

Three Rivers District Council

Parking Annual Report



2018/2019



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Foreword

Welcome to the Three Rivers District Council's annual parking enforcement report for 2018/19.

We know that the management of parking in the District is vital to the success of local business as well as to the daily experience of residents and visitors. Our team continue to balance the demands for parking with the safe and efficient movement of traffic on the road network whilst meeting the needs of the communities we serve. The District Council provides good value, convenient spaces for people to park in local car parks, actively managing over 920 spaces in 27 car parks in our towns and villages.

In early 2018 Hertsmere Borough Council came on board to provide a new parking enforcement service to the District. This partnership between authorities has resulted in more effective enforcement action and smarter deployment.

Over the past 12 months we have consulted with local residents and business as well as with stakeholders about parking improvements in their area. Our annual Parking Programmes have created new parking provision and parking controls have been introduced in response to public requests making local roads more accessible to people walking, cycling and driving. Further schemes are programmed for delivery in the next financial year.

The District Council continually reviews parking provision across the District. We introduced a new service in the short-stay car parks in Rickmansworth in April 2018 to offer free parking for one hour - with a small charge of only £1.00 to park for a second hour. This new service is intended to increase the turnover of visitors using the short stay car parks and to make it easier for shoppers and other visitors to find parking. Opportunities for long-stay visitor parking provision is planned to be introduced in several towns in response to studies showing that there is a lack of local provision.

Every new scheme is regularly reviewed to ensure that it is effective and will continue to serve local needs into the future. This is made possible by introducing suitable charges to make sure that local parking provision and enforcement pays for itself, as required by law. We continue to tackle the budget deficit that was identified in 2015/16 with a variety of schemes that will guarantee the future provision of convenient, good value and accessible car parking to serve the local needs of people who use our towns.

The Council is always looking to improve the quality and efficiency of the services we provide and this annual report is to give you a better understanding of the way the parking service operates and is delivered. We are always keen to hear your views; join the conversation on Facebook: Three Rivers District Council, Twitter@threeriversdc, email us: parking@threerivers.gov.uk or you can write to me directly at Three Rivers House, Northway, Rickmansworth, WD3 1RL.

Clr Stephen Giles-Medhurst
Lead Member for Transport and Economic Development

Introduction

In accordance with the Traffic Management Act 2004, local authorities that carry out civil parking enforcement are expected to be accountable and transparent and as such are required to publish an annual report within 6 months of the end of every financial year. They must also make statistical returns to the Department of Transport on 1st October for the previous financial year, annually.

The Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Regulations suggests what local authorities' annual reports might contain. This report includes these items but goes further in terms of explaining the statistics in the context of Three Rivers District Council's overall policy objectives. Where possible, the Council's performance is benchmarked against previous years' figures, national standards, local performance indicators or by reference to figures issued by nearby local authorities with similar demographics.

The annual report for 2018/19 has been provided by the new service provider who took over the service in April 2018.



Background

Three Rivers District Council adopted Decriminalised Parking Enforcement (DPE) powers in July 2001. In respect of on-street parking enforcement, Three Rivers District Council acts on behalf of Hertfordshire County Council (the highway authority) under the terms of a parking agency agreement between the two authorities. As the parking authority Three Rivers District Council is responsible for the enforcement of its own off-street car parks.



In 2017/18 Three Rivers District Council worked in partnership with Watford Borough Council (who also worked in partnership with Dacorum Borough Council) and Watford Council hosted a parking enforcement contract, with an external parking enforcement contractor, Indigo Park Services UK. This contract provided parking enforcement officers, operation of parking shops, back office functions, pay and display maintenance, permit issue etc.

From April 2018 the parking enforcement service at Three Rivers District Council is now provided in partnership by Hertsmere Borough Council. Hertsmere Borough Council employ Civil Enforcement Officers who are based at Three Rivers House but the main back office operation is based at the Hertsmere Borough Council Offices in Borehamwood.

The Purpose of Civil Parking Enforcement

Local authorities have been able to enforce their own off-street car parks for many years; however until recently most on-street parking enforcement was undertaken by police officers or police traffic wardens.

In the mid-1990s central government gave local authorities the right to apply for powers to enforce on-street parking restrictions. The adoption of what was then called Decriminalised Parking Enforcement (DPE) but is now termed Civil Parking Enforcement, or CPE, spread rapidly across the United Kingdom in the following fifteen years. The Secretary of State has now taken reserve powers within the Traffic Management Act 2004 to compel any remaining local authorities to adopt CPE once a 'critical mass' has adopted these powers.

There were three main drivers for decriminalisation:

- Police forces had signalled to central government that that they could no longer regard parking enforcement as a priority function given other demands upon their limited resources. In many areas traffic wardens had effectively been withdrawn, causing growing parking anarchy on our streets;
- It was considered that many parking "offences" would be better dealt with under civil law procedures, which are typically more cost effective and less formal to operate, rather than allow them to clog up the criminal courts.

Local authorities themselves argued that as representatives of their community they were best placed to design and run an enforcement regime that met the priorities of that community. In Three Rivers' case, this was particularly relevant because residents living in the Rickmansworth town centre area were calling for controlled parking zones but the Police would not agree to enforce them – indeed, Hertfordshire Constabulary were one of the first to withdraw the traffic warden service.

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

- Managing the traffic network to ensure free 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 Three Rivers Council enforces parking both on and off-street throughout the district.

It is not always easy to prove that CPE has a positive effect. Driving along a free-flowing road or walking along a footway without being blocked by parked cars is rarely noted or associated with CPE. Likewise, finding space in a clean, safe, well lit car park is taken for granted. It is often noticed, however, when these essential benefits are not available.

Central government is also very 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 may 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. (See Section 8 of this report).



The Management of On and Off Street Parking

In many streets within the Three Rivers District demand for on-street parking exceeds that available and problems associated with the parking of motor vehicles continue to worsen as car ownership continues to increase.

If on street parking were not properly managed then levels of highway safety and amenity would decrease for all road users including motorists, cyclists and pedestrians, children, the disabled and the elderly, and journey times would increase for all vehicles including public transport and emergency vehicles. It is also probable that uncontrolled parking would lead to less parking availability at prime locations like stations and shopping areas and certain residential areas, all of which might become monopolised by long term parked vehicles.

The Council is required to properly manage on-street parking to ensure that dangerous and/or obstructive parking is removed whilst at the same time seeking to maximise its availability for the benefit of all road users. To assist in the accomplishment of this the Council may make Traffic Regulation Orders under the Road Traffic Regulation Act, in consultation with the public in general and those directly affected in particular.

Civil Parking Enforcement in Three Rivers

CPE in Three Rivers in 2018/19 was undertaken by a team of four Civil Enforcement Officers spread around the district. The enforcement function was carried out in partnership by Hertsmere Borough Council according to a Service Level Agreement (SLA) in accordance with policy objectives agreed by both Councils. Subsequent processing of Penalty Charge Notices, is also part of the SLA and processed by the Processing Team based at HBC council offices. This is in accordance with the regulations; once issued, all processing of PCN's, including the investigation of challenges, representations and appeals, is dealt with by Council officers, working in accordance with statute, regulations, guidance and Council policy.

Although it has the powers, Three Rivers Council does not clamp or remove vehicles. Clamping is no longer favoured as an enforcement tool, as all too often it simply results in a "problem" vehicle being made to remain at an inappropriate location for longer than is necessary. The cost of setting up and running a removal operation, including a vehicle pound for the purpose of storing vehicles would be disproportionate to the benefit for such a small Council such as Three Rivers.



Enforcement Activity – On Street and Off Street

The primary purpose of CPE is to ensure compliance with parking controls and improve road safety; therefore enforcement of car parks, where road safety considerations are slight, is secondary to enforcement of yellow line restrictions on the highway, which have more evident safety connotations. That said, our towns rely on visitors to local shops, businesses and restaurants and enforcement of car parks is important, both to ensure turnover of vehicles and that car park users correctly pay and display or abide by the regulations and conditions, for instance, not exceeding the maximum stay period.

The number of on and off Street PCN's issued in Three Rivers since 2010/11 is detailed below:

Year	Total PCN's
2010/11	4295
2011/12	3636
2012/13	3784
2013/14	3816
2014/15	3949
2015/16	3902
2016/17	4412
2017/18	3759
2018/19	4774

The proportion of on and off-street PCN's issued in previous years from 2010/11 is given in the table below:

Year	On-Street PCN's	Off-Street PCN's
2010/11	64%	36%
2011/12	61%	40%
2012/13	66%	34%
2013/14	71%	29%
2014/15	68%	32%
2015/16	71%	29%
2016/17	68%	32%
2017/18	Information unavailable	Information unavailable
2018/19	67%	33%

With effect from 2008/09, the government introduced differential penalty charges, whereby some parking contraventions attract a higher level penalty charge according to their perceived seriousness. These are typically on-street contraventions.

The number of higher level and lower level PCN's issued by Three Rivers Council under the Traffic Management Act 2004 since 2010/11 is given below.

Year	Higher Level PCN's (£70)	Lower Level PCN's (£50)
2010/11	2252	2043
2011/12	1740	1896
2012/13	1808	1976
2013/14	1984	1832
2014/15	2172	1777
2015/16	2302	1132
2016/17	2382	2030
2017/18	Information unavailable	Information unavailable
2018/19	2771	2003

Three Rivers Council will continue to ensure that its enforcement activity is tailored to meet the enforcement and other policy objectives of the authority whilst recognising that flexibility is needed to respond to an environment that can change on an almost daily basis.

PCN Payment Activity

A 50% discount applies to a PCN paid within 14 days of the date of issue (with the date of issue counting as day 1). The number of PCN's issued in previous years and paid at the discounted rate since 2010/11 is as follows:

Year	Number of PCNs Issued	Number PCNs paid at Discounted Amount	%
2010/11	4295	2921	68%
2011/12	3636	2387	66%
2012/13	3784	2480	66%
2013/14	3816	2518	66%
2014/15	3949	2527	64%
2015/16	3902	2458	63%
2016/17	4412	2780	63%
2017/18	3759	Information unavailable	
2018/19	4774	3187	67%

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 charge increases in set steps thereafter. The number of PCN's issued in previous years that were paid at the full rate or higher since 2010/11 is as follows:

Year	Number of PCNs Issued	PCN's Paid at Full Charge or Higher	%
2010/11	4295	507	12%
2011/12	3636	484	13%
2012/13	3784	466	12%
2013/14	3816	458	12%
2014/15	3949	513	13%
2015/16	3902	429	11%
2016/17	4412	574	13%
2017/18	3759	Information unavailable	
2018/19	4774	534	11%

PCN Representations, Appeals and Beyond

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.

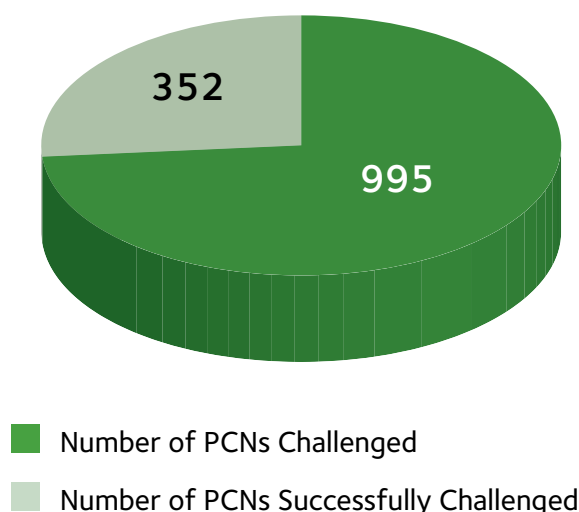
In addition to the statutory grounds which, if established, *require* the Council to cancel liability for a penalty charge, a large number of motorists contact the council offering mitigating circumstances which they hope will lead to cancellation of the penalty charge on discretionary grounds. Three Rivers Council has adopted a set of guidelines to guide its staff in enforcement decisions in a wide range of circumstances. In the spirit of openness and transparency these have been published in an abridged format on the Council's website at <http://www.threerivers.gov.uk/egcl-page/parking-penalties>

No set of guidelines can ever cover the entire range of situations in which motorists find themselves; however these guidelines are invaluable in establishing the spirit of the Council's enforcement practices.

Whilst it is difficult to offer evidence to support the claim, experience suggests that the Council's enforcement guidelines and the philosophy that underpins them are set at the more tolerant end of the spectrum.

In 2018/19 the following number of PCNs challenged either informally or representation stage and number successful:

PCNs Challenged 2018/19



The top 4 Cancellation Reasons for PCNs issued 2018/19:

Council Decision (<i>based on evidence supplied</i>)	90
Valid Blue Badge Produced (<i>1st Contravention</i>)	60
Valid Permit Produced (<i>1st Contravention</i>)	55
Valid P & D Produced (<i>1st Contravention</i>)	33

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

The independent adjudication process is 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 very helpful to local authorities in their operation of their parking enforcement and back office regimes.

Three Rivers Council have always used this information positively to improve their services and enforcement practices, where practicable

The following table shows Three Rivers District Council’s performance at appeal stage in 2018/19:

No. of Appeals	Rate of appeal per PCN	Not contested by council	Allowed by Adjudicator	Refused by Adjudicator (Council Win)	Awaiting decision
8	0.08%	2	4	2	0

Year	No. of Appeals	Rate of appeal per PCN	Not contested by council	Allowed by Adjudicator	Refused by Adjudicator (Council Win)
2016/17	6	0.13%	2	0	4
2017/18	4	-	-	1	3

PCN Write Offs

A number of PCN's are also written off each year, typically because the motorist/owner cannot be traced – either because of an inadequate record at the DVLA or because the motorist/owner is untraceable. Typically around 6 to 20% of PCN's are written off for this reason, depending on local demographics.

The number and percentage of PCN's cancelled in previous years, since 2010/11, either following a challenge or because the motorist is untraceable, is as follows:

Year	PCN's Cancelled	PCN's Written Off
2010/11	661 (15%)	172 (4%)
2011/12	658 (18%)	131 (4%)
2012/13	552 (14%)	67 (1%)
2013/14	572 (15%)	76 (2%)
2014/15	553 (14%)	79 (2%)
2015/16	585 (15%)	117 (3%)
2016/17	618 (14%)	132 (3%)
2017/18	Information unavailable	Information unavailable
2018/19	352 (7%)	89 (2%)

Debt Registration and Bailiffs

If a motorist does not pay or successfully challenge a PCN (where an accurate address is held by the DVLA) the notice may be registered as a debt in the County Court (TEC). Only at this stage does a penalty charge become a debt.

In 2018/19 418 PCN's were registered as a debt in the County Court.

Failure to pay this debt within the timescale specified will result in the passing of the debt to bailiffs.

In 2018/19 222 cases were referred to the Council's bailiffs and £3,018 had been recovered by the end of March 2019.

Financial Aspects of Civil Parking Enforcement

Under the terms of the Road Traffic Act 1991, which governed Decriminalised Parking Enforcement until April 2008, local authorities were required 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 generated was 'ring fenced' to fund related functions such as passenger transport or car park improvements.

As more and more local authorities took on DPE powers, government increasingly recognised that for many, achieving break-even was simply not possible. Accordingly, the Traffic Management Act 2004 weakened this requirement. From 1 April 2008 local authorities have 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 has made it quite clear that national or local taxpayers are not to bear any shortfall.

The annual cost of enforcement (contract cost) and annual income from PCN's issued by Three Rivers District Council is shown below:

On Street

Year	Contract Costs	Staffing, Supplies & other costs	PCN Income	Pay & Display Income On Street	Permit Income	Other Income	(Surplus)/ Deficit
2010/11	165,740	32,660	(115,010)	incl in off-street			83,390
2011/12	163,150	46,330	(112,240)	incl in off-street			97,240
2012/13	183,630	56,570	(113,190)	incl in off-street			127,010
2013/14	219,610	62,100	(150,430)	incl in off-street			131,280
2014/15	183,620	81,690	(140,730)	(9,802)			114,778
2015/16	193,260	94,410	(147,390)	(9,699)			130,581
2016/17	195,670	71,500	(179,900)	(8,600)			78,670
2017/18*	195,160	81,500	(148,710)	(9,957)			117,993
2018/19	282,560	48,650	(102,430)	(14,861)	(59,480)	(14,340)	140,099

*Based on figures from previous years as exact percentage split not available (70/30)

Off Street

Year	Contract Costs	Staffing, Supplies & Other costs	Penalty Charges	Pay & Display Income Off Street	Permit Income	Other Income	(Surplus)/ Deficit
2010/11	94,054	18,529	(65,266)	(79,494)			(32,177)
2011/12	107,112	30,405	(73,692)	(81,599)			(17,774)
2012/13	94,095	28,987	(57,990)	(95,963)			(30,871)
2013/14	62,761	17,754	(43,000)	(100,138)			(62,623)
2014/15	86,436	38,454	(66,244)	(97,007)			(38,361)
2015/16	78,931	38,566	(60,201)	(98,803)			(41,507)
2016/17	92,078	33,637	(84,654)	(96,149)			(55,087)
2017/18*	83,641	34,933	(63,729)	(111,325)			(56,480)
2018/19	121,104	20,855	(43,899)	(223,678)	(25,490)	(6,150)	(157,258)

*Based on figures from previous years as exact percentage split not available (70/30)

It is a commonly held belief that parking enforcement is a purely revenue raising exercise; however it will be seen that (in common with many smaller local authorities) Three Rivers Council does not break even on its enforcement activities.

Any deficit is effectively improved from the income from P&D parking and permit charges. The whole operation is expected to be entirely self funding at no expense to local taxpayers, however, any deficit would be funded from within existing Council budgets. The Council continues to review the service by regular reviews of the business case, charging levels and enforcement regimes.

Future Plans

The traffic management objections of civil parking enforcement as identified by Government and listed in the 'Purpose of Civil Parking Enforcement' section of this report will remain at the core of this Council's enforcement service and its practices.

Within a properly managed but limited budget the Council will maintain its ongoing annual programmes for the introduction of new parking restrictions and parking management schemes where considered necessary. Problem areas will continue to be identified by the monitoring of requests by the highway authority and the local community.

The programme will include schemes to effectively manage on-street parking in areas of high parking demand and the continuation of its annual programme of refurbishment of public car parks, making them safer to use through new lighting, and making them more accessible for people with disabilities.