



SWINDON
BOROUGH COUNCIL

Parking Services

Annual Parking Enforcement Report

2011 – 2012

Foreword from Dawn Woollard, Parking Services Manager.

Hello and welcome to this year's annual parking report for the year 2011 /12 from Swindon Borough Council's Parking Services.

This is our report for the financial year ended 31 March 2012. It sets out the work we have carried out and details of the income and expenditure involved in providing civil enforcement parking.

I wrote at the beginning of the report for last year that we faced a challenging financial climate in providing local services to our residents. Those pressures have not eased over the last twelve months however this has not caused us to back away from our commitment to secure the best of possible outcomes for our residents and the community as a whole.

An example of this is our growing relationship with Resident Working Groups. Working together to set priorities in their areas and playing our part in the development of healthy and resilient communities.

We have successfully introduced the facility to pay for your parking on your mobile, enhancing the customers' ease of purchasing parking sessions.

I have also been pleased to be able to increase the number of our Procedures and guidelines that are published on our website. We hope to offer ever greater clarity and consistency of our performance to our residents and other users of our service.

I would like to reassure all our users that our Civil Enforcement Officers do not receive payment based on the number of Penalty Charge Notices they issue. There is not any reward scheme based on issue rate for any member of our team. All surplus income goes into the Council's budget to provide environmental improvements.

Parking is a contentious subject. There is a financial and environmental cost in providing each and every parking space with often competing demands needing to be balanced.

I hope that the details contained in this report will be useful in understanding the work we have done over the year.

Dawn Woollard

29 October 2012

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1. Introduction

The Traffic Management Act 2004 places an obligation on local authorities that carry out Civil Parking Enforcement to produce an annual report. Providing a report of our activities is a major part of the accountability that we will provide to our residents and visitors. This is our report for the year ended 31 March 2012.

2. Background

Since September 2003 Swindon Borough Council has adopted Decriminalised Parking Enforcement (DPE) powers. The Council is responsible for on-street enforcement (yellow lines, resident parking areas etc.) on all adopted highways within the Borough with the exception of the A419 and motorways. The Council is also unable to issue Penalty Charge Notices for obstruction as this power continues to be reserved by the Police authority.

3. Why Civil Parking Enforcement?

For many years Local Authorities have been able to enforce their own car parks but until the 1990s on street enforcement was undertaken by police officers or traffic wardens employed by the police force. By the mid-1990s the government gave local authorities the right to apply for powers to apply for powers to enforce on-street parking restrictions. This is now known as Civil Parking Enforcement. Many Local Authorities across the country rapidly adopted this opportunity.

There are a number of reasons why Local Authorities accepted the decriminalisation:

- Police forces let central government know that they would not regard parking enforcement as a priority given the many other demands on their resources.
- The majority of parking offences would be better dealt with under civil law rather than as a criminal matter. This would be more cost effective and would not clog up busy criminal courts.
- Local Authorities, as representatives of their community, felt they were best placed to design and run an enforcement regime that would meet the needs of the community.

From its inception of the scheme the Department for Transport identified the prime purposes of Civil Parking Enforcement to be:

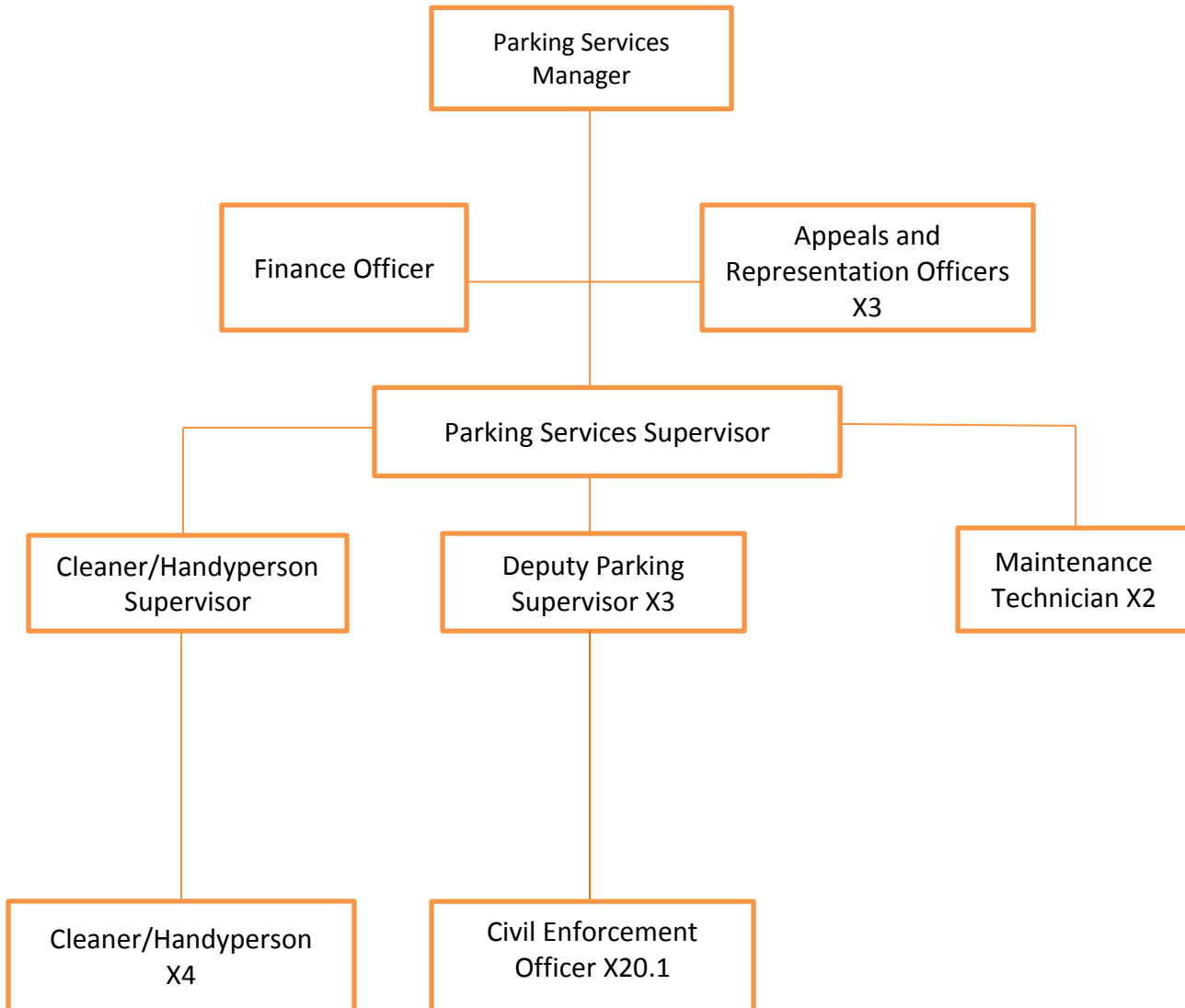
- Contribute to Authorities' transport objectives.
- Increase compliance with parking restrictions.
- To ensure the movement of traffic, including pedestrians and cyclists.
- To improve road safety.
- To improve the local environment
- To improve the quality and accessibility of public transport.
- Meet the needs of disabled people, some of whom will be unable to use public transport systems and depend upon the use of a car.
- Managing and reconciling the competing demands for kerb space.

The guidance from Central Government is also clear that Civil Parking Enforcement should not be seen as a revenue raising exercise nor should Local Authorities' set targets for revenue or the number of Penalty Charge Notices they issue.

4. Civil Parking Enforcement in Swindon

(i) Staffing 2011/2012

The team responsible for the operation of Civil Parking Enforcement as well as the maintenance and cleaning of car parks:



ii) Enforcement and back office Processing

Directly employed Council employees undertake the enforcement function. This is true for both on street and within our car parks.

Our partner, Capita, deal with the processing of permits and season tickets. They deal with challenges against Penalty Charge Notices received before the Notice to Owner form is sent to the registered keeper of the vehicle. Capita act in accordance with the operational and policy guidelines agreed by the Council.

After the issuing of the Notice to Owner officers directly employed by the Council consider the formal representations and deal with appeals to the Traffic Penalty Tribunal. These staff are also responsible for the registration of any debts owed to the Council at the Traffic Enforcement Centre and any subsequent instructions to Bailiff Companies.

Although it has the powers, Swindon Borough Council, does not clamp or remove vehicles. This sanction is, however, under review to be invoked for vehicles which persistently evade payment of penalty notices or are posing a hazard to other road users or pedestrians.

5. Penalty Charge Notice Issued

The numbers of Penalty Charge Notices issued by Swindon Borough Council over the last three years are detailed below: The total Penalty Charge Notices are split between on street (contraventions that occur on the public highway) and off street (usually contraventions that happen in Council owned car parks).

Year	Total Penalty Charge Notices	On Street	Off Street
2009/10	38647	17565	21082
2010/11	28400	13742	14658
2011/12	24456	12073	12383

Penalty Charge Notices are issued at two price bands, higher and lower rates. The rate depends on the seriousness of the contravention. For example parking on double yellow lines is deemed as a higher rate contravention while overstaying in a car park is charged at the lower rate. The relative numbers issued were:

Year	Higher Level £70	Lower Level £50
2009/10	16109 (42%)	19551 (58%)
2010/11	8654 (30%)	19746 (70%)
2011/12	6581 (27%)	17875 (73%)

6. Enforcement After Issue

Penalty Charge Notices are issued at £50 or £70 however a 50% discount applies to notices paid within 14 days of issue or where payment is received within 14 days of an informal representation. The numbers, and percentages of the total issued, paid at this discounted rate are:

Year	Penalty Charge Notices paid at discounted rate
2009/10	21035 (56%)
2010/11	15302 (54%)
2011/12	13009 (53%)

It is clear from these figures that the majority of motorists receiving a Penalty Charge Notice accept their liability and make prompt payment to avoid the penalty rising.

Following the initial 14 days the Penalty Charge Notice reverts to the full value and if not paid the outstanding amount increases by stages. This increase reflects the additional cost incurred by the Issuing Authority and to act as an incentive to promptly pay the charge.

Year	Penalty Charge Notices paid at full or surcharged rate
2009/10	6067 (16%)
2010/11	4791 (17%)
2011/12	4011 (16%)

7. Challenges, Representations and Appeals

All motorists who receive a Penalty Charge Notice are entitled to make an informal representation, usually called a Challenge, against its issue. The Traffic Management Act 2004 sets out a number of statutory grounds (shown at Appendix C), which if established means that the Council must cancel the Notice. However in addition to these the Council must consider fully consider any mitigation put forward.

Over the last three years the following challenges have been received. The percentage that these represent of Penalty Charge Notices issued is also shown. The end column shows the number of those challenges accepted, the percentage shown is the number of those challenges that were accepted and the Notice cancelled.

Year	Total Notices Issued	Challenges Received	Accepted and Cancelled
2009/10	38647	10158 (26%)	3535 (35%)*
2010/11	28400	6625 (23%)	2833 (43%)*
2011/12	24456	5412 (22%)	2603(48%)*

*Records of the results of challenges are not separately maintained so figures shown are approximate.

Where the challenge is accepted the Notice is cancelled. If it is not accepted, and if it was received within 14 days of the issue of the Penalty Charge Notice, a further period of 14 days at the discounted rate is offered and the Penalty Charge Notice can be settled at that amount. Alternatively the motorist can await the issue of the Notice to Owner to the registered keeper who can then make a formal Representation.

The issue of the Notice to Owner is the beginning of the more 'formal' part of the process.

Over the last three years the following Representations have been received. The percentage that these represent of Penalty Charge Notices issued is also shown. The end column shows the number of those Representations accepted together with the percentage this is of the number received.

Year	Total Notices Issued	Representations Received	Representations Accepted and Cancelled
2009/10	38647	2310 (6%)	832 (36%)*
2010/11	28400	1279 (5%)	410 (32%)*
2011/12	24456	1256 (5%)	420 (33%)*

*Records of the results of Representations are not separately maintained so figures shown are approximate.

Where the Council decides not to cancel the Penalty Charge Notice at the formal Representation stage then the keeper can make an appeal to the Traffic Penalty Tribunal. This is a free service to the driver and will allow an independent adjudicator (who will be a barrister or senior solicitor) to review the issue and enforcement of the Notice. The decision is binding on both parties. The Council as part of the letter of rejection sends full details and the relevant appeal form to the registered keeper.

Each year the Traffic Penalty Tribunal provides a report detailing the numbers and outcomes of the appeals they have received. Full details can be found on their website www.trafficpenaltytribunal.gov.uk

Figures of appeals for Penalty Charge Notices issued by Swindon Borough Council are shown below together with the National results for comparison.

Year	Appeals Made	Rate of Appeal per Penalty Charge Notice	Not Contested by Council	Allowed i.e. cancelled	Refused i.e. found in favour of the Council	Not Decided
2010/11 Swindon	83	0.31%	19 23%	10 12%	54 65%	
2010/11 National	15,185	0.36%	3956 26%	3638 24%	6357 42%	179 1%
2011/12 Swindon	83	0.34%	29 35%	7 8%	38 46%	3 4%
2011/12 National	16666	0.35%	4347 26%	3910 23%	7092 43%	249 1%

The Traffic Penalty Tribunal provides an important safeguard to the interests of the motorist. It also provides findings, information and advice which can enable the Local Authority to improve their enforcement and back office work by providing instruction and guidance. The Tribunal also publishes an Annual Report that gives examples of illustrative individual adjudications. We continue to look to use this to improve our service and practices.

A number of Penalty Charge Notices have to be cancelled or written off each year because the Registered Keeper cannot be traced. This can be due to inadequate or out of date records at DVLA or because the address details given are incorrect.

Year	Notices Written Off/Cancelled
2009/10	2972
2010/11	1250
2011/12	1212

These figures are subject to change.

To assist drivers with understanding the issue and the grounds for cancellation of Penalty Charge Notices our website contains the guidelines that we follow. These will not cover all eventualities but they should show the grounds that decisions need to be based upon. The guidelines can be found on the Swindon Borough Council website. The document, entitled Guidance on the Issue, Enforcement and Cancellation of Penalty Charge Notices by Swindon Borough Council, can be found by following this link: www.swindon.gov.uk/ts/ts-parking/ts-parking-enforcement/Pages/ts-parking-enforcement-challenge.aspx

8. Debt Registration and Bailiff Action

If a Penalty Charge Notice has not be paid or successfully challenged and remains outstanding the notice may be registered as a debt in the County Court. If it is still not paid the Authority will apply for a warrant to issue to our bailiffs for enforcement.

Over the last three years the numbers of Notices which were registered as debts were:

Year	Debts Registered	Warrants Obtained	Amount Remitted by Bailiffs
2009/10	4938	3535	£107135
2010/11	3148	2701	£93354
2011/12	2867	2016	£71931

Of the total of Penalty Charge Notices issued approximately 12% progress to be registered as a debt. Swindon Borough Council will continue to vigorously pursue outstanding amounts.

9. Financial Aspects of Civil Parking Enforcement in Swindon

2010/11 (£'000)		2011/2012 (£'000)
	Income	
-4389	Pay & Display Income	-4050
-177	Leasing	-177
-287	Season Tickets	-449
-578	Miscellaneous Income	-518
-806	Penalty Charge Notice Fee Paying	-694
-6,237	Total Income	-5,888
1200	Staffing, maintenance & management costs	852
	Direct Costs	
160	Electricity	166
3	Water	3
29	Rents	29
1092	National Non Domestic Rates	1141
6	Premises Insurance/Part Claims	10
39	Structural Review	45
42	Car Park/Operational Equipment	6
2	Signs and Signposts	7
30	Lifts	23
5	Ticket Machine Maintenance/Airtime	51
116	Cash Collection and Security	97
24	Contract Cleaning/Materials	21
1548		1599
	Other Variable Costs	
23	DVLA Processing & Court Costs	21
14	NPAS Agency Fees	16
62	Ticket Supplies	48
99		85
	Other Costs	
4	Clothing/Uniforms	11
15	Telephones/Mobiles	20
23	Printing/Stationary	42
28	Credit Card Service Charge	31
15	Postage	7
18	Computer Hardware/Software	17
8	Radio	4
2	Promotions	3
6	Misc	21
56	General Maintenance	100
34	Fleet Management	32
209		288
3056	Total Costs	2824
3181	Income	3064

The surplus of £3,064,000 has been fully spent during the year on public passenger transport services, park & ride, shopmobility, highway improvement, maintenance and other environmental improvements. The contribution derived from Parking continues to bring improvements throughout the town.

10. Future Plans

Over the coming year we will be looking to implement or continue to work towards implementing:

- Online Permit applications, allowing a 24/7 resource to residents and users of the car park. Ensuring customer service needs are met in every way.
- Introducing new tariff boards in the town centre and tidying up car parks.
- Looking at new options available to car parking season tickets.
- Introduction of a new Radio system ensuring the health and safety of our enforcement staff
- Review our current assets and dispose of those which are not producing either a cost or environmental benefit.

Appendix A - Top 10 locations where Penalty Charge Notices were issued

Off Street:

Location	Number Issued
Granville Street Car Park	2259
Princes Street Car Park	1189
Oasis Car Park	1165
Britannia Place Car Park	1054
College Car Park	911
Prospect Place Car Park	804
Cheltenham Street Car Park	696
Parade Car Park	636
North Star Car Park	434
Wyvern Car Park	420

On Street:

Location	Number Issued
Wood Street	425
Davis Place	339
Ferndale Road	209
Emlyn Square	154
Victoria Road	141
Newhall Street	138
Redcliffe Street	128
Cricklade Road	128
Whiteman Street	127
College Street	118

Appendix B – Penalty Charge Notices issued against contravention.

Summary to show the principle contravention groups for which Penalty Charge Notices were issued during 2011/2012. The figure below indicates the percentage of the total issued.

On Street:

Code and contravention	Charge Band	Number issued
01 – Parked in a restricted street during prescribed hours	Higher	4235 18%
02 – Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	Higher	305 1%

05 – Parked after expiry of paid for time (On Street)	Lower	194 1%
06 – Parked without displaying a valid pay & display ticket (On Street)	Lower	442 2%
12 – Parked in a residents’ parking place without clearly displaying a permit for that place	Higher	460 2%
25 – Parked in a loading place during restricted hours without loading	Higher	243 1%
30 – Parked for longer than permitted	Lower	5178 22%
40 – Parked in a designated disabled persons parking space without displaying the relevant badge	Higher	113 0.5%
45 – Parked in taxi rank	Higher	116 0.5%
47 – Stopped on a restricted bus stop	Higher	98 0.5%

Off Street (Car Parks):

Code and contravention	Charge Band	Number issued
82 – Parked after expiry of paid for time	Lower	4524 19%
83 – Parked in a car park without clearly displaying a valid pay and display ticket	Lower	6699 28%
85 – Parked in a permit bay without clearly displaying a permit	Higher	209 1%
86 – Parked beyond bay markings	Lower	207 1%
87 – Parked in a disabled persons parking space without displaying a valid badge	Higher	190 1%

Appendix C – Statutory Grounds for Cancellation of Penalty Charge Notices

1. The alleged contravention did not occur
2. I was never the owner of the vehicle OR I had ceased to be the owner before the date on which the contravention occurred OR I became the owner after the date on which the contravention occurred
3. The vehicle had been driven by a person without the consent of the owner
4. We are a vehicle-hire firm and the vehicle was on hire under a hiring agreement and the hirer has signed a statement acknowledging liability for any Penalty Charge Notice issued during the hire period
5. The Penalty Charge exceeded the amount applicable in the circumstances of the case

6. There has been a procedural impropriety by the enforcement authority
7. The order which is alleged to have been contravened is invalid
8. The Penalty Charge Notice has been paid either in full or at the discounted rate

Appendix D - Principle reasons for cancellation.

Please see also the document '[Guidance on the Issue, Enforcement and Cancellation of Penalty Charge Notices by Swindon Borough Council](#)' on our website www.swindon.gov.uk. It can be found on the Challenge Penalty Charge Notice page.

Grounds for cancellation/write off	Number cancelled
Valid pay and display ticket/permit produced	1493
Owner not traced	380
Debtor 'gone away'	319
Civil Enforcement Officer Error	287
Bailiff unable to execute warrant	667