

Cheshire West and Borough Council – Annual Parking Report 2019/2020

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Introduction:

Welcome to Cheshire West and Chester Council's Annual Parking Report which looks at the work of our Parking Services Team during 2019/20.

While parking can be a sensitive and contentious issue, we hope this report will show our Parking Services team do not just issue parking tickets (officially known as Penalty Charge Notices) but actually they have a positive influence on road safety and traffic flow, as well as ensuring the fair use of available parking spaces across the borough.

Our main focus is to minimise disruptions and to allow free flow of residents and visitors to and from the borough. Parking enforcement keeps our communities safe, minimising accidents by keeping busy junctions as free from congestion as possible. This also helps to reduce pollution from traffic and improve air quality throughout the borough.

Although many perceive civil parking enforcement as a hindrance, individuals who park thoughtlessly or dangerously can actually affect the rest of us as we go about our day to day lives. The Parking Services team is a presence on the street, supporting the community, as well as carrying out our activities.

Car parks create an income for the Council, which in turn contributes to the redevelopment of the borough, along with essential maintenance of public facilities.

Under section 55 of the Road Traffic Regulation Act 1984, it states, any surplus made from off-street parking must go back into a related project: For example; any further public transport or road improvements needed within the local authority's area.

This shows Parking Services are not here to make profit, but to increase development in parking and other amenities, for the borough and its residents.

Though we look to increase growth in the sector, Parking Services is self-sufficient; therefore we are able to maintain our own costs and expenses without the need for funded support.

Failure to be self-sufficient could, depending on the total of deficit, mean the service may need to be subsidised by other Council budgets. Reinforcing the important provision Parking Services provides for both residents and visitors to the borough.



Blue Badge - The Blue Badge Scheme provides a range of parking concessions for people with mobility problems who have difficulty using public transport. The badge enables holders to park close to where they need to be. The scheme operates throughout the UK, and is administered by local authorities who deal with applications and issue badges. The Council's blue badge team can be contacted on 0300 123 7040 or by email enquiries@cheshirewestandchester.gov.uk

CEO: Civil Enforcement Officer. An Officer authorised to carry out enforcement of parking restrictions in a Civil Parking Enforcement area.

CPE: Civil Parking Enforcement. A description of parking enforcement carried out by Local Authorities who have been granted powers to carry out enforcement rather than the Police.

Park Mark - An award which is presented to car parks which have been vetted by the Police and which have been found to have measures in place to create a safer environment for users of the car park and their vehicles.

PCN: Penalty Charge Notice (sometimes referred to as a 'parking ticket') issued to vehicles when the vehicle is parked in breach of a parking restrictions.

TPT: Traffic Penalty Tribunal. Independent tribunal appeals for motorists and vehicle owners.



Why have parking enforcement?

Enforcement can help in a variety of ways to improve our borough. This includes:

- Improving accessibility and fairness

Parking enforcement helps maintain access and ensures fair use of parking facilities. Enforcement tackles the abuse of parking spaces including where motorists park in disabled persons' spaces even though they are not a blue badge holder. To help communities, enforcement is also used to ensure residents parking schemes are adhered to.

- Supporting local businesses

Parking enforcement on –street minimises congestion, which benefits local businesses that may otherwise experience delays with deliveries. By encouraging the turnover of spaces, enforcement ensures appropriate spaces can be used by a high number of different vehicles. This increases the likelihood of customers visiting the local shops and being able to find a space to park.

- Keeping our communities safe

Enforcement keeps specific areas (such as busy junctions) free from traffic which helps reduce the risk of accidents. An example of this is visibility at junctions. Parking enforcement prevents vehicles from prohibiting a driver's visibility due to other motorist's actions, ensuring the safety of all road users. Enforcement can also help in special areas such as outside schools where 'keep clear' zones protect both children and parents.

- Supporting the free flow of traffic

Enforcement activity helps to keep roads clear, maintaining traffic flow and discouraging inconsiderate and disruptive parking. Journey times will become predictable and public transport more reliable making it a more attractive travel option.





What is civil parking enforcement?

Councils obtain the power to carry out enforcement, replacing the Police, by making an application to the Department of Transport. The purpose of allowing Councils to carry out enforcement is to allow Police resources to be used to address serious criminal offences.

Added benefits of having a local authority taking care of civil parking enforcement:

- They have specific knowledge of the area; some public services may not.
- Police have greater pressures on their time with more imperative areas of work.
- It is far easier to contact a local authority than it is to contact the Police as there are more lines of communication.
- The public feel more relaxed speaking to a Council officer rather than the formality of a Police officer.
- It is a pivotal role and it is vital the Council is in full control of parking enforcement because incorrect or inadequate fulfilment of this job would create huge disruption for motorists.

In 2019/20 the Council received approximately 1300 requests for our CEOs to attend to a vehicle parked incorrectly. This equates to just over 100 per month which supports the public need for enforcement.





Whether it is through a common misunderstanding or a need to educate, there are many myths surrounding parking which can cause a motorist to inadvertently receive a PCN. It is advisable to plan ahead before visiting an area or contact the authority responsible for parking enforcement in advance. However, along with the Highway Code, supporting guidance and the presence of road signage and markings, a parking restriction or lack thereof can always be determined when choosing where to park.

Here are some of the more common parking myths:

- Parking restrictions don't apply on Sundays or Bank Holidays – Not true, parking restrictions apply 24 hours a day, 365 days a year unless nearby signage states otherwise.
- I can now park for an extra 10 minutes before a PCN is issued – Not true, a 10 minute grace period was recently introduced but only in areas where waiting is already permitted.
 - Examples of places where a 10 minute grace period applies:
 - In pay and display car park – 10 minutes can be added to the expiry time show on the ticket
 - A limited waiting bay – 10 minutes can be added to the permitted waiting time shown on nearby signs
 - Examples of places where a 10 minute grace period **does not** apply:
 - Single and double yellow lines
 - Loading bays
 - Taxi rank/Bus stop
- I can park for 20 minutes while loading – Not true, as long as loading is continually taking place and a vehicle is parked where loading is permitted, the activity can take as long as it takes.

The common myth comes from the time a CEO will observe a vehicle for to determine if loading is taking place or if the vehicle has been left waiting. Where a private motor car is concerned a CEO will normally observe for a minimum of 5 minutes. However, for a heavy goods vehicle a 20 minute period is observed due to the nature of the goods being loaded.



Parking Service Team:

The Parking Services team is made up of 20 full-time Civil Enforcement Officers (CEOs) and one part-time CEO. The CEOs are managed directly by the Council and are responsible for on-street and off-street Civil Parking Enforcement (CPE) within the borough. The team is on duty seven days a week, including out of hours and Bank Holidays. They work flexible hours to ensure enforcement is met throughout the day. Each member of the team is allocated an area (beat) during their morning brief or before the start of their shift. Though it must be noted, these differ on a daily basis to ensure officers are familiar with all areas and restrictions.

Each CEO has been trained according to the standards set out in the Traffic Management Act 2004, in addition to training regarding personal safety.

The CEOs are obliged to follow statutory guidelines and must carry valid photographic ID with them at all times. Also, a specific uniform must be worn when carrying out their work. They must not include their name on uniform for confidentiality purposes. In addition, it is a necessity that the correct equipment is carried at all times to ensure duties are sustained.

The CEOs will carry appropriate equipment around with them, one of these being a handheld computer. These have upgraded GPS functionality (GPRS) in order to fulfil the work of issuing PCNs where contraventions are taking place.

CEOs also carry a radio around with them so they're able to keep in contact and informed of any updates from co-workers, along with constant access to the office. This ensures they have ongoing communication to enable them to carry out the role.

Other authorities contract private companies to carry out enforcement. This can lead to less accountability and concern of local issues.

All CEO's working for Cheshire West and Chester are employed directly by the Council. All training and knowledge associated with their role is provided within the local area. This helps to address local issues whilst maintaining consistency and fairness.

A large customer service centre handle over 13,000 calls a year relating to parking and a notice processing team consisting of 6 fully trained and qualified Council staff respond to appeals, permit requests and general enquiries.



How does Civil Parking Enforcement (CPE) work?

CPE is introduced through a legal order known as a Traffic Regulation Order. Road markings and signs provide information to motorists of the restrictions. If motorists do not abide by these restrictions, a PCN will be issued.

A CEO [redacted] **Issued** has duties other than issuing PCNs, which include road closures and reporting any defects in roads/signs to the Highways team. CEOs are in direct contact with the public, face-to-face on a daily basis. They also give guidance to drivers regarding parking restrictions and where these apply.

Many CEOs are approached for directions daily. Through their knowledge of the area, they give directions to the public to help them with their day. They also ensure public safety; acting on behalf of the public, Police, Fire and Ambulance services to address specific concerns relating to CPE.

Prior to a PCN being issued, a CEO may allow for an 'observation' period to elapse before a vehicle is issued with a PCN. This is to satisfy an exemption such as loading or unloading is not taking place.

Typically, a period of 5 minutes observation time for vehicles below 3.5 tonnes is observed for legitimate loading or unloading. This increases to 20 minutes maximum for a heavy goods vehicle weighing 3.5 tonnes or above for on-street. Where a private motor car is concerned, the observation given will be a minimum of 5 minutes, as typically the loading taking place relates to smaller or less numerous items. There will, however, be incidents where a greater amount of time is needed due to the nature of the delivery.

With certain contraventions, however, this amount of observation time is not appropriate such as bus stops and taxi ranks where loading is not permitted. CEOs will take into consideration road safety for all users for each case.

The Council reserves the right to reduce or remove the observation time to address local problems. An example may be where drivers persistently contravene parking restrictions to access a cash point. By performing their duties and helping the public, each CEO walks, on average, 10 miles per shift. Their shifts do vary however, most are around 8 hours long. This illustrates the level of performance required to fulfil their role.

Below is a list of parking contraventions that have occurred across the borough.



01 Parked in a restricted street during prescribed hours.	7475
02 Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force.	1009
12 Parked in a residents or shared use parking place or zone without clearly displaying either a permit or voucher or Pay Display ticket issued for that place.	1525
16 Parked in a permit space without displaying a valid permit.	15
19 Parked in a residents` or shared use parking place or zone either displaying an invalid permit or voucher or pay and display ticket, or after the expiry of paid for time	75
21 Parked in a suspended bay/space or part of bay/space .	44
22 Re-parked in the same parking place or zone within the prescribed time period	55
23 Parked in a parking place or area not designated for that class of vehicle.	6
24 Not parked correctly within the markings of the bay or space.	415
25 Parked in a loading place during restricted hours without loading.	627
26 Parked in a special enforcement area more than 50 cm from the edge of the carriageway and not within a designated parking place.	176
27 Parked in a special enforcement area adjacent to a dropped footway	114
28 Parked in a special enforcement area on part of the carriageway raised to meet the level of a footway, cycle track or verge	5
30 Parked for longer than permitted.	7761
40 Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge.	641
42 Parked in a parking place designated for police vehicles	35
45 Parked on a taxi rank.	300
47 Parked on a restricted bus stop/stand.	147
48 Stopped in a restricted area outside a school.	55
49 Parked wholly or partly on a cycle track	14
62 Parked with one or more wheels on or over a footpath or any part of a road other than a carriageway	55
70 Parked in a loading place or bay during restricted hours without loading	47
80 Parked for longer than permitted	120
81 Parked in a restricted area in a car park.	107
82 Parked after the expiry of paid for time.	691



83 Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	2568
84 Parked with payment made to extend the stay beyond initial time	45
85 Parked in a permit bay without clearly displaying a valid permit.	411
86 Not parked correctly within the markings of a bay or space	1424
87 Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge in the prescribed manner	1742
91 Parked in an area not designated for that class of vehicle.	140
95 Parked in a parking place for a purpose other than that designated	119
99 Stopped on a pedestrian crossing or a crossing area marked by zigzags	75
Total	28038



Park and Ride

Park and Ride in Chester is a fantastic facility operated by the Parking Services team. We aim to influence a change in the way people travel to the city centre. Park and Ride offers that change. It offers flexibility, free parking, cheap fares and a hassle-free, non-time consuming way to enjoy your day.

There are four Park and Ride sites available around Chester, all of which have received the Park Mark Award, which is explained further in this report. These are:

- Boughton Heath
- Sealand Road
- Wrexham Road
- Upton

Using the Park and Ride can be an essential part of your trip to Chester. There is no worry of over-staying in the car parks because you have lost track of time enjoying the city centre, nor will there be car parking fees and the inconvenience of sticking a ticket to your windscreen. The only thing users of the Park & Ride need to remember is where they've parked their car.

There are a total of 58 disabled spaces between the Park and Ride sites, the Wrexham Road site having 26 of those alone. This shows our car parks are available to anyone. They can be used for the daily commute to and from work, or a day out with family or friends.

Another benefit of the Park and Ride is the fact it is available to a wide variety of vehicles due to its accessibility. There is an over-height area at each Park and Ride site for motorhomes and larger vehicles.

We are looking at the possibility of increasing the facilities available at our Park & Ride sites. We can accommodate businesses on Park and Ride sites, building an amiable environment on the car park whilst creating jobs and opportunities for others. The promotion of business, albeit local, shows how the Council, in particular, Parking Services, helps local businesses create a solid structure for the community.

Park and Ride sites also contribute to a reduction in the amount of vehicles in transit around Chester. This decreases carbon emissions, creating cleaner air and an improved environment.

Also, Park and Ride adds an extra dimension to journeys as it allows drivers to sightsee whilst on route, which they'd obviously be unable to do if they were driving themselves.





Blue Badge Holders:

Blue badge holders may park in any of the Council owned pay and display car parks for up to four hours without charge.

There are three car parks dedicated to blue badge holders:

- Frodsham Street, Chester
- Hamilton Place, Chester
- Central Palace Drive, Northwich

It must be noted the onus is on the driver to check relevant signs prior to parking.

A blue badge holder may park on yellow lines for up to three hours, providing their time clock is displayed and correctly set.

There are designated blue badge bays throughout the borough without time restrictions for blue badge holders; mentioned above. Please check the booklet issued with your blue badge for full terms and conditions regarding its use and permitted times.

Overall, the Council offer 426 disabled parking bays, split up in the following areas within the borough:

	No. of Disabled Bays
Chester	170
Ellesmere Port	127
Winsford	75
Rural	54
Total	426

This, in comparison to similar cities, offers a greater number of designated disabled bays.

A similar city to Chester only has 66 designated disabled parking bays noted on the 'directory for car parks' on their website.

Though they do offer free parking for disability badge holders in some car parks, these are not designated for the disabled.

Therefore, it should be noted, our Council has excellent parking for the disabled as they're able to park in easily accessible bays.



Annual Parking Report

Though we have a huge amount of disabled parking bays, there have been occasions where they have been abused. We do monitor these to minimise the misuse of disabled bays.

The Parking Services team works closely with our Regulatory Enforcement team as well as Cheshire Constabulary. We have previously been involved with 'blue badge enforcement days' to combat the misuse with our partners. This is currently ongoing and will be continuing for the future ahead.

It must be mentioned, we are doing every relevant action, within our power, to prevent people from exploiting the use of blue badge permits. This is to help disabled people to use the bays provided when they are needed, rather than having to park in an unsuitable area.



Awards/Certificates

Cheshire West and Chester Council strive to be the best council in the country. The Parking Services team works tirelessly to ensure our car parks are working efficiently and exceed the required criteria set by various reward boards to be granted their award.

On 1 April 2016 we were thrilled to be presented with a Disabled Parking Award from Disabled Motoring UK for our Delamere Street Car Park, only the second local authority to be granted this award at the time.

This shows how much work the team here at the Council has put into the project. Being only the second local authority to be granted such an important award is very rewarding for the staff. Especially as the car park has only been open for a short period of time.

We have also been rewarded with the Park Mark Award for Delamere Street Car Park, only presented to the safest car parks, vetted by the Police.

Two awards for a single car park show our competence and desire to succeed and improve on our standards.

The addition of Delamere Street means currently, 17 of our car parks have been recognised and satisfy the requirements needed for the Park Mark scheme.

This shows time and money has been invested well to establish such a great portfolio of car parks.

This has been a refreshing year for Parking Services as the work we have put into our car parks has been recognised. It is also a credit to the public as they have been instrumental in their feedback and support for our parking facilities.





Car Park Rates:

Car Park rates throughout the borough are cheaper than other cities. Price comparisons for the inner-city car parks shows cities such as Manchester and York are more costly.

Local authority owned car parks benefit the public as the costs set by the council are well regulated and ultimately, cheaper.

A 2-3hour stay in Chester, Market car park or the recently opened Delamere Street car park would cost £3.50. In comparison, a zone one car park in Manchester City Councils' city centre costs £6 for the same period of time. Brook Street car park in Chester is £3, noticeably less and a similar distance away from the centre.

York is a city very similar to Chester. Founded by the Romans, it is a city with huge history. Both have historic landmarks which generate income through tourism.

York City Council charges more for their central car parks than Chester. It costs £2.40 per hour in their Piccadilly and Castle car park. These are situated within close proximity of the city centre. This, again, shows Chester is one of the cheapest historical cities for parking.

Private parking charges in Chester are also higher than those provided by the local authority. As an example a day ticket in the NCP car park in Pepper Street would cost £13.50, whereas a comparative ticket at Market Car Park costs just £6 which represents a 44% saving.

The Grosvenor Shopping Centre charge £7.80 for 3 hours parking in comparison to £4.50 for 4 hours parking at Market Car Park which represents a 41% difference.





Permits:

Cheshire West and Chester Council issue many types of permits, full details of which can be found online. Below are the most popular permits for Cheshire West and Chester.

Chester residents' parking permit:

To qualify for a permit you must:

- Permanently reside at an address within the relevant parking zone
- Own or have the regular use of non-commercial car or a car-sized van

It should be noted there is no automatic entitlement to a permit or renewal of permit. They will be considered at the Council's discretion. However, there are priority levels which Parking Services introduced and abide by.

These schemes are introduced at the request of residents who may be suffering from effects of inner city traffic relating to available parking. Full consultations are carried out by the Council and if the area is suitable for a scheme and the required level of support is met, the parking permits will be implemented in the designated area.



Ellesmere Port residents' parking permit:

Residents parking permits are very popular in the Ellesmere Port area. They have the greatest number of permits in the whole borough. This is due to the fact Ellesmere Port town centre is a highly residential area. This is different to an area such as Chester, where there are fewer residential permits, with dispensation permits being popular.

Attendance Permits

Attendance permits are issued in residents' parking areas in Chester and are strictly for caring purposes. In order to qualify for an attendance permit, you must be a family member or caring professional who needs to visit a resident to provide care or medical support for them.

These are vital to ensure the health of residents, therefore, the Council provides these when needed to provide safety and security to residents in the borough. The cost of an attendance permit is just £12. It is a small amount due to the necessity and significance of an individuals' well-being.

Dispensation permits:

The Council allows a limited number of commercial vehicles to park with a dispensation permit in locations where otherwise they would be in contravention of parking restrictions. But, only where the vehicles are essential to enable the following works to be carried out:

- Maintenance, building, excavation and demolition works
- Furniture removal
- Glaziers involved in emergency repair work
- Plumbers, electricians and gas fitters on emergency call outs

The Council, as well as Parking Services, likes to welcome as much work to the area as possible for local businesses to thrive and add opportunities for the community.

Charges for a permit are:

- One day: £10
- Two days: £20
- Three days: £50
- Four days: £70
- Five days: £90

Permits must be requested at least five days before the work is due to start.

Season tickets

There are six central car parks in Chester, four in Ellesmere Port two in Frodsham and five in Northwich, which a season ticket can be purchased for, these are:

Chester: Market, Frodsham Street, Little Roodee, Watergate, Garden Lane and Brook Street.

Frodsham: Station Car Park and Moor Lane Car Park

Northwich:

Memorial Hall, Verdin, Watermans, Victoria Club and Cumberland Car Park

These can be purchased annually, on a six-month contract or paid each month. There are also two types of ticket options available. These are for 7 days or 5 days a week parking.

Ellesmere Port: Civic Centre, Shrewsbury Road, Wellington Road and Westminster Road.

Further flexibility is available here as permits can be valid for various days. For example, if your work pattern is Monday, Tuesday and Friday, your permit and charges will reflect this.

In addition, there is an option to pay monthly. However, for season tickets in Ellesmere Port, there are certain restrictions on monthly payments for some contracting periods.

All payments can be made via invoice or card payment. Please see the Council website for additional information.



PCNs:

A PCN is usually placed on the vehicle and contains details of the contravention and how the motorist can respond; by paying the PCN or by way of a 'challenge.'

Part 6 of the Traffic Management Act 2004 on 31 March 2008 saw the introduction of differential charges. Penalty Charge Notices are issued at a Higher or Lower rate depending upon the severity of the contravention. The higher or lower charge is dictated by the contravention and code used and is not at the discretion of the Council.

PCN costs are split between two bands, higher and lower. The Higher band is where a contravention has simply taken place with total disregard to parking restrictions, for example, someone has parked in a restricted street during prescribed times i.e. yellow lines. A lower band PCN would include exceeding the time paid for in a car park. These both bring different charges.

Nationally, the current penalty for the lower breach is £50 with the higher breach being £70.

Below is a table indicating the number of higher and lower level PCNs issued.

	On Street	Off Street	Total	% of PCN
Number of Higher Level PCNs Issued	12,198	2,466	14,664	53%
Number of Lower Level PCNs Issued	8,245	4,926	13,171	47%
Total	20,443	7,392	27,835	

The Council has introduced pay on foot to a majority of our car parks in Chester which has reduced the number of off street PCNs being issued. This enables our CEOs to be on street issuing to vehicles causing road safety problems rather than having to patrol car parks checking pay and display tickets.



PCNs by street:

Below shows the top 10 streets and 10 car parks where PCNs have been issued. These include car parks, residential parking and various zones for on-street parking.

On Street	Issued	Paid	Cancelled	Outstanding
St Werburgh Street	714	584	111	19
Bridge Street	604	489	74	41
Northgate Street	547	414	88	45
Brook Street	528	464	35	29
Weaver Street 30/30	518	440	41	37
Lower Bridge St Residents Parking 10/60	473	444	25	4
Garden Lane 30/30	465	415	28	22
Service Road Four (Service Road 4)	453	363	49	41
City Road 60/60	398	326	41	31
Lower Bridge Street 30/30	355	292	50	13

Off Street	Issued	Paid	Cancelled	Outstanding
Town Centre Car Park	1355	884	387	84
Victoria Club Car Park	910	629	260	21
Market Car Park, Northwich	753	572	96	85
Bishop Street Car Park	540	393	127	20
Civic Centre Car Park	513	347	154	12
Frodsham Street Car Park	467	321	128	18
Watermans Car Park	381	278	85	18
Hamilton Place Car Park	238	176	44	18
Memorial Hall Car Park	201	167	31	3
Market Car Park Pay On Foot	192	153	36	3



PCN Payments:

Number of paid PCNs issued in 2019/20:

	On Street	Off Street
Number of PCNs paid at discount	12,017	4,085
Number of PCNs paid after discount	4,889	1,240
Total value	16,906	5,325
Total % Paid at discount	71%	77%
% paid after discount	29%	23%
Overall % against PCNs	83%	72%

Overall, 80% of all PCNs issued in this period have been paid. Nationally, the percentage of total PCNs paid is approximately 70-73%. We are therefore higher than the average, showing the efficiency and accuracy of our Parking Services team in both ensuring that enforcement of a PCN is legitimate and processing of a charge is effective.



Challenges:

If an individual has received a PCN and they feel they have not contravened, or they have plausible reasons why they did, they can submit an appeal.

The appeals process is a civil matter and does not require any legal counsel. The appeal must be made to Parking Services at the Council online, through e-mail or a written letter. All these details will be found on the back of the PCN notice.

The stages for appeal are:

- Informal Challenge: Made within 28 days of issued PCN
- Formal Representation: If the initial challenge is not paid within 28 days, a Notice to Owner is sent to the Registered Keeper of the vehicle which was issued with the PCN. This informs the owner of grounds for appeal under this stage.
- Traffic Penalty Tribunal: If the Formal Representation is rejected and the appellant is still unhappy with the decision made, they can appeal to the Independent Adjudication service. For this process to be granted, it must be made within 28 days of served rejection by the Council from Formal Representation.
- If the PCN has not been paid within 28 days of the Notice to Owner being issued and no representation or appeal is being considered then a Charge Certificate will be issued. This will increase the Penalty Charge from £70/£50 to £105/£75.
- Failure of payment will then see the procedure reach the County Court, where a registration fee will apply.
- Further failure of payment once the matter has been decided will see the approach of Enforcement Agents to seek payment, which will include their own costs and any additional charges.

It should be noted; the Council will take into account the CEO's actions in issuing the penalty charge but will always give challenges and representations a fresh and impartial consideration. This process takes place at the Parking Services office by a fully trained and qualified team. The process is prescribed within legislation and by adhering to it; the Council is fulfilling its duties in accordance with the regulations set.

The Council provides full guidance on reasons given for receiving a PCN. This can be found on our website and is outlined on the next page.



Statutory exemptions:

An example of a statutory exemption applies to emergency vehicles. If emergency vehicles are given PCN, they will be cancelled. In reality, this is highly unlikely due to the extensive training our CEOs are given regarding exemptions. However, it should be noted emergency vehicles should only be parked in a restricted area, for example, on double yellows, when they are on duty.

Another statutory exemption is loading and unloading. Vehicles have access to load and unload during permitted hours in certain areas such as Watergate Street in Chester city centre. However, if a vehicle is loading and unloading on double yellows they are exempt, providing the activity is continuous. An example is a continuous action where it would normally require a vehicle to be present due to the nature of the goods being loaded.

Examples of the types of exemptions for loading/unloading are;

- Removal vans
- Builders

Examples where loading/unloading is incorrectly used and will not be tolerable:

- Leaving vehicle to pick up documents or any such actions similar
- Unloading shopping

First Occasions:

'First occasions' is where a vehicle has not displayed their blue badge, pay and display ticket or permit correctly but have had their PCN cancelled. There are several reasons cancellation can ensue;

- Because evidence was provided to support their claim
- If the evidence proves the individual did have a valid ticket or blue badge.
- Individual has no previous history of PCNs
- Or evidence can be provided for exceptional circumstances





Mitigating Circumstances:

Mitigating circumstances can be broken down into two categories, foreseeable circumstances and unforeseeable circumstances (avoidable /unavoidable).

Foreseeable:

These are circumstances where the driver was aware of the possibility of a contravention happening but chose to ignore or disregard it.

In each of these circumstances below, a PCN will not be cancelled:



Unforeseeable:

These are mitigating circumstances which are beyond a drivers’ control. Providing proof can be obtained, the Council will consider cancelling where a situation has arisen causing the contravention to occur. An example of this would be a medical emergency, providing the condition is not pre-existing.



Challenges

Informal Challenges shown below

	Mobile CCTV Vehicle	Issued by CEO	Totals
On Street	0	2,716	2,716
Off Street	0	1,958	1,958
Grand Totals	0	4,674	4,674

Formal Representation

	Mobile CCTV Vehicle	Issued by CEO	Totals
On Street	0	832	832
Off Street	0	244	244
Grand Totals	0	1076	1076

Cancellations by exemption

Exemptions	Cancelled	% Issued of Overall PCN
Mitigating Circumstances	2132	7.7%
Standard Exemptions	141	0.5%
First Occasion	1484	5.3%
CEO Error	329	1.2%
Processing Error	27	0.1%
DVLA mismatch/no trace	646	2.3%
	4732	17%

3% of PCNs remain outstanding and the Council undertakes the proper recovery action to ensure these are brought to an appropriate conclusion.



Traffic Penalty Tribunal (TPT):

The last platform an appeal can take place is a Traffic Penalty Tribunal (TPT). This can be sought once the initial challenge has been rejected and all relevant processes have been exhausted.

The appellant can make a claim to the Independent Adjudication Service once their formal representation has been rejected. They must apply for this within 28 days of the formal representation being rejected by the Council.

The appellant has three choices when taking this course of action. They can either submit an appeal in writing or attend a hearing to submit their case. Alternatively, they can request a telephone hearing which will usually last around 15 minutes; evidence has to be gathered and sent to the IAS for the adjudicator to oversee before the tribunal takes place in all actionable processes.

Evidence will be gathered by both parties prior to the hearing to give the adjudicator sufficient time to read through the case.



Below are two tables regarding TPT outcome.

On Street	Total	Overall Outcome	Total	% of Appeal
Allowed	19	Allowed	23	33%
Not Contested	16	Not Contested	19	28%
Open	6	Open	7	10%
Rejected	15	Rejected	20	29%
Totals	56	Total	69	
Off Street		% from overall PCN	0.24%	
Allowed	4			
Not Contested	3			
Open	1			
Rejected	5			
Totals	13			
Grand Totals	69			



Income and Expenditure

Income and expenditure for the financial year 2018/2019

Income and Expenditure Account

Income	On Street £	Off Street £	Total £
Penalty Charge Notices	649,635	228,251	877,866
Residents Parking Permits	58,436	0	58,436
Dispensation Permits	18,367	0	18,367
Sub-total	726,438	228,251	954,689
Expenditure			
Staffing			828,358
Transport			19,540
ICT & Stationery			85,693
External Professional Services			42,572
Sub Total			976,163
Net Deficit/(Surplus)			-21,474

Income and expenditure for the financial year 2019/2020

Income and Expenditure Account

Income	On Street £	Off Street £	Total £
Penalty Charge Notices	699,316	258,651	957,967
Residents Parking Permits	81,593	0	81,593
Dispensation Permits	15,430	0	15,430
Sub-total	796,339	258,651	1,054,990
Expenditure			
Staffing			933,264
Transport			21,378
ICT & Stationery			93,903
External Professional Services			34,765
Sub Total			1,083,316
Net Deficit/(Surplus)			-28,326

The income and expenditure account is made up of income received from Penalty Charge Notices and permit fees, less expenditure on enforcement and debt recovery cost. In 2019/20 over 97% of the costs of enforcement were met by income, resulting in a small loss.