

CITY & COUNTY OF SWANSEA

PARKING ANNUAL REPORT FOR 2012 - 13

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 2012 to the 31st March 2013 i.e. the 2012 / 13 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.

Penalty Charges vary dependant 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. A full break down of the contraventions by category is contained in Appendix A.

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 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 the either Excel Enforcement Limited or Andrew James Enforcement who are empowered to recover the debt on behalf of the Council.

- 1.6 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.
- 1.7 This report contains both financial and statistical information and this is broken down to identify enforcement, payment and cancellation rates both on street and off street (car park). The following pages of this report contain this information with explanations where required.

2 Off Street Parking

- 2.7 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'.
- 2.8 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 also operate currently under a pay and display scheme.
- 2.9 In addition to an enforcement role, the Parking Services Section is responsible for the supervision of car parks. Officers provide a permanent presence in the Quadrant, St. David's and High Street multi storey car parks, Clarence Terrace undercover car park and the three park and ride sites.
- 2.10 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 2012 / 13 financial year this totalled £4,356,460.
- 2.11 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.
- 2.12 During the reporting period a total of 8,317 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. As can be

seen the greatest number of contraventions relate to not clearly displaying a parking ticket.

Chart 1
**MONTHLY ISSUES OF OFF STREET PCNs
 SHOWING HIGHER AND LOWER LEVEL CONTRAVENTIONS**

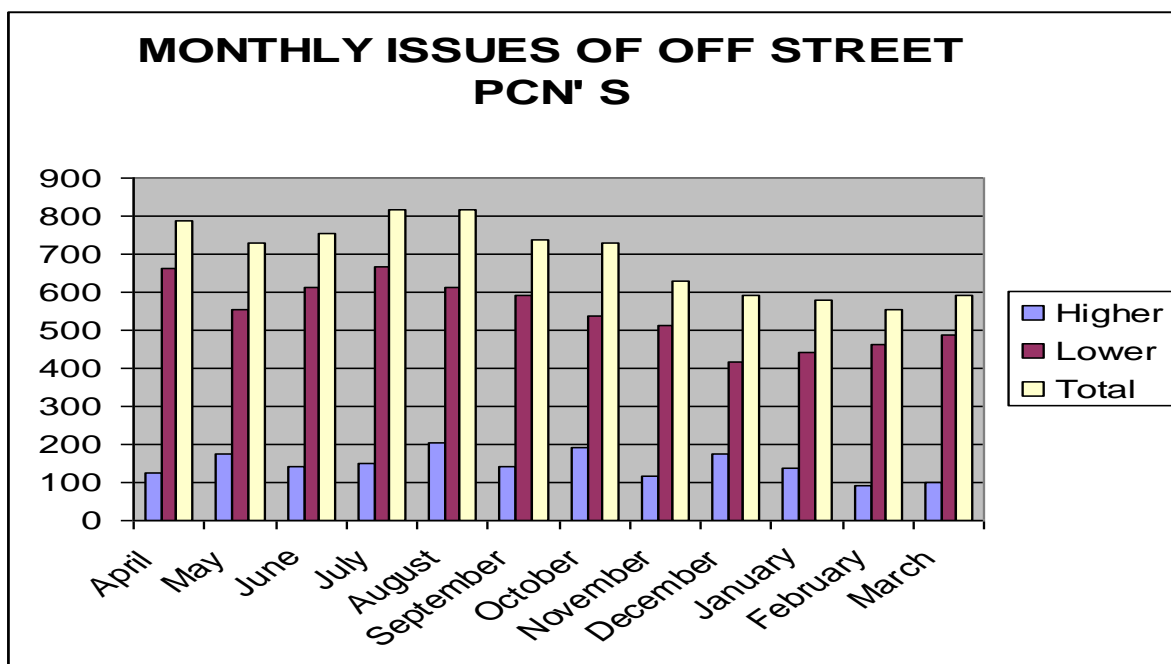


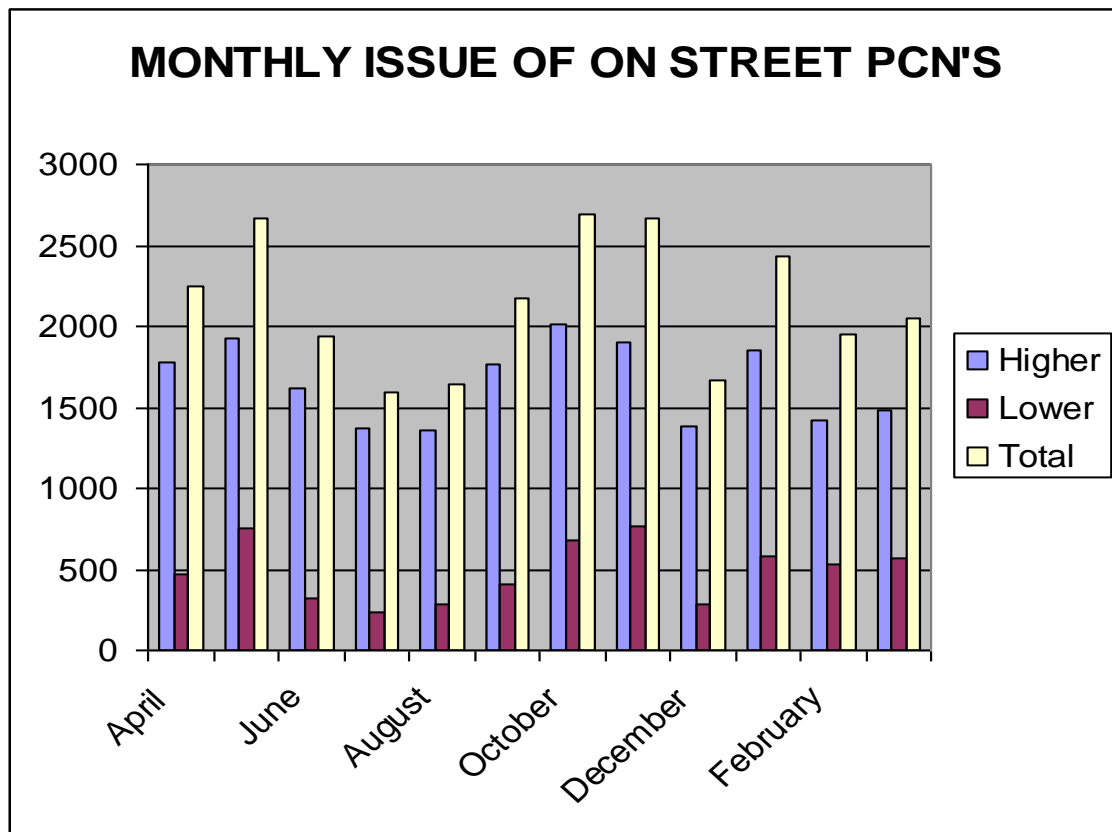
Table 1

Contravention Code	Contravention	Number of PCNs issued
Higher Level		
74	Parked for sales of goods	1
81	Parked in a restricted area	23
85	Parked in a permit bay	1418
87	Disabled persons parking without badge	310
91	Wrong class of vehicle	1
92	Obstruction	5
Lower Level		
80	Parked longer than permitted	4
82	Parked after payment expired	2069
83	Parked without clearly displaying	4216
84	Feeding the metre	14
86	Parked beyond bay markings	248
93	Parked in a closed car park	8
	Total	8,317

3 On Street Parking

- 3.7 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.
- 3.8 Parking operations in the City and County cover four controlled parking zones (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 the many single and double yellow lines.
- 3.9 During the reporting period a total of 25,729 on street penalty charge notices were issued. The Chart 2 below shows the monthly issue rate for the reporting period.

Chart 2
**MONTHLY ISSUE OF ON STREET PCNs
FOR HIGHER AND LOWER RATE CONTRAVENTIONS**



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

Table 2

Contravention Code	Contravention	Number of PCN's issued
Higher		
01	Parked in a restricted road	7,193
02	Loading in a restricted street	2,208
12	Parked in a Residents bay	4,223
16	Parked in a permit space	382
21	Parked in a suspended bay	2
23	Wrong class of vehicle	58
25	Parked in a loading bay	2,236
26	Double parking	18
27	Dropped footway	346
40	Disabled person's parking	1,611
45	Taxi Rank	888
460	Clearway	69
47	Restricted bus stop	522
48	Restricted school area	25
49	Cycle Track or Lane	5
99	Pedestrian crossing	85
Lower		
05	Parked after payment expired	13
06	Parked without clearly displaying a pay and display ticket or voucher	64
19	Parked in residents or shared use bay displaying invalid permit	610
22	Re-parking within prohibited time	159
24	Not parked correctly	23
30	Parked longer than permitted	4,989
	Total	25,729

4 Correspondence

- 4.7 It is every driver or owner's right to challenge the validity of a penalty charge notice or to 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 process is included on the Council's website. 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.

- 4.8 There is clear and informative guidance to ensure that the Council's back office team, which comprises a supervisor, three full time and five part time members of staff, deals with all incoming correspondence in a consistent and transparent manner.
- 4.9 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. The average response time achieved were within this target throughout the reporting period.
- 4.10 During the reporting period a total of 34,121 items of mail were sent from the Parking services section to motorists who had received a penalty charge notice. Incoming items of mail numbered 15,286.
- 4.11 In addition 172 case 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 reviewed and checked. A full submission setting out the arguments supporting the Council's case must also be prepared.
- 4.12 The rate of appeals per penalty charge notice issued is 0.50%.

5 Financial Reporting

- 5.1 The Civil Parking Enforcement account receives income from on-street Pay and Display and Penalty Charge Notices (PCN)). Table 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 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 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.

- 5.3 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	£978,920
Penalty charge notices: Off Street	£255,971
On-street Pay and Display Plymouth & Oxford Street	£1,408
Total	£1,236,299

- 5.4 The expenditure associated with these operations, which offsets income from the on-street charges and payments of penalty charges notices, amounted to £1,076,882.

- 5.5 There was therefore a reported surplus of £159,417.

- 5.6 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 £478,380 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;]'

- 5.7 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 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.

- 5.8 The surplus of £159,417 supports the operational expenditure of the city's Park and Ride service.