

Stevenage Borough Council

On Street Parking Services

**Report on Parking
Enforcement**

2014/15

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1. Introduction

In accordance with the Traffic Management Act 2004, local authorities that carry out Civil Parking Enforcement are expected to produce an annual report on their enforcement activities each year.

Key information and financial facts that are required to be published in line with the Local Government Transparency Code are also published separately and can be found online at www.stevenage.gov.uk/about-the-council/access-to-information/70040/ The use of benchmarking in this report remains limited as local authorities tend to interpret and record enforcement activities differently.

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.

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

Stevenage Borough Council is solely responsible as the parking authority for the management and enforcement of its own off-street car parks.

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

3. The Purpose of Civil Parking Enforcement

Decriminalised Parking Enforcement (DPE) is now termed Civil Parking Enforcement or CPE and has spread across the United Kingdom in the last 20 years. The Secretary of State for Transport took reserve powers within the Traffic Management Act 2004 to compel local authorities to adopt CPE.

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. Likewise, finding space in a clean, well lit car park is usually taken for granted.

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. Policy and Priorities

The Stevenage Borough Council Corporate Plan 2013-2018 sets out the vision of the council:

“Stevenage: a prosperous town with a vibrant communities and improved life chances”

In order to achieve this, a number of priorities have been agreed which link to the parking service as follows:

Priority: “Improve the economy and encourage financial resilience”

The economic and environmental consequences of traffic congestion are significant and the parking service aims to ensure that congestion caused by obstructively parked vehicles is minimised. Where businesses, such as those in the High Street, depend on a high turnover of customers, limited waiting restrictions have been introduced to support the local economy.

Priority: “Help people feel safe”

Parking controls have a key role to play in restricting dangerous parking particularly where visibility would otherwise be compromised in locations such as junctions and bends. We have also introduced footway parking prohibitions in many parts of the town in order to keep footways clear and safe for pedestrians.

Priority: Deliver value for money

Stevenage Borough Council works in partnership with East Herts District Council to achieve economies of scale and provide to savings to the authority. The joint working arrangements have created increased resilience in service delivery in that, if necessary, Civil Enforcement Officers can work across district boundaries.

Priority: “Regenerate the town centre and neighbourhoods and provide affordable homes and housing growth”

Planning policy and transportation policy go hand in hand, and when planning applications are considered the parking and transport aspects of the proposal can be an important element of the council’s considerations. A large number of high density developments have sprung up in recent years, some without private parking provision by design. The parking enforcement service helps ensure that the use of cars associated with all such developments is managed, to the benefit of all. Financial contributions towards transport improvements secured from applicants as part of the planning process are of increasing importance to both the County Council and Stevenage Borough Council.

5. 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 NSL to provide a team of Civil Enforcement Officers (CEOs) under the terms of a model contract developed by the British Parking Association (BPA). 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.

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 Penalty Charge Notices 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.

6. Enforcement Activity – On street

The number of Penalty Charge Notices (PCNs) issued since Stevenage Borough Council adopted CPE is detailed below:

Year	Total PCNs
2005/06	5885
2006/07	6348
2007/08	5551
2008/09	5988
2009/10	7600
2010/11	7130
2011/12	7287
2012/13	8731
2013/14	9022
2014/15	9114

Figures for 2011/12 onwards include Warning Notices (364 for 11/12, 372 for 12/13, 265 for 13/14, and 132 for 14/15). Warning Notices are issued at zero value to warn motorists of new restrictions that have been introduced.

The primary purpose of CPE is to ensure compliance with parking controls and improve road safety. All of Stevenage Borough Council's off-street car parks are provided with pay-on-exit barrier systems so they do not require enforcement by CEOs.

With effect from 2008/09, Government introduced differentiated penalty charges, whereby some parking contraventions attract a higher level penalty charge according to their perceived seriousness. These are typically on-street contraventions. Details of parking contraventions enforced in Stevenage and their associated penalty charge are detailed in Appendix B.

The number of higher level and lower level PCNs issued by Stevenage Borough Council since differential charges were introduced is given below.

Year	Higher Level PCNs (£70)	Lower Level PCNs (£50)
2008/09	4504	1484
2009/10	5096	1742
2010/11	5628	2084
2011/12	4557	1943
2012/13	5544	2629
2013/14	6114	2643
2014/15	6337	2645

Stevenage Borough Council will continue to develop and tailor the parking enforcement service in ways that meet statutory requirements, as well as supporting other local objectives, whilst recognising that flexibility is needed to respond to an environment that can change on a daily basis.

7. Enforcement Activity – Representations, Appeals and Beyond

A 50% discount applies to a penalty charge paid within 14 days of the date of issue (with the date of issue counting as day 1). The number of PCNs paid at the discounted rate in previous years is as follows:

(Percentages in the following tables have been rounded to the nearest whole percentage point and may not add up to 100%)

Year of Issue	PCNs Paid at Discount
2005/06	2659
2006/07	3093
2007/08	2999
2008/09	3104
2009/10	4269
2010/11	5283
2011/12	4207
2012/13	5554
2013/14	5784
2014/15	5734

The above payments will either have been made immediately upon receipt of the PCN or following an informal challenge which the Council has declined. This illustrates the fact that the majority of motorists who receive a PCN accept their liability for the penalty charge and make prompt payment.

Following the 14 day period the penalty charge reverts to its full value and the penalty charge increases in set steps thereafter. The number of PCNs issued in previous years that were paid at the full rate or higher is as follows:

Year	PCNs Paid at Full Charge or Higher
2005/06	563
2006/07	707
2007/08	691
2008/09	704
2009/10	794
2010/11	995
2011/12	704
2012/13	1006
2013/14	994
2014/15	869

As of the end of October 2015, 2.3% of PCNs issued during 2014/15 remained unpaid.

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 (see appendix C).

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.

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 2013/14 are detailed in appendix D.

The number and percentage of PCNs cancelled in previous years is as follows:

Year	PCNs Cancelled
2005/06	1264
2006/07	1407
2007/08	866
2008/09	1416
2009/10	1979
2010/11	2253
2011/12	2076
2012/13	2204
2013/14	2070
2014/15	1716

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.

Stevenage Borough Council endeavours to benchmark its performance on a regular basis with nearby local authorities whose demographics broadly match its own.

The tables below show performance in 2014/2015 compared to a number of nearby local authorities. (Here and below results East Hertfordshire District Council and Welwyn Hatfield Borough Council are included, although it will be appreciated that East Hertfordshire District Council enforces on an agency basis for both Welwyn Hatfield and Stevenage Borough Councils).

2014/15

Local Authority	PCNs Issued	Paid PCNs	Cancelled PCNs
Dacorum	14,661	69%	21%
East Herts	24,616	69%	22%
Stevenage	8,983	73%	19%
Three Rivers	3,949	77%	14%
Watford	23,217	67%	12%
Welwyn Hatfield	9023	74%	15%

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 benchmarked. The following table compares Stevenage Borough Council's performance at appeal to the national average. The appeal figures for the benchmarked councils on the previous page are also included. As the Traffic Penalty Tribunal has not yet released annual statistics for 2014/15 the figures given are for 2013/14, the most recent year for which data is available.

During 2013/14 39 PCNs in Stevenage were the subject of an appeal to the Parking Adjudicator – an appeal rate of 0.4%. (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).

Appeals 2013/14	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	Awaiting decision/Witness statement/Other outcome
National Picture	16,497	0.35%	30%	56%	43%	1%
Dacorum	23	0.15%	19%	29%	71%	0%
East Herts	47	0.18%	5%	26%	72%	1%
Stevenage	39	0.44%	5%	39%	58%	3%
Three Rivers	9	0.24%	0%	4%	56%	0%
Watford	99	0.37%	29%	47%	52%	1%
Welwyn Hatfield	23	0.26%	19%	57%	38%	5%

N.B. Figures relate to appeal activity for 2013/14 not to the year of issue of the PCN.

A local authority's performance at appeal can be regarded as a proxy indicator of its performance at earlier stages in the enforcement process. As can be seen, performance in this area in 2013/14 was better than the national average in every respect. The low "not contested" rate is particularly noteworthy. The Traffic Penalty Tribunal recognises that local authorities may justifiably not contest appeals on occasion, primarily when additional 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 as reasonable: a higher rate might be indicative of poor decision making earlier in the enforcement process.

As well as being an essential judicial "safety valve" for the CPE process, individual appeal decisions and of course the Adjudicators' Annual Report contain findings, information and advice which can be of great assistance to local authorities in their operation of their on-street and back office enforcement regime. We will continue to use these important sources of external comment and information to develop its enforcement practices.

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 2014/15 199 PCNs were registered as a debt in the county court. This represents 2.2% 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.

8. Financial Aspects of Civil Parking Enforcement

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 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 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

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 shortfall is effectively made up from the Council's General Fund, which includes surpluses received from fees for parking in council owned car parks as well as income from on street pay and display charges. This is perhaps appropriate, as one of the reasons why a motorist will have been able to drive to a Stevenage car park with the minimum of inconvenience and find a space is compliance 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 **Appendix E** to this report.

Future developments

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 will continue 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.

It is intended to introduce on-street pay and display in Coreys Mill Lane and new restrictions in this street and the surrounding area to combat parking pressures associated with the growth of the Lister Hospital.

Beyond this we intend to complete the roll out of verge and footway parking prohibitions and waiting restrictions in the Broadwater wards.

Appendix A

On-street contraventions 2014/2015

1. On-street

Contravention	No. of PCNs Issued 2014/2015
Parked in a restricted street during prescribed hours (yellow lines)	2102
Parked or loading/unloading where waiting and loading/unloading restrictions are in force	275
Parked in a residents' area without displaying a valid residents' permit	Not applicable
Re-parked in the same parking place or zone within the prescribed no return time	133
Parked in a loading bay without loading	312
Parked in a bay or area not designed for that class of vehicle (goods vehicle loading only)	396
Parked more than 50cm from the edge of the carriageway	45
Parked adjacent to a dropped verge or footway	538
Parked for longer than permitted in a limited waiting bay	1332
Parked in a disabled bay without clearly displaying a valid blue badge	695
Parked in a taxi rank	2
Parked on a restricted bus stop	13
Parked on a school keep clear markings	41
Parked on pedestrian crossing zig zags	10

Appendix B

On-street parking contraventions enforced in Stevenage in 2014/15.

Description	Penalty Charge Level
Parked in a restricted street during prescribed hours	Higher (£70)
Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	Higher (£70)
Parked in a residents' or shared use parking place or zone without clearly displaying either a permit or voucher or pay and display ticket issued for that place	Higher (£70)
Parked in a residents' or shared use parking place or zone displaying an invalid permit, an invalid voucher or an invalid pay & display ticket	Lower (£50)
Parked in a suspended bay or space or part of bay or space	Higher (£70)
Re-parked in the same parking place or zone within one hour* of leaving	Lower (£50)
Parked in a parking place or area not designated for that class of vehicle	Higher (£70)
Parked in a loading place during restricted hours without loading	Higher (£70)
Parked in a special enforcement area more than 50cm from the edge of the carriageway and not within a designated parking place	Higher (£70)
Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway	Higher (£70)
Parked for longer than permitted	Lower (£50)
Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher (£70)
Parked on a taxi rank	Higher (£70)
Stopped on a restricted bus stop or stand	Higher (£70)
Stopped in a restricted area outside a school when prohibited	Higher (£70)
Stopped on a pedestrian crossing or crossing area marked by zigzags	Higher (£70)

* Or other specified time

Appendix C

Statutory Grounds for Challenging a Penalty Charge Notice at Notice to Owner and Appeal Stages

1. The contravention did not occur

For example:

- The signs and lines were wrong
- The PCN was not served
- The events alleged did not happen
- The vehicle was entitled to park
- loading/unloading was taking place
- A passenger was boarding/alighting
- A valid disabled person's badge was displayed
- A valid pay-and-display ticket or permit was displayed.

2. The penalty charge exceeded the amount applicable in the circumstances of the case.

This means that the council has asked for more than it was entitled to under the relevant Regulations.

3. The relevant Traffic Regulation Order (TRO) is invalid.

This means that the TRO was invalid or illegal.

4. There has been a procedural impropriety by the council.

This means that the council has not complied with the Regulations made under the Traffic Management Act 2004 (TMA) or the relevant regulations.

For example:

- The PCN or some other document did not contain the required information
- The council did not respond to a challenge or responded too late.

5. The recipient of the Notice to Owner/appellant is not liable to pay a penalty because they did not own the vehicle when the alleged contravention occurred.

For example:

- They never owned it

- They sold it before or bought it after the date of the contravention. The appellant should provide information about the transaction including the new or former owner's name and address, if known.
- Some long-term leasing arrangements have the effect of transferring keepership from the registered keeper to the hirer.

6. The owner is a vehicle hire firm and:

(i) the vehicle was on hire under a qualifying hiring agreement;

and

(ii) the hirer had signed a statement of liability for any PCN issued during the hire period.

This ground applies only to formal hire agreements where the hirer has signed an agreement accepting liability for penalty charges. The requirements are specific. They are contained in Schedule 2 to the Road Traffic (Owner Liability) Regulations 2000. The appellant should provide the hirer's name and address and a copy of the agreement.

7. The vehicle was taken without the owner's consent.

This ground covers stolen vehicles and vehicles used without the owner's consent.

It could apply, for example, to a vehicle taken by "joy-riders". It does not generally apply to vehicles in the possession of a garage or borrowed by a relative or friend.

If possible, the motorist should supply a **Crime Reference Number** from the police.

8. The penalty has already been paid:

(i) in full; or

(ii) at the discount rate and in time.

Appendix D

PCN Cancellation/Write-off reasons

Reason for cancellation	2014/15
Valid pay and display ticket or permit produced	40
Explanation accepted	146
Blue badge holder	383
Cancelled for discretionary reasons	260
No trace from DVLA	120
Write off before registering debt – addressee moved	276
CEO error	94
DVLA no trace – foreign vehicle	46
Cancelled with a warning	56
PCN spoilt before issue	79
Proof of loading/unloading provided	64
Vehicle driven away before PCN can be served	6
Other various cancellation reasons such as police vehicle, driver deceased, vehicle breakdown etc	252

Appendix E

Financial Reporting

Stevenage Borough Council Financial Information – 2014/15

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

Total Income	£308,740 ¹
Total Expenditure	£383,520 ²
Net Position	-£74,780³

Breakdown of income by source

Penalty Charge Notices	£272,511
Pay and display parking charges	£36,229
Government Grant	£0
Contribution from Other Authorities	£0
Miscellaneous Income	£0
Total Income	£308,740

¹ All income from on-street enforcement and pay and display parking charges

² All expenditure on parking enforcement.

³ Deficit – expenditure in excess of income.