



# **CITY & COUNTY OF SWANSEA**

## **PARKING SERVICE**

### **ANNUAL REPORT FOR 2015 - 16**

#### **1 Introduction**

- 1.1 On the 1<sup>st</sup> September 2008 The Welsh Assembly Government designated The City and County of Swansea a Civil Enforcement Area for Parking Contraventions and also a Special Enforcement Area. This removed the responsibility for the enforcement of 'on-street' parking contraventions from South Wales Police and placed the onus of responsibility on the Council.
- 1.2 This document reports on the performance of the service from the 1<sup>st</sup> April 2015 to the 31<sup>st</sup> March 2016 i.e. the 2015 / 16 financial year. The report identifies performance for enforcement operations both in car parks and on-street.
- 1.3 Working under the powers derived from Part 6 of the Traffic Management Act 2004 the following changes to parking operations in the City and County of Swansea have taken place:

The enforcement of parking regulations are carried out by Civil Enforcement Officers (CEOs) who serve the notice on either the vehicle or the person the officers believes to be the driver at the time of the contravention. However when the conduct of the driver towards the Civil Enforcement officers prevents the officer from serving it in this manner, or he/she drives off prior to the officer having an opportunity to serve the notice, the notice will be served by post. Contraventions can also be picked up by our CCTV camera vehicle, the contraventions are then reviewed by a qualified CEO and the penalty notices sent by post to the registered keeper of the vehicle.

Penalty Charges vary dependent on the contravention; higher level contraventions incur a penalty of £70 or £35 if paid within 14 days, whilst lower level contraventions incur a penalty of £50 or £25 if paid within 14 days. The level of a contravention code is set in legislation and not by the Council, typically a higher level contravention is for parking in a location that is not allowed such as on a yellow line; a lower level

contravention is for overstaying in a location where parking is allowed such as a limited waiting bay. A full break down of the contraventions by category is detailed below within the report for off-street (car parks) and for on-street enforcement.

Formal representations must be responded to within 56 days however the Council's target is to respond within 14 days.

Whilst the Council has a robust and transparent policy on the cancellation of penalty charge notices following the submission of challenges or representations, the Traffic Penalty Tribunal is the final arbitrator on all appeals and the Council fully cooperates with the Tribunal. The Tribunal is a free and independent adjudication service that motorists can use after the formal representation stage within the appeals process.

The responsibility for the payment of penalty charge notices rest with the owner of the vehicle. Unpaid notices are referred to the Traffic Enforcement Centre at Northampton County Court who issue debt recovery orders. These orders are passed to an Enforcement Agency who are empowered to recover the debt on behalf of the Council.

- 1.4 Apart from the legislative requirements of the Traffic Management Act 2004 the Service must also ensure full compliance with the following Statutory Instruments / Regulations introduced by the Welsh Government, which are available to view at <http://www.legislation.gov.uk>

The Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013.

The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (Wales) Regulations 2013.

The Civil Enforcement of Road Traffic Contraventions (Approved Devices) (Wales) Order 2013

The Civil Enforcement of Parking Contravention (Guidelines on Levels of Charges)(Wales) Order 2013

The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) Removed Vehicles (Wales) Regulations 2013

The Civil Enforcement Officers (wearing of Uniforms)(Wales) Regulations 2008

The Removal and Disposal of Vehicles (Amendment)(Wales) Regulations 2008

- 1.5 The Service must also ensure that our Enforcement Agents, who are appointed to recover unpaid penalty charge notices, comply with the requirements of:

The Taking Control of Goods Regulations 2013; and

The Taking Control of Goods (Fees) Regulations 2014

These regulations can also be viewed at <http://www.legislation.gov.uk>

- 1.6 Before any enforcement can take place a Traffic Regulation Order must be introduced which will clearly state the extent of the restriction that is in place. The Orders can be viewed at the following link on the Traffic Penalty Tribunal's website: <http://tro.parking-adjudication.gov.uk>
- 1.7 The statutory guidance to local authorities on the civil enforcement of parking contraventions issued by the Welsh Government requires each local authority to produce an annual report. This report forms an important part of accountability and the transparency given by regular and consistent reporting will help both elected Members and the public understand the processes adopted to manage parking throughout the City and County areas of Swansea.
- 1.8 The following pages of this report contain information with regard to on-street and off-street activities during the reporting period and covers penalty charge notices issued, correspondence dealt with including appeals and complaints, staffing levels and expenditure and income details. Further information regarding Parking Services can be found on our website at <http://www.swansea.gov.uk/parking> which includes a link to previous Annual Reports.

## **2 Off-Street Parking**

- 2.1 The City and County of Swansea has a total of 53 car parks listed in the 'The Council of the City and County of Swansea (Off-Street, Parking Places) (Pay and Display) Consolidated Order 2008'. Although, Two car park - Clarence Terrace and the Bush have since closed and a car park known as St Mary's has been introduced.
- 2.2 Three City Centre multi storey car parks are pay on exit whilst all other car parks are pay and display. In addition there are three park and ride car parks located on the peripheries of the City which operate as pay on foot car parks.
- 2.3 In addition to an enforcement role, the Parking Services Section is responsible for the effective administration and maintenance of all car parks.
- 2.4 There are 86 payment stations located throughout the City and County area and these are maintained by staff who are also responsible for the collection and reconciliation of the cash from these machines. During the 2015 / 16 financial year this totalled £3,161,826 including season tickets, staff parking and other miscellaneous income.

2.5 Car parks charges vary with car parks designated as ‘long stay’, ‘short stay’, ‘foreshore,’ and ‘suburban’. In addition thirteen car parks are currently identified as free. Two car parks are designated for season ticket holders only and one solely for the use of blue badge holders.

2.6 During the reporting period a total of 8,587 penalty charge notices were issued in respect of contraventions detected in our car parks. Table 1 below identifies the various contraventions split between higher rate (£70) contraventions and lower rate (£50) contraventions. As can be seen the greatest number of contraventions relate to not clearly displaying a parking ticket – which mostly will mean that payment was not made.

Table 1

<b>Contravention Code</b>	<b>Contravention</b>	<b>Number of PCNs issued</b>
<b>Higher Rate</b>		
70	Parked in a loading area	6
81	Parked in a restricted area	56
85	Parked in a permit bay	1,092
87	Disabled persons parking without badge	545
89	Wrong Size of vehicle	1
91	Wrong class of vehicle	2
92	Obstruction	1
	<b>Total:</b>	<b>1,703</b>
<b>Lower Rate</b>		
73	Parked without payment	2
80	Parked longer than permitted	3
82	Parked after payment expired	1,598
83	Parked without clearly displaying	4,829
86	Parked beyond bay markings	448
93	Parked in a closed car park	4
	<b>Total:</b>	<b>6,884</b>
	<b>Grand Total:</b>	<b>8,587</b>

### 3 On-Street Parking

- 3.1 In addition to the topography and size of the City and County of Swansea, the variety of parking orders in place presents a real challenge to the enforcement staff when managing on-street parking.
- 3.2 Parking operations in the City and County included enforcement of controlled parking zones such as, City Centre, Sandfields, St. Thomas and the Enterprise Park, a large number of resident permit parking schemes, time restricted, loading and disabled bays, pay and display bays and many single and double yellow lines restrictions.
- 3.3 In January 2015 the Authority introduced a CCTV Camera Enforcement vehicle to help where traditional methods of on-foot enforcement has not been effective in meeting our aim of reducing parking contraventions to ensure road safety is increased and congestion levels reduced. Before introducing the vehicle a wide ranging publicity campaign was undertaken which included leaflets being given out to all school pupils.
- 3.4 During the reporting period a total of 33,757 on-street penalty charge notices were issued, which included 8,144 issued by CCTV. Table 2 below identifies the various contraventions for the reporting period split between higher rate (£70) contraventions and lower rate (£50) contraventions. As can be seen the greatest number of contraventions relate to parking in restricted streets (i.e. on double or single yellow lines), parking for longer than permitted and parked in residents bays without displaying a permit. 3,995 tickets were issued as a result of CCTV enforcement for stopping in a restricted bus stop, which the Council considers to be very inappropriate because of obvious safety concerns and inconvenience for bus services and passengers.

Table 2

<b>Contravention Code</b>	<b>Contravention</b>	<b>Number of PCN's issued</b>
<b>Higher Rate</b>		
01	Parked in a restricted road	4,621
02	Loading in a restricted street	2,033
02J	Loading in a restricted street – CCTV	2,636
12	Parked in a Residents bay	5,173
14	Parked in an electric place	1
16	Parked in a permit space	724
21	Parked in a suspended bay	10
23	Wrong class of vehicle	20

25	Parked in a loading bay	2,618
26	Double parking	52
27	Dropped footway	371
40	Disabled person's parking	1,385
45	Taxi Rank	394
45J	Taxi Rank – CCTV	16
46	Clearway	54
46J	Clearway – CCTV	279
47	Restricted bus stop	195
47J	Restricted bus stop – CCTV	3,995
48	Restricted school area	54
48J	Restricted school area – CCTV	427
49	Cycle Track or Lane	2
62	Footway parking	1
99	Pedestrian crossing	70
99J	Pedestrian crossing – CCTV	790
	<b>Total:</b>	<b>25,921</b>
<b>Lower Rate</b>		
05	Parked after payment expired	254
06	Parked without clearly displaying a pay and display ticket or voucher	2,219
07	Feeding the meter	1
10	Parked without clear display 2	1
11	Parked without payment	3
19	Parked in residents or shared use bay displaying invalid permit	583
22	Re-parking within prohibited time	265
24	Not parked correctly	115
24J	Not parked correctly – CCTV	1
30	Parked longer than permitted	4,392
	<b>Total:</b>	<b>7,834</b>
	<b>Grand Total:</b>	<b>33,755</b>

#### 4 Summary of all Penalty Charge Notices issued

	Off-Street		On-Street		CCTV	Total		Grand
	Higher	Lower	Higher	Lower	Higher	Higher	Lower	Total
<b>April</b>	117	619	1,344	394	704	2,165	1,013	<b>3,178</b>
<b>May</b>	114	566	1,250	276	1,254	2,618	842	<b>3,460</b>
<b>June</b>	122	527	1,094	463	762	1,978	990	<b>2,968</b>
<b>July</b>	112	683	1,422	804	185	1,719	1,487	<b>3,206</b>
<b>August</b>	99	390	1,294	562	231	1,624	952	<b>2,576</b>
<b>September</b>	103	399	1,335	713	585	2,023	1,112	<b>3,135</b>
<b>October</b>	156	640	1,996	828	1,139	3,291	1,468	<b>4,759</b>
<b>November</b>	225	830	2,107	901	285	2,617	1,731	<b>4,348</b>
<b>December</b>	177	615	1,443	677	1,110	2,730	1,292	<b>4,022</b>
<b>January</b>	190	548	1,738	883	849	2,777	1,431	<b>4,208</b>
<b>February</b>	148	595	1,526	879	673	2,347	1,474	<b>3,821</b>
<b>March</b>	140	471	1,229	454	367	1,736	925	<b>2,661</b>
<b>Total</b>	<b>1,703</b>	<b>6,883</b>	<b>17,778</b>	<b>7,834</b>	<b>8,144</b>	<b>27,625</b>	<b>14,717</b>	<b>42,342</b>

**Higher = £70 contraventions    Lower = £50 contraventions**

#### 5 Staffing

5.1 The staffing establishment during 2015/16 was as follows:-

- 1 Parking Service Manager
- 1 Deputy Parking Services Manager
- 1 Civil Enforcement Officer Supervisor
- 1 PCN Processing / Back Office Supervisor
- 4 Senior Civil Enforcement Officers
- 3 Cashier / Civil Enforcement Officers
- 25 Civil Enforcement Officers
- 7 PCN Processing / Back Office Staff (FTE)
- 1 Car Park Attendant
- 7 Park and Ride Attendants

5.2 It should be noted that a number of the Civil Enforcement Officers and one Senior CEO were responsible for the day to day running of car parks rather than carrying out enforcement duties during the year.

## 6 Correspondence

- 6.1 It is every driver's or owner's right to challenge the validity of a penalty charge notice or to present mitigating reasons as to why the penalty charge notice should not be paid. The challenge / appeals process is set out in legislation and information relating to this process is included on the Council's website - <http://www.swansea.gov.uk/parking>. The website also contains details on the statutory grounds for cancelling a notice and sets out the mitigation and evidence required to allow the appellant every opportunity to present the necessary information.
- 6.2 There is clear and informative guidance to ensure that the Council's back office team, which comprises a supervisor, three full time and six part time members of staff, deals with all incoming correspondence in a consistent and transparent manner.
- 6.3 The Council is legally obliged to consider and respond to correspondence at any stage in the process and the legislation requires responses to be sent in a timely fashion. Whilst the legal requirement is to provide a response within a 56 day period, the Council aims to respond to all challenges within 14 days. Unfortunately, because of the number of appeals received occasionally it may take longer than 14 days to respond.
- 6.4 During the reporting period a total of 22,736 items of correspondence relating specifically to Civil Parking Enforcement (CPE) has been entered onto our case management system as being received, which is detailed as follows:-

CPE - Incoming - TOW AWAY - No Response Required	10
CPE - Incoming - Traffic Penalty Tribunal Result Received	223
CPE - Incoming – Email	10
CPE - Incoming - General Document	1,446
CPE - Incoming - General Document - No Response	2,094
CPE - Incoming - HS3 Form - No Response Required	16
CPE - Incoming - In Time Witness Statement With Revoking Order	154
CPE - Incoming - N244 INCOMING	30
CPE - Incoming - Post Charge Certificate (CC) Correspondence	677
CPE - Incoming - Post CC Correspondence - Car Parks	18
CPE - Incoming - Post Notice To Owners (NTO) Correspondence	1,962
CPE - Incoming - Post NTO Correspondence - Car	60
CPE - Incoming - Pre NTO Correspondence - Car Parks	392
CPE - Incoming - Pre NTO Correspondence - Contact	6

CPE - Incoming - Pre NTO Correspondence - Mail	6,656
CPE - Incoming – Traffic Enforcement Centre (TEC) OOT and N244	207
CPE - Incoming - Tec Result Received	281
CPE - Incoming – Traffic Penalty Tribunal Appeal	183
CPE - incoming email - CCTV - Post CC	257
CPE - incoming email - CCTV - Post NTO	944
CPE - Incoming General Blank Letter	163
CPE - incoming MAIL - CCTV - Post CC	268
CPE - incoming MAIL - CCTV - Post NTO	857
CPE - Incoming Out Of Time (OOT) Statement Case Is Pre Bailiff	12
CPE - Incoming OOT Statement Case With The Bailiff	281
CPE - TPT - Personal Hearing Date	24
CPE - TPT - Telephone Hearing Date	12
Incoming - VQ615 response received from DVLA	3
Incoming - VQ616 response received from DVLA	93
Online Post-NTO Representation	1,154
Online Pre-NTO Challenge	4,149
VQ616 form requested with DVLA	94

Total: 22,736

6.5 48,051 pieces of correspondence were sent out during the reporting period which is detailed as follows:-

Bus Lanes - PCN / NTO	21
Bus Lanes - Warning Notice	2,012
CCTV - Rejection	241
CCTV - Rejection - Discounted Offered	774
CCTV - Rejection - Full Payment Required	43
CPE - Acknowledgement Letter	1,479
CPE - Case Pack	40
CPE - CCTV – Charge Certificate	2,265
CPE - CCTV - PCN	9,024
CPE - CCTV - Warning	12
CPE - CCTV PCN - Accept - On Hire	242
CPE - Charge Certificate	2
CPE - District Judge - Overturned letter	8
CPE - Further Challenge - No Progression	79
CPE - Late Witness Statement	259

CPE - No Longer Living at Address Letter	63
CPE - No Payment	1
CPE - Out Of Time - Refused - Pay	167
CPE - Outgoing Document	10
CPE - Outgoing Email	607
CPE - Outgoing Underpayment Letter	1
CPE - Payment Received	4
CPE - Post Charge Certificate - Accept General	99
CPE - Post Charge Certificate - Reject General	406
CPE - Post CCTV PCN - Accept - On Hire - No Docs	75
CPE - Post Notice To Owner (NTO) - Accept - Any Other Decision	744
CPE - Post NTO - Accept - CEO Error	112
CPE - Post NTO - Accept - Contravention Did Not Occur	7
CPE - Post NTO - Accept - Hire Company	7
CPE - Post NTO - Accept - Invalid TRO	2
CPE - Post NTO - Accept - Not Keeper - No Docs	49
CPE - Post NTO - Accept - Not Keeper - With Docs	46
CPE - Post NTO - Accept - On Hire	244
CPE - Post NTO - Accept - On Hire - No Docs	331
CPE - Post NTO - Accept - Paid In Full	19
CPE - Post NTO - Accept - Problem With Signs Or	7
CPE - Post NTO - Accept - Procedural Impropriety	2
CPE - Post NTO - Reject	534
CPE - Post NTO - Reject - Discount Offered	654
CPE - Post Traffic Penalty Tribunal (TPT) - Must Be Paid	44
CPE - Pre NTO - Accept - Any Other Decision	3,641
CPE - Pre NTO - Accept - CEO Error	131
CPE - Pre NTO - Accept - Contravention Did Not Occur	3
CPE - Pre NTO - Accept - Hire Company	3
CPE - Pre NTO - Accept - Invalid TRO	2
CPE - Pre NTO - Accept - Not The Keeper	2
CPE - Pre NTO - Accept - Paid In Full	3
CPE - Pre NTO - Accept - Problem With Signs Or Lines	15
CPE - Pre NTO - Accept - Procedural Impropriety	1
CPE - Pre NTO - Accept - Vehicle Taken Without	4
CPE - Pre NTO - Reject	3,507
CPE - Pre NTO - Reject - Controlled Zone	75
CPE - Pre NTO - Reject - Salubrious Place Car Park	110
CPE - Pre NTO - Reject - Wind Street	52
CPE - Reg 10 VDA	7

CPE - Staged Payments - Offer	1
CPE - TE3 TE9	4,102
CPE – Traffic Enforcement Centre (TEC) - Accept - OOT	7
CPE - TEC - Reject - OOT	260
CPE - TPT - Blank PCN	67
CPE - TPT - Case Summary - 1 PCN	119
CPE - TPT - Letter to Appellant	104
CPE - TPT - No Contest Form	99
CPE - TPT - Postponement Request	24
DPE - No Document Attached	2
Wales - Charge Certificate	5,056
Wales - Notice To Owner	8,913
Wales - Pre Debt Registration Letter	1,000
Wales - Reg 10 PCN NTO	5

Total: 48,051

- 6.6 Challenges and Representations (appeals) made within the normal 56 day appeals process, were as follows (it should be noted, that the summary below is the outcome for individual cases, however each case may have numerous items of correspondence, as shown above):-

	<b>Appeals</b>		
	<b>Accepted</b>	<b>Rejected</b>	<b>Total</b>
Informal Challenges (Pre Notice to Owner)	3,805	3,744	<b>7,549</b>
Formal Representations (Post Notice to Owner)	1,429	2,629	<b>4,058</b>
<b>Total:</b>	<b>5,234</b>	<b>6,373</b>	<b>11,607</b>

- 6.7 Outside of the normal appeals process 505 letters were received after the Charge Certificate had been sent out and although the Council are not obliged to consider the mitigating circumstances it was decided that 99 additional cases could be cancelled at this stage.
- 6.8 If a Formal Representation is rejected then the motorist has the opportunity to progress their case to the Traffic Penalty Tribunal which is a free independent adjudication service. During the reporting period 234 case files were referred to the Tribunal. The preparation of each file of evidence is extremely time consuming as

all documents relating to the case need to be reviewed and checked. A full submission setting out the arguments supporting the Council's case must also be prepared. 52 cases were accepted by the adjudicator and 72 rejected with 110 cases not contested by the Council following a review of the circumstances and / or consideration of any additional mitigating evidence provided.

- 6.9 5,667 cases of the 42,342 penalty charge notices issued were stopped either because an appeal was accepted or because the case could not be pursued. This represents 13.38% and is well within the 20% that we were originally advised would probably be unrecoverable. Cases may not be pursued for example because the owner of the vehicle could not be identified or because an Enforcement Agency has returned the case to us because they could not secure payment.
- 6.10 It should be noted that the above correspondence only relates to matters where a penalty charge notice has been issued. The Service also deals with a considerable amount of additional correspondence relating to car parks issues and requests for enforcement etc. Our Mail Monitoring System shows that 298 pieces of correspondence were recorded with 258 being answered within 10 working days. Some of the mail monitored correspondence will relate to penalty charge notices and will be included in the summary above; it should also be noted that mail monitoring figures may not include all the email correspondence dealt with by the Service.
- 6.11 Because of the type of work our service undertakes we receive many pieces of correspondence where the person sending the letter or email will state that it is a complaint. However, many of these are actually classed as an appeal or a service request rather than a complaint. If the item of correspondence is not an appeal or a service request then it will be dealt with as a complaint under the Council's Corporate Complaints Policy. During 2015/16 the following numbers of complaints were received:

	Received	Justified	Partially Justified	Not Justified
Car Parks	15	6	3	6
Enforcement	64	14	8	42
Total:	<b>79</b>	<b>20</b>	<b>11</b>	<b>48</b>

## 7 Financial Reporting

- 7.1 The Parking Services budget is split in to 3 account areas and the income and expenditure for 2015/16 is as follows:-

### Parking Services Actuals 2015/16

	Car Parks	Civil Parking Enforcement	Park & Ride	Total
	(26082) £	(26081) £	(26097) £	£
Employees	355,887	1,022,013	117,462	1,495,362
Premises	1,310,887	7,364	194,523	1,512,774
Transport	43,537	3,375	-	46,912
Supplies and Services	173,997	224,388	626,853	1,025,238
Overheads	53,109	51,946	54,489	159,544
<b>Total Expenditure:</b>	<b>1,937,417</b>	<b>1,309,086</b>	<b>993,327</b>	<b>4,239,830</b>
<b>Total Income:</b>	3,161,826	1,399,740	503,509	5,065,075
<b>Total Surplus (Deficit)</b>	<b>1,224,409</b>	<b>90,654</b>	<b>(489,818)</b>	<b>825,245</b>

7.2 The Civil Parking Enforcement account receives income from on-street Pay and Display charges and Penalty Charge Notices. Table 3 below sets out the income from these sources. The income derived from on-street charges and enforcement both on and off-street is subject to the constraints imposed by Section 55 of the Road Traffic Regulation Act 1984, as amended from October 2004 by section 95 of the Traffic Management Act 2004 and Regulation 26 of the Civil Enforcement of Parking Contraventions (General Provisions)(Wales) Regulations 2013.

7.3 Sub section 2 of the 1984 Road Traffic Regulation Act states;

*(2)At the end of each financial year any deficit in the account shall be made good out of the [general fund][or, in Wales, council fund], and (subject to subsection (3) below) any surplus shall be applied for all or any of the purposes specified in subsection (4) below and, in so far as it is not so applied, shall be appropriated to the carrying out of some specific project falling within those purposes and carried forward until applied to carrying it out.*

- 7.4 This section of legislation ring fences any surplus for specific purposes including the provision or maintenance of off-street parking, highway improvements and environmental issues.

Table 3

<b>Source of Income</b>	<b>Income</b>
Penalty charge notices: On-Street	£1,151,376
Penalty charge notices: Off-Street	£237,934
On-street Pay & Display	£10,430
Total	£1,399,740

- 7.5 The expenditure associated with these operations, which offsets income from the on-street charges and payments of penalty charges notices, amounted to £1,309,086
- 7.6 There was therefore a reported surplus of £90,654.
- 7.7 As stated in paragraph 7.3 any surplus must be used for specific purposes. During the reporting period the three Park and Ride schemes operated by the Council reported a loss of £489,818.

*Sub section 4B of the 1984 Act states: 'meeting all or any part of the cost of the provision and maintenance by the local authority of [off-street parking accommodation, whether in the open or under cover;]'*

- 7.8 Park and Ride car parks provide an important option to motorists visiting the City either on a regular or one-off basis. The resulting reduction in traffic flow into the City Centre not only reduces congestion but also helps reduce pollution levels, which are difficult to manage on the arterial routes into and out of the City Centre. Park and Ride services also support the business community by providing affordable parking for city centre workers and shoppers. There is therefore a need to ensure the continued operations of these valuable services.
- 7.9 Therefore, the surplus on the Civil Parking Enforcement budget of £90,654 has been used to support the provision of the City's Park and Ride service.