

Cheshire West & Chester Council

Annual Parking Report

2015/16



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Cheshire West
and Chester

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2015/16

Introduction:

Welcome to Cheshire West and Chester Council's Annual Parking Report which looks at the work of our Parking Services Team during 2015/16.

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.

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, money 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 Services 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.

Glossary of Terms:

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 go. 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.

IAS: Independent Adjudication Service; governs the TPT.

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 minimises congestion, which benefits local businesses who 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.

An example of this was in the Aberystwyth area where an issue led to no parking enforcement taking place. This happened on 31 May 2011 and caused many complaints of parking chaos with vehicles parked on double yellow lines for days at a time. This would have impacted hugely on the disabled members of the public and placed them along with pedestrians' safety at risk.



Expelling the myths:

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 15 full-time Civil Enforcement Officers (CEOs) and two part-time CEOs. 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.

All CEOs have achieved a City and Guilds qualification in Parking Enforcement.

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.



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 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.

	CCTV Static	Issued by CEO	Postal PCN	Issued
01 Parked in a restricted street during prescribed hours.	0	7,371	228	7,599
02 Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force.	0	672	54	726
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.	0	254	2	256
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	0	5	0	5
21 Parked in a suspended bay/space or part of bay/space .	0	7	0	7
22 Re-parked in the same parking place or zone within the prescribed time period	0	137	1	138
23 Parked in a parking place or area not designated for that class of vehicle.	0	2	0	2
24 Not parked correctly within the markings of the bay or space.	0	314	10	324
25 Parked in a loading place during restricted hours without loading.	0	436	2	438
27 Parked in a special enforcement area adjacent to a dropped footway	0	62	3	65
28 Parked in a special enforcement area on part of the carriageway raised to meet the level of a footway, cycle track or verge	0	60	0	60
30 Parked for longer than permitted.	0	7,623	81	7,704
40 Parked in a designated disabled person's parking place without clearly displaying a valid disabled person's badge.	0	609	15	624
45 Parked on a taxi rank.	0	287	17	304
47 Parked on a restricted bus stop/stand.	0	84	12	96
48 Stopped in a restricted area outside a school.	34	25	1	60
49 Parked wholly or partly on a cycle track	0	28	0	28
62 Parked with one or more wheels on or over a footpath or any part of a road other than a carriageway	0	17	0	17
70 Parked in a loading place or bay during restricted hours without loading	0	14	0	14
73 Parked without payment of the parking charge	0	1	0	1
80 Parked for longer than permitted	0	152	0	152
81 Parked in a restricted area in a car park.	0	14	0	14
82 Parked after the expiry of paid for time.	0	1,676	8	1,684
83 Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	0	4,468	18	4,486
84 Parked with payment made to extend the stay beyond initial time	0	17	0	17

85 Parked in a permit bay without clearly displaying a valid permit.	0	2,248	31	2,279
86 Not parked correctly within the markings of a bay or space	0	2,562	33	2,595
87 Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge in the prescribed manner	0	2,180	17	2,197
91 Parked in an area not designated for that class of vehicle.	0	99	2	101
92 Parked causing an obstruction.	0	2	0	2
95 Parked in a parking place for a purpose other than that designated	0	106	2	108
99 Stopped on a pedestrian crossing or a crossing area marked by zigzags	0	36	4	40
Total	34	31,568	541	32,143

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.

In addition, a neighbouring city's average number of designated disabled parking

bays in their controlled car parks is three. This shows we are head and shoulders above other Councils in providing parking services to the disabled.

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.

Between the years 2012 and 2013, there were a total five prosecutions under the Fraud Act and Road Traffic Regulation Act for various charges relating to misuse of a blue badge.

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 2015 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 shows 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 two-hour stay in Chester, Market car park or the recently opened Delamere Street car park would cost £4. 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 cities for parking.



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.

During 2015/16, extensions to our existing residents parking scheme in Chester were made. 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.

We grant dispensation permits for television production companies, as this can only be a benefit to the city and the surrounding borough, due to the tourism it will attract and the revenue it will generate.

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, along with four in Ellesmere Port, which a season ticket can be purchased for, these are:

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

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 £70.

Shown below is a table to indicate the number of issued PCN relating to the level rate.

	On Street	Off Street	Total	% of PCN
Number of Higher Level PCNs Issued	10,272	4,572	14,844	46.48%
Number of Lower Level PCNs Issued	8,132	8,959	17,091	53.52%
Total	18,404	13,531	31935	

PCNs by street:

Below shows the top 20 streets 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, Chester	634	511	97	26
Bridge Street, Chester	619	502	67	50
Lower Bridge Street 30 minute waiting, Chester	515	389	25	101
Weaver Street 30 minute waiting, Chester	511	447	25	39
City Road 60 minute waiting, Chester	498	414	50	34
Service Road 4, Winsford	425	333	48	44
Commonhall Street Residents Parking, Chester	374	338	13	23
Volunteer Street Residents Parking, Chester	368	312	24	32
The Groves 60 minute waiting, Chester	345	301	25	19
Lower Bridge Street Residents Parking, Chester	340	312	9	19

Off Street	Issued	Paid	Cancelled	Outstanding
Town Centre Car Park, Ellesmere Port	2,478	1,691	608	179
Market Car Park, Northwich	2,207	1,936	132	139
Trinity Street Car Park, Chester	1,049	778	190	81
Frodsham Street Car Park, Chester	958	619	262	77
Little Roodee Car Park, Chester	762	444	264	54
Civic Centre Car Park, Ellesmere Port	617	389	191	37
Cuppin Street Car Park, Chester	581	394	131	56
Brook Street Car Park, Chester	496	332	87	77
Cumberland Street Car Park, Northwich	447	422	6	19
Memorial Hall Car Park, Northwich	446	392	42	12

PCN Payments:

Number of paid PCNs issued in 2015/16*:

	On Street	Off Street
Number of PCNs paid at discount	10,749	7,548
Number of PCNs paid after discount	4,132	2,452
Total value	14,881	10,000
Total % Paid at discount	72%	75%
% paid after discount	28%	25%
Overall % against PCNs	81%	74%

*Figure of paid: up to 22 August 2016

Overall, 78% of all PCNs issued in this period have been paid. Nationally, the percentage of total PCNs paid is approximately 70%. We are therefore higher than the average, showing the efficiency and accuracy of our Parking Services team.

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 CEOs 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:

Statutory exemptions apply 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 an unceasing 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

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.

Challenges

Informal Challenges shown below

	Mobile CCTV Vehicle	Issued by CEO	Totals
On Street	0	2,812	2,812
Off Street	0	3,726	3,726
Grand Totals	0	6,538	6,538

Formal Representation

	Mobile CCTV Vehicle	Issued by CEO	Totals
On Street	0	543	543
Off Street	1	852	853
Grand Totals	1	1,395	1,396

Cancellations by exemption

Exemptions	Issued	% Issued of Overall PCN
Mitigating Circumstances	1071	3.35%
Standard Exemptions	168	0.53%
First Occasion	2214	6.93%
CEO Error	232	0.73%
Processing Error	32	0.1%
DVLA mismatch/no trace	276	0.86%
	3993	12.5%

Our overall cancellations fell by half a percent from the previous financial year. This includes reductions in the percentage of charges being cancelled for errors. This shows the continual improvements the Council is making in ensuring our service is fair and effective.

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	7	Allowed	19	28%
Not Contested	6	Not Contested	15	22%
Open	4	Open	6	9%
Rejected	13	Rejected	27	39%
Totals	30	Withdrawn	2	2%
Off Street		Total	69	
Allowed	12	% from overall PCN	0.2%	
Not Contested	9			
Open	2			
Rejected	14			
Withdrawn	2			
Totals	39			
Grand Totals	69			

*Figures up to 22 August 2016

The above shows that a majority of the appeals contested were found in the Council's favour. The Council can choose not to contest an appeal once it has been lodged with an independent adjudicator. It is often the case that proof previously requested by the Council or some new evidence is provided by the motorist at the appeal stage.

Income and Expenditure

Income and expenditure for the financial year 2014/2015

Income and Expenditure Account

Income	On Street £	Off Street £	Total £
Penalty Charge Notices	700,409	369,407	1,069,816
Residents Parking Permits	35,560	0	35,560
Dispensation Permits	11,492	0	11,492
Sub-total	747,461	369,407	1,116,868
Expenditure			
Staffing			888,662
Transport			17,121
ICT & Stationery			159,380
External Professional Services			66,797
Sub Total			1,131,959
Net Deficit/(Surplus)			-15,091

Income and expenditure for the financial year 2015/2016

Income and Expenditure Account

Income	On Street £	Off Street £	Total £
Penalty Charge Notices	631,059	370,622	1,001,681
Residents Parking Permits	54,325	0	54,325
Dispensation Permits	24,028	0	24,028
Sub-total	709,412	370,622	1,080,034
Expenditure			
Staffing			869,238
Transport			17,587
ICT & Stationery			152,416
External Professional Services			42,446
Sub Total			1,081,687
Net Deficit/(Surplus)			-1,652

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 2015/16 over 99% of the costs of enforcement were met by income, resulting in a small loss which represents 0.15% of the total income.

Innovation and investment

Changes to some of Chester's city centre car park systems began on Monday, 30 November 2015.

Six out of the 10 car parks that operated as 'pay and display' were converted to 'pay on exit'.

The car parks are barrier-controlled and, instead of paying on arrival, motorists pay before leaving the car park. This means that, instead of having to guess how long they will be in the car park, they simply pay at the end for the length of stay.

This change also provides increased flexibility by offering motorists a wider range of payment methods including cash, card, account payment and smartcard options.

Permit and season pass holders are able to enter and exit the car parks through automatic number plate recognition (ANPR).

All Blue Badge holders who are borough residents are still able to park for four hours free, thanks to a special microchip sticker. The free sticker, which contains an electronic chip, is to be attached to the badge itself.

On arrival at the car park the chipped Blue Badge can be presented at the entrance and exit barriers to allow entry and exit within four hours. Parking over four hours requires a payment and charges are shown on signage within each car park.

The chip can also be pre-loaded with money, similar to an oyster (top-up) card, allowing the holder to enter and exit the car park without using the payment machines offering easier use for drivers with disabilities.

The Council's Cabinet Member for Environment and Community at the time, Councillor Mark Henesy said: "This is part of the Council's £650,000 investment in modern payment technology for Chester's car parks to increase flexibility and ease of use.

"Cheshire West and Chester Council takes pride in access to facilities for disabled people in our borough. We are one of the first local authorities in the country to offer this facility to Blue Badge holders in pay on exit car parks."