



Weymouth & Portland
Borough Council

Annual report on parking enforcement operations 2012/2013



Contents

Introduction	3
Abbreviations	5
Section 1 – Parking restrictions	
1.1 Parking enforcement - The legal background	6
1.2 Parking policies	7
1.3 Parking restrictions	8
1.4 Parking by Blue Badge holders	13
Section 2 – The enforcement of parking restrictions	
2.1 Penalty charges	14
2.2 Civil Enforcement Officers – Policies and guidelines	15
2.3 The appeals process	17
2.4 Policies for the handling of appeals	18
2.5 The recovery of unpaid penalty charges	20
Section 3 – Performance	
3.1 Developments during 2012/13	22
3.2 Financial performance	33
1. The Parking Account	33
2. Off-street parking (car parks)	35
3.3 Statistical performance	37
1. Penalty Charge Notices issued	37
2. Progression of PCNs	41
3. Adjudication cases	44
Summary	47

Introduction

Welcome to Weymouth and Portland Borough Council's annual report on parking enforcement operations, which covers the year from 1st April 2012, to 31st March 2013.

The Department for Transport has issued guidance as to some of the information which local authorities should include in annual reports such as this one. This includes the Council's parking policies and the guidelines which it sets for both those of its staff who issue penalty charges ('parking tickets') and for those of its staff who deal with motorists' appeals against those charges. Sections 1 and 2 of previous annual reports have dealt with these and other associated matters fairly extensively and they have been reproduced this year, largely unchanged. Those Sections also contain general information concerning the parking of vehicles (both on the highway and in car parks) which I hope motorists will find both useful and informative. Further information concerning parking in Weymouth and Portland (pay and display, park and ride, car parks, disabled parking etc.) as well as this and previous annual reports, can be found in the "Parking" section of the Dorset For You website; <http://www.dorsetforyou.com/parking>

Section 3 of this report details the Council's statistical and financial performance with regards to its parking enforcement operations over the 12 month period to 31st March 2013. It also gives details of some of the projects which members of its parking section staff were involved with during that period.

In the past year, the Borough has hosted the sailing events of the London Olympic and Paralympic games. The Council worked closely with partner agencies to ensure that the Olympic experience would be a safe and enjoyable one for competitors, spectators and residents. Road closures and changes to parking arrangements (both on and off-street) were required in order to cater for the expected influx of visitors (in addition to our usual summer visitors) and extensive temporary park and ride facilities were introduced. The organisation and inception of these temporary measures placed a considerable additional strain on our parking service, but I am pleased to report that, despite the necessary disruption, I do not think we could have hoped for a more successful outcome.

There were a great many positive comments from both visitors and residents. Additionally, the television coverage of the sailing events provided the Borough with invaluable national and international exposure, which I hope will encourage many more visitors to choose us as a future holiday/ day trip destination. I would like to extend my heartfelt thanks to all of those who were involved in the preparations for, and the delivery of, last summer's Olympic events around our Borough, from the sailing itself to the numerous associated social and cultural events. I must extend particular thanks to the many volunteers who freely gave their time and effort, to help to ensure that those who attended had a truly memorable experience. Weymouth and Portland has again proven what a superb venue and setting it is for the hosting of large scale events.

Section 3 of this report details some of the other changes to parking which were introduced during the last 12 months, both on-street and in the Council's car parks. It also refers to the comprehensive review of our parking service which is underway. The review covers many aspects, including parking charges, parking enforcement, permit parking schemes and on and off-street parking provision and facilities. I hope that the

results will soon start to shape the way forward for parking within our Borough and for our parking service.

As is also mentioned in Section 3, it is disappointing to have to report that there remains uncertainty over the future of the agency agreement under which Weymouth and Portland Borough Council conduct on-street parking enforcement on behalf of the Local Highway Authority, Dorset County Council. In my opinion, parking services are best delivered locally, in order to meet local needs. I would be most disappointed should the County Council ultimately decide to terminate our agreement, in order that they can instead deliver a county-wide service.

Last year's merger of our parking service with that of West Dorset District Council was intended to deliver greater efficiency, through the shared use of resources, and to deliver cost savings. I am hopeful that this can be achieved, as we have always striven to provide the public with a high quality, value for money service. I am however mindful that having fewer resources, particularly in respect of front line staff, should not negatively impact upon the level of parking enforcement services which we are able to provide across our respective districts.

In the past few years there have been some major developments concerning the delivery of transportation aspirations within our Borough, and parking issues have often featured in these changes. As far as parking is concerned, it would appear that there are still 'interesting times' ahead and, as Brief Holder, I will continue to maintain a keen interest.

As always, I hope that readers will find this report to be interesting and informative and I hope that its content will help to demonstrate that the Council is delivering Civil Parking Enforcement competently, professionally and in accordance with the legislative requirements.



**Councillor Christine James
Brief Holder for Transport and Infrastructure
Weymouth and Portland Borough Council**

31st March 2013

Abbreviations

The following abbreviations are used in this report;

CEA	Civil Enforcement Area
CEO	Civil Enforcement Officer
CPE	Civil Parking Enforcement
DfT	Department for Transport
DVLA	Driver and Vehicle Licensing Authority
NPAS	National Parking Adjudication Service
NtO	Notice to Owner
PCN	Penalty Charge Notice
PPA	Permitted Parking Area
RTA 91	Road Traffic Act 1991
SPA	Special Parking Area
TEC	Traffic Enforcement Centre
TMA 2004	Traffic Management Act 2004
TPT	Traffic Penalty Tribunal
TRO	Traffic Regulation Order

Section 1

Parking restrictions

1.1 Parking enforcement – The legal background

The Road Traffic Regulation Act 1984 authorised local authorities to make Traffic Regulation Orders in order to control traffic movements and parking provision within their areas. Under that Act the Council's scope for parking control was mainly limited to the issuing of Excess Charge Notices for mostly off-street (car park) offences. Responsibility for other offences (such as parking on 'yellow lines') remained with police officers and traffic wardens. The income from Fixed Penalty Notices issued by police forces, and by the traffic wardens employed by them, was not retained locally, it was instead paid to the Exchequer.

The police service was increasingly unable to provide the resources necessary to either deal directly with parking offences, or to fund and manage the traffic warden service. A number of forces indicated their support for another agency taking on responsibility for parking enforcement. The consequences of the lack of enforcement, in terms of road safety and congestion, were deemed unacceptable and, in order to address the problem, the Government introduced the Road Traffic Act 1991 (RTA 91).

This enabled local authorities to establish Permitted Parking Areas and Special Parking Areas, within which non-endorsable parking offences would be decriminalised. Civil enforcement of those parking contraventions could then be undertaken by parking attendants employed directly, or indirectly, by the local authority. Penalty Charge Notices (PCNs) could be issued for perceived breaches of the parking restrictions within those areas and, unlike the previous system, the local authority would retain the income from those PCNs to help fund their enforcement operations.

The aim was that those de-criminalised enforcement operations would in effect be self funding. Whilst raising revenue was not to be an objective of enforcement, should their enforcement operations produce a surplus of funds at the end of the financial year, those funds could be spent to either improve off-street parking provision, or on specified transport related matters.

Adoption of RTA 91 powers was mandatory for London boroughs but optional for other local authorities. Following consultations with the Dorset Police and with Dorset County Council, in order to further Dorset County Council's transportation policies through the effective control of parking, Weymouth and Portland Borough Council (the Council), took on these powers on 25th November 2002. Dorset County Council is the local Highway Authority and, when enforcing on-street parking restrictions within Weymouth and Portland, this Council does so on behalf of the County Council, under the terms of an Agency Agreement.

Subsequently, the introduction of the parking related sections of Part 6 of the Traffic Management Act 2004 (TMA 2004) on 31st March 2008 again changed the legal framework. It widened the scope of local authority parking enforcement, it aimed to introduce greater openness and professionalism within parking operations and it largely harmonised the regulations applicable to authorities inside London with those pertaining to authorities outside of the Capital. Under the new Act de-criminalised parking enforcement became Civil Parking Enforcement, Permitted Parking Areas and

Special Parking Areas became Civil Parking Areas and Special Enforcement Areas and Parking Attendants were re-named Civil Enforcement Officers (CEOs).

The regulations accompanying TMA 2004 urged greater communication by local authorities of their parking policies, guidelines and performances and recommended that this could partly be achieved through the publication of annual reports, such as this one.

1.2 Parking policies

Parking policies are an integral part of the Council's local authority transport strategy. In accordance with the Department for Transport's "*Full Guidance on Local Transport Plans*" the Council's policies are aimed at tackling congestion and changing travel behaviour.

In setting those policies the Council has taken account of;

- Existing and projected levels of demand for parking by all classes of vehicle.
- The availability and pricing of on-street and off-street parking places.
- The justification for and accuracy of existing Traffic Regulation Orders.
- The adequacy, accuracy and quality of signing and lining which either restricts or permits parking.

With regards to enforcement operations, the Council has set and continues to appraise;

- The optimum level of compliance with parking controls.
- The level of enforcement necessary to secure that compliance.
- The levels of penalty charges.
- The need to effectively resource the operation and to ensure that all parking staff are appropriately trained.

When formulating and appraising policies the Council consults locally with individuals and with businesses who have a range of parking needs. It takes into account the views of the police and, where possible, works with neighbouring authorities to achieve a consistent approach.

The Council's parking control policies are to;

- Regulate the use of vehicles in the busiest and most congested areas.
- Improve traffic flows.
- Improve road safety (for vehicle users and for pedestrians)
- Increase and improve pedestrian and cyclist mobility.
- Encourage public transport usage.
- Safeguard the needs and requirements of residents, businesses/ organisations and visitors.
- Regulate and control parking, both on-street and off-street.
- Encourage the use of car parks (particularly for longer visits).
- Provide sufficient short-stay parking facilities to support shops/ commercial organisations and leisure activities.
- Preserve and improve the current infrastructure and general environment.

1.3 Parking restrictions

Parking restrictions play an important part in helping to achieve the aims of the above policies. Wherever they are located, whether they are prohibitions on parking, or are limitations as to who may use particular parking spaces, (or limitations as to when they may be used), there will have been sound reasons for those restrictions having been introduced. These will have included reasons such as;

1. To prevent congestion and thereby improve traffic flows,
2. To improve road safety (for both vehicles and pedestrians),
3. To improve the quality and accessibility of public transport,
4. To improve the local environment, or
5. To provide a fair distribution of parking spaces to meet the competing demands of;
 - Residents
 - Shops
 - Businesses
 - Pedestrians
 - People with disabilities
 - Visitors
 - Car drivers
 - Delivery drivers
 - Public transport users
 - Cyclists
 - Motorcyclists

There are many types of restriction which may be used to achieve these aims, such as;

- Stopping or Waiting restrictions (clearways, yellow lines, 'School' restrictions etc),
- Pedestrian Zones
- Bus Lanes
- Residents' Parking Schemes
- Restricted Parking Zones
- Pay and Display parking
- Parking bays for time limited parking
- Parking bays for specified users, or for specified purposes (blue badge holders, bus stops, taxi ranks, motorcycles, loading/ unloading etc)

Most of these are introduced by way of Traffic Regulation Orders and are indicated to motorists by way of road markings and/ or signage, which has been specifically approved for this purpose by the Department for Transport.

The need to introduce a new restriction or scheme, or for an existing restriction to be removed or amended, may have been identified by officers of the Council, or it may have been suggested by either local residents, the Ward Members representing those residents, or by other interested parties (such as local business groups, transport service operators, the police or fire service). The merits of each submission and their potential impact are considered and the priority for their introduction is assessed under a scheme which takes into account factors such as the type of road and local accident records. The Council has limited funds available with which to introduce new restrictions and some schemes (particularly those which require lighting and signage)

can be far more expensive to implement than others. Proposals therefore usually proceed in order of priority, as and when the necessary resources are available.

If a decision to proceed is made, the proposal is consulted upon and new or amended Traffic Regulation Orders are drawn up and advertised for public comment or objection. When a proposal for a new restriction is advertised, it is not a 'done deal'. Responses to the advertisement (whether in support of the proposal, or against it) will be considered before a final decision is made on whether or not to implement the restriction.

Whilst there are many different types of parking restriction which may be introduced, they can be split into two distinct categories. Those in the first prohibit all vehicles, or all but certain classes of vehicle, from stopping. These include clearways, taxi ranks, bus stops, school restrictions etc.



Those in the second group place restrictions on waiting (parking) by vehicles. These range from 'No Waiting' (yellow lines), to 'Limited Waiting' (time restricted parking), waiting by specified users only (disabled badge holders, permit holders, pay and display parking etc), or to waiting for specified purposes only (loading bays).



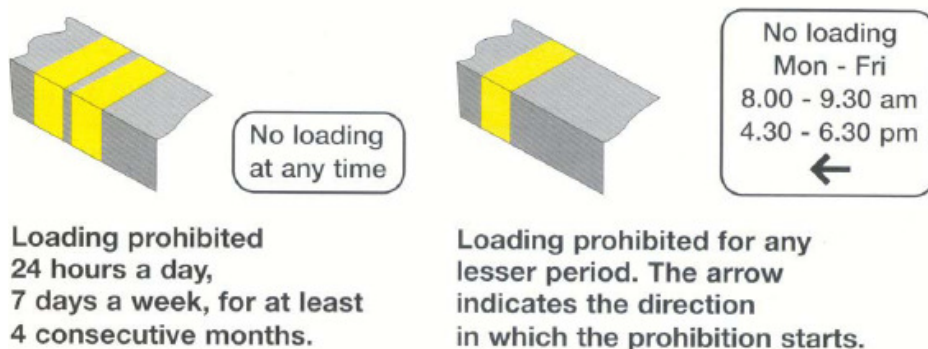
Where these 'waiting' restrictions apply (as opposed to 'stopping' restrictions), vehicles are usually permitted to wait;

1. For the purpose of actively picking up or setting down passengers (but not to park to await the arrival of those passengers).
2. For as long as may be necessary for the vehicle to be actively (continuously) loaded or unloaded. Such loading is allowed provided that it is necessary for the vehicle to be parked there for that purpose and that, in doing so, the vehicle does not create an obstruction to other road users (including pedestrians). If the vehicle could be parked nearby, without breaching parking restrictions and the goods needing to be loaded or unloaded are of such a nature that the driver could carry them to or from there to the premises without difficulty, then it would not be considered "necessary for the vehicle to be parked" in breach of a waiting restriction nearer to the premises for the purpose of loading or unloading.

Additionally;

- Whilst parking to make a purchase from a shop would not be considered as 'loading', stopping to actively load onto the vehicle bulky items which had previously been purchased would be.
- With regards to deliveries, the process of loading/unloading includes taking goods into nearby premises, getting delivery documents signed and returning to the vehicle. Activities such as installing the delivered items or preparing them for display are not counted as loading/unloading.
- Similarly, the unloading to, or collection from, a premises of bulky tools would be considered as loading and unloading. However using those tools to conduct a repair within the building would not be. In some cases however, it is not possible to affect repairs, or other works to premises, without the vehicle being present. The main utility companies (water, gas and electricity) are usually exempted from waiting restrictions, where it is necessary for them to park in breach of those restrictions to conduct repairs either on the highway, or in adjacent premises, to pipes, sewers, telegraph lines etc. Other non 'utility' companies can face similar problems and the Council's parking section will, wherever possible, seek to assist them by either providing them with workers' permits enabling their vehicles to be temporarily parked in breach of parking restrictions (provided that those vehicles would not obstruct the flow of traffic), or by seeking to identify nearby sites where those vehicles could be parked without breaching parking regulations.

Whilst the activity of loading is usually permitted on yellow lines, it is not if there is also a loading ban in force. A loading ban is indicated by yellow marks on the kerb and the times at which the ban applies will be shown on nearby signage.



3. In the case of 'Limited Waiting', for so long as is indicated on the signage.
4. In the case of 'waiting by specified users only', provided the user is of the type specified, during such hours and subject to such time limits as are indicated on the signage.
5. In the case of 'waiting for specified purposes', provided that the specified purpose is being actively carried out, for so long as may be necessary to complete that purpose, unless the signage indicates that time limits apply.

Wherever parking restrictions are in force, these will be indicated to motorists by the use of road markings and/or signage. Double yellow lines usually mean 'no waiting at any time' and they therefore do not require any accompanying signage. However, if the yellow lines represent a seasonal restriction (one which applies during certain months of the year only), there will be signage present to indicate this.

The times at which other restrictions apply are shown either on nearby plates, or on zone entry signs. Restrictions are in force 24 hours a day, on every day of the year (including Sundays and Bank Holidays), unless it specifically states otherwise on the signage. If a sign states that a restriction is only in force on certain days of the week and/or between certain hours of the day (such as 9am to 5pm, Monday to Friday), then the restriction applies on those days and/or between those hours all year round (again, including Bank Holidays).

In the case of parking bays, these may be reserved for use by certain users only or for use for certain purposes only (either at all times, or between certain hours). Some bays are reserved for use by different users, or for use for different purposes, at different times of the day. Whatever the restrictions, they will be specified on the nearby signage plates.

Whenever parking, it is essential that motorists always read the nearby signs to ensure that they are aware of the restrictions which are in force and of when those restrictions apply. Where parking bays are provided, vehicles should always be parked wholly within the markings of those bays.

Information concerning parking and examples of road markings and signage can be found in the "*Highway Code*" and in the Department for Transport's "*Know Your Traffic Signs*" booklet. These publications and other useful information related to parking can be found on the Department for Transport's website www.dft.gov.uk



In several locations within the Borough, the Council have introduced on-street pay and display parking. The prices and regulations which apply can be found displayed on the ticket machines and in the "Parking" section of the Dorset For You website <http://www.dorsetforyou.com/parking>. When using those parking places, it is essential that motorists take the time to read these instructions.

The Council also provides many off-street car parks for use by motorists. Each car park will have at least one information board and, in the case of those to which pay and display charges apply, there will be a board situated next to each of the ticket machines. Again, it is necessary for motorists to take the time to read these, as failure to park in accordance with the car park rules can result in penalty charges being incurred.



Whenever using pay and display parking, whether on the street or in a car park, do not forget that you need to leave the ticket which you have purchased prominently displayed on your vehicle, so that the side which shows the ticket details (time, date, amount paid etc) can be easily read from outside of the vehicle. As tickets can be dislodged by gusts of wind when doors are opened or closed, it is always advisable to check that your ticket is correctly displayed before you leave your vehicle.

All of the Council's pay and display tickets have a perforated tear-off strip (either along the bottom edge or on the right hand side) which contains a summary of the ticket's details. If you take this strip with you, it will act as your proof of purchase should the main part of the ticket be lost.

The locations of the Council's car parks and the charges for their use (where applicable), along with other useful parking related information, can be found in the "Parking" section of the Dorset For You website <http://www.dorsetforyou.com/parking>

Please remember that whenever you park, whether or not there are parking restrictions in force, you must not leave your vehicle in a dangerous position, or in a position whereby it would cause an obstruction to other road users. The offences of 'dangerous parking' and of 'obstruction' are not subject to Civil Enforcement. These remain criminal matters which are enforceable by the Police.

1.4 Parking by Blue Badge holders



Details of the scheme, the concessions applicable and the responsibilities of Blue Badge holders can be found in the Department for Transport's booklets;

- *"Can I get a Blue Badge?"*
- *"The Blue Badge Scheme: rights and responsibilities in England"* and
- *"The Blue Badge Scheme; Guidance for blue badge holders and their drivers on the power to inspect blue badges being displayed on motor vehicles"*

The first booklet is aimed at potential applicants for a badge whilst the other two are issued to badge holders with their new or renewed Badges. Copies can be found in the "Blue badge scheme" section of the Department's website www.dft.gov.uk

Alternatively, they can be obtained from your local badge issuing authority. In our case, this is the Adult and Community Services Department of Dorset County Council (Tel: 01305 251000), further details can be found in the "Disabled parking badges (Blue badge scheme)" section of the County Council's website www.dorsetforyou.com

It is very important that all badge holders carefully read these booklets before attempting to use their badges. Whilst certain concessions are offered, particularly with regards to where waiting restrictions (yellow lines) apply, the scheme does not provide a blanket exemption from all on-street parking restrictions.

It should also be noted that this national scheme applies to on-street parking only. It does not apply to off-street car parks. Most car park operators provide parking spaces for disabled people, but it is up to the car park owner to decide whether their charges will apply to badge holders.

Whenever using a car park (whether council operated, or privately owned), badge holders should therefore always check the car park information boards to see whether there are any concessions available to them. They should not assume that their badge entitles them to park free of charge, as this may not be the case.

Further information regarding parking by Badge holders within Weymouth and Portland can be found in the "Disabled parking" section of the Dorset For You website <http://www.dorsetforyou.com/parking> and in our free leaflet "Guidance for Blue Badge holders on parking in Weymouth and Portland", which can be downloaded from the website or can be obtained from any of the addresses given at the end of this report.

Section 2

The enforcement of parking restrictions

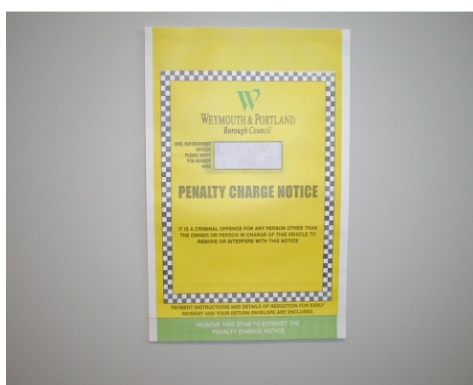
2.1 Penalty charges

Wherever the Council has introduced parking restrictions, whether on-street or in its car parks, vehicles which appear to have been parked other than in accordance with those restrictions may be issued with penalty charges.

The Secretary of State for Transport decided that (with effect from 31st March 2008) local authorities would be required to issue two different levels of penalty charges in their enforcement areas. A higher level charge for parking in places where parking is prohibited (such as on yellow lines or in a disabled bay without displaying a valid badge) and a lower level charge in respect of contraventions relating to places where parking is permitted (failing to display a pay and display ticket, overstaying the permitted time etc), as the latter are mostly deemed to be less serious. Previously, all contraventions received the same penalty, regardless of the seriousness of the offence and this was perceived by many as being unfair.

There is a single nationwide standard list of the parking contraventions for which CEOs may issue Penalty Charge Notices, but not all of the contraventions will be relevant in every local authorities' individual area (for example some areas have parking meters whilst others do not). The full list can be found in the "Parking" section of the PATROL (Parking and Traffic Regulations Outside London) website www.patrol-uk.info It is the Secretary of State for Transport who decides which of these parking contraventions will be subject to which of the two levels of charge.

A CEO will usually serve a PCN by either attaching it to the vehicle, or by handing it to the person who appears to be in charge of the vehicle. There are also certain circumstances under which, if the CEO has been unable to do this, the PCN may be served by post. Where camera enforcement is in use (mainly used in respect of moving traffic contraventions), the PCN will always be served by post.



The PCN will specify the contravention which is alleged to have occurred and the amount which is payable. Amongst other information, it will also detail the available options and methods for either payment or appeal. Unless a successful appeal has been made, the penalty charge must be paid within 28 days of the date on which it was served (if paid within 14 days, the amount of the charge will be reduced by the statutory amount - currently 50%). If it is not paid within 28 days, the Council may then serve a Notice to Owner on the owner of the vehicle.

2.2 Civil Enforcement Officers – Policies and guidelines

Regrettably, experience has shown that, where motorists perceive that there is either no active enforcement of a restriction, or that enforcement levels are limited, it is far more likely that they will 'take a chance' and ignore the restriction. For restrictions to have their desired effect, it is therefore necessary for them to be enforced.

Within Weymouth and Portland, the Council have decided that parking enforcement will be undertaken by Civil Enforcement Officers who are directly employed by the Council. By keeping this function 'in house', the Council is better able to ensure that all aspects of its parking enforcement operations are undertaken by well trained, high quality staff, whose performance can be effectively monitored against the standards and guidelines which the Council has set for them to follow.

Whilst the Council will monitor the performance of its CEOs, it will not set any targets with regards to the numbers of PCNs which they will issue. They are salaried employees of the Council, who receive no performance related bonuses or other performance related incentives. The Council deploys its CEOs in such a manner as to provide coverage of all parking restrictions throughout the Borough, although it is of course also necessary to prioritise those areas where the most parking problems are experienced, such as in and around Weymouth town centre.

The Council has set the following Code of Practice for the standards and guidelines which its Civil Enforcement Officers must follow;

- As required by law, whenever conducting their enforcement duties they must wear the uniform which is issued to CEOs by the Council. The uniform will clearly show the name of the Council, the personal identity number of the CEO and that the CEO is engaged in parking enforcement. There is no requirement for CEOs to be wearing headgear when they are issuing PCNs.
- CEOs are to check that vehicles within their patrol area are parked in accordance with the parking regulations and, where they are not, CEOs will enforce the parking regulations by issuing PCNs as appropriate.
- In order to protect them from allegations of inconsistency, favouritism or suspicion of bribery, once CEOs have issued PCNs they do not have the discretion to either cancel or withdraw them (although they may be re-issued if necessary). If a motorist wishes to dispute a PCN which has been issued, they must follow the appeals procedure which is detailed on the notice.
- Motorists are expected to park correctly, with due regard to any parking restrictions which are in force. On finding a vehicle which has been parked in contravention of such restrictions, the CEO will enforce the restriction. It is not their job to attempt to track down motorists in order to ask them to park their vehicles properly.
- The leaving of a note on a vehicle (such as "working at number 17") does not exempt that vehicle from a parking restriction. Similarly, whilst a note may claim that a vehicle has "broken down", unless there is obvious damage to the vehicle which would prevent it from being moved, a CEO cannot be sure

of the validity of such a claim. Whilst they are expected to record the presence of such notes, they are to issue PCNs as appropriate. It will be for the motorist to subsequently appeal against the PCN if they wish to do so. With regards to a broken down vehicle, a motorist will usually be able to provide some form of documentary evidence of the nature of the problem to accompany their appeal and this will of course be taken into account in deciding whether or not payment of the PCN will be required.

- CEOs are to conduct their enforcement duties in a thorough, fair, consistent and professional manner and to treat all motorists equally, without showing favour, bias, or prejudice.
- In addition to parking enforcement, it is an integral part of the Council's CEOs' duties to assist the public by providing them with advice and guidance on parking, or on tourism related matters.
- They will inform the police of suspected criminal activity and their high profile, uniformed patrols will hopefully help to dissuade such activity. In cases of accident or emergency, they are to assist the police when required, but must not put their own safety at risk to do so. They may only attempt to direct moving traffic when working under the direct instruction of the police.
- Whilst on patrol, they will look out for and report;
 1. Potential dangers to the public (to the Council, or to the emergency services as appropriate).
 2. Suspected abandoned vehicles.
 3. Un-taxed vehicles (to the DVLA).
 4. Faults with parking equipment (pay and display ticket machines, signage, or road markings) which they cannot rectify themselves. With regards to ticket machines, the replenishing of ticket stocks, the checking and setting of clocks, and the clearing (where possible) of jammed tickets or coins is part of their daily duties.
 5. Changes in parking patterns and/ or possible changes to parking restrictions which may be appropriate.

As stated above, when finding a vehicle which appears to be parked in contravention of a parking restriction, it is the duty of a Civil Enforcement Officer to issue a Penalty Charge Notice to that vehicle and they have no powers to subsequently cancel or withdraw those notices. However, there will be certain circumstances under which, even though a parking contravention appears to have occurred, it would not be appropriate for them to issue a PCN. The Council has therefore set the following policy;

Civil Enforcement Officers have the discretion not to issue PCNs under the following circumstances;

- When a motorist's vehicle has been parked with the permission of, or at the direction of, either a police officer in uniform, or of a Civil Enforcement Officer employed by the Council (whilst on duty).

- When a vehicle has been prevented from proceeding by circumstances beyond the driver's control, or has been stopped in order to avoid injury or damage to persons or property.
- When the driver is still with the vehicle and, upon request by the CEO, s/he immediately either removes their vehicle, or s/he takes steps to ensure that the parking regulations are complied with.
- When the driver returns to their vehicle either during the CEO's observation period, or whilst the PCN is being prepared, but before it can be issued, then the CEO may issue a verbal warning instead (provided that, in response to the warning, the motorist then removes the vehicle or takes steps to comply with the parking regulations).
- When a CEO believes that their personal safety would be threatened if they were to do so. Under the TMA 2004 legislation, if a CEO is prevented from issuing a PCN either indirectly through abusive behaviour or intimidation, or directly through threats or actual physical force, then the PCN may instead be issued by post. Additionally, the Council will not tolerate threats, intimidation, or assaults on its staff and will therefore not hesitate to initiate criminal prosecutions in respect of such behaviour.

Parking restrictions are there for good reasons and the Council aims to ensure that its Civil Enforcement Officers deliver enforcement of those restrictions fairly and in accordance with the law. The Council's CEOs conduct duties which are intended to benefit the public and the Council expects that they will perform their enforcement duties efficiently and with proper regard to the rights of the motorist.

CEOs work throughout the year, in all weathers and often in difficult circumstances. As most of the Borough's parking restrictions apply 24 hours a day, 7 days a week, CEOs are required to work on a shift basis to give the widest possible enforcement coverage. Whilst their efforts may not be appreciated by those motorists whose vehicles have been issued with PCNs, it should be emphasised that those who park correctly, in accordance with the parking regulations, will not be liable to such charges.

The purpose of issuing PCNs is to dissuade motorists from breaking parking regulations. It is hoped that, through the efforts of its CEOs, the Council will be able to improve levels of compliance in order to achieve its parking control policies specified earlier in this report.

2.3 The appeals process

Where a parking contravention occurs, it is the 'owner' of the vehicle involved who is legally obliged to pay the penalty charge. The 'owner' means the person by whom the vehicle is kept, which in the case of a vehicle registered under the Vehicle Excise and Registration Act 1994 (c.22) is presumed (unless the contrary is proved) to be the person in whose name the vehicle is registered (at the DVLA). It is therefore essential that any changes of vehicle ownership are immediately notified to the DVLA.

When allowing other persons to use their vehicles, vehicle owners should bear in mind that it is still they, the vehicle's owner and not the vehicle's driver, who will be liable to pay any penalty charges incurred in respect of parking contraventions.

The only exception to this is where the vehicle was hired from a firm under a hiring agreement and the person hiring it had signed a statement of liability in respect of any penalty charge notice served in respect of the vehicle during the currency of the agreement.

Vehicle owners may dispute the issuing of a PCN at three stages:

1. They can make an informal 'challenge' or 'representation' before the Council issues a Notice to Owner (NtO) (this does not apply in the case of a PCN issued by post, as the PCN then also acts as the NtO). As a challenge at this stage will be made by the person who has received the PCN, it may be that the person submitting the challenge was the driver of the vehicle, rather than the vehicle's owner.
2. Once an NtO has been served, they can make a formal representation against the NtO (this can still be done if an informal challenge has previously been made and been rejected). The legislation sets out specific grounds on which formal representations against the NtO may be made (these will be specified upon the Notice), however, whether or not those grounds apply, representations may also be made on the basis that, in the particular circumstances of the case, there are compelling reasons for the cancellation of the penalty charge.
3. If the formal representation is rejected, the Council will issue a Notice of Rejection. The appellant then has the right to appeal, within 28 days of the date of issue of the Notice of Rejection, to an adjudicator of the Traffic Penalty Tribunal. The adjudicators have a judicial position. They are appointed with the agreement of the Lord Chancellor and they are wholly independent. Their decisions are final (subject to their own power to review a decision) and they have the power to award costs against either party. No further challenges can be made, other than on a point of law through an application to the High Court for Judicial Review. Appellants may choose to appear before the adjudicator at a personal hearing, they may elect for the hearing to be conducted by telephone, or they may wish for the adjudicator to reach a decision based upon the written evidence supplied by the two parties and to then notify both parties of their decision by post. Appellants can lodge their cases with the Tribunal either by post or on-line. Full details of the adjudication service and of the appeals process can be found on their website www.trafficpenaltytribunal.gov.uk The site also provides details of the outcomes of a number of real "example cases" which potential appellants might find useful.

General information about parking and the associated rules and regulations which may assist motorists in deciding whether to pay or to challenge a PCN, can be found on the 'Parking and Traffic Regulations Outside London' website www.patrol-uk.info

2.4 Policies for the handling of appeals.

The process of considering challenges, representations and defence of appeals is a legal process. It is necessary for the Council to keep a full and accurate record of all

challenges which have been made and of the responses given in respect of those challenges. This is why the Council asks that all representations are made in writing (by letter, e-mail, or by completing one of its 'Challenge Forms' which are available at the main reception desk of the Council Offices on North Quay, Weymouth).

The Council has the discretion to cancel a PCN at any point in the appeals process and has set out the following policy with regards to the handling of appeals and to the exercise of that discretion;

- All challenges and representations will be considered and each case will be decided upon its own individual merits. Any extenuating or mitigating circumstances will be taken into account.
- The staff who issue PCNs will not handle representations which are made against PCNs.
- Representations will only be dealt with by staff who have been trained in the handling of such representations. Those staff shall be authorised to exercise the Council's discretion to cancel PCNs.
- Elected members and unauthorised staff will play no part in deciding the outcome of challenges or representations.
- Every case will be looked into individually and supporting evidence may be requested before a decision on the outcome of an appeal can be made. Whilst every case will differ, it may be appropriate for the Council's discretionary power to cancel penalty charges to be used in the following circumstances;
 1. Where the vehicle could not have been moved due to an accident or breakdown.
 2. Where the vehicle had been stopped and left on the instructions of a police officer or of a Civil Enforcement Officer employed by the Council (whilst on duty).
 3. Where the Council is satisfied that the driver of the vehicle was prevented from returning to it by circumstances which were beyond their control and which could not have been foreseen (such as due to accident or injury).
 4. In cases where the PCN was issued in respect of the non-display of a pay and display ticket, if a ticket had in fact been purchased and it is subsequently produced. Provided that it is confirmed that the ticket would have been valid for use on that vehicle, in that parking place, at the time of the alleged contravention.
 5. In cases where the vehicle was being used by a disabled badge holder, but their blue badge had either not been displayed, or had not been properly displayed, if the badge is later produced. Provided that the badge is confirmed as being valid and that, had it been properly

displayed at the time of the alleged contravention, the PCN would not have been issued.

Whilst each case will be considered on its own merits, if the Council uses its discretion to cancel a PCN, it may be less inclined to exercise that discretion again if the same vehicle owner incurs a subsequent PCN in similar circumstances.

- All representations made against a NtO (within 28 days of the NtO having been served) will be considered. Representations received after the expiry of the 28 day time limit will not be disregarded if evidence (such as a postmark) indicates that they were made within that period. The law requires that the Council must then serve notice of its decision on the person making the representation within 56 days. The Secretary of State considers that decision notices should in fact be served within 21 days, but the Council will normally aim to reach a decision and to issue a decision notice in respect of all representations within 14 days of their receipt. If for any reason there is likely to be a delay in providing the Council's response, the appellant will be advised accordingly.
- Where an informal representation has been rejected, if a subsequent informal or formal appeal is received, this will usually be handled by a different officer. They will re-examine all of the facts, circumstances and evidence of the case and will then make a decision independent of the one which was previously given.
- Where an informal representation is made within the 14 day discount period, if it is rejected, the discount period will be re-offered for a further period of 14 days.
- Every representation will be handled in a timely and professional manner and in accordance with the requirements of relevant legislation.

If a duly authorised officer of the Council considers that the evidence or circumstances in relation to either an informal appeal, or to a formal representation, provide sufficient grounds to warrant the cancellation of the PCN, then s/he will cancel the charge and will advise the appellant accordingly. If any monies have already been paid, these will be refunded.

2.5 The recovery of unpaid penalty charges

Where a Notice to Owner has been served on a vehicle owner and either;

1. 28 days have passed since the NtO was served and no representation or appeal is under consideration, or
2. representations have been rejected, 28 days have passed since the Notice of Rejection was served and no appeal has been made to an adjudicator, or
3. an appeal was made to an adjudicator but was withdrawn before the hearing and 14 days have passed since the date on which it was withdrawn, or

4. an appeal which was made to an adjudicator was refused and 28 days have passed since the date on which the adjudicator's decision was served on the appellant,

and the penalty charge has still not been paid, then the Council may issue a Charge Certificate.

The certificate tells the vehicle owner that the penalty charge has been increased by the statutory amount (currently 50%) and that, if it is not paid within 14 days, the Council may apply to the Traffic Enforcement Centre (TEC) at Northampton County Court to register the Charge Certificate and recover the increased charge as if it were payable under a county court order.

Once registered, the TEC will send the Council an authority to issue an order for the recovery of the amount outstanding (the unpaid penalty charge, any costs awarded against the motorist by an adjudicator, plus the registration fee (presently £5). The Council must then send an order informing the motorist that, within a further 21 days from receipt of the order, s/he must either pay the amount outstanding or send to the TEC a Witness Statement to refute the need to pay the penalty charge (the order will state the grounds on which a Witness Statement can be made).

If the motorist fails to either pay the outstanding amount or to submit a Witness Statement, the Council can ask the TEC for authority to prepare a Warrant of Execution. This authorises a certified bailiff to seize and sell goods belonging to the motorist to the value of the outstanding amount, plus the cost of executing the Warrant. Whilst this is the normal means of collecting unpaid debts, there are circumstances in which an authority can use other means, such as an attachment of earnings order, a garnishee order or a charging order.

The Council would emphasise that it would prefer to see matters settled at as early a stage as possible (either through payment of the penalty charge, or by way of a successful appeal against it), rather than having to resort to the use of these powers.

Section 3 Performance

3.1 Developments during 2012/13

Last summer provided challenges for the parking department, some of them expected and others unexpected.

One of the major challenges was to help deliver the temporary transport and parking arrangements which were needed to facilitate the Borough's hosting of the sailing events of the London 2012 Olympic and Paralympic Games. As referred to in last year's report and by the Brief Holder in her introduction to this report, whilst this placed a considerable extra burden on the department, at what is traditionally the busiest time of the year for them, the team can be justifiably proud of the results achieved through their hard work and professionalism.



At the same time as assisting with the Olympic works and catering with the usual influx of visitors to the resort, the parking team was going through a programme of restructuring, associated with the merger of the entire workforces of Weymouth and Portland Borough Council and West Dorset District Council. The Parking Section, which now serves both councils, has seen the two authority's Parking Managers replaced by a single 'Head of Parking and Traffic'. Similarly the administrative functions are now conducted from a single office and are overseen by a single office Manager. These and other related measures are intended to produce efficiency and cost savings for both authorities.

The full integration of staff and duties will take some time to complete, not least because Weymouth and Portland Borough Council conduct both on and off-street parking enforcement under the Traffic Management Act 2004, whereas West Dorset District Council enforce off-street car parks only, under the Road Traffic Regulation Act 1984 (on-street enforcement in West Dorset being the responsibility of Dorset County Council). Whilst this and other obstacles, such as the harmonising of terms and conditions of employment, still have to be overcome, the staff are confident that, as a single team, they can deliver a quality parking service for both councils.

On-Street Parking

It was mentioned in last year's report that Dorset County Council's Cabinet decided at their meeting on 21st March 2012 to serve notice on Weymouth and Portland Borough Council and on Christchurch Borough Council of its intention to terminate its on-street

parking agency agreements with those boroughs. The report to the Cabinet did however make it clear that negotiations with both borough councils were still ongoing and that the matter would be referred back for a final decision in due course. On 4th July 2012 the County Council's Cabinet decided to terminate Christchurch Borough Council's parking agency agreement with effect from 1st April 2013. Negotiations between the County Council and Weymouth and Portland had however led to proposals for revised financial arrangements between the two authorities. As a result, the County Council's cabinet decided;

“That a final decision on the future of the on-street parking agency with Weymouth and Portland Borough Council be deferred until 1 January 2014 to enable a full assessment of the actual income received as a result of the agreed proposals and to enable the County Council to serve notice if needed in March 2013 again on a protective basis”.

In essence, the long term future of the agency agreement is still uncertain. As a result, the future employment prospects of many of the Borough Council's parking team also remain uncertain.

Whilst the challenges of the staff merger and of striving to retain the on-street parking agency agreement had been anticipated, an unexpected challenge during 2012 was to deal with the unprecedented flooding of two of Weymouth's car parks on 8th July 2012. This followed torrential rain, and was only two weeks prior to the commencement of the Olympics. Thankfully, the waters receded quickly and efforts to clear the debris, restore power and dry out ticket machines were soon underway. Both car parks were re-opened within days and were able to be used for their planned purposes during the Olympic period. The RSPB's visitors' Centre on the Swannery Car Park and a restaurant adjacent to the Melcombe Regis Car Park which also suffered severe flood damage were also back in operation before the end of the summer season.





During 2012/13, the Council introduced a number of new Traffic Regulation Orders. These included Orders to introduce;

- Limited waiting parking bays and a loading bay outside of the shops on Lodmoor Hill, Dorchester Road, in order to assist the trade of those businesses and to resolve problems with double parking.



- Limited waiting parking bays outside of shops on Abbotsbury Road and outside of the doctor's surgery on Preston Road.



- 'No Waiting and No Loading' restrictions on lengths of Gloucester Mews, Great George Street and The Esplanade, at points where 'No Waiting' restrictions had already been in place, but parked vehicles had continued to obstruct traffic flows.



- 'No Waiting at Any Time' restrictions on a number of roads throughout the Borough, including Barrack Road, Cromwell Road, Fernhill Avenue, John Street, Merley Road, Quibo Lane and Tillycombe Road, to address parking problems, particularly at, or near to, junctions.



- To provide parking provision for disabled badge holders outside of residential premises. Seven new spaces were introduced during 2012/13 and fifteen such spaces which were no longer required were removed.



These new restrictions are now in place and are enforced by the Council's CEOs.

In December 2012 a Traffic Regulation Order was advertised at the request of Dorset County Council. Rather than proposing the introduction of new parking restrictions, this Order was primarily for the removal of existing double yellow lines on parts of Dorchester Road. Traffic flows have been substantially reduced on that length of road, as, with the Weymouth Relief Road having opened in March 2011, Dorchester Road is no longer the main route for traffic between Weymouth and Dorchester.

It was always intended under the Relief Road scheme that it would be combined with a 'Dorchester Road Improvement Scheme', which would include changes such as widened pavements, improved junctions, cycle lanes, traffic calming measures and changes to pedestrian crossings. The County Council's aim was to *"transform the residential road between Elwell Street and Manor Roundabout from the formerly congested thoroughfare to a calm street scene"*.

Having considered traffic flow and road safety issues and taken into account the opinions and suggestions of the public (in response to its consultation exercises), the County Council's highway engineers identified opportunities to remove parking restrictions which they considered were no longer required, in order to increase parking availability for local residents. Some 'Limited Waiting' parking spaces were also proposed, in order to assist access to local businesses. Where additional parking was to be permitted, it was intended that the parked vehicles would act as a form of 'traffic calming' measure, as vehicle speeds in this area had been raised as an issue. The 'traffic calming' effect of those parked vehicles was also intended to further reduce traffic flows along this part of Dorchester Road, by discouraging through traffic from using this route, rather than the new Weymouth Relief Road.

The proposals, which were produced by the County Council's Highways Engineers, followed extensive public consultations. That only two letters of representation were received when the Order was advertised for public comment/objection is an indication of how well those consultations had been conducted.

On the 6th February 2013 the Borough Council's Planning and Traffic Committee considered those representations and decided that most of the proposed changes to parking restrictions should be proceeded with. These will come into effect during 2013.



Proposals were also advertised on behalf of the County Council to introduce new 'No Waiting at Any Time' restrictions on both sides of Mercery Road, Weymouth. At the end of July 2011 the northern end of Mercery Road was linked to the new Weymouth Relief Road. Mercery Road, which had previously been a cul-de-sac, is therefore now available for use by through traffic.

The entire Mercery Road site is undergoing a major re-development and substantial increases in traffic flow are expected as the new facilities, including a large supermarket, a petrol station, a public house/restaurant, a hotel and a number of business units (all with off-street parking) are opened to the public.



The Order, which was advertised in January 2013 received no objections and will be introduced during 2013.

Another Order was also advertised for the County Council in January 2013. This proposed the extension of double yellow lines in marsh Road, Weymouth. The section of Marsh Road in question currently has no pavement on its west side and only a very narrow one on its east side.

The County Council's engineers propose to provide a full width pavement on the west side, extending northwards to the point where pedestrians can cross to join a full width pavement on the east side. Having received no objections when advertised, the Order will be introduced later in 2013, to coincide with the completion of the footway improvement works.



However, not all parking restriction requests are proceeded with. A request from the Weymouth Seafront Regeneration Group for an Order to be advertised to remove three 'permit holders/pay & display' parking spaces adjacent to the Alexandra Gardens on Weymouth's seafront, in order to enhance views of a refurbished statue, was rejected by the Council's Management Committee. A proposal for double yellow lines in Southill Garden Drive was advertised, but was later rejected by the Council's Planning and Traffic Committee, in view of objections which had been received.

Meanwhile, the temporary 'No Waiting and No Loading' restriction in Chapelhay Street (due to a landslide) remains in force. The remedial works to make the embankment safe are expected to commence in April 2013.

Since commencing on-street parking enforcement in November 2002, the Council has continued to review the necessity to retain, or the need to add to or amend, those parking restrictions which are in place. It has been responsible for introducing the parking related Traffic Regulation Orders needed to achieve this and the quality of the signage and carriageway markings which denote those parking restrictions has been regularly checked, with repairs or replacements having been ordered as necessary. All of that work has been carried out on behalf of Dorset County Council under the terms of a Highways Agency Agreement.

Whilst the County Council has deferred until January 2014 a decision on the future of the Borough Council's parking enforcement role under that agreement, it may be taking back in-house all other functions previously derived to the Borough under that agreement. This would include the responsibility for making parking related Traffic Regulation Orders and for making those Orders required to facilitate the staging of special events on the highway (such as parades and carnivals). With effect from 1st April 2014, those Traffic Regulation Orders may be processed by the County Council. Although not yet decided, it is anticipated that the hand-over of work would have to commence before that date.

Off-Street Parking

With regards to the Council's car parks, whilst minor maintenance work is ongoing, within the last year;

- Several major Weymouth pay and display car parks and areas within two Portland car parks were taken over by the Olympic authorities and used for alternative purposes during the Olympic weeks.

The Council had to temporarily change the usage of several other car parks, in order to provide parking for holders of annual permits and for town centre residents who had been displaced from the closed car parks and whose on-street parking provision had been reduced due to Olympic related road closures.

The parking team put a great deal of work into organising and advertising the temporary changes and into subsequently returning all of the sites to their normal usages as quickly as possible, in order to ensure that parking was again available for our usual summer influx of visitors, as soon as the temporary Olympic park and ride sites closed.



- A major re-development of the Chesil Beach Centre necessitated changes to the Chesil Car Park. These included the re-location of its entrance and the introduction of an area of hard-standing (near to the visitor's centre), on which 9 new spaces have been provided for use by disabled badge holders. The opportunity was also taken to use Portland Stone blocks to enhance the appearance of the car park and to protect grassed areas.



- The construction of a new tourist attraction, a viewing tower with a rotating platform (offering up to 70 passengers at a time 360 degree views of Weymouth, the Chesil Beach, Portland and the Jurassic Coastline), necessitated alterations to the layout of the Pavilion Car Park.



- The Council continued the replacement of outdated ticket machines with newer models, including trialling the use of solar powered machines.

Review of the Parking Service

A report presented to the November 2011 meeting of the Borough Council's Management Committee stated that "the new partnership provides an opportunity for a transformational change to the parking service, the aim being to provide a more customer focused parking service rather than the emphasis on enforcement." The Committee agreed that a comprehensive review of the public car parking provided by the Council should be carried out. The review would cover;

- Location, number of spaces and designation of spaces in off-street car parks
- Permit and Dispensation schemes
- Residents' on-street parking schemes
- Charging policies
- Methods of payment
- The future operation of the Dorset County Council agency for on-street parking

The new 'Head of Parking and Traffic' has compiled a very comprehensive report covering each of those topics and is now presenting its content, conclusions and recommendations to the relevant council committees. Those committees will decide which options are to be proceeded with, in order to shape the future for both on and off-street parking within the Borough. Whether or not it will be possible to introduce changes on-street will however very much depend upon whether the Borough Council is to retain responsibility for on-street parking, or whether that is to revert to the Local Highway Authority, Dorset County Council. Further details will be provided in next year's report.

3.2 Financial performance

1. The Parking Account

As a local authority which operates Civil Parking Enforcement (as an 'Enforcement Authority' with regards to its own off-street parking provision and as agent for Dorset County Council who are the 'Enforcement Authority' with regards to on-street parking), the Council is required to keep an account of all of its income and expenditure in connection with its on-street charging and its on-street and off-street enforcement activities. These finances are governed by Section 55 (as amended) of the Road Traffic Regulation Act 1984.

The legislation sets out provisions for dealing with any deficits or surpluses in the account at the end of the financial year. Any deficit is to be made good out of the authority's general fund, whilst a surplus can either be carried forward in the account to the next financial year, or it can be appropriated to the carrying out of a specific project for one of the following purposes;

1. The making good to the general fund of any amount charged to it for the making good of a deficit in the parking account in the 4 years immediately preceding the financial year in question.
2. Meeting all or any of the cost of the provision and maintenance by the local authority of off-street parking accommodation.
3. If it appears to the local authority that the provision in their area of further off-street parking accommodation is unnecessary or undesirable, the following purposes-
 - (i) Meeting costs incurred, whether by the local authority or by some other person, in the provision or operation of, or of facilities for, public passenger transport services, and
 - (ii) The purposes of a highway or road improvement project in the local authority's area.

Over the last twelve months the Council's parking account performed as follows;

**Report on Weymouth and Portland Borough Council's Parking Account
(kept under Section 55 of the Road Traffic Regulation Act 1984 - as amended)
for the financial year ended 31st March 2013**

	2011/12 (£)	2012/13 (£)
Income		
On-street parking charges (pay & display)	225,292	200,212
Penalty charges	98,056	65,374
	181,672	158,064
Residents' permits and scratch-cards sold	106,723	104,561
Parking dispensations issued	6,066	14,265
Total income	617,809	542,476
Expenditure		
Employees	502,933	499,264
Premises	34,024	17,725
Transport	17,675	10,636
Supplies and services	61,913	41,754
Service recharges	118,606	91,138
Total expenditure	735,151	660,517
Surplus/Deficit	117,342	118,041

The deficits in the 2011/12 and the 2012/13 parking accounts were funded from the Council's General Fund.

As referred to in last year's report, several changes to parking arrangements since 2010 have resulted in the loss of 41 on-street pay and display parking spaces in Weymouth's town centre. When agreeing to these various works, the Council was aware that they would result in an estimated reduction in on-street pay and display income of £54,500 per annum. The financial year 2011/12 was the first one during which the full financial impact of the loss of those spaces was seen.

At its meeting in November 2011 the Council's Management Committee decided that there would be no annual increases in on and off-street parking charges for the financial year 2012/13. The Committee also decided that, in order to help stimulate the local economy outside of the normally busy summer season, free parking would be introduced (on a trial basis) in all on-street pay and display parking places and in nearly all of the Council's car parks, on every Sunday and every night (6pm to 8am) between 1st November 2012 and 28th February 2013. It was estimated that these measures would lead to a further reduction in income to the on-street account of £22,000, which has now been reflected in the end of year figures.

The free parking trial and the variance in visitor numbers due to the temporary arrangements in place for the Borough's hosting of the Olympic sailing events are likely to have contributed to the reduction in penalty charge income.

As can be seen, cuts in expenditure have helped to off-set the reductions in income referred to above.

2. Off-street parking (car parks)

Income from off-street parking charges and expenditures on the purchase, maintenance, running and repair of off-street sites are not subject to Section 55 of the 1984 Act (although some of those expenditures can be funded from an end of year surplus in the Section 55 account). The Council's financial performance with regards to off-street parking over the last twelve months was as follows;

Report on Weymouth and Portland Borough Council's off-street parking income and expenditure for the financial year ended 31st March 2013

	2011/12 (£)	2012/13 (£)
Income		
Off-street parking charges (pay & display)	2,532,399	2,363,882
Car park permits and scratch-cards sold	70,460	74,869
Car park season tickets sold	95,664	83,873
Total income	2,698,523	2,522,624
Expenditure		
Employees	87,670	209,965
Premises	567,122	665,352
Transport	19,017	16,912
Supplies and services	68,541	48,735
Service recharges	110,699	126,564
Capital charges	256,172	256,172
Total expenditure	1,109,221	1,323,700
Surplus/Deficit	1,589,302	1,198,924

The substantial surplus funds raised through the provision of off-street parking facilities are used to off-set the costs to the Council of providing services to the public (such as refuse collection and waste recycling, street cleansing, tourism services etc.). Without these surplus funds, those costs would have to be met through the Council Tax.

Previous reductions in off-street pay and display income have largely been attributed to lower visitor numbers (due to a combination of poor summer weather, high fuel prices and to the 'credit crunch'/recession) and to the switch from car journeys to free concessionary bus travel.

Whilst these remain factors, the last 12 months has also seen reduced car park usage due to motorists finding the County Council's new park and ride service an attractive alternative to town centre parking. That service has capacity for parking by 1,000 vehicles on its out of town site and the charges for its use are considerably lower than those which apply in town centre car parks. Whilst the Council welcomed the introduction of that service and the resultant reduction in the numbers of vehicles entering the town centre as a result of it, it was inevitable that there would be a decrease in usage of the Councils town centre car parks if the park and ride proved successful. The County Council estimated that their park and ride service could result

in the Borough Council's car park income being reduced by as much as £200,000. Although initial uptake appeared slow, the popularity of the park and ride has been growing.

It was acknowledged that the 'free parking' trial mentioned in Section 3.2(1) above would result in a reduction in car park pay and display income of £106,000 during the last financial year and the end of year figures are also likely to have been distorted due to the temporary arrangements in place for, and the variance in visitor numbers due to, the Borough's hosting of the Olympic sailing events. It is hoped that next year's figures will give a better benchmark for forecasting future pay and display income,

It was partly in view of the uncertainty as to how representative the 2011/12 income figures really were that the Council's Management Committee decided that no annual increases were to be made to parking charges for 2012/13. There are at present no proposals to increase charges during 2013/14. However, as mentioned in Section 3.1 above, a comprehensive review of the parking service is currently underway, with 'charging policies' being one of the areas under scrutiny. It is possible that proposals for changes to charging tariffs may result from that review.



3.3 Statistical performance

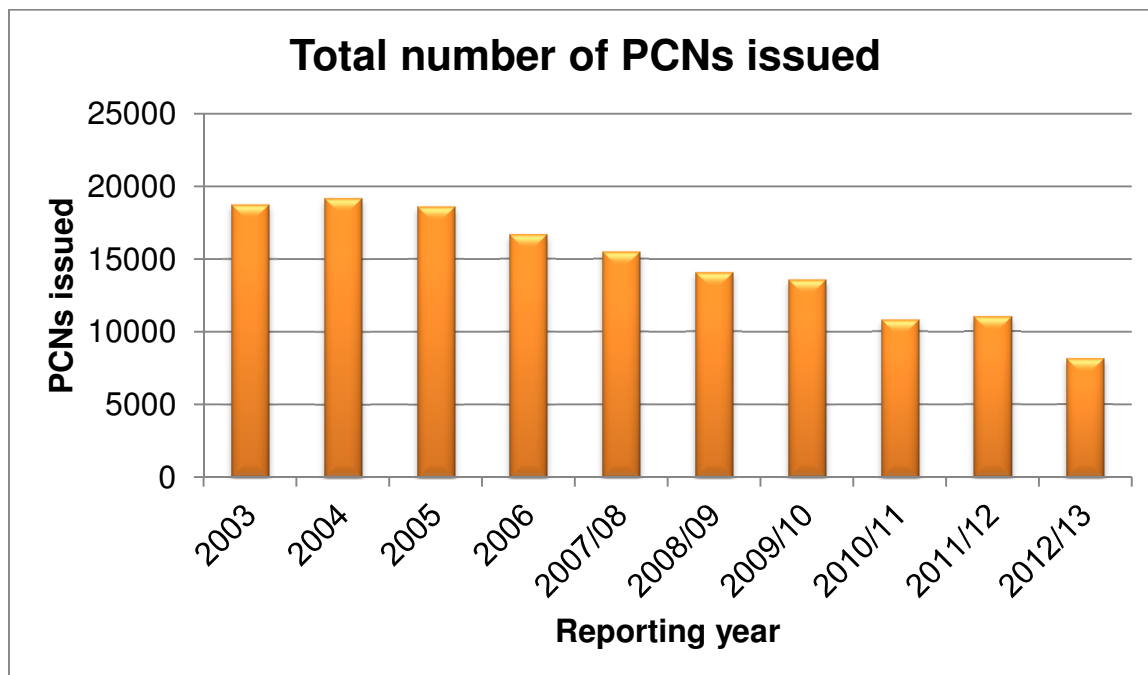
1. Penalty Charge Notices issued

As mentioned in Part 1 of this report, there is a national list of the parking contraventions for which CEOs are empowered to issue PCNs. Below is a table giving a detailed breakdown of the numbers of PCNs which the Council's CEOs issued in respect of each type of contravention during 2012/13. Figures for 2011/12 have been included for comparison purposes and it is indicated whether the individual contravention codes are subject to the higher rate or lower rate of penalty charge.

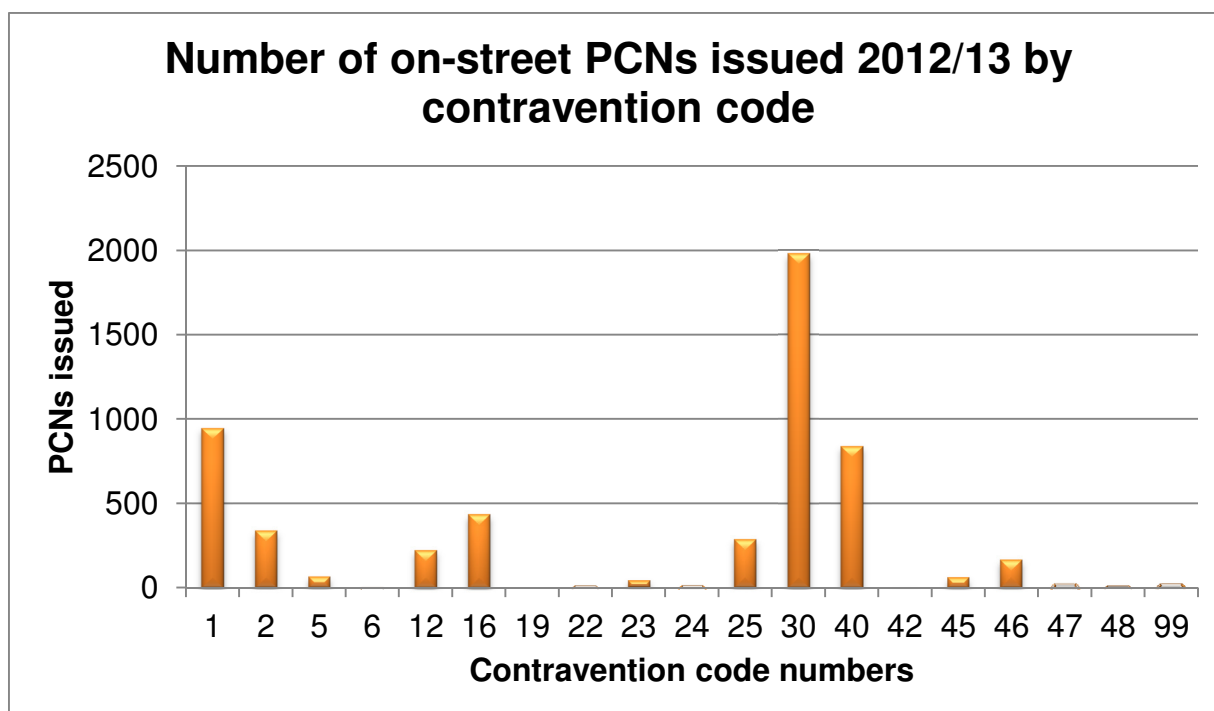
On-street parking contraventions			
Code	Contravention description	PCNs 2011/12	PCNs 2012/13
01 (High)	Parked in a restricted street during prescribed hours	1,099	945
02 (High)	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	428	337
05 (Low)	Parked after the expiry of paid for time	128	67
06 (Low)	Parked without clearly displaying a valid pay & display ticket or voucher	13	4
10 (Low)	Parked without clearly displaying multiple valid pay and display tickets when required	0	0
12 (High)	Parked in a residents' or shared use parking place without clearly displaying either a permit or voucher or pay and display ticket issued for that place	343	222
16 (High)	Parked in a permit space without displaying a valid permit	494	434
19 (Low)	Parked in a residents' or shared use parking place or zone either displaying an invalid permit or voucher or pay & display ticket, or after the expiry of paid for time	0	0
22 (Low)	Re-parked in the same parking place or zone within the prescribed time period after leaving	7	11
23 (High)	Parked in a parking place or area not designated for that class of vehicle	37	41
24 (Low)	Not parked correctly within the markings of the bay or space	15	15
25 (High)	Parked in a loading place during restricted hours without loading	335	285
30 (Low)	Parked for longer than permitted	2,076	1,981
40 (High)	Parked in a designated disabled persons' parking place without clearly displaying a valid disabled person's badge	1,210	839
42 (High)	Parked in a parking place designated for police vehicles	7	3
45 (High)	Parked on a taxi rank	54	62
46 (High)	Stopped where prohibited (on a red route or clearway)	2	164

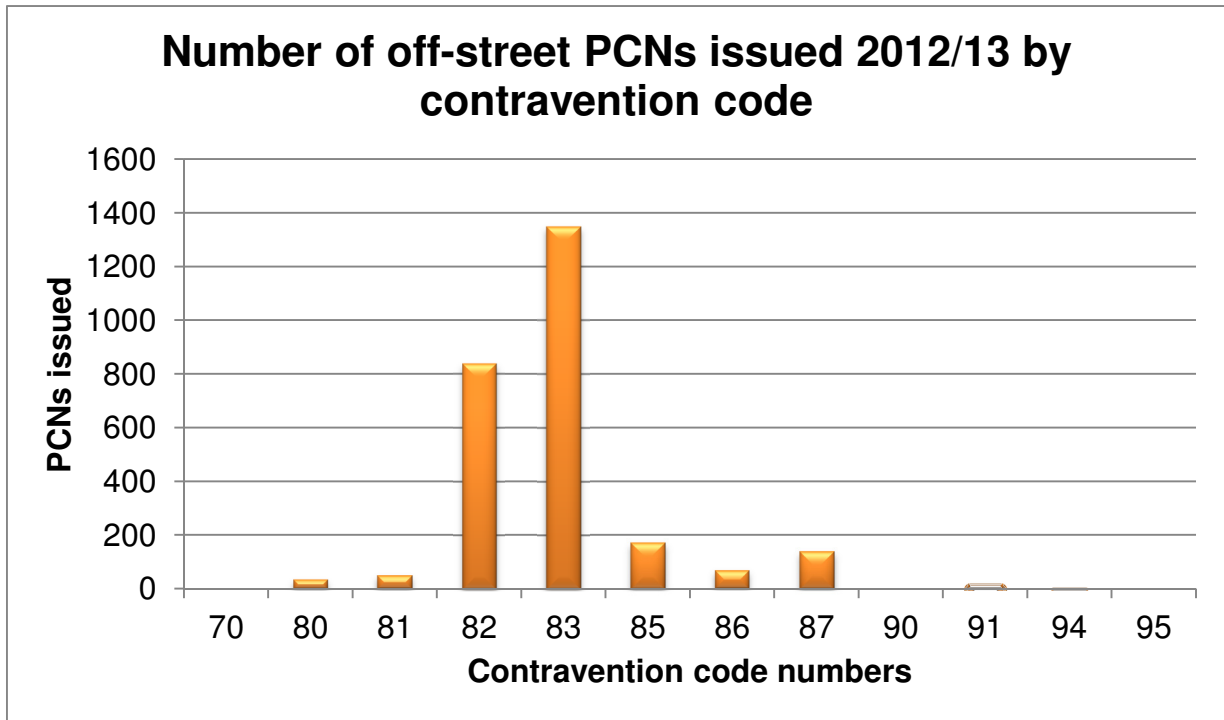
47 (High)	Stopped on a restricted bus stop or stand	32	26
48 (High)	Stopped in a restricted area outside a school	10	11
99 (High)	Stopped on a pedestrian crossing and/or crossing area marked by zigzags	18	22
	Number of higher rate on-street PCNs issued	4,069	3,391
	Number of lower rate on-street PCNs issued	2,239	2,078
	Total number of on-street PCNs issued	6,308	5,469
Off-street (car park) parking contraventions			
Code	Contravention description	PCNs 2011/12	PCNs 2012/13
70 (High)	Parked in a loading area during restricted hours without reasonable excuse	2	0
80 (Low)	Parked for longer than the maximum period permitted	118	35
81 (High)	Parked in a restricted area in a car park	93	49
82 (Low)	Parked after the expiry of paid for time	1,934	840
83 (Low)	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	2,112	1,350
85 (High)	Parked in a permit bay without clearly displaying a valid permit	90	172
86 (Low)	Not parked correctly within the markings of a bay or space	80	67
87 (High)	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	222	137
90 (Low)	Re-parked in the same car park within the prescribed time period after leaving	9	0
91 (High)	Parked in a car park or area not designated for that class of vehicle	36	18
92 (High)	Parked causing an obstruction	0	0
94 (Low)	Parked in a pay & display car park without clearly displaying multiple valid pay & display tickets when required	8	3
95 (Low)	Parked in a parking place for a purpose other than the designated purpose for the parking place	7	1
	Number of higher rate off-street PCNs issued	443	376
	Number of lower rate off-street PCNs issued	4,268	2,296
	Total number of off-street PCNs issued	4,711	2,672
All parking contraventions (on-street + off-street)			
	Total number of higher rate PCNs issued	4,512	3,767
	Total number of lower rate PCNs issued	6,507	4,374
	Total Number of PCNs Issued (on-street + off-street)	11,019	8,141

The decrease of 839 in on-street PCNs would appear to indicate that the Council's policy of effective enforcement is working and that, as a consequence, less motorists are contravening the on-street parking restrictions. The restriction and closure of many town centre roads during the Olympic period and the very poor summer weather will also have affected these figures. Similarly, the decrease of 2,039 in off-street PCNs can be partly attributed to the temporary closure of six key town centre car parks at the height of the summer season (throughout the Olympic period), with the loss of 2,500 (mainly pay and display) spaces.



Using the figures from the table, the following charts illustrate the most common contraventions for which the Council's CEOs issued PCNs last year;





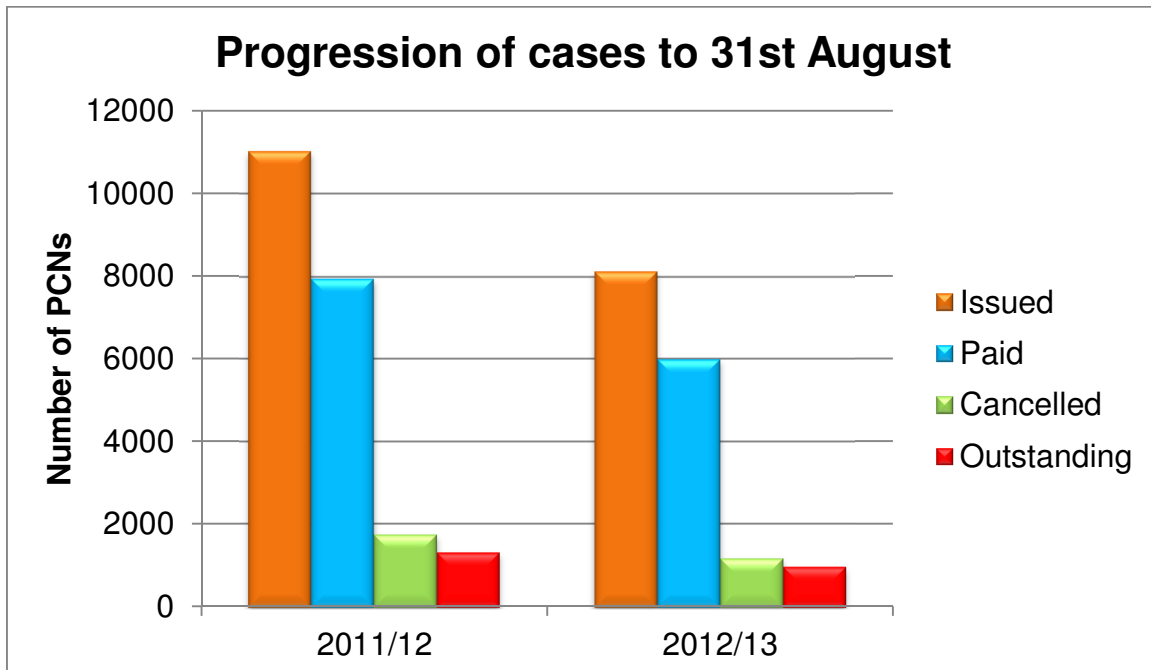
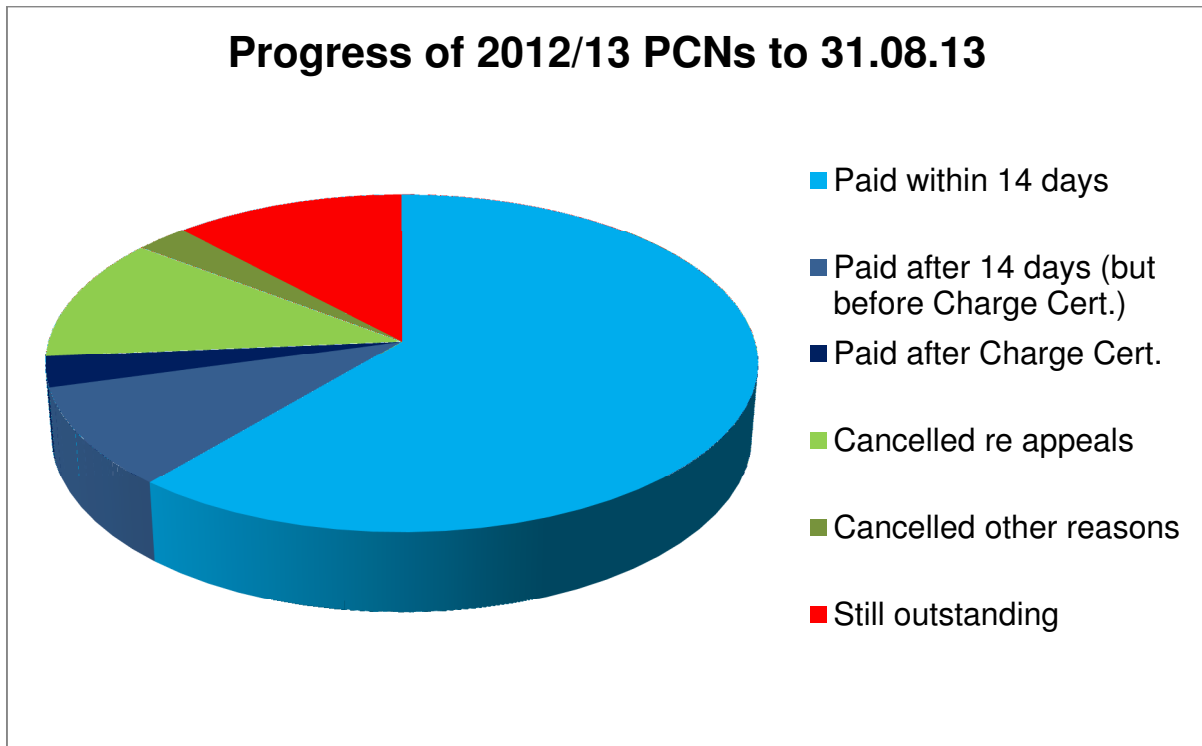
Whilst there is a spread of contraventions with regards to on-street parking, with 19 of the Council’s car parks operating on a ‘Pay and Display’ basis (offering around 6,000 parking spaces), it is not surprising that the great majority of PCNs issued off-street relate to ‘Pay and Display’ contraventions.

2. Progression of PCNs

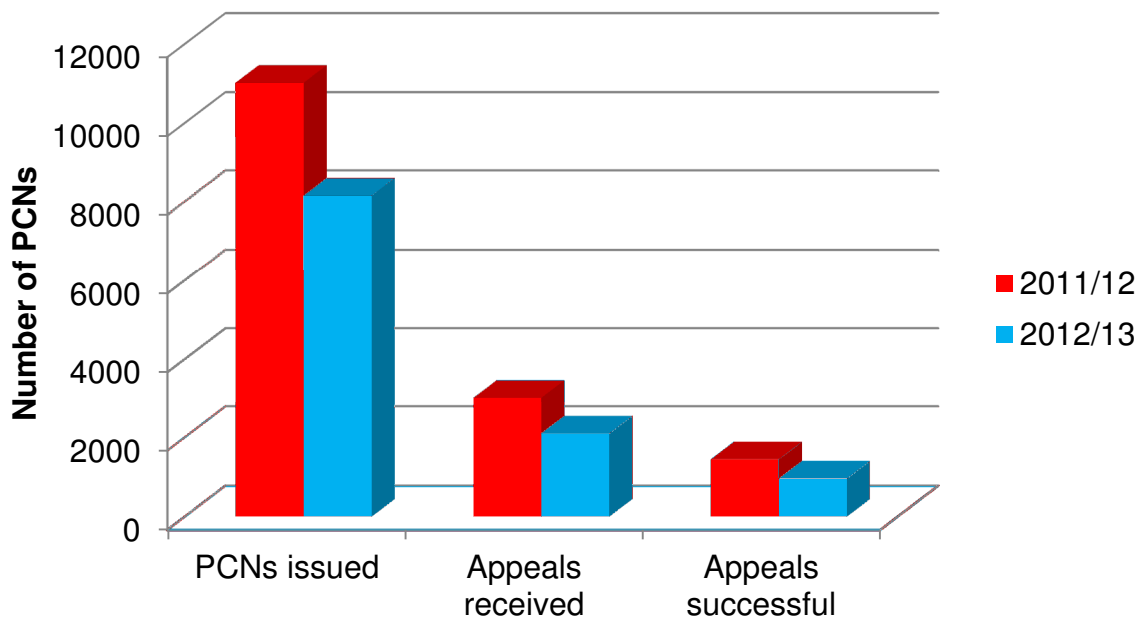
The following table details the ways in which PCN cases had progressed by the 31st August subsequent to the end of the respective reporting years;

Progression of cases	2011/12	2012/13
Total Number of PCNs issued	11,019	8,141
Number of PCNs paid at the discount rate (within 14 days)	6,762 (61.4%)	4,973 (61.1%)
Number of PCNs paid after 14 days but before issue of charge certificate	868 (7.9%)	779 (9.6%)
Number of PCNs paid after issue of charge certificate	329 (3%)	240 (2.9%)
Total number of PCNs paid	7,959 (72.2%)	5,992 (73.6%)
Number of PCNs cancelled as a result of a successful informal or formal representation	1,444 (13.1%)	956 (11.7%)
Number of PCNs cancelled for other reasons (e.g. owner untraceable, Bailiff unable to collect debt, or CEO error)	302 (2.7%)	221 (2.7%)
Total number of PCNs cancelled	1746 (15.9%)	1,177 (14.5%)
Number of PCNs not yet paid or cancelled	1,314 (11.9%)	972 (11.9%)
Number of PCNs against which informal or formal representations (appeals) were made	3,017 (27.4%)	2,092 (25.7%)
Number of Notice to Owners issued	2,033 (18.4%)	1,451 (17.8%)
Number of Charge Certificates issued	1,218 (11%)	861 (10.6%)
Number of PCNs registered at the Traffic Enforcement Centre	543 (4.9%)	378 (4.6%)
Number of Warrant of Executions issued	382 (3.5%)	220 (2.7%)

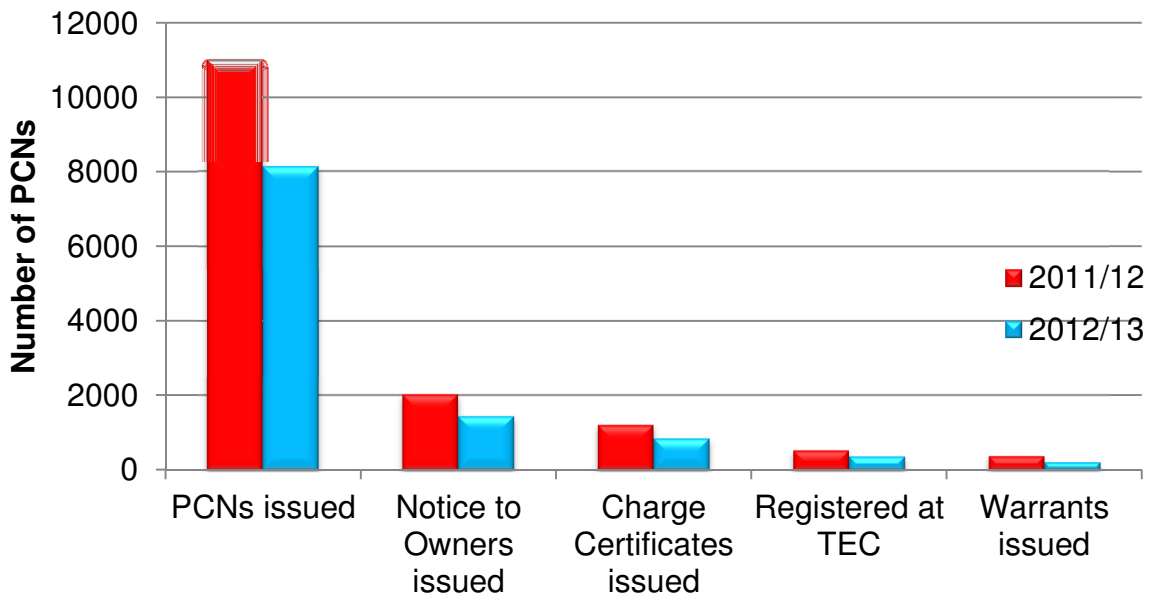
The following charts are intended to further illustrate the information given in the foregoing table;



Representations (appeals) to 31st August



Steps taken to recover PCNs to 31st August



3. Adjudication cases

As mentioned in Section 2, a motorist who has had their challenge against a PCN rejected by the Council has the right to appeal against that decision to an Adjudicator at the Traffic Penalty Tribunal (TPT). The TPT is an independent tribunal whose impartial, independent Adjudicators are lawyers who have been appointed to consider and decide upon appeals against parking penalties.

The following tables illustrate the Council's performance with regards to adjudication cases, including the numbers of motorists' appeals allowed (upheld) by the Adjudicators and the numbers of those which were refused (found in favour of the Council).

The figures used are taken from the latest (2008/10) Annual Report from TPT and from statistics which they have provided for subsequent years. Those figures are in respect of appeals made to the independent adjudicators during financial years (1st April to 31st March), rather than during calendar years.

The TPT reports/statistics give figures for each local authority, which enables comparisons to be made between their individual performances. It also combines all of those figures to give a set of national 'all councils' statistics in respect of all of the PCNs which were issued outside of London.

The first table shows the national 'all councils' statistics for the last five years. The Tribunal now includes two extra columns in these tables, to give figures for "Consent Orders" (matters settled between the Appellant and the Council prior to an Adjudicator making a decision) and "Witness Statement no appeal". The 'All Councils' figures for 2012/13 were still provisional when this report was published.

Year	Appeals received	PCNs issued	Rate of appeal per PCN	Not contested by council	Allowed by adjudicator	Total allowed (including not contested)	Refused by adjudicator (incl. out of time and withdrawn by appellant)	Consent order	Witness Statement. no appeal	Awaiting decision
Appeals received by TPT (Formerly NPAS) for all councils										
2012/13	16,225	4,296,791	0.38%	4249 26%	3691 23%	7940 49%	6898 43%	84 1%	914 6%	389 2%
2011/12	16,666	4,319,708	0.35%	4,347 26%	3,910 23%	8,257 50%	7,092 43%	229 1%	839 5%	249 1%
2010/11	15,185	4,262,432	0.36%	3956 26%	3638 24%	7,591 50%	6,357 42%	179 1%	780 5%	278 2%
2009/10	14,269	4,245,998	0.34%	3,880 27%	4,188 29%	8,068 57%	5,804 41%	N/A	N/A	397 3%
2008/09	12,423	4,035,555	0.31%	4,170 34%	3,572 29%	7,742 62%	4,325 35%	N/A	N/A	358 3%

The second table shows the Council's performance with regards to adjudication cases over the last five years, in order that these can be compared with the national 'all councils' statistics above;

Year	Appeals received	PCNs issued	Rate of appeal per PCN	Not contested by council	Allowed by adjudicator	Total allowed (including not contested)	Refused by adjudicator (incl. out of time and withdrawn by appellant)	Consent order	Witness Statement no appeal	Awaiting decision
Appeals received by TPT for Weymouth and Portland Borough Council										
2012/13	17	8,049	0.21%	2 12%	1 6%	3 18%	11 65%	0 0%	2 12%	1 6%
2011/12	18	10,847	0.17%	3 17%	2 11%	5 28%	13 72%	0 0%	0 0%	0 0%
2010/11	21	10,559	0.20%	1 5%	3 14%	4 19%	16 76%	1 5%	0 0%	0 0%
2009/10	16	13,101	0.12%	0 0%	1 6%	1 6%	15 94%	N/A	N/A	0 0%
2008/09	12	14,043	0.09%	5 42%	2 17%	7 58%	5 42%	N/A	N/A	0 0%

The Statistics provided by TPT also enable a comparison to be made between the performance of the Council during 2012/13 (with regards to adjudication cases) and the performance of neighbouring authorities;

SPA/PPA Area	Appeals received	PCNs issued	Rate of appeal per PCN	Not contested by council	Allowed by adjudicator	Total allowed (including not contested)	Refused by adjudicator (incl. out of time and withdrawn by appellant)	Consent order	Witness Statement no appeal	Awaiting decision
Bournemouth	168	27,725	0.61%	47 28%	37 22%	84 50%	64 38%	2 1%	13 8%	5 3%
Dorset	25	13,187	0.19%	0 0%	5 20%	5 20%	18 72%	0 0%	1 4%	1 4%
Poole	81	18,733	0.43%	19 23%	9 11%	28 35%	48 59%	0 0%	3 4%	2 2%
Weymouth & Portland	17	8,049	0.21%	2 12%	1 6%	3 18%	11 65%	0 0%	2 12%	6 6%

(The figures for “Dorset” relate to PCNs issued by or on behalf of Dorset County Council in the areas of East Dorset, North Dorset, Purbeck, Wareham and West Dorset.)

In addition to statistics, the latest (2008/10) report of the Traffic Penalty Tribunal Adjudicators contains details of improvements which have been made regards to the accessibility of the tribunal and it looks at issues which have arisen since the coming into force of the parking related elements of the Traffic Management Act 2004 on 31st March 2008.

The report reviews the new powers for ‘camera’ enforcement and for issuing PCNs by post (neither of which are currently undertaken by this council). It also highlights problems which those few authorities who have commenced the use of powers for the enforcement of contraventions relating to double parking and to parking against dropped kerbs have encountered. As in previous years, a useful ‘digest of cases’ is also included, which highlights some of the other issues which have arisen in cases which have been decided upon by the adjudicators.

The full adjudicator’s report for 2008/10 (and those for previous years) can be accessed on the tribunal’s website www.trafficpenaltytribunal.gov.uk

Summary

The Council hopes that Sections 1 and 2 of this report will have given an insight into;

- The Council's parking policies
- Parking restrictions and why they are required
- The need for those restrictions to be enforced
- The method of enforcement
- The associated appeals and debt recovery procedures

Hopefully, some of the information contained in this report will either provide readers with a useful reminder of, or with an update regarding, the regulations pertaining to parking.

The information given may help some motorists to avoid incurring penalty charges and will give others a clearer understanding of the legal procedures involved. In particular, motorists should be aware of their right to appeal against a PCN which they feel has not been justly issued.

Section 3 of the report detailed the Council's parking related financial and statistical performance during the last financial year. It also provided an insight into some of the projects which its parking section staff were involved with during that period. The Council hopes that the content of Section 3 will contribute towards achieving the Government's aim of introducing greater transparency and accountability into Civil Parking Enforcement.

Although the information contained in this report cannot be exhaustive, reference to the web-sites mentioned within it will provide further detail for those who require it.

Amongst their other duties, such as handling the processing of PCNs, appeals made against those PCNs and the recovery of outstanding penalty charge payments, the Council's Parking Administration office staff also deal with;

- The issuing of permits and scratch-cards for on-street residents' permit parking schemes.
- The issuing of season tickets and permits for the use of the Council's off-street car parks.
- The issuing of dispensations or of workers' permits (in respect of vehicles which will have to be parked in breach of parking restrictions in order to carry out works on nearby premises).
- General enquiries regarding parking within the Borough, particularly from potential visitors to the area.

- The issuing of information leaflets and the making available of parking information on the Dorset For You website <http://www.dorsetforyou.com/parking>.
- The removal of abandoned vehicles from the highway.

To contact them, please write to;

Parking Administration Office
Weymouth and Portland Borough Council
Council Offices
North Quay
Weymouth
Dorset
DT4 8TA

Fax: 01305 771948, E-mail: parkingadmin@westdorset-weymouth.gov.uk

Alternatively, telephone enquiries can be made to the Council's customer contact centre, which is open 8.30am to 5pm, Mondays to Thursdays and 8.30am to 4.30pm on Fridays, on 01305 – 838000.

