



CITY & COUNTY OF SWANSEA

PARKING SERVICE

ANNUAL REPORT FOR 2014 - 15

1 Introduction

- 1.1 On the 1st September 2008 The Welsh Assembly Government designated The City and County of Swansea a Civil Enforcement Area for Parking Contraventions and also a Special Enforcement Area. This removed the responsibility for the enforcement of 'on-street' parking contraventions from South Wales Police and placed the onus of responsibility on the Council.
- 1.2 This document reports on the performance of the service from the 1st April 2014 to the 31st March 2015 i.e. the 2014 / 15 financial year. The report identifies performance for enforcement operations both in car parks and on-street.
- 1.3 Working under the powers derived from Part 6 of the Traffic Management Act 2004 the following changes to parking operations in the City and County of Swansea have taken place:

The enforcement of parking regulations are carried out by Civil Enforcement Officers (CEOs) who serve the notice on either the vehicle or the person the officers believes to be the driver at the time of the contravention. However when the conduct of the driver towards the Civil Enforcement officers prevents the officer from serving it in this manner, or he/she drives off prior to the officer having an opportunity to serve the notice, the notice will be served by post.

Penalty Charges vary dependant on the contravention; higher level contraventions incur a penalty of £70 or £35 if paid within 14 days, whilst lower level contraventions incur a penalty of £50 or £25 if paid within 14 days. A full break down of the contraventions by category is detailed below within the report for off-street (car parks) and for on-street enforcement.

Formal representations must be responded to within 56 days however the Council's target is to respond within 14 days.

Whilst the Council has a robust and transparent policy on the cancellation of penalty charge notices following the submission of challenges or representations, the Traffic Penalty Tribunal is the final arbitrator on all appeals and the Council fully cooperates with the Tribunal.

The responsibility for the payment of penalty charge notices rest with the owner of the vehicle. Unpaid notices are referred to the Traffic Enforcement Centre at Northampton County Court who issue debt recovery orders. These orders are passed to an Enforcement Agency who are empowered to recover the debt on behalf of the Council.

- 1.4 Apart from the legislative requirements of the Traffic Management Act 2004 the Service must also ensure full compliance with the following Statutory Instruments / Regulations introduced by the Welsh Government, which are available to view at <http://www.legislation.gov.uk>

The Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013.

The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (Wales) Regulations 2013.

The Civil Enforcement of Road Traffic Contraventions (Approved Devices) (Wales) Order 2013

The Civil Enforcement of Parking Contravention (Guidelines on Levels of Charges)(Wales) Order 2013

The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) Removed Vehicles (Wales) Regulations 2013

The Civil Enforcement Officers (wearing of Uniforms)(Wales) Regulations 2008

The Removal and Disposal of Vehicles (Amendment)(Wales) Regulations 2008

- 1.5 The Service must also ensure that our Enforcement Agents, who are appointed to recover unpaid penalty charge notices, comply with the requirements of:

The Taking Control of Goods Regulations 2013; and

The Taking Control of Goods (Fees) Regulations 2014

These regulations can also be viewed at <http://www.legislation.gov.uk>

- 1.6 Before any enforcement can take place a Traffic Regulation Order must be introduced which will clearly state the extent of the restriction that is in place. The Orders can be viewed at the following link on the Traffic Penalty Tribunal's website: <http://tro.parking-adjudication.gov.uk/>
- 1.7 The statutory guidance to local authorities on the civil enforcement of parking contraventions issued by the Welsh Government requires each local authority to produce an annual report. This report forms an important part of accountability and the transparency given by regular and consistent reporting will help both elected Members and the public understand the processes adopted to manage parking throughout the City and County areas of Swansea.
- 1.8 The following pages of this report contain information with regard to on-street and off-street activities during the reporting period and covers penalty charge notices issued, correspondence dealt with including appeals and complaints, staffing levels and expenditure and income details.

2 Off-Street Parking

- 2.1 The City and County of Swansea has a total of 53 car parks listed in the 'The Council of the City and County of Swansea (Off-Street, Parking Places) (Pay and Display) Consolidated Order 2008'. Although, Two car park - Clarence Terrace and the Bush have since closed and a car park known as St Mary's has been introduced.
- 2.2 Three City Centre multi storey car parks are pay on exit whilst all other car parks are pay and display. In addition there are three park and ride car parks located on the peripheries of the City. During the year the Park and Ride sites were updated from pay and display to pay on foot.
- 2.3 In addition to an enforcement role, the Parking Services Section is responsible for the supervision of car parks. Officers provide a permanent presence in the Quadrant, St. David's and High Street multi storey car parks and at the three park and ride sites.
- 2.4 There are 86 payment stations located throughout the City and County area and these are maintained by staff who are also responsible for the collection and reconciliation of the cash from these machines. During the 2014 / 15 financial year this totalled £3,581,006, including Season Tickets and Staff Parking.
- 2.5 Car parks charges vary with car parks designated as 'long stay', 'short stay', 'foreshore,' and 'suburban'. In addition thirteen car parks are currently identified as free. Two car parks are designated for season ticket holders only and one solely for the use of blue badge holders.

2.6 During the reporting period a total of 9,388 penalty charge notices were issued in respect of contraventions detected in our car parks. Chart 1 shows the monthly issue statistics for tickets split between higher rate (£70) contraventions and lower rate (£50) contraventions and Table 1 below identifies the various contraventions. As can be seen the greatest number of contraventions relate to not clearly displaying a parking ticket – which mostly will mean that payment was not made.

Chart 1

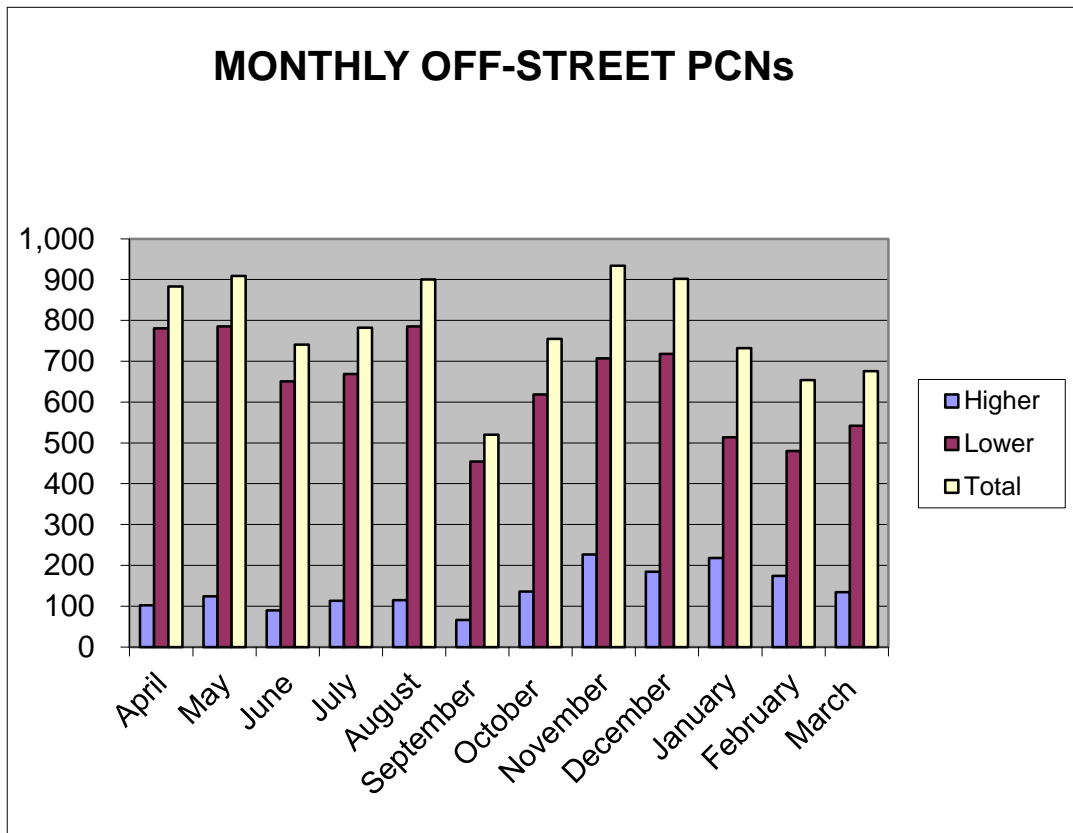


Table 1

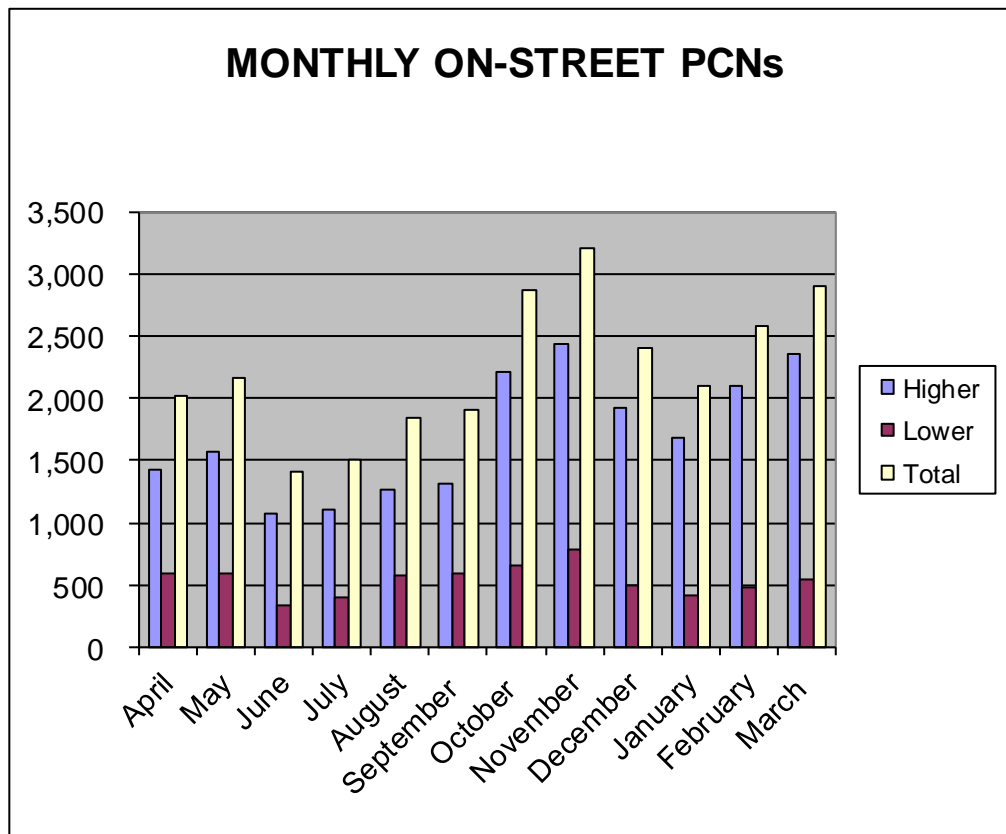
Contravention Code	Contravention	Number of PCNs issued
Higher Rate		
70	Parked in a loading area	3

74	Parked for sales of goods	1
81	Parked in a restricted area	36
85	Parked in a permit bay	1,086
87	Disabled persons parking without badge	547
91	Wrong class of vehicle	8
92	Obstruction	2
Lower Rate		
73	Parked without payment	1
80	Parked longer than permitted	12
82	Parked after payment expired	2,574
83	Parked without clearly displaying	4,813
84	Feeding the meter	4
86	Parked beyond bay markings	301
	Total	9,388

3 On-Street Parking

- 3.1 In addition to the topography and size of the City and County of Swansea, the variety of parking orders in place presents a real challenge to the enforcement staff when managing on-street parking.
- 3.2 Parking operations in the City and County included enforcement of controlled parking zones such as, City Centre, Sandfields, St. Thomas and the Enterprise Park, a large number of resident permit parking schemes, time restricted, loading and disabled bays, pay and display bays and many single and double yellow lines restrictions.
- 3.3 In January 2015 the Authority introduced a CCTV Camera Enforcement vehicle to help where traditional methods of on-foot enforcement has not been effective in meeting our aim of reducing parking contraventions to ensure road safety is increased and congestion levels reduced. Before introducing the vehicle a wide ranging publicity campaign was undertaken which included leaflets being given out to all school pupils.
- 3.4 During the reporting period a total of 26,923 on-street penalty charge notices were issued, which included 1,336 being issued by CCTV. Chart 2 below shows the monthly issue rate for the reporting period split between higher rate (£70) contraventions and lower rate (£50) contraventions.

Chart 2



3.5 Table 2 below identifies the various contraventions. As can be seen the greatest number of contraventions relate to parking in restricted streets (i.e. on double or single yellow lines), parking for longer than permitted and parked in residents bays without displaying a permit.

Table 2

Contravention Code	Contravention	Number of PCN's issued
Higher Rate		
01	Parked in a restricted road	5,428
02	Loading in a restricted street	1,762
02J	Loading in a restricted street - CCTV	309

12	Parked in a Residents bay	5,402
12J	Parked in a Residents bay	23
16	Parked in a permit space	620
20	Parked in a loading gap	1
21	Parked in a suspended bay	67
23	Wrong class of vehicle	30
25	Parked in a loading bay	2,693
26	Double parking	28
27	Dropped footway	412
40	Disabled person's parking	1,613
45	Taxi Rank	406
46	Clearway	119
46J	Clearway - CCTV	24
47	Restricted bus stop	434
47J	Restricted bus stop - CCTV	876
48	Restricted school area	24
48J	Restricted school area - CCTV	23
49	Cycle Track or Lane	5
62	Footway parking	7
99	Pedestrian crossing	101
99J	Pedestrian crossing - CCTV	81
	Lower Rate	
04	Parked in a meter bay	3
05	Parked after payment expired	60
06	Parked without clearly displaying a pay and display ticket or voucher	164
07	Feeding the meter	1
19	Parked in residents or shared use bay displaying invalid permit	644
22	Re-parking within prohibited time	321
24	Not parked correctly	118
30	Parked longer than permitted	5,111
35	Disc without clearly display	7
36	Disc longer than permitted	6
	Total	26,923

4 Summary of all PCNs issued

	Off-Street		On-Street		CCTV	Total		Grand
	Higher	Lower	Higher	Lower	Higher	Higher	Lower	Total
April	102	781	1,432	583		1,534	1,364	2,898
May	124	785	1,577	589		1,701	1,374	3,075
June	90	651	1,070	334		1,160	985	2,145
July	113	669	1,112	400		1,225	1,069	2,294
August	115	785	1,267	571		1,382	1,356	2,738
September	66	454	1,314	596		1,380	1,050	2,430
October	136	619	2,216	652		2,352	1,271	3,623
November	227	707	2,435	776		2,662	1,483	4,145
December	184	718	1,923	492		2,107	1,210	3,317
January	218	514	1,679	418		1,897	932	2,829
February	174	480	1,654	486	446	2,274	966	3,240
March	134	542	1,473	538	890	2,497	1,080	3,577
Total	1,683	7,705	19,152	6,435	1,336	22,171	14,140	36,311

Higher = £70 contraventions Lower = £50 contraventions

5 Staffing

5.1 The staffing establishment during 2014/15 was as follows:-

- 1 Parking Service Manager
- 1 Deputy Parking Services Manager
- 1 Civil Enforcement Officer Supervisor
- 1 PCN Processing / Back Office Supervisor
- 4 Senior Civil Enforcement Officers
- 3 Cashier / Civil Enforcement Officers
- 25 Civil Enforcement Officers
- (FTE) 7 PCN Processing / Back Office Staff
- 1 Car Park Attendant
- 7 Park and Ride Attendants

5.2 The four Senior Civil Enforcement posts were created in October 2014, without increasing the overall number of CEO posts. The appointments allowed the Authority to introduce a three shift system for enforcement with shifts starting at 7am and finishing at 10pm, although when deemed appropriate, officers can work until Midnight. The change in working patterns occurred as a result of complaints

being received of the need for enforcement, particularly for abuse of residents' only parking bays, outside of the traditional working hours of 8:30am to 5pm.

- 5.3 Three of the Civil Enforcement Officers and one Senior CEO were responsible for the day to day running of the car parks rather than carrying out enforcement duties during the year.

6 Correspondence

- 6.1 It is every driver's or owner's right to challenge the validity of a penalty charge notice or to present mitigating reasons as to why the penalty charge notice should not be paid. The challenge / appeals process is set out in legislation and information relating to this process is included on the Council's website. The website also contains details on the statutory grounds for cancelling a notice and sets out the mitigation and evidence required to allow the appellant every opportunity to present the necessary information.
- 6.2 There is clear and informative guidance to ensure that the Council's back office team, which comprises a supervisor, three full time and six part time members of staff, deals with all incoming correspondence in a consistent and transparent manner.
- 6.3 The Council is legally obliged to consider and respond to correspondence at any stage in the process and the legislation requires responses to be sent in a timely fashion. Whilst the legal requirement is to provide a response within a 56 day period, the Council aims to respond to all challenges within 14 days. Unfortunately, because of the number of appeals received occasionally it may take longer than 14 days to respond.
- 6.4 During the reporting period a total of 18,502 items of correspondence relating specifically to Civil Parking Enforcement (CPE) has been entered onto our case management system as being received, which is detailed as follows:-

Between 01/04/2014 and 31/03/2015

CPE - Incoming - TOW AWAY - No Response	6
CPE - Incoming - TPT Result Received	22
CPE - Incoming - Email	8
CPE - Incoming - General Document	2,865
CPE - Incoming - General Document - No Response	3,133
CPE - Incoming - HS3 Form - No Response Required	38
CPE - Incoming - In Time Witness Statement With	47
CPE - Incoming - Post CC Correspondence	426
CPE - Incoming - Post CC Correspondence - Car	141

CPE - Incoming - Post NTO Correspondence	2,070
CPE - Incoming - Post NTO Correspondence - Car	472
CPE - Incoming - Pre NTO Correspondence - Car	2,191
CPE - Incoming - Pre NTO Correspondence - Contact	38
CPE - Incoming - Pre NTO Correspondence - Email	7
CPE - Incoming - Pre NTO Correspondence - Mail	6,284
CPE - Incoming - TEC OOT Spreadsheet and N244	213
CPE - Incoming - Tec Result Received	221
CPE - incoming email - CCTV - Post NTO	42
CPE - Incoming General Blank Letter	66
CPE - incoming MAIL - CCTV - Post NTO	13
CPE - Incoming OOT Statement Case Is Pre Bailiff	16
CPE - Incoming OOT Statement Case With The Bailiff	181
incoming - CCTV - vehicle on hire no docs	1
incoming - CCTV - vehicle on hire with docs	1

Report Total: **18,502**

6.5 38,060 pieces of correspondence were sent out during the reporting period which is detailed as follows:-

Between 01/04/2014 and 31/03/2015

CPE - Acknowledgement Letter	915
CPE - Blank Letter	139
CPE - CCTV - PCN	2,129
CPE - CCTV - Warning	165
CPE - Charge Certificate	236
CPE - Further Challenge - No Progression	93
CPE - Late Witness Statement	237
CPE - No Longer Living at Address Letter	89
CPE - No Payment Plan Letter	51
CPE - Notice To Owner	182
CPE - OOT - Refused - Pay	173

CPE - Outgoing Document	15
CPE - Outgoing Email	559
CPE - Outgoing General Blank Letter	1
CPE - Payment Received	3
CPE - Post CC - Accept General	72
CPE - Post CC - Reject General	260
CPE - Post NTO - Accept - Any Other Decision	395
CPE - Post NTO - Accept - CEO Error	51
CPE - Post NTO - Accept - Contravention Did Not	2
CPE - Post NTO - Accept - Hire Company	3
CPE - Post NTO - Accept - Invalid TRO	1
CPE - Post NTO - Accept - Not Keeper - No Docs	55
CPE - Post NTO - Accept - Not Keeper - With Docs	34
CPE - Post NTO - Accept - On Hire	190
CPE - Post NTO - Accept - On Hire - No Docs	194
CPE - Post NTO - Accept - Paid In Full	2
CPE - Post NTO - Accept - Problem With Signs Or	2
CPE - Post NTO - Reject	479
CPE - Post NTO - Reject - Discount Offered	802
CPE - Post TPT - Must Be Paid	49
CPE - Pre Debt Reg Letter	214
CPE - Pre NTO - Accept - Any Other Decision	3,312
CPE - Pre NTO - Accept - CEO Error	121
CPE - Pre NTO - Accept - CEO Not Prevented From	2
CPE - Pre NTO - Accept - Contravention Did Not Occur	6
CPE - Pre NTO - Accept - Hire Company	1
CPE - Pre NTO - Accept - Not The Keeper	1
CPE - Pre NTO - Accept - Paid In Full	5
CPE - Pre NTO - Accept - Problem With Signs Or Lines	11
CPE - Pre NTO - Accept - Vehicle Taken Without	2
CPE - Pre NTO - Reject	3,500
CPE - Pre NTO - Reject - Controlled Zone	163
CPE - Pre NTO - Reject - Salubrious Place Car Park	110
CPE - Pre NTO - Reject - Wind Street	95
CPE - Staged Payments - Offer	1
CPE - TE3 TE9	4,237
CPE - TEC - Accept - OOT	4
CPE - TEC - Reject - OOT	238
CPE - TPT - Blank PCN	96
CPE - TPT - Case Summary - 1 PCN	98

CPE - TPT - Letter to Appellant	123
CPE - TPT - No Contest Form	56
CPE - TPT - Penalty Paid Form	2
DPE - No Document Attached	2
Wales - Charge Certificate	5,684
Wales - Notice To Owner	9,112
Wales - Pre Debt Registration Letter	3,285
Wales - Reg 10 PCN NTO	1

Report Total: **38,060**

- 6.6 Challenges and Representations (appeals) made within the normal 56 day appeals process, were as follows:-

	Appeals		
	Accepted	Rejected	Total
Informal Challenges (Pre Notice to Owner)	3,461	3,868	7,329
Formal Representations (Post Notice to Owner)	929	1,281	2,210
Total:	4,390	5,149	9,539

- 6.7 Outside of the normal appeals process 332 letters were received after the Charge Certificate had been sent out and although the Council are not obliged to consider the mitigating circumstances it was decided that 72 additional cases could be cancelled at this stage.
- 6.8 If a Formal Representation is rejected then the motorist has the opportunity to progress their case to the Traffic Penalty Tribunal which is a free independent adjudication service. During the reporting period 151 case files were referred to TPT. The preparation of each file of evidence is extremely time consuming as all documents relating to the case need to be reviewed and checked. A full submission setting out the arguments supporting the Council's case must also be prepared. 43 cases were accepted by the adjudicator and 47 rejected with 57 cases not contested by the Council following a review of the circumstances and / or consideration of any additional mitigating evidence provided.
- 6.9 5,008 cases of the 36,311 PCNs issued were stopped either because an appeal was accepted or because the case could not be pursued. This represents 13.79% and is well within the 20% that we were originally advised would probably be unrecoverable. Cases may not be pursued for example because the owner of the

vehicle could not be identified or because an Enforcement Agency has returned the case to us because they could not secure payment.

- 6.10 It should be noted that the above correspondence only relates to matters where a penalty charge notice has been issued. The Service also deals with a considerable amount of additional correspondence relating to car parks issues and requests for enforcement etc. Our Mail Monitoring System shows that 487 pieces of correspondence were recorded with 83.37% being answered within 10 working days. Some of the 487 items may include correspondence relating to penalty charge notices summarised above; and may not include all the email correspondence dealt with by officers.
- 6.11 Because of the type of work our service undertakes we receive many pieces of correspondence where the person sending the letter or email will state that it is a complaint. However, many of these are actually classed as an appeal or a service request rather than a complaint. If the item of correspondence is not an appeal or a service request then it will be dealt with as a complaint under the Council's Corporate Complaints Policy. During 2014/15 the following numbers of complaints were received:

	Received	Justified	Partially Justified	Not Justified
Car Parks	14	4	4	6
Enforcement	18	1	4	13
Total:	32	5	8	19

7 Financial Reporting

- 7.1 The Parking Services budget is split in to 3 account areas and the income and expenditure for 2014/15 is as follows:-

Parking Services Budgets 2014/15

	Car Parks (26082) £	Civil Parking Enforcement (26081) £	Park & Ride (26097) £	Total £
Employees	438,809	908,044	162,972	1,509,825
Premises	959,863	6,852	124,003	1,090,718
Transport Supplies and Services	43,773	4,530	7,761	56,064 1,042,846

	196,384	205,935	640,527	
Overheads	194,520	46,853	50,043	291,416
Total Expenditure:	1,833,349	1,172,214	985,306	3,990,869
Total Income:	3,063,339	1,240,230	517,667	4,821,236
Total Surplus (Deficit):	1,229,990	68,016	(467,639)	830,367

7.2 The Civil Parking Enforcement account receives income from on-street Pay and Display charges and Penalty Charge Notices (PCNs). Table 3 below sets out the income from these sources. The income derived from on-street charges and enforcement both on and off-street is subject to the constraints imposed by Section 55 of the Road Traffic Regulation Act 1984, as amended from October 2004 by section 95 of the Traffic Management Act 2004 and Regulation 26 of the Civil Enforcement of Parking Contraventions (General Provisions)(Wales) Regulations 2013.

7.3 Sub section 2 of the 1984 Road Traffic Regulation Act states;

(2)At the end of each financial year any deficit in the account shall be made good out of the [general fund][or, in Wales, council fund], and (subject to subsection (3) below) any surplus shall be applied for all or any of the purposes specified in subsection (4) below and, in so far as it is not so applied, shall be appropriated to the carrying out of some specific project falling within those purposes and carried forward until applied to carrying it out.

7.4 This section of legislation ring fences any surplus for specific purposes including the provision or maintenance of off-street parking, highway improvement and environmental issues.

Table 3

Source of Income	Income
Penalty charge notices: On-Street	£975,360
Penalty charge notices: Off-Street	£254,472
On-street Pay and Display Plymouth & Oxford Street	£10,398
Total	£1,240,230

7.5 The expenditure associated with these operations, which offsets income from the on-street charges and payments of penalty charges notices, amounted to £1,172,213

7.6 There was therefore a reported surplus of £68,016.

7.7 As stated in paragraph 7.3 any surplus must be used for specific purposes. During the reporting period the three Park and Ride scheme operated by the Council reported a loss of £467,639.

Sub section 4B of the 1984 Act states: 'meeting all or any part of the cost of the provision and maintenance by the local authority of [off-street parking accommodation, whether in the open or under cover;]'

7.8 Park and Ride car parks provide an important option to motorists visiting the City either on a regular or one-off basis. The resulting reduction in traffic flow into the City Centre not only reduces congestion but also helps reduce pollution levels, which are difficult to manage on the arterial routes into and out of the City Centre. Park and Ride services also support the business community by providing affordable parking for city centre workers and shoppers. There is therefore a need to ensure the continued operations of these valuable services.

7.9 Therefore the surplus on the CPE budget of £68,016 is used to support the provision of the city's Park and Ride service.