

CITY & COUNTY OF SWANSEA

PARKING ANNUAL REPORT FOR 2009 - 2010

1. Introduction

- 1.1 On the 1st 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 1st April 2009 to the 31st March 2010 i.e. the 2009 / 10 financial year. The report identifies performance for both enforcement operations in car parks and on street.
- 1.3 The Council has been responsible for enforcement of parking contraventions in its car parks for a number of years. Contraventions were dealt with via excess charge notices with a penalty of £40 (discounted to £20 if paid within 14 days) persons failing to pay the excess charges were summoned to magistrates courts. The penalty imposed by magistrates were fines from which the Council received no remuneration as all fines were collected and remained with the Lord Chancellors Department.
- 1.4 Following the introduction of Civil Parking Enforcement there were numerous changes to the enforcement of both on street and off street parking regulations throughout the City and County of Swansea:
We work under the powers derived from Part 6 of the Traffic Management Act 2004 and this has brought the following changes to parking operations in the City and County of Swansea:

The enforcement of parking regulations are carried out by Civil Enforcement Officers (CEO)

We are able to issue Penalty Charge Notices to people parked on pedestrian crossings (before only the police could do this)

Penalty Charge Notices are no longer £60 but;

- £70 (£35 if paid within 14 days) for more serious offences like parking in a bus stop, disabled bay or double yellow lines.

- £50 (£25 if paid within 14 days) for less serious offences like overstaying on a pay and display bay.

We must respond to 'formal representations' within 56 days. We must aim to respond to challenges within 14 days.

The 'National Parking Adjudication Service' became the 'Traffic Penalty Tribunal.' Parking Adjudicators can now refer cases back to the council where they believe we should reconsider our decision in enforcing a Penalty Charge Notice.

The Act gives power to Civil Enforcement Officers to issue Penalty Charge Notices for double parking and parking on dropped kerbs. The Government has now waived the requirement for an amended Traffic Regulation Order (TRO) and signage on-street advising of the restriction, which reduces the cost of enforcing these contraventions.

1.5 Other powers granted by the Act allow us to;

Issue a Penalty Charge Notice by post. Whilst we aim to serve all Penalty Charge notices by attaching them to the windscreen or handed to the driver we reserve the right to serve notices by post when the conduct of the driver towards the Civil Enforcement officers prevents the officer from serving it in this manner.

1.6 The introduction of Civil Enforcement Powers was a significant one which required the procurement of a software package to manage the whole penalty charge process. This includes not only issue to payment but also the full appeals process up to and including the preparation of appeal files for adjudicator and also applications to the Traffic Enforcement Centre for debt recovery warrants.

1.7 Staff training prior to the implementation of the Act was vital to the success of the project and for Civil Enforcement Officers to be fully aware of the circumstances in which they could issue Penalty Charge Notices for new offences such as parking on a pedestrian crossing as well as enabling them to identify higher and lower rate Penalty Charge Notices. Four traffic wardens employed by South Wales Police transferred to the Council and together with the 16 staff who were employed by the Car Park Section all gained City and Guilds qualifications in civil enforcement of parking regulations and conflict resolution in August 2008.

1.8 In April 2009 a further five officers were recruited to take the establishment to the levels approved but Council in 2006. These officers received the same training as those trained in August 2008.

1.9 In house training is being developed to allow specialists within the Council such as the Taxi Enforcement Officers powers to issue Penalty Charge notice to vehicles parked within the taxi ranks.

- 1.8 Council Officers, dealing with appeals, received training on statutory response times and grounds for appeal as well as all other changes associated with the Traffic Management Act and a definitive guide regarding the grounds for appeal and the discretion we apply has been written and is available on the Councils web site.
- 1.9 The Traffic Management Act requires us to publish an Annual Report in the interest of transparency and to inform the public of the aims of the service and the council's performance in meeting these objectives. We understand that making real progress on the important day to day issues dealt with by the parking section will only be achieved through engaging the public and other stakeholders and listening to their views. This report aims to highlight some of these issues and the work of the service in balancing the needs of residents, visitors, businesses, public transport users and the wider community.

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'.
- 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. These are also pay and display.
- 2.3 The Parking Services Section, in addition to the enforcement role maintained their responsibilities for the supervision of car parks. Staff provide a permanent presence in the Quadrant, St. David's and High Street multi storey car parks and also in Clarence Terrace undercover car park.
- 2.4 We also have responsibility for the collection and reconciliation of the cash from 86 pay and display machines located throughout the Council area.
- 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 disable badge holders.
- 2.6 During the reporting period a total of 6,510 penalty charge notices were issued in respect of contraventions detected in our car parks. Chart 1 shows the monthly issue statistics and Table 1 below identifies the various contraventions and as can be seen the greatest number of contraventions relate to not clearly displaying a parking ticket.

Chart 1

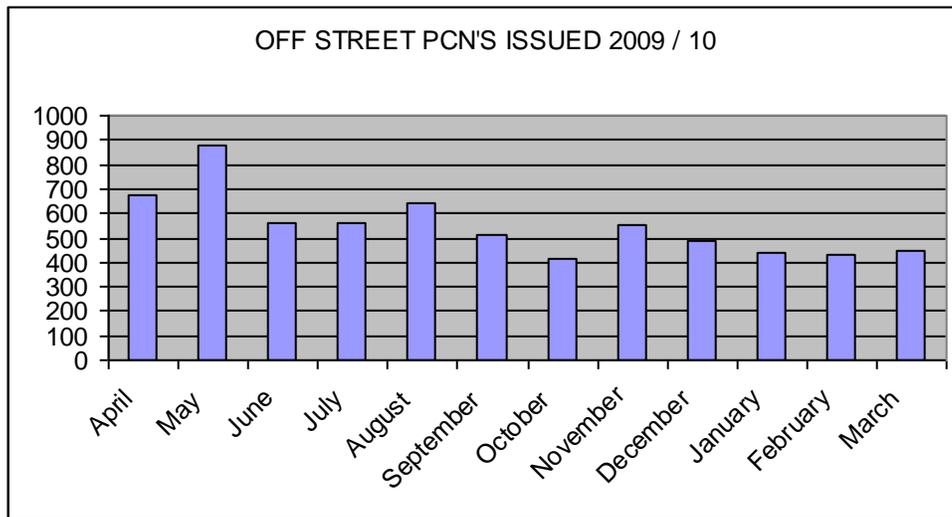


Table 1

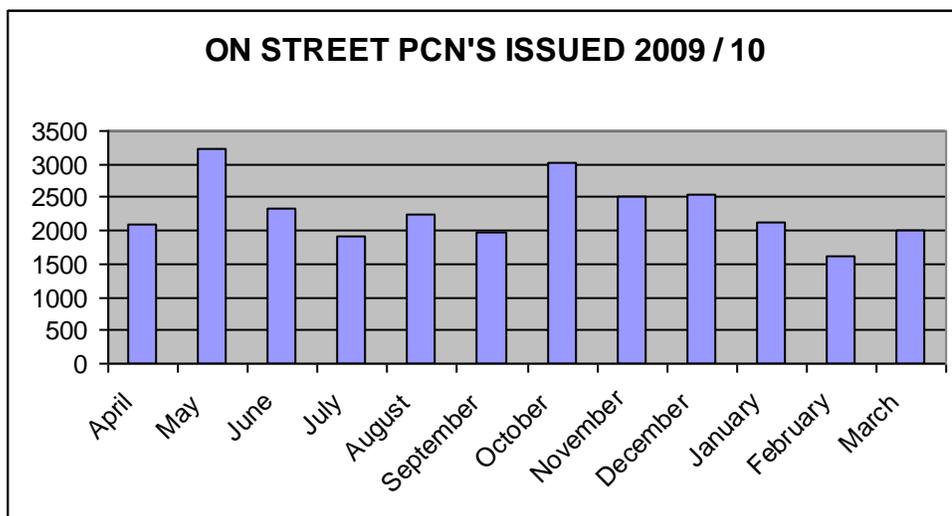
Contravention Code	Contravention	Number of PCN issued
70	Parked in loading area	2
80	Parked longer than permitted	24
81	Parked in a restricted area	38
82	Parked after payment expired	1404
83	Parked without clearly displaying	4039
84	Feeding the metre	11
85	Parked in a permit bay	631
86	Parked beyond bay markings	151
87	Disabled persons parking without badge	209
92	Obstruction	1
	Total	6510

- 2.7 During the preceding 12 months a total of 1,021 excess charge notices and 5978 penalty charge notices (total of 6999) were issued for off street contraventions. It is clear from the figures that the responsibilities to enforce on street contraventions resulted in less attention being paid to off street contraventions however both years represent a significant increase to enforcement during the financial year 2007 – 2008 when only 3,434 excess charge notices were issued.
- 2.8 The introduction of civil enforcement together with additional staff has increased the average monthly issue figures from 286 in the financial year 2007 - 2008 to 542 for the first full operational year of the civil parking regime.

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 to manage on street parking.
- 3.2 Parking operations in the City and County covers 3 controlled parking zones, 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 in addition to the many single and double yellow lines.
- 3.3 During the reporting period a total of 20,352 on street penalty charge notices were issued. The Chart 2 below shows the monthly issue rate for the reporting period.

Chart 2



- 3.6 Table 2 below identifies the various contraventions and as can be seen the greatest number of contraventions relate to parking in restricted streets (i.e. double yellow lines) and parked in residents bays without displaying a permit.

Table 2

Contravention Code	Contravention	Number of PCN issued
01	Parked in a restricted road	4978
02	Loading in a restricted street	2402
05	Parked after payment expired	55
06	Parked without clearly displaying a pay and display ticket or voucher	88
12	Parked in a Residents bay	4223
16	Parked in a permit space	78
19	Parked in residents or shared use bay displaying invalid	147
21	Parked in a suspended bay	221
22	Re-parking within prohibited time	3
23	Wrong class of vehicle	106
24	Not parked correctly	25
25	Parked in a loading bay	2648
26	Double parking	44
30	Parked longer than permitted	2028
40	Disabled person's parking	658
42	Police Vehicles	1
45	Taxi Rank	306
46	Clearway	2075
47	Restricted bus stop	174
48	Restricted school area	27
49	Cycle Track or Lane	5
99	Pedestrian crossing	64
	Total	20,352

- 3.7 In addition to the details above a total of 652 warning notices were issued in respect of on street contraventions. Warning notices are issued by officers when due to signage or line problems the traffic order cannot be enforced. Warning notices are issued to remind the driver of their responsibilities and also show the public or residents that officers are patrolling in the area.
- 3.8 In previous years traffic wardens and police officers stationed in Swansea issued the following number of fixed penalty tickets (see table 3 below). Whilst these were mainly issued for parking related matters it also includes other offences e.g. obstruction and some moving traffic offences.

Table 3

Issue period	Number issued
2007 – 2008	14,941
April – August 2008	4,790

4. Correspondence

- 4.1 It is every driver or owners right to challenge the validity of a penalty charge notice or present mitigations as to why the penalty charge notice should not be paid. The challenge/appeals process is set out in the legislation and information relating to this is contained on the Councils website.
- 4.2 The clear and informative guidance on cancellations ensure our back office team which comprises of a supervisor and six full time and one half post deal with all incoming correspondence in a fair and transparent manner.
- 4.3 We are 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 response within a 56 day period we aim to respond to all challenges within 12 days and have on average have achieved this throughout the reporting period.
- 4.4 There are three distinct stages to any challenge or appeal:
- Initially upon receipt of a penalty charge notice a motorist can make informal representations (Pre Notice To Owner). If these are made within 14 days of the issue date the discount period is suspended and reoffered in full should the representations be rejected.
 - A formal challenge can be made by the owner or driver following the issue of the notice to owner. The notice to owner is served not earlier than 28 days following the service of the PCN. This challenge is identified as Post NTO.
 - The third stage is an appeal to the Traffic Appeals Tribunal. The Tribunal employs independent solicitors who adjudicate on cases which progress to this stage. Cases can be decided via a personal hearing, telephone hearing or on the document supplied.
- 4.5 Table 4 below identifies the number of items of correspondence received relating to 'off street' penalty charge and Table 5 the number of items of correspondence received relating to on street penalty charge notices. The tables identifies the challenges at various stages of these challenges and also highlights the percentage against the those issued:

Table 4

Correspondence	Number	Percentage
Pre Notice to Owner	1.761	27%
Post Notice to Owner	332	5%
Post Charge Certificate	47	.7%

Table 5

Correspondence	Number	Percentage
Pre Notice to Owner	4390	22%
Post Notice to Owner	1292	6%
Post Charge Certificate	220	1%

- 4.6 Whilst the figures contained in table 4 & 5 relate to the correspondence generated by incoming correspondence the back office also generates a large amount of correspondence sent to owners of vehicles who have failed to respond to the penalty charge notices.
- 4.7 During the reporting period the back office has sent a total of 27,143 items of correspondence.
- 4.8 In addition 84 cases files were prepared for the Traffic Appeals Tribunal. The preparation of each of these file of evidence is extremely time consuming as all documents relating to the case need to be examined for accuracy and full submission with arguments supporting the Councils case prepared.

5. Financial Reporting

- 5.1 The CPE budget consists of income from Pay and Display, and Penalty Charge Notices (PCN)). Tables 6 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 constrains 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 10 of the Civil Enforcement of Parking Contraventions (General Provisions)(Wales)(No2) Regulations 2008.
- 5.2 Sub section 2 of the 1984 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.

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

Table 6

Source of Income	Income
Penalty charge notices: On Street	£642,376
Penalty charge notices: Off Street	£164,082
Pay and Display Plymouth Street	£2,644
Pay and Display Oxford Street	£3,909
Total	£813,011

- 5.3 The expenditure which be off set against the on street charges and payments of penalty charges notices in respect of on street contraventions are listed below in Table 7 below.

Table 7

Expenditure	On Street
Employment costs	£513,929
Premises Costs / Rent	£32,443
Transport	£9,307
Supplies and Services	£516
Financial services Card Charges	£8,730
SLA and Management Allocation	£38,530
Consultancy TEC, TPT, DVLA	£29,378
Total	£632,833

- 5.4 There was therefore a reported surplus from of £180,178.
- 5.5 As stated in paragraph 5.1 any surplus must be used for specific purposes. During the reporting period the three Park and Ride scheme operated by the Council reported a loss of £95,962. Sub section 4 B 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;]'

- 5.6 Park and Ride car parks provide an essential option to motorists visiting the City either on a regular or one basis. The reduction of traffic flow into the City not only impacts on congestion but also reduced pollution levels which are very difficult to manage on the arterial routes into and out of the City Centre. Park and Ride also support the business community providing both affordable parking for City Centre workers and shoppers. There is therefore a definite requirement to ensure the continued operations of these very valuable services.
- 5.7 During the financial year 2008 / 09 there was a deficit of £357,557 in the car park budget. This deficit resulted from the costs of setting up the civil parking

enforcement i.e. consultancy costs for the review of the traffic regulations orders and the subsequent advertising of the amendments and additional signs and lines.

5.8 Subsection 4 a of the 1984 Act states:

a)the making good to the [general fund][or, in Wales, council fund] of any amount charged to that fund under subsection (2) above in the 4 years immediately preceding the financial year in question;

5.9 The surplus of £180,178 has been used in the first instance to finance part of the cost to provide the Park and Ride service i.e. £95,962 and the remaining £84,216 is returned to the Council Funds.

6. Statistical Data

6.1 Annex A of the Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions identified both the financial and statistical data enforcement authorities are required to submit. Section 5 above sets out the financial information. In this section the statistical data relating to on street contraventions is reported in Table 8 below.

Table 8

Number of high level PCN's issued	21,006
Number of low level PCN's issued	2400
Number of PCN's paid	13,845
Number of PCN's paid at discount rate	11,868
Number of PCN's against which an informal or a formal resolution was made	5696
Number of PCN's cancelled as a result of an informal or a formal resolution is successful	2113
Number of PCN's written off for other reasons (e.g. CEO error or driver untraceable)	828
Number of vehicles immobilised	NIL
Number of vehicles removed	NIL

7. Future Developments

7.1 A business case has been approved to increase the numbers of Civil Enforcement officers and back office staff. The business case identified this increase in staff to be at zero cost to the Council funds. The increase in resources will ensure enforcement throughout the City and County area is delivered in a constant manner and further enhances the Councils ability to manage traffic flow and improve road safety.

- 7.2 In addition evaluation of camera enforcement will be taking place to allow for the enforcement of areas which cause considerable concern i.e. bus stops and schools where the presence of an officer only deters parking when they are present.
- 7.3 The Welsh Assemblies pledge to introduce legislation to allow the Council to enforce both bus lanes and box junction will be monitored closely as the Council considers these powers an essential link to the strategies contained in the Local Transport Plan.