



Parking

Civil Parking Enforcement Annual Report

2011/2012



South Tyneside Council

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Introduction

The provision and management of parking in South Tyneside is a very important function undertaken by the Council. Parking can be the subject of intense public interest including attracting both local and national media. The Council's primary aims related to parking management are to support the economic activity and viability of South Tyneside's town centres and other local shopping areas and to reduce congestion in the interests of all highway users.

Up to the 30th March 2008 South Tyneside Council operated parking enforcement under the Decriminalised Parking Enforcement (DPE) legislation in accordance with The Road Traffic Act 1991. From the 31st March 2008 the Council has operated parking under the Civil Parking Enforcement legislation in accordance with the Traffic Management Act 2004.

The Traffic Management Act 2004 states that Enforcement Authorities should produce an annual report about their enforcement activities. The report should be published and as a minimum it should cover the financial, statistical and other data (including any parking or CPE targets). This report describes these parking and other related activities undertaken by the Council.

The Council's transport priorities are to improve safety, accessibility and air quality and to reduce congestion. Parking facilities and the way they are used contribute to achieving these priorities, and it is important therefore that they are appropriately managed and controlled.

The rationale behind this report is that it helps to make it clear that the council is operating the scheme satisfactorily and more openness enables the public to see that this is the case, which in turn helps to increase the public's understanding of civil parking enforcement at a local level.

Parking Enforcement Charter

The Council has produced a parking enforcement charter entitled "Guidance on Parking in South Tyneside" which includes useful information for motorists about traffic signing and the circumstances in which a Penalty Charge Notice (PCN) may be issued and what to do if you are issued with one. The amount of observation time that civil enforcement officers give before a PCN is issued is included and the charter also provides guidelines for appeals staff to follow when representations are received from motorists who have received a PCN. To ensure fairness and consistency all appeals are considered on their own merits. The Council's Parking Enforcement Charter can be viewed on line at:

http://www.southtyneside.info/search/document_view.asp?mode=8&pk_document=17715

The Council's approach to parking enforcement is to be fair but firm and the parking enforcement charter outlines how we intend to deliver the best possible service to motorists.



Car Parking Facilities (2011 / 12)

Off Street Car Parks

The Council has 20 chargeable off street car parks located in South Shields town centre and along the Foreshore area which operate a pay and display system and 17 free off street car parks located in other areas as shown in the tables below:

Car Park	No of Spaces	Tariff	Income 2011/2012
St.Hilda Street	40	1p per min, £3.00 all day	£2,377
Charlotte Street	80	1p per min, £3.00 all day	£59,972
Mill Dam	177	1p per min, £3.00 all day	£26,944
North Street	115	1p per minute	£113,965
Salem Street	34	1p per minute	£30,992
Thomas Street	50	1p per min, £3.00 all day	£44,782
Oyston Street	95	1p per min, £3.00 all day	£59,820
Garden Lane *	75	70p per hour	£101,060
Denmark Centre *	120	70p per hour	£37,528
Winchester Street (Sat/Sun only)	208	1p per min, £1 Sun.	£2,044
Library (Sat/Sun only)	40	1p per min, £1 Sun.	£736
Mile End Road (Temporary)	80	1p per min, £3.00 all day	£67,494
Harbour Drive North	220	1p per min, £3.00 all day	£14,270
Harbour Drive South	120	1p per min, £3.00 all day	£14,659
Pierhead	315	1p per min, £3.00 all day	£162,831
Pier Parade	60	1p per min, £3.00 all day	£14,659
South Promenade North	122	1p per min, £3.00 all day	£50,555
South Promenade South	150	1p per min, £3.00 all day	£42,161
The Dragon	220	1p per min, £3.00 all day	£17,507
Trow Quarry	305	1p per min, £3.00 all day	£14,695
Marsden Lea	170	1p per min, £3.00 all day	£6,375
Whitburn Bents	104	1p per min, £3.00 all day	£17,488
Total	2900	Total	£902,914.00

* Privately owned, but managed by the Council

Free Off Street Car Parks

HEBBURN	
Car Park Name	No of Spaces
Hebburn Civic Centre	152
Hebburn Shopping Centre	130
Total	282

SOUTH SHIELDS	
Car Park Name	No of Spaces
Claypath Lane (Sat/Sun only)	40
Dean Road	69
Beacon Street	30
Wawn Street	70
New George Street	140
Victoria Road	50
Total	399

JARROW	
Car Park Name	No of Spaces
Chapel Road	19
Grange Road East	29
Gordon Street	15
Tyne Street	20
Hiberian Street	46
Napier Street	23
Slake Road (St.Paul's)	22
Total	220

WHITBURN	
Car Park Name	No of Spaces
Barnes Institute	15
Total	15

BOLDON	
Car Park Name	No of Spaces
Boker Lane	20
Total	20

Chargeable On Street Car Parking

The Council has 302 chargeable on street parking bays located in South Shields which operate a pay and display system of parking as shown in the table below:

Car Park	No of Spaces	Tariff	Income 2011/2012
East Street	16	1p per min	£18,911
Charlotte Street	38	1p per min, £3.00 all day	Incl. Off street
Thomas Street	6	1p per min, £3.00 all day	Incl. Off street
William Street	10	1p per min, £3.00 all day	Incl. Off street
Burrow Street	10	1p per min, £3.00 all day	Incl. Off street
Salem Street	9	1p per min, £3.00 all day	Incl. Off street
Sea Road North	17	1p per min, 80p per hour thereafter	£8,697
Sea Road South	18	1p per min, 80p per hour thereafter	£15,903
Beach Road East	73	1p per min, 80p per hour thereafter	£22,967
Beach Road West	51	1p per min, 80p per hour thereafter	£6,020
Anderson St / Broughton Rd	26	1p per min, 80p per hour thereafter	£3,633
River Drive	28	1p per min, 80p per hour thereafter	£994
Total	302	Total	£77,125.00



Safer Parking Awards

The Safer Parking Awards aims to raise security standards within car parks and effectively reduce car related crime.

To be awarded the Safer Parking status a stringent set of standards has to be met, including patrolling security, good levels of lighting and closed circuit television.

This Council has 21 of its car parks that have achieved the Safer Parking Award. These are: -

1. Trow Quarry, South Shields
2. Thomas Street, South Shields
3. St. Hilda Street, South Shields
4. South Promenade North, South Shields
5. Salem Street, South Shields
6. Pierhead, South Shields
7. Pier Parade, South Shields
8. North Street, South Shields
9. Harbour Drive North, South Shields
10. Mill Dam, South Shields
11. Charlotte Street South, South Shields
12. Charlotte Street North, South Shields
13. Harbour Drive South, South Shields
14. Winchester Street, South Shields
15. Oyston Street, South Shields
16. Garden Lane North, South Shields
17. Library, South Shields
18. Denmark Centre, South Shields
19. South Promenade South, South Shields
20. Whitburn Bents, Whitburn
21. New George Street, South Shields

Enforcement

Enforcement of waiting and loading restrictions and parking places is undertaken across the whole of the borough. The borough is patrolled through 7 enforcement beats as follows:

- 4 are deployed in South Shields area
- 1 in Hebburn / Jarrow,
- 1 in Boldon,
- 1 in Whitburn,

The Council operated parking enforcement under the Decriminalised Parking Enforcement legislation in accordance with The Road Traffic Act 1991 from the 1st February 2007 up to the 30th March 2008.

On 31st March 2008 in accordance with government legislation, the relevant provisions of the RTA 1991 were repealed and part 6 of the Traffic Management Act 2004 (TMA) and the associated regulations introduced Civil Parking Enforcement (CPE). The provisions for CPE largely replicated and updated the arrangements for DPE.

CPE introduced some changes in terminology and differential parking penalties (higher and lower charges) are now applied depending on the seriousness of the contravention. For example, parking in a place where it is always prohibited, such as on double yellow lines, is considered to be more serious than overstaying where parking is permitted, such as in a parking place. The current levels in South Tyneside of higher and lower charge are £70 and £50 respectively.

The police remain responsible for endorsable offences such as dangerous parking, obstruction, failure to comply with police “no parking” signs placed in emergencies, and any vehicle where security or other traffic policing issues are involved, including the need to close roads or set up diversions.

Frequency of Patrols

South Shields town centre is where most congestion occurs and we aim to make three visits to each location in the morning and the afternoon. Other areas such as primary routes into the borough and local shopping centres are visited twice during a morning and afternoon with other areas on a lesser and “as and when” basis. Car parks are patrolled at regular intervals throughout the day.

Staffing Levels for 2011/12

The Council’s Parking Team establishment consisted:

No of Staff	Job Title
1	Parking Manager
1	Parking Officer
2	Parking Appeals Assistant



The civil Enforcement Team establishment consisted of:

No of Staff	Job Title
1	Contract Manager
1	Operations Manager
12	Civil Enforcement Officers
1	Administration Officer
1	Cash Collector

Each Civil Enforcement Officer (CEO) undergoes 10 days of training to achieve the required standard of City & Guilds Level 2 for Civil Enforcement Officers and then “shadows” a more experienced staff member until they are familiarised with their role and management is satisfied that an appropriate level of competency is established. The Council encourages parking staff to be customer focussed.

CEO’s are suitably uniformed and are equipped with a mobile radio that keeps them in constant contact with their operations base in South Shields parking Office. They have electronic handheld equipment that can issue a PCN via a printer. They also have a camera to record photographic evidence

Types of Contraventions

There are over 70 contraventions that could be enforced depending on what is contained within relevant traffic regulation orders. These range from enforcing yellow lines on the streets to vehicles being parked outside bay markings in a car park.

Most Common Contraventions

The most common contravention codes are 83, 82 and 12. Other most repeated types of contravention are also shown below;

Contravention Code	Contravention Description	% of Overall PCN Issue
83	Parked in a car park without clearly displaying a valid pay and display ticket or voucher or parking clock	20.25%
82	Parked after the expiry of paid for time.	20.10%
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.	19.16%
01	Parked in a restricted street during prescribed hours	8.22%
06	Parked without clearly displaying a valid pay & display ticket or voucher.	5.58%

Operational and Financial Statistics

Operating Costs

The car parking trading account for 2011/2012 is as follows:

	£000
Delegated Expenditure	745
Income	<u>1396</u>
Surplus	651
Non Delegated Expenditure	<u>159</u>
Trading Surplus	492
Revised Budget	<u>625</u>
Net Overspend	133

Penalty Charge Notices

A Penalty Charge Notice may be issued for any vehicle parked in contravention of the parking and waiting restrictions. For 2011/2012 the value of a Penalty Charge Notice were either £70 or £50 depending on the severity of the contravention, discounted by 50% if paid within 14 days from the date of issue.

During the period 1st April 2011 to 31st March 2012 the Council issued 12,079 Penalty Charge Notices and from that number 1,512 notices were cancelled as a result of informal challenges and formal representations.

The Income generated from PCN's for the same period was £454,148.

Observation Periods

Civil Enforcement Officers are given guidance on what the minimum length of observation time that vehicles must be given before a PCN can be issued. The electronic handset is set up such that the minimum period of time must elapse before it will issue a PCN. The observation periods are included in the Council's Parking Enforcement Charter.

Mitigating Circumstances

Staff who deal with the appeals have a framework that provides guidance on how to deal with the various contraventions to ensure fairness and consistency and all appeals are considered on their own merits. A list of mitigating circumstances is included in the Council's Parking Enforcement Charter.



PCN's Issued per Area

A breakdown of the PCN issue in each area is as follows;

Area	No Of PCN's Issued	% Of Total PCN's Issued
South Shields	10,893	90.18%
Jarrow	683	5.65%
Hebburn	282	2.33%
Boldon	48	0.40%
Whitburn	129	1.07%
Cleadon	44	0.37%

The 10 locations in South Tyneside where most PCN's have been issued are;

1. Pierhead Car Park, South Shields
2. North Street car Park, South Shields
3. South Promenade North Car Park, South Shields
4. Garden Lane North Car Park, South Shields
5. Talbot Road, South Shields
6. McAnany Avenue, South Shields
7. Hollingside Way, South Shields
8. Beach Road East, South Shields.
9. South Promenade South Car Park, South Shields
10. Grange Place, Jarrow



Payments of PCN'S

8,766 (72.57%) payments were received;

% Paid	Status
7.91%	paid at full rate
90.04%	paid at discounted rate
1.32%	paid at charge certificate stage
0.17%	paid at order of recovery (pre bailiff)
0.56%	paid at bailiffs stage

Method of Payment

8,766 PCN's were paid using the following methods:

% Paid	Method Of Payment
69.79%	Debit/Credit Card Payment
10.78%	Cheque Payment
19.35%	Cash Payment
0.08%	Postal Order/Other Payment

Correspondence

In 2011/12, 15,393 items of correspondence were dealt with.

No Of Items Sent	Type Of Correspondence
4,152	Informal Representations
4,152	Responses to Informal Representations
1,654	Notice To Owners
497	Formal Representations
87	Notice of Rejections
14	Representations to TPT
1,145	Charge Certificates
12	Statutory Declarations
623	Warrants
489	CCTV TMA Penalty Charge Notices
2,568	Other Correspondance

Appeals Process

If after a period of 28 days the amount owed remains outstanding the Council obtains the registered keeper's details from the DVLA at Swansea and sends out a "Notice to Owner" (NtO) to the registered keeper. Regardless of who was driving at the time it is the registered keeper who is responsible. The notice requests the registered keeper to either pay the outstanding amount or challenge the issue of the PCN. At this stage the opportunity to pay the discounted sum is no longer available.

If the Council and the registered keeper cannot agree then an appeal can be made by the appellant to the Traffic Penalty Tribunal (TPT), formerly the National Parking Adjudication Service (NPAS), which is an adjudication service made up of qualified solicitors with a minimum 5 years experience in road traffic law. They are independent of the Council and arrive at decisions based on evidence placed before them. Appeals can be made in person at a tribunal, by post or via a telephone hearing using conferencing equipment.

Cancellations

Cancellations Due to Appeal

All appeals must be made in writing detailing their mitigating circumstances. Because the Council adopt a firm but fair approach, appeals are considered on their own merits and inevitably there are a number of cancellations for various reasons. Last year 16.77% of PCN's were cancelled due to an appeal being received 0.45% were written off and 5.38% are still outstanding. It is important that the decisions which are made are consistent, supported by firm evidence, not only to assist the notice processing staff to arrive at the correct decision but also to confirm to the Council's auditor that we are operating a fair, proportionate and consistent regime.

The most frequent reasons for cancellations are as follows:

Reason for Cancellation	No Cancelled of Total Tickets Issued	%
Valid Ticket Produced	854	7.07%
Mitigating Circumstances	134	1.11 %
Blue Badge Holder	524	4.34%

PCN's Written Off

Reason for Cancellation	Number of PCN's Written Off of Total Tickets Issued	%
Processing Error/ Spoilt	32	0.26%
Driver Untraceable	215	1.78%
Machine Fault	65	0.54%
Foreign Vehicle	0	0%

Recovery of Debts

If the registered keeper fails to pay the outstanding charge it will ultimately be referred to the Traffic Enforcement Centre at Northampton County Court and the outstanding charge is registered as a debt to the Council and thereafter bailiffs may be employed to recover the debt. In 2011/12 623 warrants were issued from the 12,079 tickets issued. The current status of the 623 warrants issued is as follows;

%	Current State as at May 2012
34.5%	Pending
27.0%	Paid
38.5%	No Trace
0%	Cancelled (additional evidence provided not previously submitted)

The Joint Report of the Parking Adjudicators for England and Wales 2011/2012 – Statistical Information

The report provides statistical information on every authority outside of London that had adopted decriminalised parking enforcement, now called civil parking enforcement with effect from the 31st March 2008. During the period April 2010 to March 2011 NPAS/TPT dealt with 16,666 appeals.

(Based on Table 1 of the annual report for 2011/12 there are 250 authorities outside of London operating CPE.)



South Tyneside Council Appeals Statistics;

The following table shows figures taken from the 250 Councils involved in Civil Parking Enforcement (April 2011 to March 2012). These figures are purely based on Appeals made to the independent body known as the Traffic Penalty Tribunal.

Authority	Number of Cases	Allowed by Adjudicator	Total Allowed Including Not Contested by Council	Refused by Adjudicator Including Out of Time and Withdrawn by Appellant
All Councils	16,666	3,910 (23%)	8,257 (50%)	7,092 (43%)
South Tyneside	15	5 (33%)	6 (40%)	9 (66%)

The above table shows figures provided by the Traffic Penalty Tribunal.

Of the 12,079 Penalty Charge Notices issued for parking contraventions in On-street and Off-street locations in South Tyneside during April 2011 to March 2012, only 15 cases reached the point of formal appeal.

9 of these cases were refused by the Adjudicator, finding in favour of the Council.

The Council chose not to contest 1 case, as further evidence was presented either to the Council or to the TPT that was not available at the time the appellant's representation, which could have been considered by the Council.

It was likely that the Council would have been cancelled the PCN's at that stage.

The TPT allowed 5 of the appeals, with the adjudicator deciding in favour of the appellant.

The Parking Adjudicators for England and Wales recommends an Authority to publish in its Annual Report information relating to 10 specific statistics.

These are attached as annexe 1 to this report.



Appendix 1

Statistical Information for Year 2011-12

Issued By CEO

Item	
Penalty Charge Notices issued	12,079
Paid at discounted sum	7,894
Notice to Owners issued	1,654
Formal Representations received	497
Representations accepted	410
Representations rejected	87
Number of Appeals lodged	15
Outcome of Appeals	
Not contested by Council	1 (7%)
Allowed by Adjudicator	5 (33%)
Total Allowed including not Contested	6 (40%)
Refused by Adjudicator including out of time and withdrawn by Appellant	9 (66%)
Charge Certificates issued	1,145
Charge Certificates Paid	1.32%
Cases to County Court	623

Issued By CCTV Vehicle

Item	
Penalty Charge Notices issued	489
Paid at discounted sum	354
Notice to Owners issued	489
Formal Representations received	128
Representations accepted	113
Representations rejected	15
Number of Appeals lodged	3
Outcome of Appeals	
Not contested by Council	0(0%)
Allowed by Adjudicator	0(0%)
Total Allowed including not Contested	0(0%)
Refused by Adjudicator including out of time and withdrawn by Appellant	3(100%)
Charge Certificates issued	99
%age Charge Certificates Paid	2.25%
Cases to County Court	0

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