permit will contain; the vehicles registration, the permit zone, the expiry date, and the make of the vehicle.

### **Resident Permits**

Resident Parking Permits are provided in controlled parking areas for residents of Cambridge. Permits run for 12 months from the date of issue and it is up to the user to renew a permit before it expires. A reminder is sent 28 days prior to the expiry inviting the resident to renew their permit

The maximum number of resident’s permits available to be issued per household is specific to each zone. To qualify for a residents’ permit, an individual’s main place of residence must fall within the scheme area and the applicant should own or have the use on a regular basis of a vehicle of the type permitted. Permits are linked to a specific vehicle, not a household. Applicants must be able to support their application with the following detailed documentary evidence, Driving Licence or Tenancy Agreement and a certificate of insurance showing the applicant or a named driver on the insurance document.

### **Visitor Parking Permits**

Residents living in a Residents’ Parking Scheme can buy visitor permits, enabling their visitors to park their vehicles in a marked residents’ bay within their scheme during the scheme’s operational hours. Residents do not need to hold a valid residents’ permit or own a vehicle to apply for visitors’ permits.

Applicants must be able to support their application with proof of residency. Acceptable documentary evidence includes valid driving licence, tenancy agreement or current utility bill.

Visitors’ parking permits are limited to a maximum of 20 permits (each permit allows 5 visits) per applicant per annum.

### **Business Permits**

If a business has no access to off-street parking and a vehicle is essential to the operation of the business, the business can buy a permit to allow parking within their scheme during operational hours. A limit on the number of permits issued may be set where considered appropriate

### **Number of permits issued**

Parking Zone	Approx. spaces on street	Residents Permits	Visitor permits	Business permits	Capacity
Accordia	227	156	830	n/a	69%
Benson	235	158	744	1	67%
Brunswick	104	96	934	n/a	92%
Castle Hill	356	457	3099	3	128%
Coleridge West	656	577	1369	2	88%
DeFreville	595	587	3926	3	99%

Guest	65	62	624	0	95%
Kite	257	360	3857	n/a	140%
Morley	352	328	1353	2	93%
Newtown	182	191	1733	8	105%
Park St	54	51	852	2	94%
Petersfield	373	363	2490	5	97%
Regent Terrace	8	3	75	n/a	38%
Riverside	288	248	1607	2	86%
Shaftsbury	28	13	51	0	46%
Silverwood	50	37	159	n/a	74%
Staffordshire	48	30	129	n/a	63%
Tenison	494	544	4514	4	110%
West	99	43	212	2	43%

## Financial Information

The Statutory Guidance states that for good governance, enforcement authorities need to forecast revenue in advance. Raising revenue should not be the objective of Civil Parking Enforcement, nor may the authority set targets for revenue or the number of Penalty Charge Notices issued.

The purpose of penalty charges is to deter motorists from contravening parking restrictions. Payments received (whether for on street or off street enforcement) must only be used in accordance with Section 55 (as amended) of the Road Traffic Regulation Act 1984. This Act limits the purposes to which a Local Authority may apply any surplus resulting from income derived from on-street parking spaces. This was however, amended by the Traffic Management Act and restrictions on Councils that were relaxed to permit any surplus to be used for general transport measures and other purposes on which the Local Authority lawfully incurs expenditure.

The table below shows the financial information for Cambridgeshire County Council for 2018/2019. A comparison can be made with last year's financial information.

### Civil Parking Enforcement

<b>EXPENDITURE</b>	<b>2017/2018</b>	<b>2018/2019</b>
Employee Costs	311,919	324,197
Enforcement/I.T. Costs	730,183	667,206
P&D Supplies and Services	118,068	153,624
Cash Collection Costs	44,236	29,548
Traffic Enforcement Court Fees	21,000	18,000
Office Supplies and internal Services	16,186	48,695
Traffic Penalty Tribunal Levy	20,269	10,320
Signs and Lines	7,704	17,972

<b>TOTALS</b>	1,269,565	1,269,562
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<b>INCOME</b>	<b>2017/2018</b>	<b>2018/2019</b>
On Street Pay and Display	-2,180,837	-2,362,528
Resident Permits	-503,975	-648,668
HDC	-79,238	79,238
Ely Permits	-26	0
Suspensions/Dispensations/waivers	-126,401	-125,350
Penalty Charge Notices	-1,239,571	-1,338,725
<b>TOTALS</b>	<b>-4,130,048</b>	<b>-4,396,033</b>

<b>Allocation of Parking Surplus</b>	<b>2017/2018</b>	<b>2018/2019</b>
Concessionary Fares	305,000	301,000
Rising Bollard Maintenance	20,409	16,885
IHMC and Traffic staff	180,302	241,039
Real Time Passenger Information System	151,861	144,093
Traffic Surveys	53,100	69,019
Trumpington & Madingley scheme	33,761	0
Drummer Street	30,761	7,816
Cambridge City Highways	602,485	644,436
South Cambs Highways	792,485	896,125
Hunts Highways	42,000	142,000
Library rent & legal	5,250	5,412
Passenger Transport	117,512	168,244
Fenland Highways	0	200,000
Improving drought damaged roads	0	825,098
Lighting columns & signs to improve safety	0	40,000
General Highways maintenance	0	200,000
<b>TOTALS</b>	<b>2,334,926</b>	<b>3,901,167</b>

### Bus Lane Enforcement

<b>INCOME</b>	<b>2017/2018</b>	<b>2018/2019</b>
Penalty Charges	-1,218,961	-1,769,075
<b>TOTALS</b>	<b>-1,218,961</b>	<b>-1,769,075</b>
<b>EXPENDITURE</b>		

Employee costs	138,925	217,341
Contractor costs	27,398	33,690
IT support	122,254	172,918
Traffic Penalty Tribunal	25,640	25,396
Traffic Enforcement Court Fees	21,000	32,000
Contribution to Passenger Transport & highways	602,297	709,008
Signs and Lines/ New installation Costs	58,814	59,474
TOTALS	996,328	1,249,827
SURPLUS/DEFICIT	-222,633	-519,248