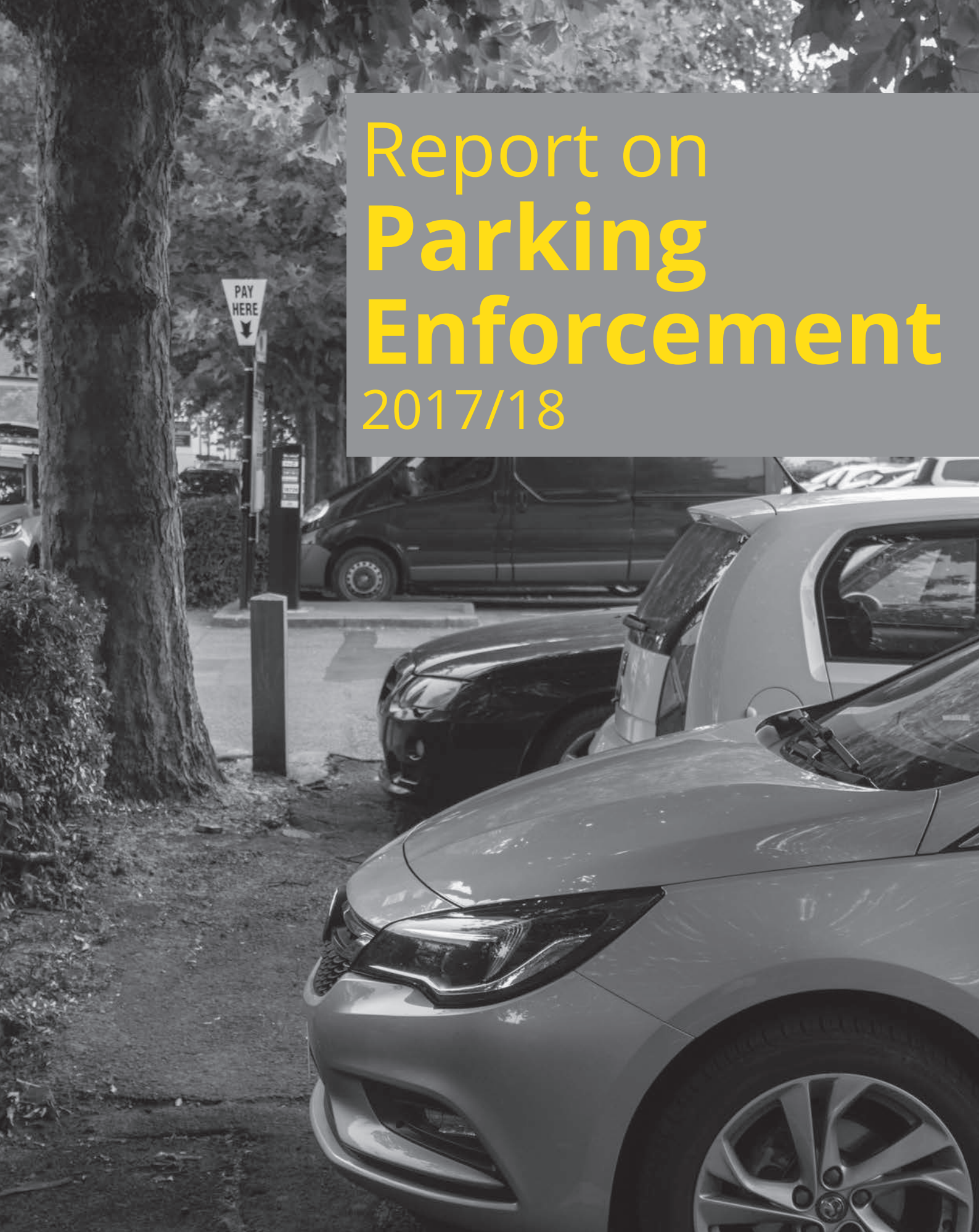



Report on Parking Enforcement 2017/18



 @Eastherts

 EastHertsDC

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Introduction

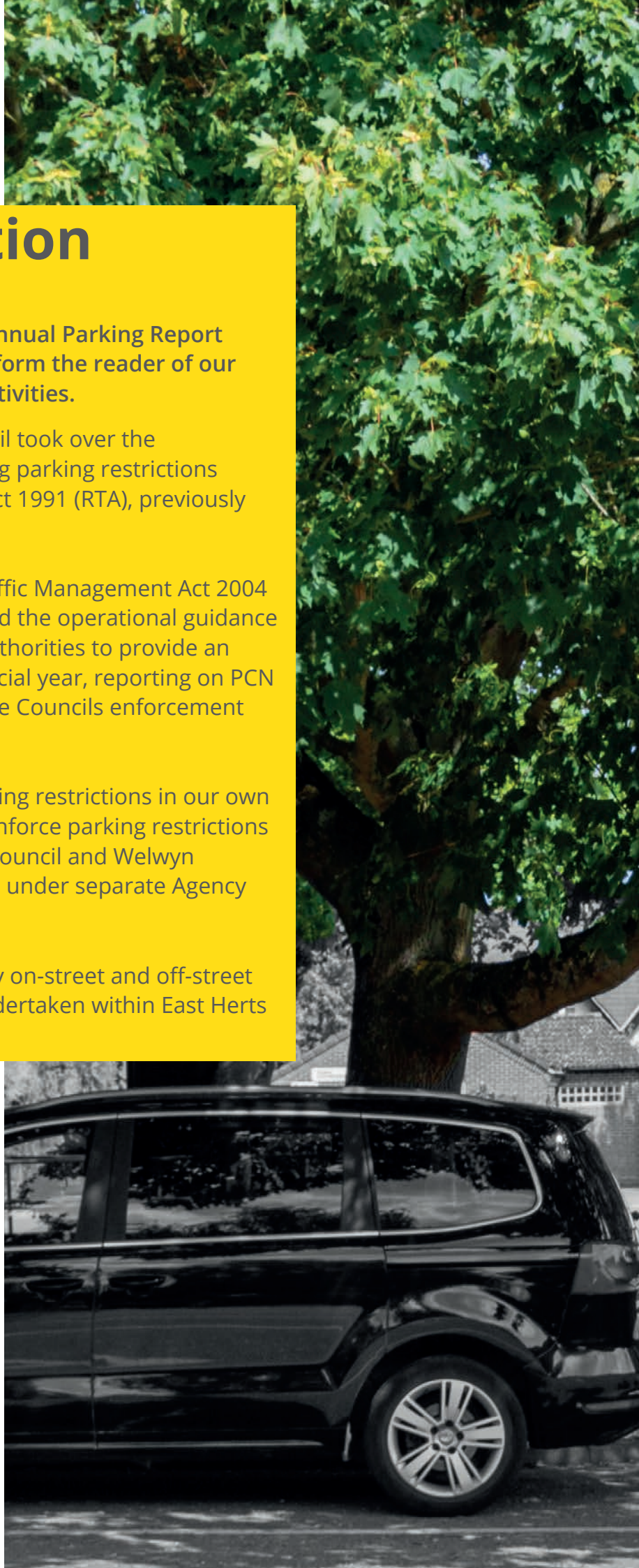
Welcome to our ninth Annual Parking Report which is published to inform the reader of our parking enforcement activities.

In 2005 East Herts Council took over the responsibility of enforcing parking restrictions under the Road Traffic Act 1991 (RTA), previously enforced by the police.

In 2008, part 6 of the Traffic Management Act 2004 (TMA) was introduced and the operational guidance requires enforcement authorities to provide an annual report each financial year, reporting on PCN data and making clear the Councils enforcement and parking strategy.

As well as enforcing parking restrictions in our own district, East Herts also enforce parking restrictions for Stevenage Borough Council and Welwyn Hatfield Borough Council under separate Agency Agreements.

This report concerns only on-street and off-street parking enforcement undertaken within East Herts in 2017/18.



About East Herts

East Hertfordshire is the largest of the ten districts in Hertfordshire. It covers 184 square miles, approximately a third of the county and offers a blend of rural and town living. Approx 145,000 people live in the district.

Around 77% of the population lives in one of East Herts' five towns. The other 30% live in small villages and rural areas across 30 Ward boundaries.

East Herts is an affluent area. Qualification levels are high, with a quarter of people educated to degree level or higher.

The economy consists predominantly of micro and small businesses (97%) with a few key businesses that play a significant role in the economy.

People are predominantly employed in managerial or professional occupations and enjoy higher than average earnings. Car ownership is very high in East Herts with over a third of households owning two or more cars. 65% of the population travel to work by car resulting in very busy roads at key times and a high demand for commuter parking spaces.

Sustainable and public transport has its difficulties in East Herts.

There is only one recognised National Cycle Route but there are 8 train stations available offering good links to London, however public transport within the District can be infrequent and unreliable necessitating an over reliance on vehicles for many residents

Source: 2001 Census, ONS



East Herts parking strategy

The HCC Local Transport Plan (LTP4) published 2018 focuses on the significant housing growth planned throughout the county in the next 20 years and the impact this increase in population will have on travel demand.

Transport will have a key role in delivering sustainable housing development. Hertfordshire has high levels of car ownership with East Herts the highest rate in the county resulting in congestion between and within towns, rail overcrowding and air quality problems.

Considering the increased population growth, travel demand increasing and 50% of the current East Herts population living in rural areas without access to a suitable public transport network it has been recognised that other methods of transport need to be explored to relieve the expected problems which will be encountered in the future.

The economic and environmental consequences of traffic congestion are becoming increasingly well understood and local authorities have a responsibility to minimise their effects. Local authorities have a duty to promote the wellbeing of their communities on a wide range of fronts, including their economic vitality. For a variety of reasons, many town centres throughout the country are suffering a decline and although cost and availability of parking is not the only contributing factor, public opinion is that parking matters play a critical factor in the economy of our towns. East Herts Council communicates on a regular basis with local businesses and residents to identify, develop, balance and introduce parking solutions that can support shoppers, businesses and local communities.

East Herts has adopted its own Parking and Transportation Strategy 2012-2022 in which the Council has set out the following aims:

- We will seek to maintain car parking income at current levels in real terms
- We will seek to ensure that users pay for the parking service rather than the council tax payer
- We will promote existing and explore new technologies to improve the overall convenience of parking in East Herts
- We will seek where possible and appropriate to match parking capacity with demand.
- We will seek to develop and implement parking solutions that reflect local needs
- We will make the economic vitality of East Herts a core consideration when developing parking services

The Strategy also confirms the enforcement priorities of the East Herts community. A majority of respondents to a 2011 survey of East Herts residents saw them support an emphasis on the traffic management purposes of Civil Parking Enforcement (CPE), by using it as a tool to promote:

- Safety around schools (69% made this their highest or second highest enforcement priority)
- Safe parking in general (67% made this their highest or second highest enforcement priority)
- Keeping traffic moving (34% made this their highest or second highest enforcement priority)

These priorities echo the purpose of CPE as set out in the Statutory Guidance issued under the Traffic Management Act 2004

The Council's strategy ambition for its parking service is therefore summarised as follows:

- That East Herts subscribes publicly to the traffic management objectives of CPE set out above and commits to operating its parking management and enforcement service in ways that deliver against these objectives.
- That East Herts implements additional enforcement powers where these support the statutory objectives of CPE and our communities' stated priorities.

Resident Permit Parking Zones

2015 saw the adoption of a new policy and operational guidance governing the implementation and operation of on-street resident permit parking zones (RPZs). The Council operates a number of RPZs in Bishop's Stortford, Hertford and Ware, typically encircling the town centres, where residents can experience parking difficulties due to a regular influx of commuter parking.

Although they are valued by those residents who benefit from them, care has to be given to their implementation to ensure the pendulum does not swing too far in the other direction, thus preventing the efficient use of kerb space. The new policy establishes clear criteria for the award and operation of schemes and emphasises the need for an approach that balances the needs of all motorists.

Residents seeking an RPZ for their area are encouraged first to assess their eligibility against the policy criteria and operational guidance. Often the matter ends there, as the resident is able to see that the location in question does not qualify.

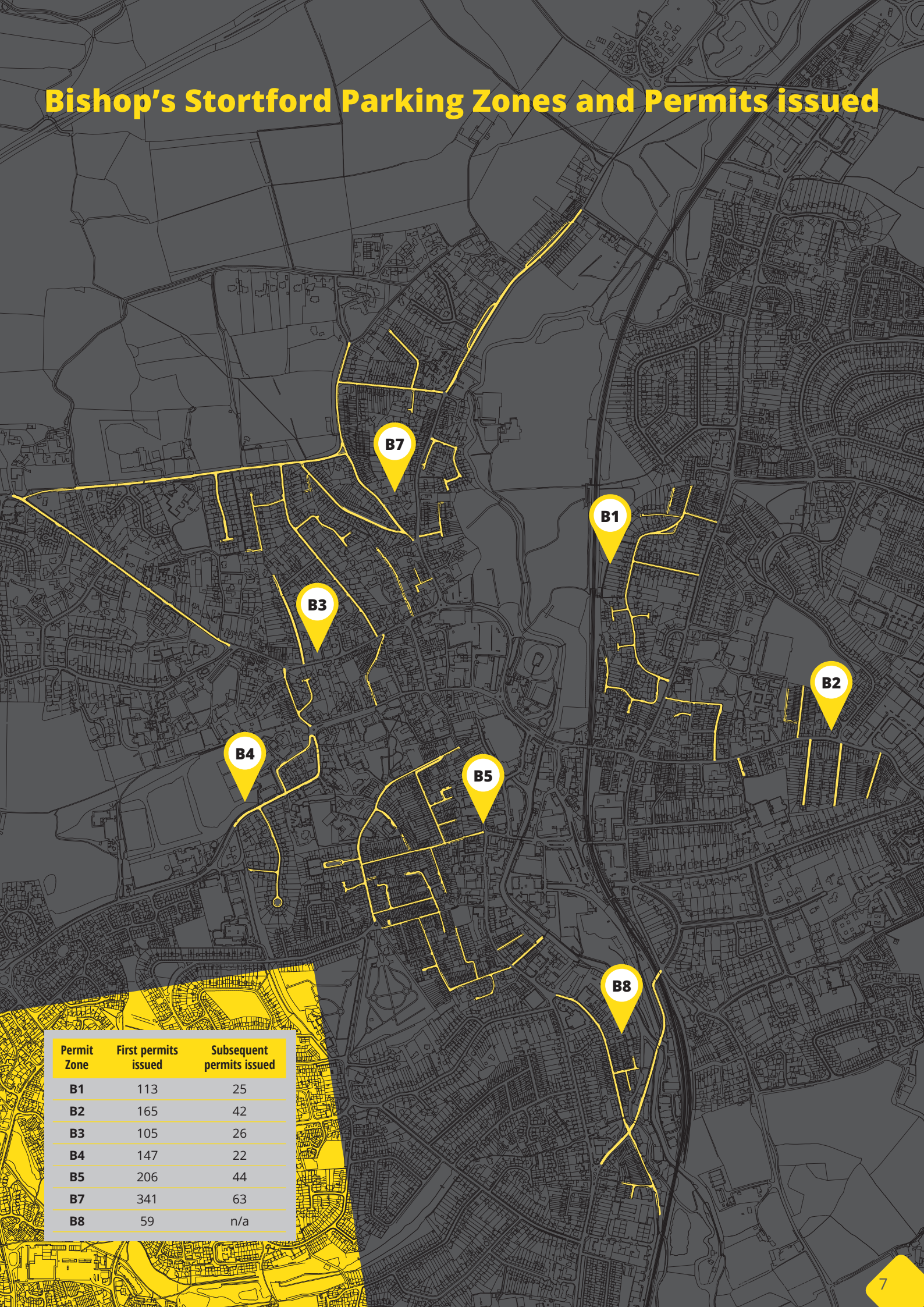
Where an area is shown as qualifying against the adopted criteria it is still not necessarily the case that an RPZ will be offered. As well as the issue of balance referred to above, RPZs are costly to design and implement. Increasingly the Council will require third party funding such as Section 106 payments generated by property development before an RPZ will be offered.

East Herts Council manage a number of resident permit parking schemes throughout the district which benefit approximately 2500 residences.

Parking restrictions are advertised by way of entrance and exit signs. Eligible addresses within these areas are entitled to a vehicle specific permit and in the majority of schemes, visitor vouchers are also available.

Resident permits are offered at £40 for the first permit per household and where available £80 for second permit.

Bishop's Stortford Parking Zones and Permits issued



Hertford Parking Zones and Permits issued

H2

H1

H3

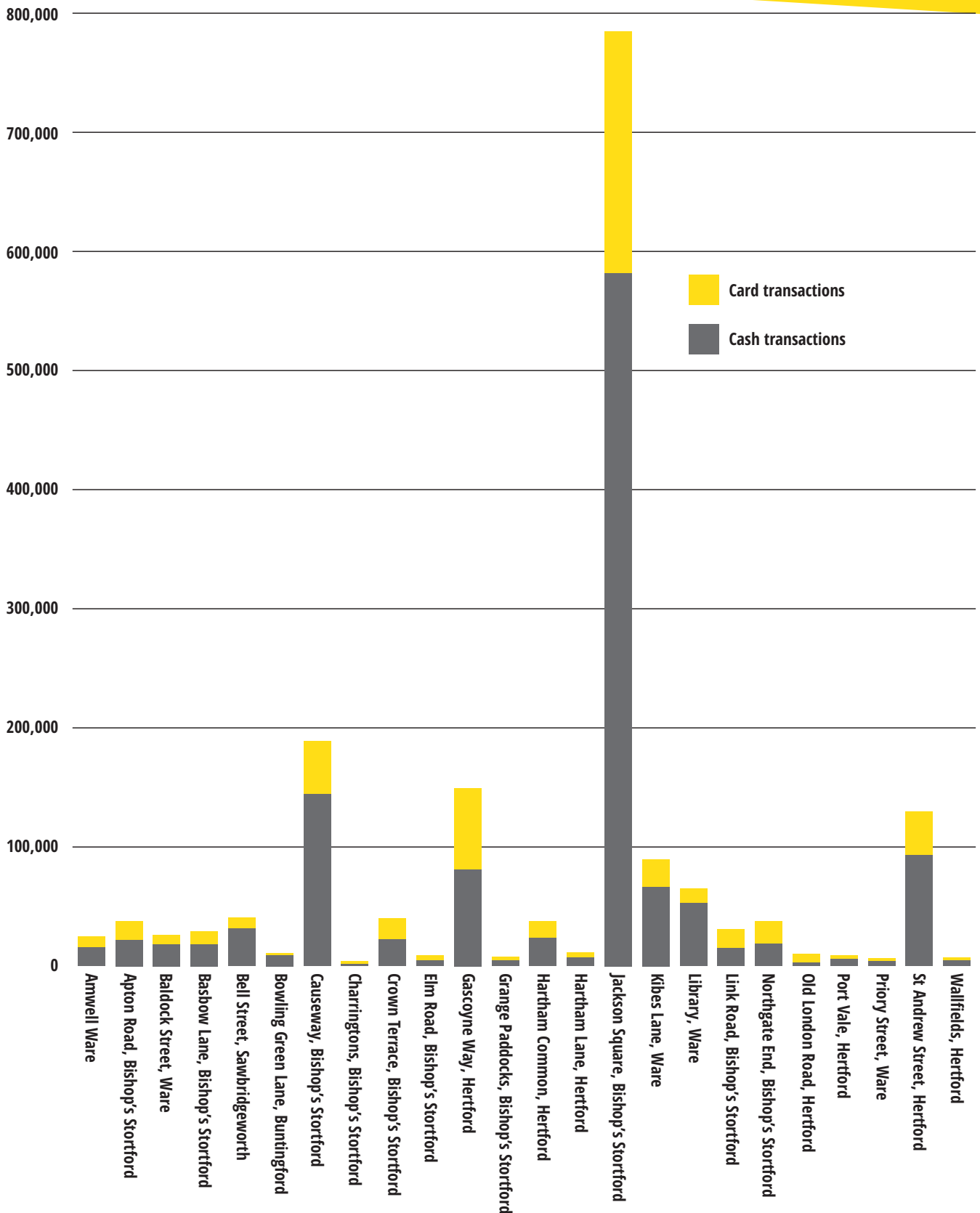
Permit Zone	First permits issued	Subsequent permits issued
H1	119	23
H2	20	11
H3	199	62
W2	95	24

Ware Parking Zones and Permits issued

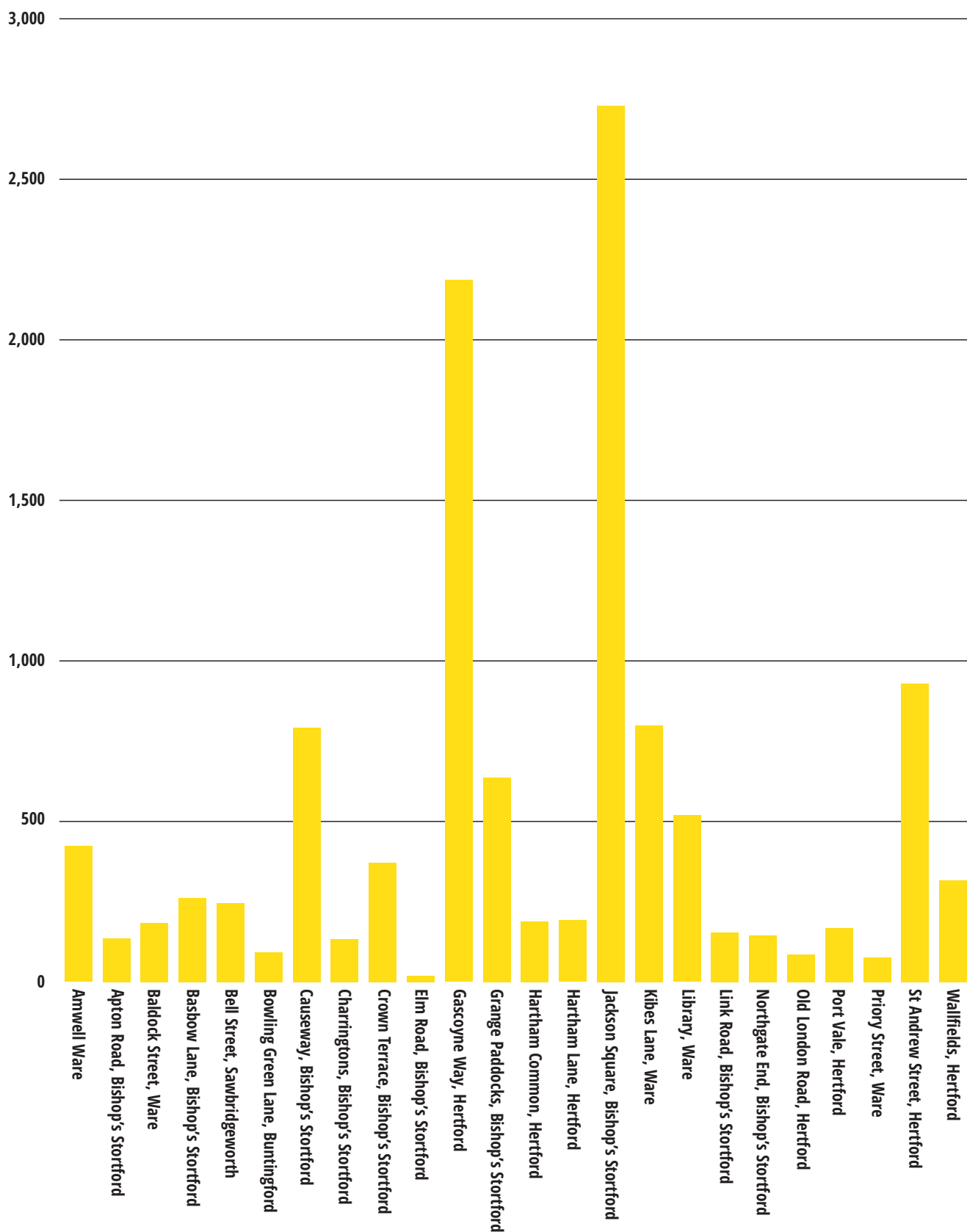
W2

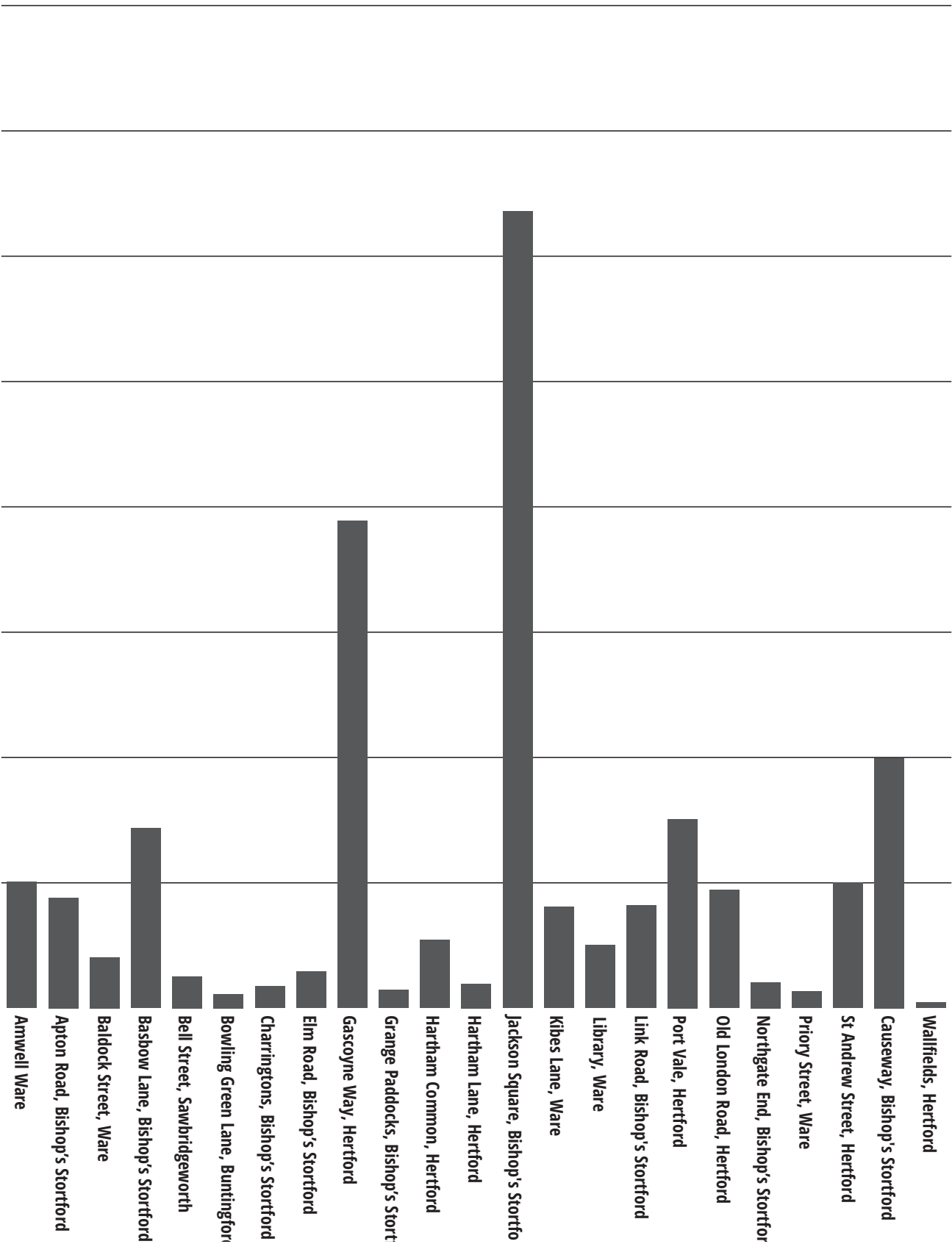
Off street Car parks

The table below details the total number of paid transactions made by cash and card in our car parks in 2017/18.



PCNs issued in car parks are detailed below



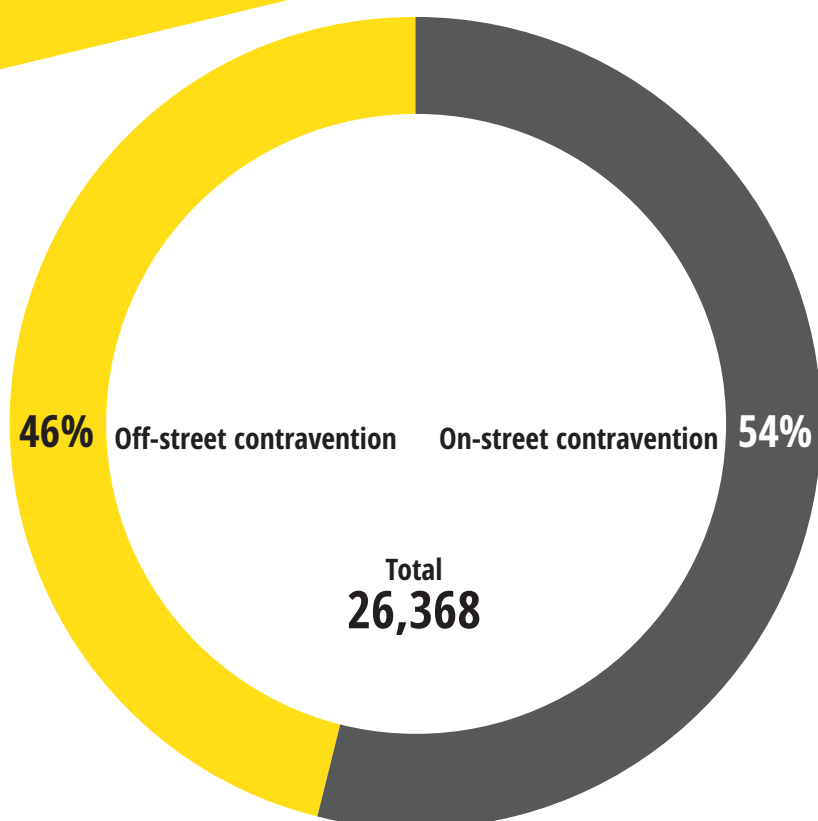


The primary purpose of CPE is to promote compliance with parking controls and improve road safety; therefore enforcement of car parks is of secondary importance to enforcement of yellow line restrictions on the highway, which generally has more pronounced safety issues.

Conversely, many of our towns and villages rely on visitors to local shops and restaurants. Enforcement in car parks is therefore important, to ensure a regular turnover of vehicles and that car park users pay for their parking appropriately .

By definition, car parks are densely packed with vehicles; therefore the potential for contravention is greater than on the highway. As a result, there will always be more PCNs issued per patrolling hour in car parks than on street. This can give rise to the erroneous perception that CEOs concentrate on car park enforcement to the detriment of enforcement on the highway. In fact, East Herts requires its CEOs to spend no fewer than 60% of total patrolling hours enforcing on-street parking restrictions. The split of enforcement hours deployed in 2017/18 was % on-street and % off-street.

The percentage split of on-street and off-street PCNs is below.





Civil Parking Enforcement in East Herts

Civil Parking Enforcement in East Herts is undertaken by a team of Civil Enforcement Officers (CEOs) spread across the district. The enforcement function is undertaken by a contractor under the terms of a model contract developed jointly by the British Parking Association (BPA), government, enforcement contractors and service providers and endorsed by the Parliamentary Transport Select Committee. The contract ensures that performance is measured on the quality of the service, rather than the emphasis being based on quantitative measures such as PCN issue.

The enforcement contractor's performance is closely monitored by the Council. Key Performance Indicators are used to monitor the time that officers spend on the streets, coverage of the streets, the quality of any Penalty Charge Notices and the conduct of CEOs to ensure that they are appropriate ambassadors for the Council. No direct or indirect financial incentive exists in relation to the number of PCNs issued by the enforcement contractor.

After a PCN has been issued all subsequent processing, including the consideration of challenges is undertaken by officers of the Council. The Council regards this split in functions as critical to answer any suggestion that commercial considerations play any role in this important function. Council officers are properly disinterested in the outcome of cases, yet have good local and procedural knowledge – important factors on reaching a correct and soundly based decision.

Contravention Codes

PCNs are issued to vehicles observed parking in contravention of the parking regulations. Below is a table of the contravention codes used in East Herts as set by Department for Transport (DfT).

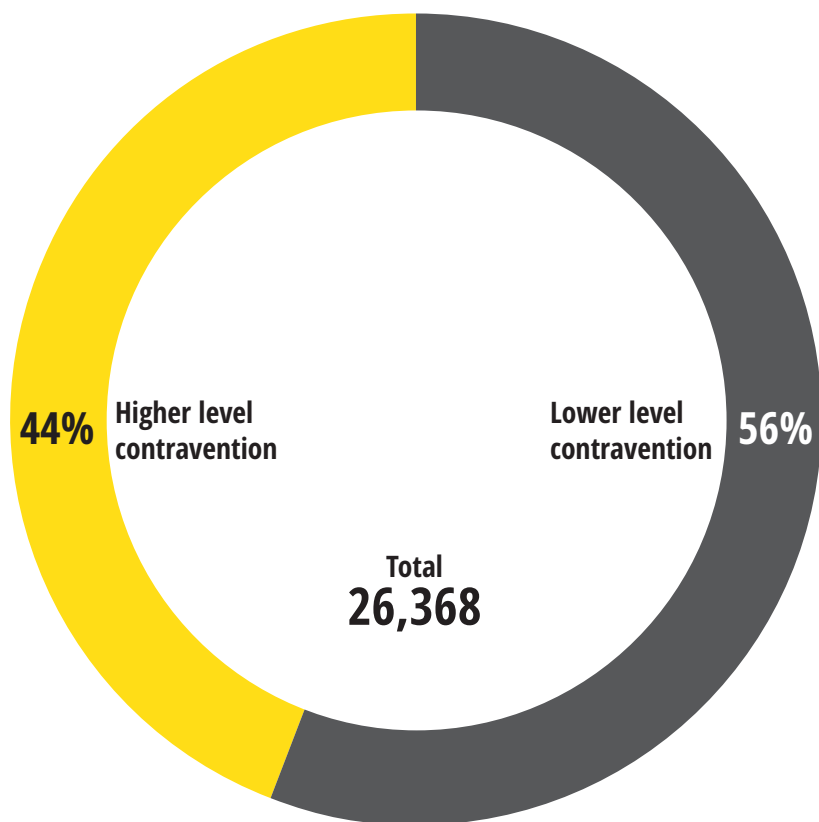
Contravention Code	Description	Penalty Charge	
On-street	01	Parked in a restricted street during prescribed hours	£70
	02	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	£70
	12	Parked in a residents' or shared use parking place or zone without either clearly displaying a valid permit or voucher or pay and display ticket issued for that place, or without payment of the parking charge	£70
	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.	£50
	22	Re-parked in the same parking place or zone within one hour (one hour may be varied) after leaving	£50
	23	Parked in a parking place or area not designated for that class of vehicle	£70
	25	Parked in a loading place or bay during restricted hours without loading	£70
	26	Parked in a special enforcement area more than 50cm from the edge of the carriageway and not within a designated parking place	£70
	27	Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway	£70
	30	Parked for longer than permitted	£50
	40	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	£70
	45	Stopped on a taxi rank	£70
	47	Stopped on a restricted bus stop or stand	£70
	48	Stopped in a restricted area outside a school	£70
	61	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	£70
Off-street	99	Stopped on a pedestrian crossing or crossing area marked by zigzags	£70
	80	parked for longer than permitted	£50
	81	parked in a restricted area in a car park	£70
	82	Parked after the expiry of paid for time	£50
	83	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	£50
	85	Parked without clearly displaying a valid permit where required	£70
	86	Not parked correctly within the markings of a bay or space	£50
	87	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	£70
	90	Re-parked in the same car park within one hour of leaving	£50
	91	Parked in a car park or area not designated for that class of vehicles	£70
	92	Parked causing an obstruction	£70

Contravention codes are split into lower level (£50) and higher level charges (£70). These charges reflect the seriousness of the contravention committed. Higher level contraventions tend to be on restrictions such as yellow lines whereas lower level contraventions tend to be car park and permitted parking contraventions.

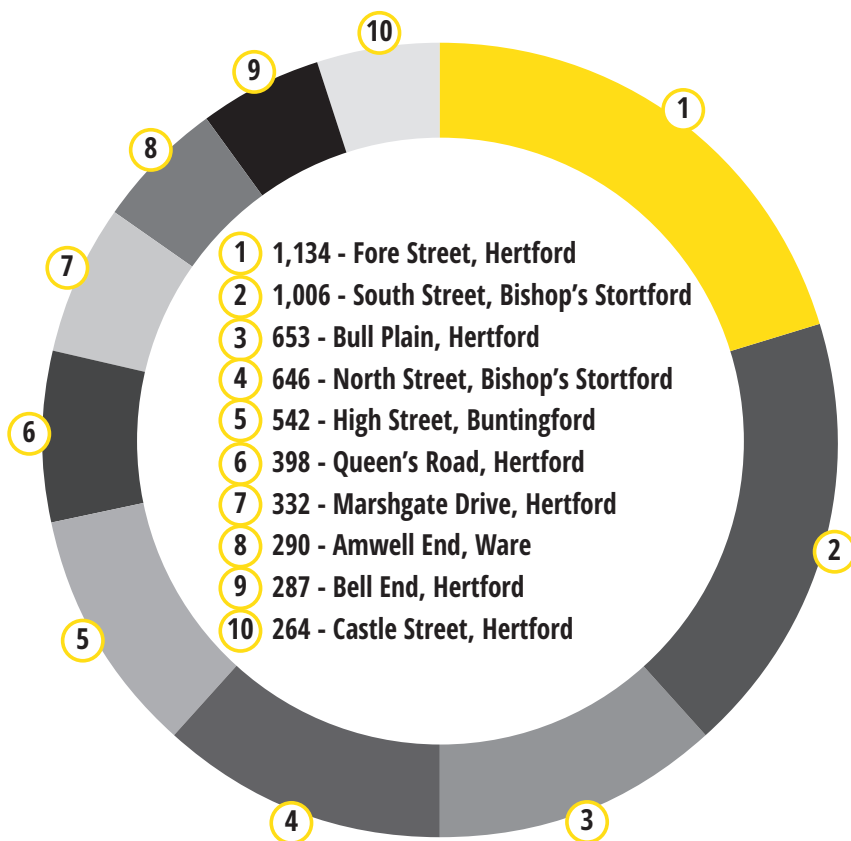
The percentage split of higher and lower level PCNs is given in the chart right and includes both on-street and off-street (car park) figures

PCNs issued by contravention

Contravention Code	PCNs issued	% of total issued
01	5,250	19.9%
02	454	1.7%
12	2,095	7.9%
19	315	1.2%
22	87	0.3%
23	748	2.8%
25	512	1.9%
26	38	0.1%
27	381	1.4%
30	3,420	12.9%
40	441	1.6%
45	206	0.7%
47	245	0.9%
48	34	0.1%
61	24	0.09%
99	69	0.2%
80	513	1.9%
81	39	0.1%
82	3,153	11.9%
83	7,382	27.9%
85	266	1.0%
86	345	1.3%
87	283	1.0%
90	13	0.04%
91	54	0.2%
92	1	0.003%



Top ten streets for PCNs issued



Dealing with challenges and appeals

The consideration of challenges is carried out by the notice processing team. The officers are trained to provide a fair and consistent approach when dealing with challenges and they will consider the circumstances given and the evidence collected by the issuing officer and make a decision on a case by case basis.

All recipients of a PCN may choose to dispute the issue of a PCN if they feel that the penalty has been issued incorrectly or there are mitigating circumstances they wish to be considered.

There are various ways that a PCN can be challenged but in each case there must be a contemporaneous record of the challenge and content to preserve a clear audit trail. Challenges can be made online, by email, by post or via the automated telephone recorded challenge line.

As soon as a challenge is received, the case will be placed on hold and the charge will not increase until a Notice Processing Officer has considered the case and responded to the sender in writing.

There are three stages to the appeal process

- **Informal challenge** – An informal challenge is received by the council within 28 days of the issue date. If the challenge is received and by the council within the discount period (14 days of issue date) and the challenge is subsequently rejected, the 50% discount period will be offered for a further 14 days from the date of rejection.
- **Formal Representation** – 28 days after the PCN has been issued and if it has not been paid or cancelled, the Council will securely receive the name and address of the vehicle keeper as recorded by the DVLA. The Council will send out a statutory document called a Notice to Owner to the keeper to advise that the vehicle has an outstanding PCN and explain the formal representation process.
- **Appeal to the Traffic Penalty Tribunal (TPT)** – If the formal representation is rejected, the keeper of the vehicle can make an appeal to the TPT. The TPT is an independent body which provide independent adjudicators to participate in a formal tribunal hearing and whose decision regarding the PCN is final. Details how to make an appeal are included in the rejection of representations letter.

If a PCN is not paid or challenged via the above process then the PCN will continue to progress and may ultimately be registered as a debt and a warrant registered with an enforcement agent to collect the increased outstanding debt including charges.

The number of PCNs in 2017/18 which have received a challenge against the issue

Total of 26,368 PCNs issued	PCNs	%
No of PCNs challenged at informal stage	4,472	17%
No of PCNs challenged at formal stage	902	3%
No of PCNs appealed to TPT	18	0.06%

Appeal rate in 2017/18

18 Appeals	PCNs	%
Appeals won by council	13	73%
Appeals lost by council	4	22%
Appeals not contested	1	5%

The Traffic Penalty Tribunal recognises that local authorities may justifiably “not contest” appeals on occasion, primarily when evidence comes to light during the appeals process that was not available at an earlier stage. The tribunal is on record as suggesting a “not contested” rate of 20% of appeals or lower as reasonable – a higher rate might be indicative of poor decision making earlier in the enforcement process.

The Traffic Management Act 2004 sets out a number of statutory grounds which, if established, require a local authority to cancel the motorist’s liability for payment of the penalty charge. In addition to those who invoke one or more of the statutory grounds for cancellation, a significant number of motorists contact the Council offering mitigating circumstances which they hope will lead to cancellation of the penalty charge on a discretionary basis. East Herts has adopted a set of Enforcement Guidelines to assist staff in enforcement decisions in a wide range of circumstances.

No set of guidelines can cover the full range of situations that motorists put forward in their challenges; however the Enforcement Guidelines are invaluable in terms of setting a framework and establishing the tone of the Council’s enforcement practices.

Cancellation reason	PCNs
Error made by issuing officer (private land, parking dispensation in place etc.)	158
Debtor bankrupt or in liquidation	5
Technical/communication problems with RingGo	35
Error made by motorist when purchasing a parking session in our car parks	475
Motorist did not correctly display blue badge	336
Explanation accepted (discretion given)	1,210
Lines and/or signs not adequate	8
Technical/communication problems with car park machines	108
Slight underpayment made in car parks	14
Proof of loading received	75
Undercover police vehicle	2
Error made by RingGo user (wrong registration number/car park)	298
Vehicle stolen at time PCN issued	1
Proof of vehicle breakdown	75
Valid pay & display ticket or permit produced	260
Cancelled with a warning (discretion given)	685

It is important to emphasise that the Council's cancellation of a PCN does not mean it should not have been issued in the first place. There are many scenarios where a CEO is correct to issue a PCN based on the evidence available at the time, but where the Council quite correctly cancels the Notice upon receipt of additional evidence from the motorist as to the circumstances that led them to park as they did on the day in question. A common example relates to loading or unloading. From the evidence available at the time a CEO standing next to a vehicle parked in apparent contravention may not know that this exempt activity is taking place. In these circumstances it may be necessary for the recipient of a PCN to challenge its issue, supplying such evidence as may be available in support of their case.

There are a number of circumstances where a motorist's activities gain them automatic exemption from the restrictions detailed in a Traffic Regulation Order. For example, fire, police and ambulance vehicles enjoy an automatic exemption when the driver is engaged in official activities.

The general rule concerning Civil Parking Enforcement is that where the council alleges a contravention has taken place it is for the council to establish, on the balance of probabilities that the contravention occurred. The exception to this rule is where the motorist seeks to claim an exemption (such as loading or unloading), in which case the motorist must satisfy the council, again on the balance of probabilities, that they were entitled to the benefit of that exemption at the time the PCN was issued.





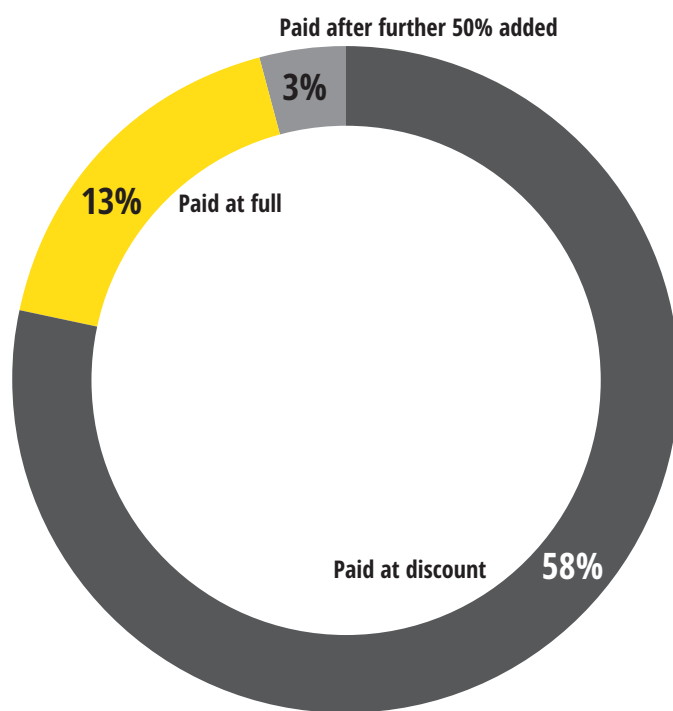
Payment of PCNs

When a Penalty Charge Notice is issued, a 50% prompt payment discount is offered if paid within 14 days of issue of the PCN.

Following the 14 day period the penalty charge reverts to its full value.

The charge will increase by a further 50% of the full charge if payment is not received after formal representation stage

Details of payment stage detailed below



If an informal challenge is received within the discount period and subsequently declined, the 50% discount amount will be re-instated for a further 14 days from the date the challenge is rejected.

All Statistics

Figures listed since the adoption of CPE

Year	Total PCNs	Year of Issue	PCNs Paid at Discount
2005/06	31,086	2005/06	17,558 (57%)
2006/07	26,772	2006/07	14,426 (54%)
2007/08	24,304	2007/08	13,645 (56%)
2008/09	26,966	2008/09	15,181 (56%)
2009/10	29,296	2009/10	15,994 (55%)
2010/11	29,586	2010/11	16,703 (56%)
2011/12	25,986	2011/12	15,967 (61%)
2012/13	24,271	2012/13	13,775 (57%)
2013/14	26,161	2013/14	15,169 (62%)
2014/15	25,866	2014/15	14,577 (59%)
2015/16	27,209	2015/16	15,263 (57%)
2016/17	27,443	2016/17	15,996 (58%)
2017/18	26,368	2017/18	15,376 (58%)

Percentage split of on-street and off-street PCNs

Year	On-Street PCNs	Off-Street PCNs	Year of Issue	PCNs Paid at Full Charge or Higher
2005/06	40%	60%	2005/06	4,048 (13%)
2006/07	38%	62%	2006/07	4,211 (16%)
2007/08	40%	60%	2007/08	3,753 (16%)
2008/09	41%	59%	2008/09	2,638 (10%)
2009/10	46%	54%	2009/10	2,990 (10%)
2010/11	50%	50%	2010/11	2,891 (10%)
2011/12	46%	54%	2011/12	3,137 (12%)
2012/13	47%	53%	2012/13	3,035 (13%)
2013/14	47%	53%	2013/14	3,096 (13%)
2014/15	41%	59%	2014/15	3,018 (12%)
2015/16	40%	60%	2015/16	3,606 (13%)
2016/17	45%	55%	2016/17	3,461 (13%)
2017/18	54%	46%	2017/18	4,148 (16%)

Year of Issue	PCNs Cancelled/Written Off
2005/06	5,622 (18%)
2006/07	5,832 (22%)
2007/08	3,946 (16%)
2008/09	5,902 (22%)
2009/10	6,967 (24%)
2010/11	8,411 (28%)
2011/12	5,792 (22%)
2012/13	5,521 (23%)
2013/14	5,400 (22%)
2014/15	5,811 (22%)
2015/16	7,162 (26%)
2016/17	6,501 (24%)
2017/18	5,686 (22%)

Write-offs, which are a subset of cancelled PCNs, usually occur because the motorist/owner cannot be traced – either because of an inadequate record at the DVLA, because the motorist/owner is no longer at the address they have registered with the DVLA or because the vehicle foreign registered.

Debt Registration and Bailiffs

In 2017/18 1086 PCNs were registered as a debt in the county court. This represents 4.1% of the total number of PCNs issued during the year, although the date of issue of some of these PCNs will have been prior to the period in question as by definition, debt registration can take place a number of months after the issue of a PCN.

Failure to pay a county court registered debt within the timescale specified will result in the passing of the debt to a certificated enforcement officer (bailiff) for recovery. 762 PCNs were referred to the Council's enforcement agent in 2017/18, amounting to just under 2.8% of all PCNs issued.

Financial Aspects of Civil Parking Enforcement

The Road Traffic Act 1991, which originally introduced Civil Parking Enforcement required local authorities to seek to make their parking enforcement regime self-financing as soon as possible. Local authorities were not, however, allowed to design and run their enforcement regime to make a surplus. Any surplus generated inadvertently had to be 'ring fenced' to fund improvements in related areas such as passenger transport or car parks.

As more and more local authorities took on DPE powers, government increasingly recognised that for many, particularly smaller boroughs and district councils, achieving break-even would not be possible. Accordingly, the Traffic Management Act 2004 softened this requirement. From 1 April 2008 a local authority has been able to apply for CPE powers without demonstrating that it will break even, but on the understanding that any deficit would be met from existing funding. Government has made it quite clear that national or local taxpayers are not to bear any shortfall.

The annual cost of enforcement (contract cost) and annual income from PCNs issued by the Council is shown below. The figures exclude items such as East Herts Council staff costs and signs and lines maintenance.

Year	Contract Costs	PCN Revenue	Variance
2006/07	£806,544	£665,873	- £140,671
2007/08	£807,344	£650,720	- £156,624
2008/09	£969,323	£668,441	- £300,882
2009/10	£986,785	£718,928	- £267,857
2010/11	£996,916	£735,831	- £261,085
2011/12	£1,012,029	£658,611	- £353,418
2012/13	£756,044	£638,540	- £117,504
2013/14	£752,156	£669,144	- £83,012
2014/15	£731,433	£639,234	- £92,199
2015/16	£793,275	£677,852	- £115,423
2016/17	£843,551	£743,384	- £100,167
2017/18	£845,104	£735,923	- £109,181



The increase in contract costs in 2016/17 is primarily a consequence of a move towards paying enforcement staff the new National Living Wage by 2020.

It is sometimes suggested that parking enforcement is regarded by local authorities as a revenue raising exercise; however the above table clearly demonstrates that East Herts Council makes a loss on its enforcement activities.

The revenue shortfall is effectively made up from surplus revenue from off-street parking. This is perhaps appropriate, as one of the reasons why a motorist will have been able to drive to an East Herts car park and find a space, ideally with the minimum of inconvenience, is because of compliance achieved through effective enforcement.



Financial Information

Total Income and (Expenditure) on Parking Account kept under Section 55 of the Road Traffic Regulation Act 1984 (RTRA 1984)

2017/18

Total Income	1,126,093.77
Total Expenditure	-1,394,004.86
Net Position	-267,911.09

Breakdown of income by source

PCNs	743,383.63
Residents Parking Schemes	122,279.12
Section 106	413.51
Cont. from other Authorities	258,455.51
Dispensations	1,562.00
Misc. Income	0.00
Total Income	1,126,093.77

Annual & Cumulative Surplus (Deficit)

To 31/03/17	(3,663,844.11)
2017/18	(267,911.09)
Cumulative Surplus (deficit)	(3,931,755.20)

Planned Developments for 2017/18

New Parking Enforcement Contract

The Council's contract with NSL for the provision of on and off street parking enforcement services will end in January 2019.

The opportunity will be taken to capitalise on technological advances since the current contract was awarded in 2011/12. In particular the Council will seek opportunities to deliver its parking services on a 'virtual' basis.

The Council has taken advantage of the retendering process to re-visit parking enforcement priorities.

- Increasing attendance around schools at the start and end of the school day to promote safety, by ensuring as many Civil Enforcement Officers as possible are at or near a school at the relevant time(s).
- Prioritising enforcement of the highway over enforcement of car parks.
- Combatting blue badge fraud including frequent collaboration with the Shared Anti-Fraud Service.
- Seeking recovery of penalty charge debt incurred by European registered vehicles on a 'no win, no fee' basis.
- Increasing the amount of safety related on-street evening enforcement in our main towns to reflect the growth of the evening economy.
- Increasing the amount of safety related on-street Sunday enforcement in our main towns to reflect the growth of Sunday trading and leisure activities.
- Engaging with schools to promote the safety message.

Digital East Herts

East Herts Council has embarked on a drive to transform the way in which it delivers its services by enabling as many as possible to be requested and delivered on a virtual basis.

Parking Services has committed to being an early adopter of digital services where this will enable customers to engage and transact on their terms, rather than when the Council is able and willing to transact. The new parking enforcement contract to be awarded in 2018 and implemented in January 2019 will place great emphasis on the development and provision of back office and front line services on a digital platform. The Service will seek to place as many as possible of its key services, including permit management and parking enforcement onto a digital platform during 2017/18 and in subsequent years.

