



Civil Parking Enforcement

Cornwall Council Annual Parking Report
April 2012 – March 2013

October 2013

Transportation, Waste & Environment

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Introduction

Guidance issued under the Traffic Management Act 2004 (TMA) requires that enforcement authorities produce an annual report about their enforcement activities at the end of each financial year.

This report contains information on the Cornwall Council's Civil Parking Enforcement Account, a breakdown of the number of Penalty Charge Notices (PCNs) that have been issued, and a breakdown with regards to payments and appeals.

Policies

Civil Parking Enforcement (CPE) is the name given to the transfer of powers from the Police to local authorities for enforcing parking contraventions. This was made possible by the Traffic Management Act 2004 and included Statutory Guidance and Operational Guidance to Local Authorities as to how it should be managed and the subsequent appeal process for the tickets issued.

Civil Parking Enforcement was first introduced in May 2008, with enforcement being carried out by Cornwall County Council and two former district councils. In 2010 CPE was introduced in the remaining district car parks, all on and off street enforcement is the responsibility of Cornwall Council.

Enforcement in Cornwall is carried out with the aims of: improving road safety and reducing congestion. The regulations make it clear that CPE should not be used for generating income and local authorities must be open about what they are doing. The Annual Parking Report shows how many Penalty Charge Notices have been issued, the number of tickets that have been cancelled, and the amount of money raised.

Cornwall Council's enforcement objectives are:-

- To reduce congestion, and thereby
- To improve air quality
- To maximise safety
- To support economic regeneration

These objectives formed the basis for determining the original enforcement priorities and levels. They are reviewed and can be changed, dependant on resources, where it is seen that there is a requirement for enforcement patrols to take place.

Poor, dangerous, and obstructive parking can pose a danger to pedestrians by blocking pavements and forcing them onto the streets. It also reduces visibility for other motorists and impedes traffic flow. The primary objective in issuing Penalty Charge Notices (PCNs) is to dissuade motorists from contravening parking restrictions. Contrary to popular belief, there are no quotas or targets for the

number of PCNs issued and making money is not the aim. However running an effective parking enforcement service is costly and all money raised from PCNs must be reinvested so that it pays for itself.

Restrictions and the use of parking enforcement are implemented to achieve the objectives. Enforcement ensures that these are utilised correctly for e.g. waiting and loading spaces near to people's homes, offices, shops and places of interest.

All residents, visitors and businesses benefit from better enforcement of parking regulations and the reduction of incorrectly parked vehicles. Parking enforcement is not about making profits.

Civil Parking Enforcement Procedures

The transfer of authority for enforcement from the Police to the Council came with changed responsibilities and powers. The Council's Civil Enforcement Officers (CEOs) have the authority only to issue PCNs in locations where there are parking or waiting restrictions. The CEOs do not have the same authority as the former Traffic Wardens, for example they cannot :

- direct traffic
- deal with cases of obstruction/endorsable parking offences
- and they are not permitted to exercise discretion when issuing PCNs

Many motorists were aware that Traffic Wardens had some discretion as to whether to issue a notice to them. A crucial difference resulting from the Traffic Management Act 2004 and Statutory Guidance and Operational Guidance to Local Authorities was that it recommended CEOs should not be able to exercise discretion: in the interests of fairness to the motorist, so that all should be treated equally.

Discretion is allowed by the processing staff who consider representations and challenges to PCNs taking into account the evidence provided by the motorist and any mitigating circumstances, as well as the guidance provided in the Cornwall CPE procedures. Paramount to this is that each case is considered on its own merits and dealt with objectivity, fairness and reasonableness. These operational guidelines have been developed because there are a number of differences between the way that parking regulations have been enforced in the past by the Police, and the way that the regulations are now enforced by the Civil Enforcement Officers.

The guidelines for CEOs and the processing staff are outlined in the Cornwall Civil Parking Enforcement (CPE) Procedures. In essence they provide the day to day regulation for the running of the CPE operation and, as such are a crucial document for the service. Copies of these procedures can be downloaded from the Council website www.cornwall.gov.uk/parking

The Parking Team

Cornwall Council's Parking team are responsible for:

- developing parking policies in line with the Council's objectives e.g reducing congestion and to support economic regeneration. This includes work such as the setting of standards and procedures for enforcement and PCN processing , the setting of car park tariffs , liaising with local councillors and communities regarding parking needs for their local area;
- the management of over 250 car parks - this includes their maintenance and upkeep , operation and maintenance of Pay & Display ticket machines
- the setting of entitlements for, and the issue/administration of a wide variety of car park permits and on street residential parking permits;
- enforcement of on and off street parking restrictions throughout Cornwall - provision of fair and consistent enforcement , including the employment and management of the Civil Enforcement Officers;
- the processing of PCNs after their issue - dealing with payment of the notices, correspondence with those who make challenges to them and dealing with these cases in a fair and consistent manner;

Parking Enforcement

Our car parks and the enforcement service for on and off street parking are managed by the Parking Operations team. These services are divided into three operational areas West, Central and East. It is vital to utilise the resources we have in places that if they were not patrolled would have the most impact on the community and how well it functions. Within each operational area there are agreed 'priority' routes which are patrolled regularly. These have been chosen for various reasons e.g they are a traffic sensitive route or on the freight network. Parking enforcement covers public roads and car parks. It can be carried out on any day, and at any time that a waiting restriction is in force. In practice enforcement will usually be carried out within normal working hours, including Sundays. Parking controls also apply on public and bank holidays, and will be enforced.

Finance

The table below shows a summary of Cornwall Council's Civil Parking Enforcement Account.

Cornwall Council CPE Account 2012/13	
	£
Enforcement and other costs (includes costs of CEOs transport, uniforms & equipment)	1,243,688
Processing costs	245,255
Total costs of operation	1,488,943
Income from PCNs	(1,452,158)
Net cost of CPE	36,785
Parking income	(12,985,461)
Running costs (not including CPE costs)	4,297,798

Results

The number of PCNs issued and a breakdown of information with regards to payments and appeals is shown below.

PCNs issued throughout Cornwall 2012/13			
	On-Street	Off-Street	Overall
Number of Higher Level PCNs	20834	1700	22534
Number of Lower Level PCNs	3655	14034	17689
Total number of PCNs issued	24489	15734	40223
Number of PCNs paid			31027
Number of PCNs issued that were paid at the discounted rate			24819
Number of PCNs issued against which an informal or formal representation was made			11302
Number of PCNs that were cancelled as a result of an informal or formal representation			4827
Number of PCNs written off for other reasons			359
Number of vehicles immobilised	Cornwall Council does not carry out vehicle immobilisation or removal		
Number of vehicles removed			
Number of appeals to Adjudicator			187
Number of appeals refused			79
Number of appeals not contested			15
Percentage of total PCNs issued at the Higher Level	51.8%	4.2%	56%
Percentage of total PCNs issued at the Lower Level	9.1%	34.9%	44%
Percentage of total PCNs issued that have been paid			77.1%
Percentage of total PCNs issued that were paid at the discounted rate			61.7%

	On-Street	Off-Street	Overall
Percentage of PCNs issued against which an informal or formal representation was made			28.1%
Percentage of total number of PCNs that have been written off for other reasons			0.89%
Percentage of total number of PCNs taken to Adjudicator			0.46%
Percentage of appeals to the Adjudicator dismissed			0.19%
Percentage of appeals to the Adjudicator not contested by the Council			0.03%

Surveys of parking contraventions are regularly carried out to monitor the effectiveness of CPE. The table below shows the number of contraventions pre-CPE and those following CPE (CPE commenced in May 2008)

On-street Parking Contraventions										
	Spring 2007 (Pre CPE)	Spring 2009	Spring 2010	Spring 2011	Spring 2013	Summer 2007 (Pre CPE)	Summer 2008	Summer 2009	Summer 2012	Summer 2013
Truro	169	39	46	53	37	215	68	51	53	49
Looe	22	9	17	34	21	27	14	7	29	19
Liskeard	47	18	48	33	50	56	32	15	50	39
Penzance	24	15	9	12	10	22	6	1	9	3

What Happened in 2012/13

Parking offers events

We were pleased to work closely with partners and community groups across the county throughout the year to offer and promote reduced fees in car parks whenever possible. When villages or towns wished to raise awareness or attract additional visitors to specific events e.g. market days we were often able to support them by implementing parking offers and providing help with promotional materials.

On Street Residents' Parking Schemes

In some areas it is difficult for residents to park, due to long term parking by commuters and tourists. In response to requests three new on street residents' parking schemes have been introduced in areas where there was increasing competition for on-street parking spaces and where local residents had limited off-street parking facilities of their own.

Blue Badge Misuse

Blue Badge misuse and fraud is a growing issue all over the country. Misuse of badges can take many forms and cause many problems, affecting some of the most vulnerable members of our community by depriving them access to disabled bays and their blue badge concessions. The Parking team are now working closely with colleagues in Shared Services (who administer the Badge Scheme) so that we have more co-ordinated information about contraventions of the badges taking place and can work to reduce the number of contraventions occurring.

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