

**Stevenage Borough Council**

**On Street Parking Service**

**Annual Report**

**2018/19**



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## **1. Introduction**

Stevenage is the largest town in north Hertfordshire with over 35,000 households and over 86,000 inhabitants and more people are making their home here every year. As the town becomes more densely populated pressure on the town's roads and the demand for parking spaces are increasing. This can lead to indiscriminate and obstructive parking in the town's streets with an ever increasing demand for parking controls and increasing pressure on the parking enforcement service.

Local Authorities that carry out Civil Parking Enforcement (CPE) are expected to be transparent and accountable in accordance with the Traffic Management Act 2004. This annual report sets out the key statistics in relation to enforcement activity and the finances of the parking account. Additional information required to be published in line with the Local Government Transparency Code can be found online at:

[www.stevenage.gov.uk/about-the-council/access-to-information/70040/](http://www.stevenage.gov.uk/about-the-council/access-to-information/70040/)

## **2. Background**

On-street parking enforcement in Stevenage was undertaken by Police Officers or Police employed traffic wardens until January 2005 when the Secretary Of State in conjunction with Hertfordshire Constabulary granted Stevenage Borough Council Decriminalised Parking Enforcement (DPE) powers under the Road Traffic Act 1991. This Act allowed local authorities to take over most of the enforcement relating to parking, including yellow lines, with only serious parking offences such as dangerous parking and obstruction being retained by the police.

On 31 March 2008 new regulations and a new legal framework were introduced under the Traffic Management Act 2004 (TMA) and the enforcement regime was renamed as Civil Parking Enforcement (CPE).

In respect of on-street parking enforcement Stevenage Borough Council acts on behalf of Hertfordshire County Council (the Highway Authority) under the terms of a parking agency agreement.

East Hertfordshire District Council enforces on-street parking controls on behalf of Stevenage Borough Council under a separate agency agreement. This agency agreement covers the provision of Civil Enforcement Officers and the processing of Penalty Charge Notices (PCNs).

### **3. The Purpose of Civil Parking Enforcement**

The primary purpose of CPE, as identified in statutory guidance, is to support local authorities in their delivery of their overall transport objectives such as those detailed below.

- Managing the traffic network to ensure expeditious movement of traffic, (including pedestrians and cyclists), as required under the TMA Network Management Duty.
- Improving road safety.
- Improving the local environment.
- Improving the quality and accessibility of public transport.
- Meeting the needs of people with disabilities, some of whom will be unable to use public transport and depend entirely on the use of a car.
- Managing and reconciling the competing demands for kerb space.

These and other objectives that a local authority may seek to meet through its CPE operations are achieved primarily through encouraging compliance with parking restrictions and it is with this objective in mind that Stevenage Borough Council enforces parking on street throughout the Borough.

It is not always easy to prove that CPE has a positive effect. Driving along a free-flowing road or walking along a footway free of parked cars is rarely noted or associated with successful application of CPE.

Central government is also clear in explaining what CPE is not about. In particular, government emphasises that CPE is not to be regarded as a revenue raising exercise. Whilst Government accepts that local authorities will seek to make their CPE operations as close as possible to self-financing as soon as possible, it advises that any shortfall must be met from within existing budgets rather than falling on the local or national taxpayer.

## 4. Civil Parking Enforcement in Stevenage

The enforcement function is undertaken by East Hertfordshire District Council on behalf of Stevenage Borough Council and they contract with a private firm to provide a team of Civil Enforcement Officers (CEOs) under the terms of a model contract developed by the British Parking Association (BPA). Up to January 2019 this contract was held by NSL; since then the contract has been held by Apcoa. The contract ensures that performance is measured on the quality of the service.

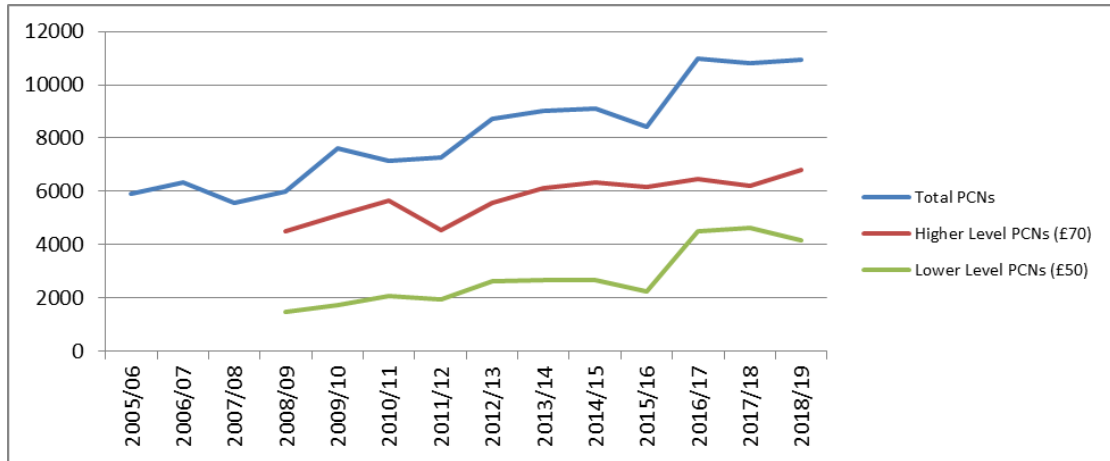
The enforcement contractor is closely monitored by Stevenage Borough Council and East Hertfordshire Council through monthly parking enforcement meetings to review performance against a set of Key Performance Indicators which monitor the time that officers spend on the streets, coverage of the restricted streets, the quality of any PCNs and conduct of CEOs to ensure that they are appropriate ambassadors for the council. No direct or indirect incentive exists in relation to the quantity of PCNs issued.

After a PCN has been issued, all subsequent processing, including the consideration of challenges is undertaken independently by officers of East Herts District Council in accordance with the Regulations. The Council regards this separation of functions as critical to avoid any suggestion that any commercial objectives may influence this important function. Council officers are properly disinterested in the outcome of cases, but have good local and procedural knowledge: important factors in reaching a correct and soundly based decision.

## 5. PCN Issuance

The number of PCNs issued since Stevenage Borough Council adopted CPE is detailed below. These figures include Warning Notices which may occasionally be used where issuance of full PCNs is deemed to be unnecessary. In 2018/19 a total of 74 Warning Notices were issued in Stevenage.

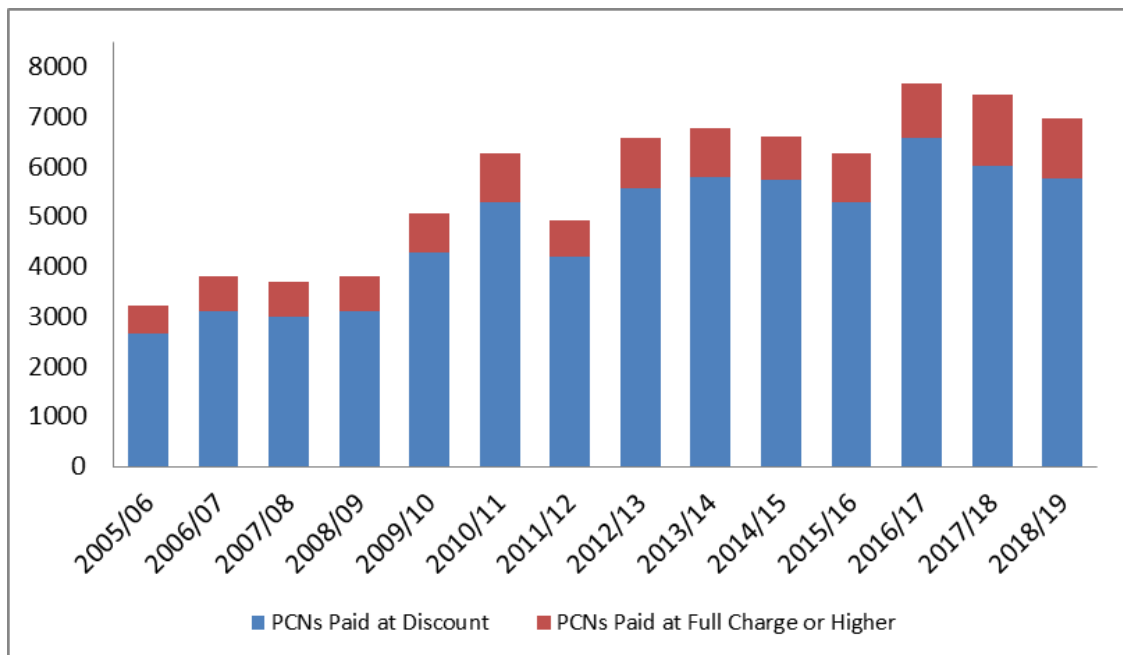
Year	PCNs Issued		Year	PCNs Issued
2005/06	5,885		2015/16	8,464
2006/07	6,348		2016/17	10,981
2007/08	5,551		2017/18	10,823
2008/09	5,988		2018/19	10,929
2009/10	7,600			
2010/11	7,130			
2011/12	7,287			
2012/13	8,731			
2013/14	9,022			
2014/15	9,114			



The number of higher level and lower level PCNs issued by Stevenage Borough Council this year is given below.

Year	Higher Level PCNs (£70)	Lower Level PCNs (£50)
2016/17	6,479	4,502
2017/18	6,183	4,640
2018/19	6,793	4,136

When a PCN is issued, the recipient can either pay or make an informal representation asking us to cancel, citing relevant information and evidence for us to take into consideration. If the PCN is paid promptly, within 14 days from the date of issue, a 50% discount applies. Representations received within the initial 14 day period can result in a PCN being cancelled, but if a decision is made not to cancel the PCN we allow a further 14 days from the decision date for payment at the 50% reduced rate. If the decision is made not to cancel the PCN, following a formal representation, the Owner can take matters further if they wish and make an appeal through an independent adjudication service, known as the Traffic Penalty Tribunal (TPT).



<b>Year</b>	<b>PCNs Paid at discount</b>	<b>PCNs paid at full price</b>
2005/06	2,659	563
2006/07	3,093	707
2007/08	2,999	691
2008/09	3,104	704
2009/10	4,269	794
2010/11	5,283	995
2011/12	4,207	704
2012/13	5,554	1,006
2013/14	5,784	994
2014/15	5,734	869
2015/16	5,345	1,062
2016/17	6,580	1,097
2017/18	6,001	1,453
2018/19	5,758	1,210

The figures indicate that the great majority of motorists who receive a PCN accept their liability for the penalty charge and make prompt payment.

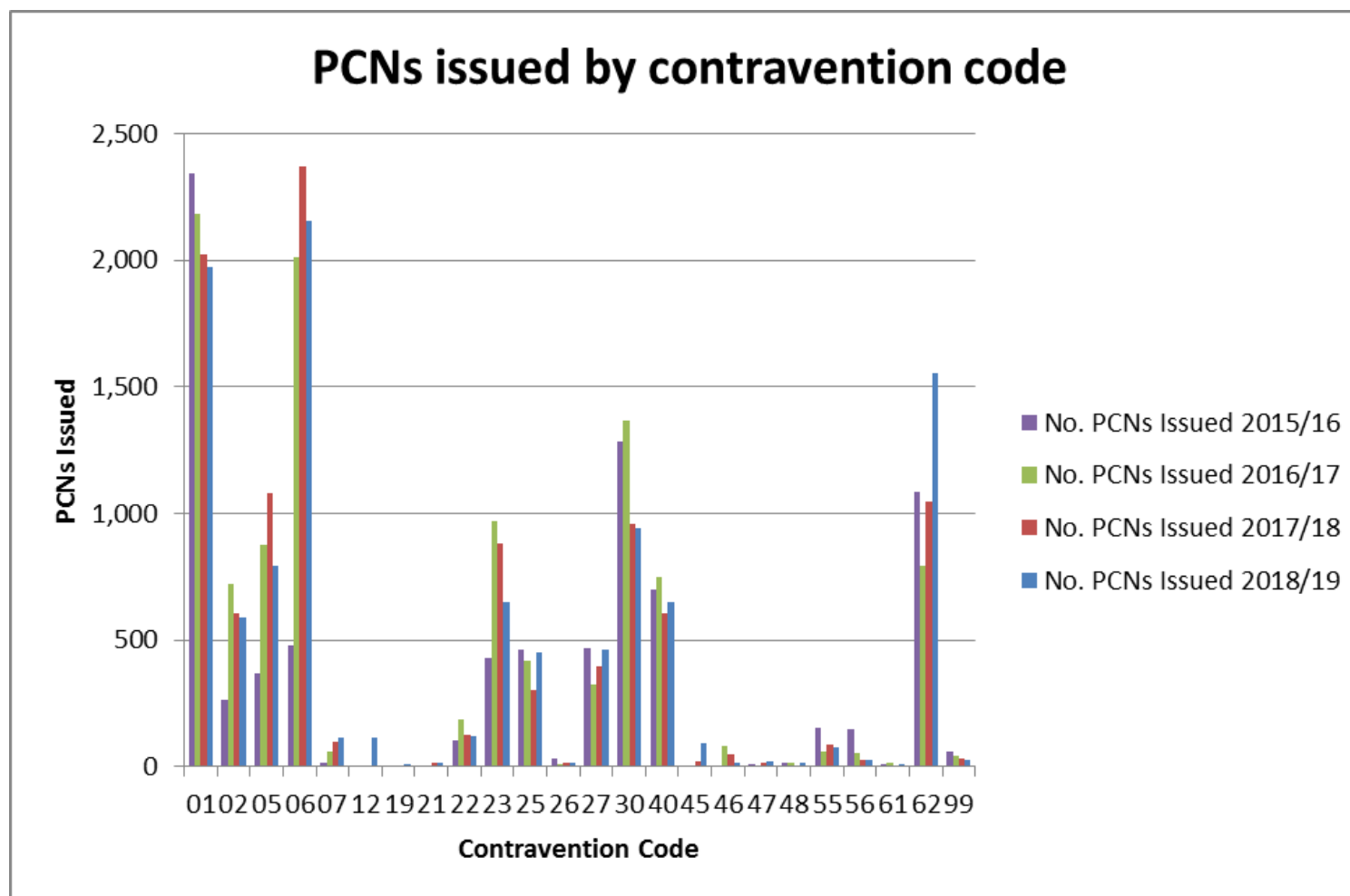
The number of PCNs issued for each type of contravention enforced by our CEOs is detailed in the following table:

<b>Code</b>	<b>Contravention</b>	<b>Level</b>	<b>No. PCNs Issued 2018/19</b>	<b>No. PCNs Issued 2017/18</b>	<b>No. PCNs Issued 2016/17</b>	<b>No. PCNs Issued 2015/16</b>
01	Parked in a restricted street during prescribed hours (yellow lines)	Higher (£70)	1,976	2,021	2,185	2,342
02	Parked or loading/unloading where waiting and loading/unloading restrictions are in force	Higher (£70)	587	604	721	264
05	Parked after the expiry of paid for time	Lower (£50)	793	1,081	874	368
06	Parked without clearly displaying a valid pay & display ticket or voucher	Lower (£50)	2,154	2,373	2,013	481
07	Parked with payment made to extend the stay beyond initial time (feeding the meter)	Lower (£50)	115	99	60	14
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	Higher (£70)	117	-	-	-
19	Parked in a residents' or shared use parking place or zone either displaying an invalid permit or voucher or pay & display ticket, or after the expiry of paid for time	Lower (£50)	9	-	-	-
21	Parked wholly or partly in a suspended bay or space	Higher (£70)	14	18	0	0
22	Re-parked in the same parking place or zone within the prescribed no return time	Lower (£50)	121	128	186	106
23	Parked in a bay or area not designed for that class of vehicle (goods vehicle loading only)	Higher (£70)	651	883	972	428
25	Parked in a loading place during restricted hours without loading	Higher (£70)	453	300	416	463



<b>Code</b>	<b>Contravention</b>	<b>Level</b>	<b>No. PCNs Issued 2018/19</b>	<b>No. PCNs Issued 2017/18</b>	<b>No. PCNs Issued 2016/17</b>	<b>No. PCNs Issued 2015/16</b>
26	Parked more than 50cm from the edge of the carriageway	Higher (£70)	17	18	9	34
27	Parked adjacent to a dropped footway (or verge)	Higher (£70)	464	396	324	470
30	Parked for longer than permitted (in a limited waiting bay)	Lower (£50)	943	959	1,369	1,283
40	Parked in a disabled bay without clearly displaying a valid blue badge	Higher (£70)	652	608	747	698
45	Parked on a taxi rank	Higher (£70)	92	20	5	7
46	Stopped where prohibited (red route or clearway)	Higher (£70)	15	47	82	0
47	Parked on a restricted bus stop	Higher (£70)	22	16	4	10
48	Stopped in restricted area outside a school (school keep clear markings)	Higher (£70)	16	3	14	16
55	A commercial vehicle parked in a restricted street in contravention of an overnight waiting ban	Higher (£70)	74	87	61	151
56	Parked in contravention of a commercial vehicle waiting restriction	Higher (£70)	29	27	55	146
61	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	Higher (£70)	10	7	14	9
62	Parked with one or more wheels on any part of an urban road other than a carriageway. (footway parking)	Higher (£70)	1,555	1,046	794	1,086

Code	Contravention	Level	No. PCNs Issued 2018/19	No. PCNs Issued 2017/18	No. PCNs Issued 2016/17	No. PCNs Issued 2015/16
99	Parked on pedestrian crossing zig zags	Higher (£70)	28	34	42	57



## 6. Challenges, Representations & Appeals

As of 1 April 2019, 37% of PCNs issued during 2018/19 remained unpaid. This may be as they had only recently been issued; as the case is being considered following a challenge by the motorist; or the case may be progressing through the statutory process that ends with debt collection via County Court order.

Any motorist who receives a PCN is entitled to challenge its issue. The Traffic Management Act 2004 sets out a number of statutory grounds on which a PCN may be challenged 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, a large number of motorists contact the Council each year offering mitigating circumstances which they hope will lead to cancellation of the penalty charge on discretionary grounds. Stevenage Borough Council in its partnership with East Hertfordshire District Council has adopted a set of Enforcement Guidelines to guide its staff in enforcement decisions in a wide range of circumstances.

2,557 of the PCNs issued in 2018/19 were challenged (23%).

No set of guidelines can ever cover the range of situations in which motorists find themselves; however the Enforcement Guidelines are invaluable in terms of setting a framework and establishing the tone of the Council's enforcement practices.

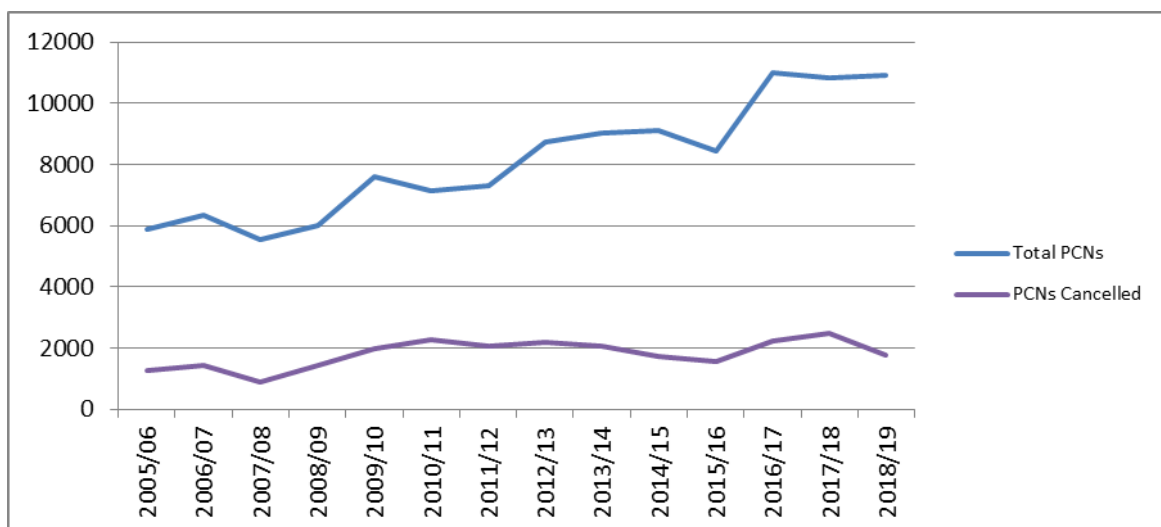
The main reasons ascribed to the Council's cancellation of PCNs during 2018/19 are listed below.

<b>Reason for cancellation</b>	<b>2018/19</b>	<b>2017/18</b>	<b>2016/17</b>	<b>2015/16</b>
Valid pay and display ticket or permit produced or cashless parking session	411	394	214	34
Explanation accepted	291	277	195	128
Blue badge holder	223	249	373	377
Cancelled for discretionary reasons	198	388	321	207
No trace from DVLA	227	273	249	157
Write off before registering debt – addressee moved	552	154	292	272
CEO error	47	62	50	44
DVLA no trace – foreign vehicle	51	70	55	56
Cancelled with a warning	177	149	132	63
PCN spoilt before issue	59	97	83	79
Proof of loading/unloading provided	32	34	41	64

Vehicle driven away before PCN can be served	190	63	60	18
Other various cancellation reasons such as police vehicle, driver deceased, vehicle breakdown etc.	100	250	142	226

The number of PCNs challenged/cancelled in previous years is as follows (challenge data unavailable before 2015):

Year	PCNs Challenged	PCNs Cancelled
2005/06	-	1,264
2006/07	-	1,407
2007/08	-	866
2008/09	-	1,416
2009/10	-	1,979
2010/11	-	2,253
2011/12	-	2,076
2012/13	-	2,204
2013/14	-	2,070
2014/15	-	1,716
2015/16	2,013	1,725
2016/17	2,645	2,207
2017/18	3,009	2,460
2018/19	2,557	1,779



A small percentage of PCNs issued each year will eventually be written off, usually because the motorist/owner cannot be traced. This is typically because of an inadequate record at the DVLA or because the motorist/owner is no longer at the address they have registered with the DVLA.

It is important to emphasise that cancellation of a PCN does not mean that it should not have been issued in the first place. There are many occasions where a CEO is quite 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 evidence from the motorist as to the circumstances that led them to park as they did on the day in question.

For example, a medical emergency may have overtaken the motorist or their passenger. A CEO could not possibly know of this at the point of issue, but properly evidenced to the Council such a situation would normally lead to the cancellation of the penalty charge on discretionary grounds.

There are also a number of circumstances where a motorist's activities exempt them from the restrictions detailed in the Traffic Regulation Order. The main exemption concerns loading or unloading. A CEO cannot always know that such an activity is taking place and in these circumstances it may be necessary for the recipient of a PCN to challenge its issue, again supplying such evidence as may be available in support of their case.

The general rule concerning Civil Parking Enforcement is that where a council alleges a contravention it is for the council to establish, on 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.

Should the council reject a statutory representation, the vehicle's owner is entitled to appeal that decision to the independent Parking Adjudicator.

The Traffic Penalty Tribunal issues an Annual Statistics Report in which the performance of all local authorities in England and Wales is outlined. The following table compares Stevenage Borough Council's performance at appeal to the national average. The appeal figures for other Hertfordshire councils carrying out Civil Parking Enforcement are also included for comparison. As the Traffic Penalty Tribunal has not yet released annual statistics for 2018/19 or 2017/18 the figures given are for 2016/17, the most recent year for which data is available.

During 2016/17, 11 PCNs in Stevenage were the subject of an appeal to the Parking Adjudicator, an appeal rate of 0.1%. (It will be appreciated that due to the inevitable time lag between the issuing of a PCN and the right to appeal, a number of these appeals will relate to PCNs issued in the previous year).

It can be seen that nationally a majority of appeals are allowed, but in Stevenage a lower rate of appeals are allowed than is typical nationally, as well as a below average rate of appeal. This reflects the high standards of professionalism maintained by the enforcement operation.

Appeals 2016/17	No. of appeals	Rate of appeal per PCN issued	Not contested by council	Allowed by Adjudicator (in favour of appellant). Inc. not contested	Refused by Adjudicator (in favour of Council). Inc. withdrawn	Rate of appeals allowed
<b>England</b>	<b>11,256</b>	<b>0.25%</b>	<b>2,915</b>	<b>6,303</b>	<b>4,867</b>	<b>56.0%</b>
Broxbourne	23	0.2%	1	6	17	26.1%
Dacorum	19	0.2%	6	8	11	42.1%
East Herts	20	0.1%	1	8	12	40.0%
Hertsmere	30	0.3%	7	17	13	56.7%
North Herts	29	0.2%	7	16	13	55.2%
St Albans	58	0.3%	11	30	27	51.7%
<b>Stevenage</b>	<b>11</b>	<b>0.1%</b>	<b>1</b>	<b>5</b>	<b>6</b>	<b>45.5%</b>
Three Rivers	6	0.1%	2	2	4	33.3%
Watford	47	0.2%	5	12	35	25.5%
Welwyn Hatfield	10	0.1%	0	3	7	30.0%
<b>Combined Hertfordshire Authorities</b>	<b>253</b>	<b>0.18%</b>	<b>41</b>	<b>107</b>	<b>145</b>	<b>42.3%</b>

N.B. Figures relate to appeal activity for 2016/17 not to the year of issue of the PCN.

### Debt Registration and Bailiffs

If a motorist does not pay the penalty charge or is unsuccessful in challenging the notice (and assuming an accurate address is held by the DVLA) the notice may be registered as a debt in the County Court. Only at this stage does a penalty charge become a civil debt.

Although it is not required to do so, East Hertfordshire District Council sends a further letter to the vehicle owner before registering the penalty charge at the County Court. This affords motorists a final chance to make payment of the penalty charge before it is registered as a debt.

In 2018/19, 470 PCNs were registered as a debt in the Traffic Enforcement Centre. This represents 4.3% of the total number of PCNs issued during the year, although the date of issue of many of these PCNs will have been prior to the period in question as by definition, debt registration can only 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 bailiffs.

## 7. Parking Improvement Schemes

The traffic management objectives of CPE as identified by Government and set out on page 3 & 4 of this report remain at the core of this authority's enforcement.

As national, regional and county-wide transport strategies develop, local authorities will need to develop their parking services in response. As Stevenage continues to grow, we will also need to further develop parking strategies tailored to the differing circumstances we face.

We are continuing to progress the rolling program of restrictions that began in 2007 with verge and footway parking prohibition and restrictions on waiting to ensure the safe and expeditious flow of vehicles throughout Stevenage. Work to introduce verge and footway parking prohibitions and waiting restrictions in the Broadwater wards has continued and is expected to be completed in 2019/20.

The council is also investigating and pursuing restrictions in other parts of the town. This includes measures to address parking pressures experienced by residents due to commuter parking, to deter hazardous or obstructive parking in individual problem locations around the town, and to support the town's economy.

Projects completed in 2018/19 include:

- Implementing the Council's first Permit Parking Area in Burymead;
- Increasing the capacity of parking bays near the Hospital by 16%;
- Installing double yellow lines to facilitate access to businesses on Rutherford Close, on an experimental basis;

Considerable resources were also invested in:

- The renewal of the Parking Enforcement Contract, and managing the subsequent change in Contractor;
- Progressing the proposals for parking restrictions in the Broadwater wards;
- Consulting on restrictions to prevent obstructive parking at junctions in Wisden Road and Vardon Road;
- Drafting restrictions to address obstructive parking at junctions in the Chells and Manor wards.

Stevenage Borough Council has for many years opted to invest capital into the construction of additional parking spaces in residential streets to ease parking pressures for residents. By removing parked vehicles from the roads in these areas it has helped to keep the streets passable for traffic and properties accessible to refuse collection and emergency services vehicles improving both convenience and safety. The Council also invests significant sums in the ongoing maintenance of these facilities once built.

In 2018/19, approximately £25,000 was spent on works to provide 12 additional parking spaces on Coreys Mill Lane. A further £110,000 was spent on repairing or renovating existing parking areas in order to enable their continued use to park rather than falling into disrepair and £140,000 on preparing for new bus facilities in the town.

Funding was allocated to additional parking construction in Boxberry Close, Brook Drive and Langthorne Avenue, with staff time being invested in design works and obtaining the necessary permissions. However the works could not be carried out within the 2018-19 financial year and will now be completed in 2019-20.



## 8. Financial Information

The Road Traffic Act 1991, which brought in Decriminalised Parking Enforcement until it was superseded by the Traffic Management Act in April 2008, 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 that was generated was 'ring fenced' to fund improvements in related areas such as passenger transport or parking related schemes.

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 within existing funding. Government made it 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.

Year	Contract Costs	PCN Revenue
2006/07	£123,545	£74,000
2007/08	£203,264	£157,343
2008/09	£247,933	£188,476
2009/10	£229,858	£187,390
2010/11	£333,868	£239,362
2011/12	£299,112	£182,442
2012/13	£277,559	£229,961
2013/14	£336,955	£262,824
2014/15	£334,351	£272,511
2015/16	£359,565	£261,915
2016/17	£381,463	£311,262
2017/18	£449,036	£311,790
2018/19	£440,092	£298,535

It is a commonly held belief that parking enforcement is treated by local authorities as a revenue raising exercise; however it will be seen that (in common with many local authorities) Stevenage Borough Council does not break even on its enforcement activities alone.

The growing disparity between contract costs and PCN revenue reflects inflationary and other upward cost pressures experienced while penalty charges set by the government remain unchanged.

The shortfall is effectively made up from fees from on street pay and display charges. This is considered appropriate, as one of the reasons why a motorist

will have been able to drive into Stevenage with the minimum of inconvenience and find a space in compliance with parking controls, achieved through effective enforcement.

The further, statutory requirements placed on Stevenage Borough Council in respect of its financial reporting of its enforcement activity are addressed in the Council's Budget Book and summarised below.

## **Income and (Expenditure) on Parking Account**

### **On-street parking income by source**

Penalty Charge Notices	£298,535
Pay and display parking charges	£404,152
Parking permit fees	£5,634
Government Grant	£0
Contribution from Other Authorities	£0
Miscellaneous Income	£18,532
<b>Total Income</b>	<b>£726,854</b>

### **On-street parking enforcement expenditure by destination**

Contract costs	(£418,244)
Internal costs (staffing, accommodation etc.)	(£70,708)
Maintenance of parking signs and road markings	(£30,692)
Sundry other costs	(£15,452)
Changes to parking restrictions and related infrastructure	(£27,750)
<b>Total Expenditure</b>	<b>(£562,847)</b>

**Net position** **£164,007**

### **Attributable spending on parking improvement schemes not forming part of the parking account**

Parking bay construction and improvement and associated works	(£251,003)
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**Net position** **(£86,997)**