

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

DATE: 2nd October 2013

DEPARTMENT: Community Services

REPORTING OFFICER: Director of Community Services
(*Susan McGarry – Parking Services Manager*)

SUBJECT: **PARKING SERVICES ANNUAL REPORT – 2012/13**

WARD/S AFFECTED: ALL

FORWARD PLAN REF: N/A

1. PURPOSE OF REPORT

- 1.1 To note the annual report on the performance of the Council's parking service for submission to North Yorkshire County Council and the Department for Transport and for publication.

2.0 RECOMMENDATION/S

- 2.1 To endorse the Parking Services Annual Report for submission to North Yorkshire County Council in full and the Department for Transport and for publication.

3.0 RECOMMENDED REASON/S FOR DECISION/S

- 3.1 In order to comply with statutory requirements in relation to reporting the performance of the Parking Services operation.

4.0 ALTERNATIVE OPTION/S CONSIDERED AND RECOMMENDED FOR REJECTION

- 4.1 Failure to provide an annual report would mean that the Council is not complying with the requirements of the Traffic Management Act 2004 with regards to Annual Reports.

5.0 THE REPORT

- 5.1 The Borough Council has operated Decriminalised Parking Enforcement (DPE) since 15 July 2002. Under the terms of the Traffic Management Act 2004 the enforcement of parking became Civil Parking Enforcement (CPE). The Council is required to report annually to the Department for Transport on enforcement statistics. This report provides an overview of the performance of the service.
- 5.2 This report covers the period from 1 April 2012 to 31 March 2013.
- 5.3 Reporting is an important part of accountability. Monitoring also provides the Council with management information for performance evaluation and leads to the identification of areas where improvements can be implemented.
- 5.4 Enforcement authorities are required to produce an annual report on their enforcement activities within six months of the end of each financial year. The report is required to be published.
- 5.5 In addition, the Traffic Penalty Tribunal, have to be informed of the number of Penalty Charge Notices (PCNs) issued.
- 5.6 The key objectives of CPE are:
To keep traffic moving through improving:
- Enforcement of loading restrictions and bus stops
 - Enforcement of designated parking spaces, including disabled bays, taxi bays and residents parking zones
 - Compliance with Traffic Regulation Orders
 - Links to the transport priorities set out in the North Yorkshire County Council Local Transport Plan.

6.0 BACKGROUND AND ISSUES

- 6.1 The Borough Council carries out enforcement as the agent of North Yorkshire County Council for all on street parking areas covered by Traffic Regulation Orders (TROs) within the whole of the District. The Agreement operates on the basis that the Council recovers its costs for administering CPE and any surpluses are transferred to the County Council and are ring-fenced for expenditure on parking/transport related projects within the Civil Enforcement Area.
- 6.2 The Council also operates CPE in its own off-street car parks.
- 6.3 Information about parking and parking enforcement is available via the Council's website. The address is www.harrogate.gov.uk.
- 6.4 In addition to their enforcement duties the Parking Services staff also undertake routine maintenance inspections, coning duties, the display of

signs and setting out of cones for parking suspensions.

- 6.5 The service has a Parking Services Manager supported by an Enforcement Manager who in turn manages an Enforcement Supervisor, five Senior Civil Enforcement Officers with 16 full time equivalent Civil Enforcement Officers operating across the District. The patrols are carried out either on foot or in vehicles. The enforcement team has three vehicles at their disposal for rural and urban patrols.
- 6.6 Patrols are carried out between the hours of 7am to midnight each day. The Council receive many requests for enforcement from Residents, Businesses and the public who appreciate the need for parking enforcement to help regulate the use of the public highway.
- 6.7 The cash collection service is undertaken by the Cashiers section of the Department of Resources, and the in house Maintenance Team ensures the correct operation and the re-supply of tickets for the on and off street pay and display machines.
- 6.8 Processing of PCNs and informal objections are dealt with by a small team of officers within the Department of Community Services, comprising of a Senior Administration Assistant with 3 full time equivalent Parking Administrators. There is also a full time Representations Officer who deals with formal objections.
- 6.9 Training is given to all enforcement staff in Customer Care, Health and Safety, Personal Safety and First Aid. Our aim is that all enforcement staff complete the City and Guilds 1885 (Parking Control) within the first year of their employment. All staff have an annual appraisal to establish learning gaps and personal development needs.
- 6.10 It should be noted that statistical information is taken from a live system which is updated daily. The PCN figures in this report are correct as at 2nd September 2013.

7.0 ASSESSMENT

- 7.1 The information below is intended to give an overview of the parking service. This covers the period from the 1st April 2012 to 31st March 2013.
- 7.2 In addition, the information also covers that which an enforcement authority is required to produce on an annual basis as indicated within the statutory guidance.

Financial Statement

- 7.3 The income and expenditure of the Council in connection with its on-street charging and with both its on and off-street enforcement activity, is governed by Section 55 of the Road Traffic Regulation Act 1984 as amended by Section 95 of the Traffic Management Act 2004. This requires that surplus income, after meeting operating costs, is spent on parking facilities where necessary. If parking needs are met then the surplus can be used to fund highway improvements, public transport or environmental improvements.
- 7.4 Regulations also reinforce the requirement that the Council is not permitted to set a budgetary target for penalty charge income, and that any surplus income earned from off-street penalty charges may be used only to fund expenditure on parking and other transport related functions set out in Section 55 of the Road Traffic Regulation Act 1984.
- 7.5 In the past, on-street income has been used to fund the redevelopment of off street car parks as well as public transport and highway improvements.

**TABLE 1
FINANCIAL INFORMATION**

On Street Parking	2012/2013
Income Total	2,357,100.56
Expenditure Total	871,488.79
 Income	
Pay and Display	1,787,365.05
Residents/Visitors/Business Permits	104,545.54
Other non-PCN income	39,580.92
PCN Income	425,609.05
Total Income	2,357,100.56
 Expenditure	
Employee Costs	469,163.31
Maintenance	1,469.93
Supplies & Services	109,238.44
Transport	4,591.24
Support Services	287,025.87
Total Expenditure	871,488.79
Surplus (excluding off-street PCN income)	1,485,611.77
Off Street Parking	
PCN Income Total	83,730.73
 Total on-street and off-street	
Income	2,440,831.29
Expenditure	871,488.79
Surplus (including off-street PCN income)*	1,569,342.50

*The overall surplus does not take into consideration any expenditure related to the off street enforcement.

Comments on the year's performance and the year ahead

- 7.6 Civil Enforcement Officers are required to identify and report areas within the Borough where the parking controls are not enforceable due to inadequate signs or lines. This requires on going action by the Council and the County Council.
- 7.7 A new structure was implemented in April 2012, with 2.7 full time equivalent posts deleted and this has now bedded in with a new Enforcement Manager and Supervisor appointed in 2013. This has led to further improvements with regard to more effective deployment of staff and improved processes. A further restructure will take place in 2014 which will aim to make the service even more efficient.
- 7.8 During 2012/13, a new website facility was implemented allowing customers to view photographs and appeal on line with a link to the back office system. This has improved customer service and reduced administration when dealing with appeals. New handheld equipment was also purchased and implemented which has improved the ticket issuing and evidence gathering process.
- 7.9 In May 2013, Civil Parking Enforcement was implemented across North Yorkshire with Harrogate Council taking responsibility for Craven and Selby districts, on street on behalf of North Yorkshire County Council and the car parks on behalf of Craven and Selby District Councils.
- 7.10 As part of our on-going commitment to service improvement, we are working towards the payment of parking fees through improved technology to offer cashless payment such as pay by mobile, pay by debit/credit card. We are also planning on implementing a new permit system which will improve customer service and make the permit issuing process and management more efficient.

7.11 Operational Statistics

The key operational statistics are as follows:

	Off Street	On Street	Total
Number of higher level PCNs issued	217	2779	2996
Number of lower level PCNs issued	3333	12836	16169
Total number of PCNs issued	3550	15615	19165
Number of PCNs paid at discount rate	2277	10737	13014
Number of PCNs paid at non-discount rate	483	2254	2737
Total number of PCNs paid	2760	12991	15751
Total number of PCNs unpaid	790	2624	3414
Number of Charge Certificates registered at TEC	250	1034	1284
Number of PCNs which had an informal or formal representations made against them	868	3143	4011
Number of PCNs cancelled as a result of informal or formal representations being made	583	1665	2248
Number of PCNs written off for other reasons	48	244	292
Number of PCNs which resulted in adjudication Because of representations	5	20	25

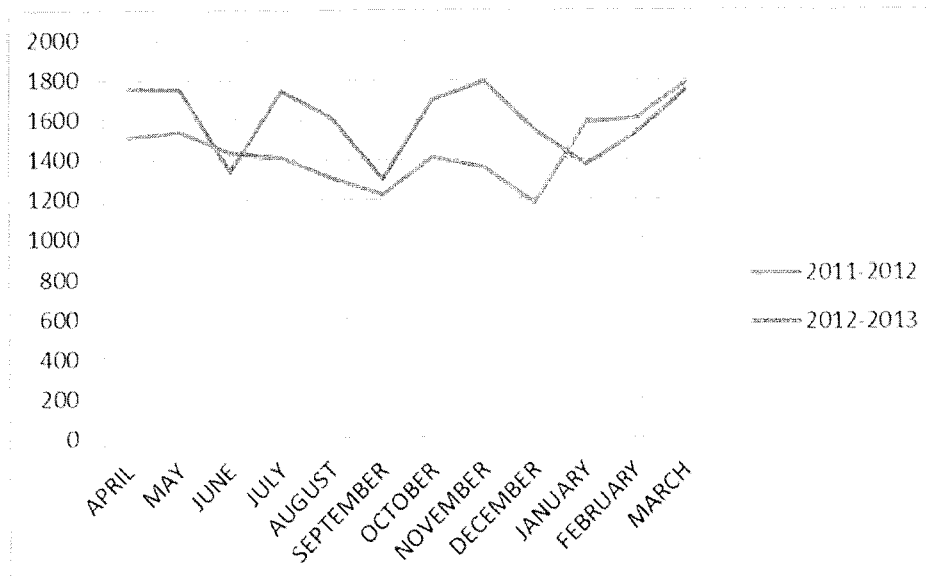
- 7.12 At the time of reporting the payment rate is just over 82.19%. Of the total number of PCNs issued, 2672 have been cancelled or written off (see table 5). The remaining 742 are at various stages of recovery either registered with the Traffic Enforcement Centre or with the Council's appointed Bailiffs. Therefore the payment and cancellation figures are subject to a variation.

7.13 Table 3 breaks down the number of PCNs issued per calendar month from 1st April 2012 to 31st March 2013. In 2011/12, the Service suffered a number of operation difficulties resulting in a reduction of PCNs issued. This has been resolved in 2012/13, with staff deployed more effectively and a reduction of sickness absence which has resulted in an increase in PCNs issued.

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

	2011-2012	2012-2013	% + or -
April	1511	1757	+16.28
May	1535	1750	+14.01
June	1431	1336	-6.64
July	1409	1741	+23.56
August	1305	1609	+23.30
September	1218	1299	+6.65
October	1406	1701	+20.98
November	1356	1787	+31.78
December	1177	1546	+31.35
January	1580	1372	-13.16
February	1600	1524	-4.75
March	1779	1743	-2.02
Total	17307	19165	+10.74

PCNs issued by Month



7.14 Penalty Charge Notices Issued by Contravention (Top 10)

Table 4 shows the Top 10 contravention codes where PCNs have been issued. All the codes relate to on street parking areas with the exception of codes 82, 83 and 86, which are contraventions occurring in a car park.

TABLE 4 -TOP CONTRAVENTION CODES FOR PCNs ISSUED			
Contravention Code	Description	Number Issued	% of Total PCNs Issued
35	Parked in a disc parking place without clearly displaying a valid disc.	5451	28.44
6	Parked without clearly displaying a valid pay & display ticket or voucher.	2480	12.94
5	Parked after the expiry of paid for time. (on street)	2149	11.21
83	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock.	1850	9.65
30	Parked for longer than permitted	1490	7.77
82	Parked after the expiry of paid for time. (off street)	1212	6.32
36	Parked in a disc parking place for longer than permitted	978	5.10
1	Parked in a restricted street during prescribed hours.	943	4.92
25	Parked in a loading place during restricted hours without loading.	765	3.99
40	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge	417	2.18

7.15 Cancellations

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

TABLE 5 CANCELLATIONS SUMMARY TABLE			
Total Number Cancelled		2672	
% of Total Number Issued		13.94	
	No. of PCNs	% of Total PCNs Issued	% of Total Number of Cancellations
Inadequate signage/lines/markings	75	0.39	2.81
Civil Enforcement Officer error	184	0.96	6.89
Loading/unloading proven	88	0.46	3.29
Machine fault	33	0.17	1.24
System/Processing error	51	0.27	1.91
Handheld computer fault (PCN not issued)	7	0.04	0.26
Training/Test notice (PCN not issued)	11	0.06	0.41
Valid Blue Badge	240	1.25	8.98
Valid dispensation/waiver produced	116	0.61	4.34
Valid guest permit produced	295	1.54	11.04
Valid other permit	82	0.43	3.07
Valid parking ticket produced	522	2.72	19.54
Valid residents permit	120	0.63	4.49
Valid season ticket	42	0.22	1.57
Change of rules	45	0.23	1.68
Vehicle broken down	29	0.15	1.09
Vehicle driven away	0	0.00	0.00
Vehicle reported stolen	0	0.00	0.00
Bailiffs unable to execute warrant	37	0.19	1.38
Compassionate reasons	44	0.23	1.65
Foreign vehicle/keeper	143	0.75	5.35
Medical reasons	51	0.27	1.91
No disc displayed	136	0.71	5.09
On Higher Authority	13	0.07	0.49
Unable to trace keeper/driver	169	0.88	6.32
Proof of bankruptcy	3	0.02	0.11
PCN Void – Not issued	134	0.70	5.01
Adjudication Accepted	2	0.01	0.07
TOTAL	2672		

7.16 Analysis of the above information will allow the Council to review its public information to help clarify to motorists the nature of orders and offences. Appendix A gives comparisons of cancellation data for 2011/12 and 2012/13.

7.17 Representations and Appeals

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).

The Council has appointed staff to deal with appeals. The Council’s Representations Officer deals with all cases where a formal representation is made to the Council. Where formal representations are rejected, the officer deals with any subsequent appeals to the Parking Adjudicator.

7.18 Table 6 gives unattributed details of Formal Appeals received by the Council and the outcome of Adjudicator decisions.

CASES APPEALED TO TPT				
	Appeal Allowed (1)	Appeal Refused (2)	Not Contested (3)	Pending (4)
Harrogate On Street	2	13	0	0
Harrogate Off Street	0	0	0	0
Knaresborough On Street	0	2	0	0
Knaresborough Off Street	0	1	0	0
Ripon On Street	0	0	0	0
Ripon Off Street	0	2	0	0
Rural On Street	0	0	0	0
Rural Off Street	0	0	0	0

- 1) - Successful appeal by an appellant
 (2) - Unsuccessful appeal by an appellant
 (3) - Appeal not contested by the Council, due to further consideration of evidence or additional evidence provided
 (4) – Awaiting adjudicators decision

7.19 Summary of Appeal Cases

Below are examples of appeals that have been decided at Adjudication.

Case 1 – The Appellant parked in a disc parking place on Lancaster Park Road near Harrogate District Hospital. The PCN was issued for being parked for longer than permitted. The Appellant did not contest the contravention but stated that he made payment of £25, by cheque, with the discount period. The Council never received that payment and the charge returned to the full charge of £50. After a notice to owner had been issued, a payment of £25 was then made through the Council's website leaving a shortfall of £25. The Adjudicator explained that the legal position was that the charge was £50 although the Council is obliged to accept the reduced payment if it is received before the end of the 14 days following the issue of the PCN. If, for whatever reason, it is not received in that period the right to make the discount payment is lost and the full charge of £50 is payable. – **Appeal Dismissed**

Case 2 – The appellant had parked over pavement and private land next to his property which the Council contended was governed by the adjacent double yellow lines. The Appellant had challenged the Officer the previous day who, while being quite new in post, felt that the car was parked in contravention but said he would check. On confirmation from a senior officer that the car was parked in contravention, the Officer issued a PCN the next day when the car was similarly parked. It was accepted that the Officer had not 'given permission to park' but had merely sought a second opinion. The Adjudicator brought a High Court Decision as evidence to the appellant that if the public habitually access or pass over an area of land next to a parking restriction, the restriction governs that land even if it is privately owned. – **Appeal Dismissed**

Case 3 – The Appellant's car displayed a Blue Badge when it was parked over double yellow lines. However, the time clock that accompanied the Badge was set in advance and was therefore invalid. The Appellant had suggested that his dog may have moved the clock while it was alone in the car and he had not rechecked the disc when he returned to the car. The Adjudicator thought this an unlikely scenario and it was more likely that the driver had made an error in setting the disc in the first place. – **Appeal Dismissed.**

Case 4– The Appellant was a Blue Badge holder and parked in a pay and display bay on Cheltenham Crescent, Harrogate. This area had suspended parking between 13:00 and 17:00 that day to accommodate coaches taking school children to a pantomime performance. The Appellant believed the signage to be unclear and not enough cones placed in the bay. However, photographs showed the sign to be placed directly behind the vehicle and the Appellant had seen and parked with a cone directly in front of the car. The Adjudicator was satisfied that the signage was adequate and the appellant should have been able to notice it from the position of the vehicle. – **Appeal Dismissed.**

8.0 FINANCIAL IMPLICATIONS

8.1 Finance staff have been consulted during preparation of this report and approved the report content.

9.0 HUMAN RESOURCES IMPLICATIONS

9.1 Consultation with the Human Resources section was not necessary during the preparation of this report

10.0 LEGAL IMPLICATIONS

10.1 Legal staff have been consulted during preparation of this report and approved the report content.

11.0 ICT IMPLICATIONS

11.1 Consultation with the ICT section was not necessary during preparation of this report.

12.0 RISK ASSESSMENT

12.1 A risk assessment has been undertaken and the major risks are outlined below.

12.2 Failure to provide an Annual Report would mean that the Council does not comply with the Traffic Management Act 2004.

13.0 EQUALITY

13.1 The Public Sector Equality Duty and impact upon people with protected characteristics has been considered during the preparation of this report.

13.2 People with protected characteristics are unaffected by the proposals in this report.

14.0 CONCLUSIONS

This report reflects the performance of the Parking Service for 2012/13. The Service will reflect on the statistics of this report and make adjustments to its operation as necessary.

OFFICER CONTACT: Please contact Susan McGarry, Parking Services Manager if you require any further information on the contents of this report. The officer can be contacted at Harrogate Borough Council, Victoria Car Park, East Parade, Harrogate HG1 5LQ by telephone on 01423 556971 or by Email – susan.mcgarry@harrogate.gov.uk

SUSTAINABILITY ASSESSMENT / POLICY CONSIDERATIONS

		Implications are		
		Positive	Neutral	Negative
A	Economy	✓		
B	Environment	✓		
C	Social Equity			
i)	General		✓	
ii)	Customer Care / People with Disabilities		✓	
iii)	Health Implications		✓	
D	Crime and Disorder Implications		✓	
E	Business Transformation		✓	
F	Communications	✓		

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

APPENDIX A

The PCN figures for 2011/12 have been updated since last year's report to reflect the current status. All figures are shown as of 2 September 2013.

PCNs CANCELLED/WRITTEN OFF	2011/12	2012/13
Inadequate Signage/Lines/Markings	90	75
Civil Enforcement Officer Error	246	184
Loading/Unloading Proved	100	88
Machine Fault	16	33
System/Processing Error	33	51
Hand-Held Computer Fault	23	7
Training/Test Notice	2	11
Valid Blue Badge	358	240
Valid Dispensation/Waiver Produced	140	116
Valid Guest Permit Produced	212	295
Valid Other Permit	42	82
Valid Parking Ticket Produced	541	522
Valid Residents Permit	95	120
Valid Season Ticket	27	42
Change of Rules	19	45
Vehicle Broken Down	22	29
Vehicle Drove Away	10	-
Vehicle Reported Stolen	5	-
Bailiffs Unable To Execute Warrant	220	*37
Compassionate Reasons	86	44
Foreign Vehicle/Keeper	135	143
Medical Reasons	20	51
No Disc Displayed	339	136
On Higher Authority	21	13
Unable To Trace Keeper/Driver	168	169
Proof Of Bankruptcy	5	3
PCN Void – Not Issued	**0	134
Adjudication Accepted	6	2
Total	2981	2672

* Most warrants for PCNs issued in 2012/2013 are still valid and being pursued.

** Previously recorded as a CEO error but now classified as void if PCN was not issued to vehicle.