



Weymouth & Portland
Borough Council

Annual report on parking enforcement operations 2014/2015



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Introduction

Welcome to Weymouth and Portland Borough Council's annual report on parking enforcement operations, which covers the year from 1st April 2014, to 31st March 2015.

As in previous years, sections 1 and 2 of this report give general advice and guidance concerning parking restrictions and their enforcement (both on the highway and in car parks) and contain details of 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. 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/travel-dorset/roads-and-driving/parking>

Section 3 deals with the Council's statistical and financial performance with regards to its parking enforcement operations over the 12 month period to 31st March 2015. It also gives an insight into some of the issues and projects which members of its parking section staff were involved with during that period.

The introductions to our Annual Reports are usually written at the end of the reporting year. This one however has been delayed in order to encompass the very disappointing news that, on 1st July 2015, Dorset County Council terminated the agency agreement under which Weymouth and Portland Borough Council had conducted on-street parking enforcement within the Borough since 2002. Having previously taken back in-house responsibility for all other roads related functions, the County Council are now responsible for all highways related matters, including parking. Although this council conducted on-street enforcement throughout the period of this report, its parking operation now only extends to the running of, and parking enforcement on, its own car parks.

There was no suggestion that there had been any dissatisfaction with the service which had been provided by this council. Whilst these are difficult times financially for all local authorities, the control and enforcement of on-street parking can be integral to achieving wider transport objectives and can have a very real impact on local communities. I very much hope that the level and quality of the service which this council was providing will at least be matched by the County Council, rather than deteriorating as a result of further cost-cutting efforts.

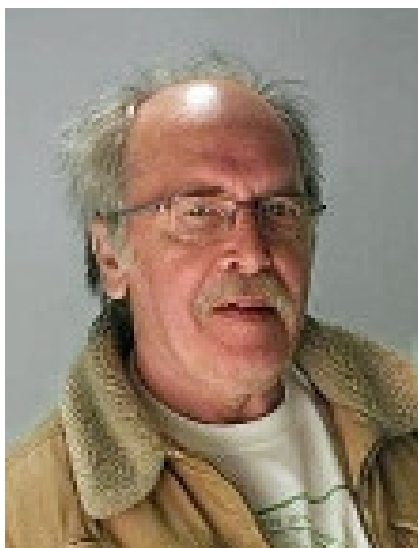
The County Council had previously decided that, with effect from 1st April 2015, it would take back in-house the work of introducing new on-street parking restrictions and of amending existing ones, through the statutory Traffic Regulation Order (TRO) process. As the County Council are the Local Highway Authority, they have always held ultimate responsibility for this work and they have been conducting it for the rest of the county. I do regret that, although Weymouth and Portland Borough Council will continue to be consulted on proposals relating to parking restrictions within their area, the decisions on those proposals will in future be made by the County Council's officers and committees, rather than by those of the more local district council.

As previously reported, the council's entire workforce has been merged with that of West Dorset District Council. All staff are now employed by Weymouth and Portland Borough Council in a 'Shared Service Partnership', which undertakes the work of both

authorities. Both councils have however retained their own separate identities, corporate policies and priorities, under the auspices of their own locally elected members. That 'partnership' is now to be extended further, to also include North Dorset District Council, on the same basis. This is expected to be the first 'tri-council' partnership in the country.

The Borough Council is due to close its main offices on North Quay, Weymouth on completion of the sale (for re-development) of that site. Where any future parking service will operate from is as yet undecided. It has therefore been another year of upheaval and uncertainty for our parking service and I must congratulate them on their level of performance, professionalism and dedication whilst they have continued to conduct their various duties.

In the wake of the changes imposed by the County Council, I hope that the residents of, and visitors to, our borough, will in future continue to benefit from a high quality parking provision and enforcement operation, both off-street and on-street.



Councillor Ray Nowak
Brief Holder for Transport and Infrastructure
Weymouth and Portland Borough Council

31st July 2015

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).



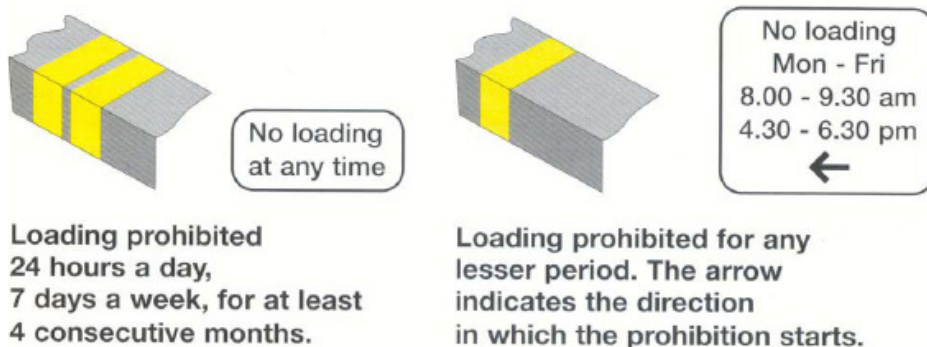
Where these 'waiting' restrictions apply (as opposed to 'stopping' restrictions), vehicles are usually permitted to wait;

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 a Dispensation 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. 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.



Whilst all of the ticket machines in Weymouth and Portland will accept payment by coins, the newer machines will also accept credit/debit card payments. The roll-out of these newer machines continues, but they are not yet available on all sites.

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.

Where pay and display charges apply, payment can also be made via mobile phone. Details of how to do so are displayed on the ticket machines and details of a transaction made in this way (vehicle registration number and parking time purchased) will be electronically forwarded directly to the CEOs patrolling those areas, so there is no requirement to display a ticket on the vehicle. The service can provide the motorist with a reminder message near to the expiry of the time they have paid for and (unless the parking place is subject to a maximum period of stay restriction) enables motorists

to pay to further extend their stay should they wish to, without having to return to the parking place to do so.

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/travel-dorset/roads-and-driving/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 (Blue Badge)” section of the County Council’s website <http://www.dorsetforyou.com/blue-badge>

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/travel-dorset/roads-and-driving/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

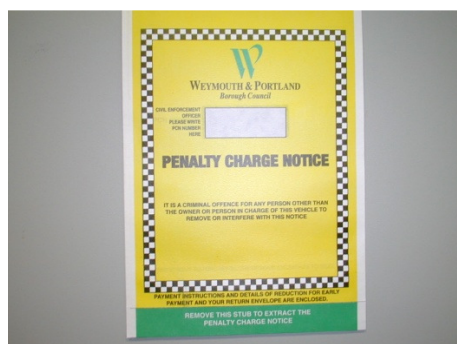
2.1 Penalty charges

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



This form has been issued by the **Traffic Penalty Tribunal and not the council**. The Traffic Penalty Tribunal deal with appeals against penalties imposed for parking or bus lane contraventions by those local authorities in England and Wales that have been granted civil enforcement powers (except London authorities).

You have the right to appeal against the council's decision to reject your challenge against the penalty.

Use this form to appeal to the Adjudicator at the Traffic Penalty Tribunal. The Adjudicator is a lawyer, independent of the council, appointed to decide appeals against parking penalties.

- **Fill in the attached form, detach and retain these notes and send the form to the Traffic Penalty Tribunal (not the council) at;**

Address:

Traffic Penalty Tribunal T 01625 445555
Springfield House, F 01625 445560
Water Lane, E info@trafficpenaltytribunal.gov.uk
Wilmslow, Cheshire
SK9 5BB

(Please ensure the correct postage is added when sending this form.)

To help you complete this form, please refer to the guidance notes attached. Further information about the appeals process can be found at www.trafficpenaltytribunal.gov.uk

Please note that the tribunal cannot offer legal advice in relation to your appeal but if you have any questions about the appeals process please contact us using any of the methods above.

- **Keep a copy of the form for your own reference.**
Please send copies, not originals, of any documents you are sending with this form. The Tribunal will not return these documents.
- **There is no fee for appealing.**
- **This is your last chance to challenge the penalty.**
- **You have only a limited time to appeal.**
The Tribunal must receive this form before the end of the period of 28 days starting from when you received the Notice of Rejection from the council. You are deemed to have received it 2 working days after the date of the Notice of Rejection.
- **Costs are seldom awarded and the sums involved are modest.**
Costs may be awarded only if the Adjudicator decides that a party has behaved frivolously, vexatiously or wholly unreasonably.

For further information visit our website:
www.trafficpenaltytribunal.gov.uk

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 Control. This authorises an Enforcement Agent (previously called Bailiffs) 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 2014/15

As mentioned in the last three years' reports, and in the Brief Holder's introduction to this report, Dorset County Council had for some time been considering whether to terminate its on-street parking agency agreement with the Borough Council, so that its own officers could provide a single county-wide service, in order to produce cost savings.

In October 2013 the County Council's Cabinet decided that it would call in independent consultants to assess the options available to the County Council regarding the future provision of parking services and to recommend which "*delivery model would offer the County Council the most customer focused and cost effective solution*". It was decided that, subject to financial arrangements, the Agency Agreement with Weymouth and Portland Borough Council would be extended whilst the consultant's work was undertaken, with the results to then be considered and acted upon.

The formation of a single parking service enforcing both on and off-street restrictions throughout Dorset has been discussed as an option, with the 'host employer' likely to be one of the district councils, rather than the County Council. It would have a single administration office (processing PCNs, permit applications etc and responding to customer enquiries) and possibly two teams of CEOs, one covering the west of the county and the other the east. Alternatively, the County Council might provide Dorset-wide on-street enforcement and then offer to provide an off-street parking enforcement service for any of the districts which required it.

During the last year, officers and elected members have spent a great deal of time trying to find a mutually acceptable way forward, which would provide both good service and cost savings for all of the local authorities potentially involved. The final outcome could not be predicted at the time of writing this report, but may be reported in the Brief Holder's introduction, if a decision is made prior to that being submitted.

Meanwhile, with regards to parking within Weymouth and Portland during 2014/15;

1. On-Street Parking

Despite the ongoing uncertainty regarding the future responsibility for On-street parking, during 2014/15 the Council introduced a number of new Traffic Regulation Orders. These included Orders to introduce;

- An enforceable school 'No Stopping' restriction on Lerret Road, Portland. An 'advisory only' marking had previously been laid, but persistent abuse by motorists (as shown below) at both the start and end of the school day, despite the school having warned parents of the danger posed to pupils by such inconsiderate parking, led to the decision being made that enforcement action was the only way forward.



- 'No Waiting at Any Time' restrictions at Radipole Lane's junctions with Dorchester Road, Creech Way, Stoborough Close, Manor Road and Mount Pleasant Avenue North, in connection with cycleway improvements and in order to improve road safety for road users in the vicinity of Radipole County Primary School. Prior to their introduction, vehicles had been parking on those junctions at school times, obstructing sight lines and impeding access for motorists, cyclists and pedestrians.



- All year round pay and display parking at the northern end of The Esplanade in Weymouth, where parking had previously been unrestricted for eight months of the year. A daytime maximum stay of 4 hours is intended to support visitors, leisure activities and local businesses (particularly in this case, nearby guest houses and eating places), by enabling a good turnover of vehicles in this prime seafront location. The charges and the daytime maximum stay restriction mirror those which have applied further south on The Esplanade since 2003 and holders of disabled persons' blue badges are exempted from the pay and display charges. The works included re-surfacing, revised parking arrangements (including new yellow lines to protect pedestrian access points to the promenade and larger and more accessible kerbside parking bays) and the aesthetics of this prime location on Weymouth's seafront were improved by the creation of a new traffic island with a raised (soon to be) planted flower bed upon it.



- ‘No Waiting at Any Time’ restrictions at the junction of Wyke Road and Portland Road at the request of Dorset County Council, in connection with their works to improve safety and access for pedestrians.
- Seven further parking spaces for disabled badge holders outside of (or near to) their homes. 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.

Meanwhile, the temporary ‘No Waiting and No Loading’ restriction in Chapelhay Street was removed on completion of works to stabilise a steep roadside embankment, following a landslide.

An Order was also advertised by Dorset County Council in connection with their proposals to introduce a contra-flow cycle lane on Westham Road, Weymouth, which would have involved changes to parking restrictions there (including introducing a ‘No Loading’ restriction on one side of the road and re-locating two loading bays). The cycle-lane would have provided a ‘missing link’ in Weymouth’s cycleway network. Objections were however received to the advertised proposals and the County Council’s committees decided that, in view of concerns that road safety for pedestrians and cyclists could be compromised, the scheme was not to be proceeded with as proposed. Whether the scheme will be reviewed and amended remains to be seen but, as the funding allotted for it had to be used within the 2014/15 financial year or it would have been lost, that funding was re-allocated to other cycle projects. Alternative funding would therefore need to be found if this scheme were to be resurrected

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.

As mentioned in the Brief Holder's introduction to this report, with effect from 1st April 2015, Traffic Regulation Orders for on-street parking restrictions will no longer be dealt with by this authority. From that date, Dorset County Council will take that work back in-house.

2. Off-Street Parking

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

- On 1st April 2014 free overnight parking on most of the Council's car parks (which was introduced as a temporary measure on 1st November 2013) became a permanent measure and, following on from the 2013 Parking Review, amended parking tariffs were introduced on all of its pay & display car parks, with most sites seeing considerable reductions in their charging rates. These measures were intended to boost car park usage, with additional visits and increased visitor numbers benefitting local shops, businesses, tourist attractions and the local economy.

Car park entrance signs and tariff boards had to be amended to reflect these changes and, as much of the signage had been in place for many years, the opportunity was taken to update and rebrand all of those signs. In total, over 100 signs had to be changed on 19 sites around the Borough, all on the price change day and all co-ordinated with the re-programming of each car park's ticket machines to accept the new pricing structure.





With the Council's on street pay and display parking charges having been increased in January 2014 (and still applying 24 hours a day), it is hoped that there is now a sufficient price differential as to encourage motorists to use the car parks, rather than circling around busy town centre streets and adding to congestion whilst seeking out on-street spaces.

- Another of the parking Review proposals saw a TRO advertised in May 2014 proposing the introduction of pay and display charges to the Council's Pavilion Forecourt Car Park, where car drivers had previously been entitled to park, free of charge, for up to 30 minutes. Those paying the new charges would be subject to a daytime maximum stay of 4 hours, but 5 spaces would be retained for free parking (for up to 20 minutes) by customers visiting the Pavilion Theatre's box office. Short term (free) parking for coaches to pick-up and set-down passengers was to be retained.



In addition to raising revenue from an asset which the Council has always provided and maintained, it was intended that the removal of most of the free parking and allowing longer stays would lead to a decrease in the number of vehicle movements in the Pavilion Peninsular area and would allow theatregoers attending matinee performances the opportunity of parking directly outside of the theatre. The TRO attracted no objections and the new pay & display parking arrangements were introduced in July 2014.



As well as being adjacent to the theatre, the Pavilion Forecourt Car Park is immediately opposite the beach and, with the new pay and display charges starting at just 50p for the first hour, it has so far proven popular.

- During 2014 Condor Ferries announced its decision to re-locate its cross Channel and Channel Islands ferry services from Weymouth to Poole, at the end of March 2015. As there was no sign of an alternative ferry service provider wishing to operate from Weymouth, it looked likely that a large scale reduction in activity at Weymouth's port would be inevitable and that decisions would have to be made as to whether the port itself would remain, or whether either all, or part of it, would be used for other purposes, or allocated for re-development. In the short term, the loss of the ferry service would free up sufficient space to enable approximately 100 additional parking spaces to be added to the Pavilion Car Park and, with the last ferry sailing due on 23rd March 2015, the Parking Service started to prepare to implement this. However, early in March 2015 it was announced that talks with a possible new ferry operator were underway and that a new high speed service to France could start operating as soon as the autumn. Possible changes to parking arrangements are therefore currently on hold, pending the outcome of those negotiations.

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 2015**

| | 2013/14 (£) | 2014/15 (£) |
|---|----------------|----------------|
| Income | | |
| On-street parking charges (pay & display) | 230,563 | 221,467 |
| Penalty charges | | |
| Off-street | 46,793 | 58,369 |
| On-street | 174,045 | 186,842 |
| Residents' permits and scratch-cards sold | 109,317 | 117,330 |
| Parking dispensations issued | 19,263 | 20,812 |
| Total income | 579,981 | 604,820 |
| Expenditure | | |
| Employees | 350,690 | 368,149 |
| Premises | 4,816 | 4,831 |
| Transport | 4,607 | 1,901 |
| Supplies and services | 19,590 | 31,924 |
| Service recharges | 91,726 | 88,898 |
| Total expenditure | 471,429 | 495,703 |
| Surplus/Deficit | 108,552 | 109,117 |

Of the surplus generated in the 2014/15 parking account, £70,000 was paid to the Local Highway Authority (Dorset County Council) to help fund highway and public transport works/improvement projects. The remaining £39,119 was allocated to the General Fund, as partial making good of previous annual deficits charged to that account.

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 2015

| | 2013/14 (£) | 2014/15 (£) |
|--|------------------|------------------|
| Income | | |
| Off-street parking charges (pay & display) | 2,522,090 | 2,295,430 |
| Car park permits and scratch-cards sold | 55,695 | 48,917 |
| Car park season tickets sold | 124,513 | 22,275 |
| Total income | 2,702,298 | 2,366,622 |
| Expenditure | | |
| Employees | 132,855 | 127,406 |
| Premises | 632,115 | 673,320 |
| Transport | 4,934 | 4,755 |
| Supplies and services | 69,655 | 73,198 |
| Service recharges | 109,181 | 107,506 |
| Capital charges | 256,172 | 92,901 |
| Total expenditure | 1,204,912 | 1,079,086 |
| Surplus/Deficit | 1,497,386 | 1,287,536 |

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.

As mentioned elsewhere in this report, changes to tariffs introduced on 1st April 2014 saw free overnight parking introduced on nearly all of the Council's car parks. In addition to this, most sites saw their Pay & Display charges reduced, some of them quite substantially. This combination of measures was intended to promote greater use of the council's car parks, with the increased numbers of visitors being hoped to counteract the reduced income due to price reductions.

Unfortunately, this strategy did not prove successful, as 2014-15 saw a significant reduction in both ticket sales and in income. The Council's Management Committee therefore decided at their meeting on 3rd March 2015 that summer pay and display charges are to be re-increased to, or above, their 2013-14 levels. Free overnight parking is however to be retained (although from 6pm to 8am, instead of 6pm to 9.30am) and the lower tariffs will still apply on all car parks during the winter months.

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 2014/15. Figures for 2013/14 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 2013/14 | PCNs 2014/15 |
| 01 (High) | Parked in a restricted street during prescribed hours | 1,031 | 1,081 |
| 02 (High) | Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force | 386 | 311 |
| 05 (Low) | Parked after the expiry of paid for time | 87 | 64 |
| 06 (Low) | Parked without clearly displaying a valid pay & display ticket or voucher | 5 | 18 |
| 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 | 236 | 241 |
| 16 (High) | Parked in a permit space without displaying a valid permit | 595 | 482 |
| 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 | 9 | 2 |
| 23 (High) | Parked in a parking place or area not designated for that class of vehicle | 29 | 26 |
| 24 (Low) | Not parked correctly within the markings of the bay or space | 11 | 18 |
| 25 (High) | Parked in a loading place during restricted hours without loading | 286 | 327 |
| 30 (Low) | Parked for longer than permitted | 1,977 | 2,099 |
| 40 (High) | Parked in a designated disabled persons' parking place without clearly displaying a valid disabled person's badge | 887 | 903 |
| 42 (High) | Parked in a parking place designated for police vehicles | 4 | 9 |
| 45 (High) | Parked on a taxi rank | 64 | 60 |
| 46 (High) | Stopped where prohibited (on a red route or clearway) | 7 | 11 |

| | | | |
|---------------------|---|--------------|--------------|
| 47 (High) | Stopped on a restricted bus stop or stand | 44 | 57 |
| 48 (High) | Stopped in a restricted area outside a school | 10 | 12 |
| 99 (High) | Stopped on a pedestrian crossing and/or crossing area marked by zigzags | 24 | 39 |
| | | | |
| | Number of higher rate on-street PCNs issued | 3,603 | 3,559 |
| | Number of lower rate on-street PCNs issued | 2,089 | 2,201 |
| | Total number of on-street PCNs issued | 5,692 | 5,760 |

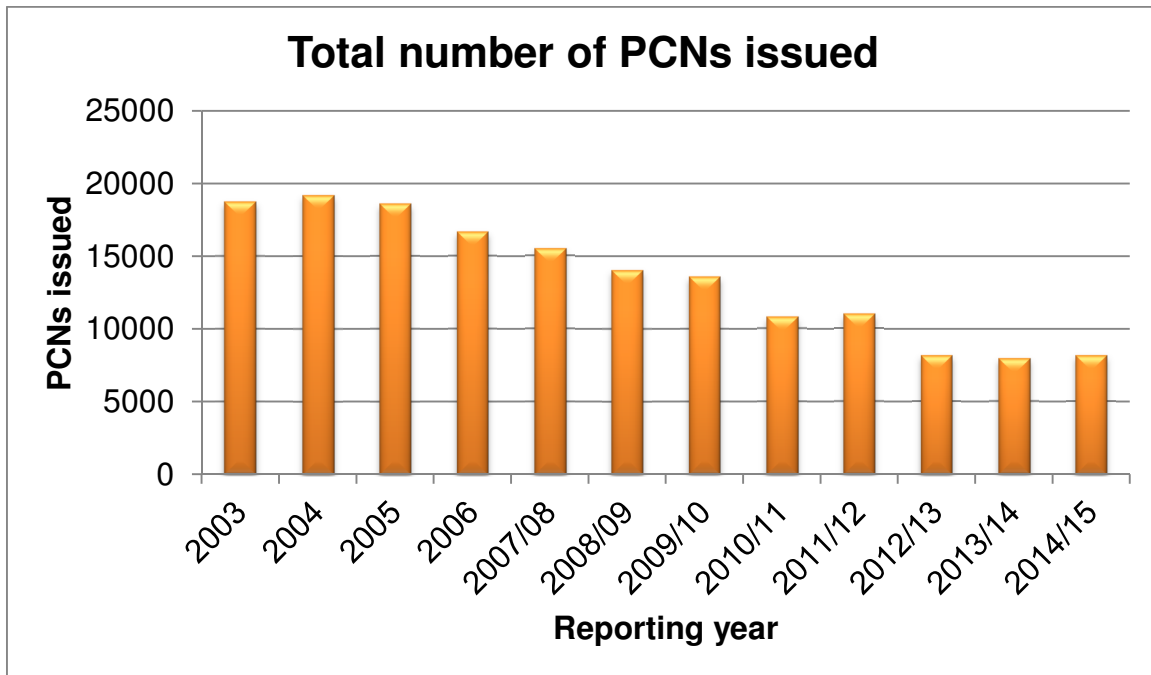
Off-street (car park) parking contraventions

| Code | Contravention description | PCNs 2013/14 | PCNs 2014/15 |
|---------------------|--|-------------------------|-------------------------|
| 70 (High) | Parked in a loading area during restricted hours without reasonable excuse | 0 | 3 |
| 80 (Low) | Parked for longer than permitted | 20 | 30 |
| 81 (High) | Parked in a restricted area in a car park | 37 | 57 |
| 82 (Low) | Parked after the expiry of paid for time | 662 | 725 |
| 83 (Low) | Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock | 1,233 | 1,117 |
| 85 (High) | Parked in a permit bay without clearly displaying a valid permit | 87 | 212 |
| 86 (Low) | Not parked correctly within the markings of a bay or space | 53 | 50 |
| 87 (High) | Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge | 131 | 124 |
| 90 (Low) | Re-parked in the same car park within the prescribed time period after leaving | 2 | 1 |
| 91 (High) | Parked in a car park or area not designated for that class of vehicle | 21 | 51 |
| 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 | 1 | 9 |
| 95 (Low) | Parked in a parking place for a purpose other than that designated | 2 | 7 |
| | | | |
| | Number of higher rate off-street PCNs issued | 276 | 447 |
| | Number of lower rate off-street PCNs issued | 1,973 | 1,939 |
| | Total number of off-street PCNs issued | 2,249 | 2,386 |

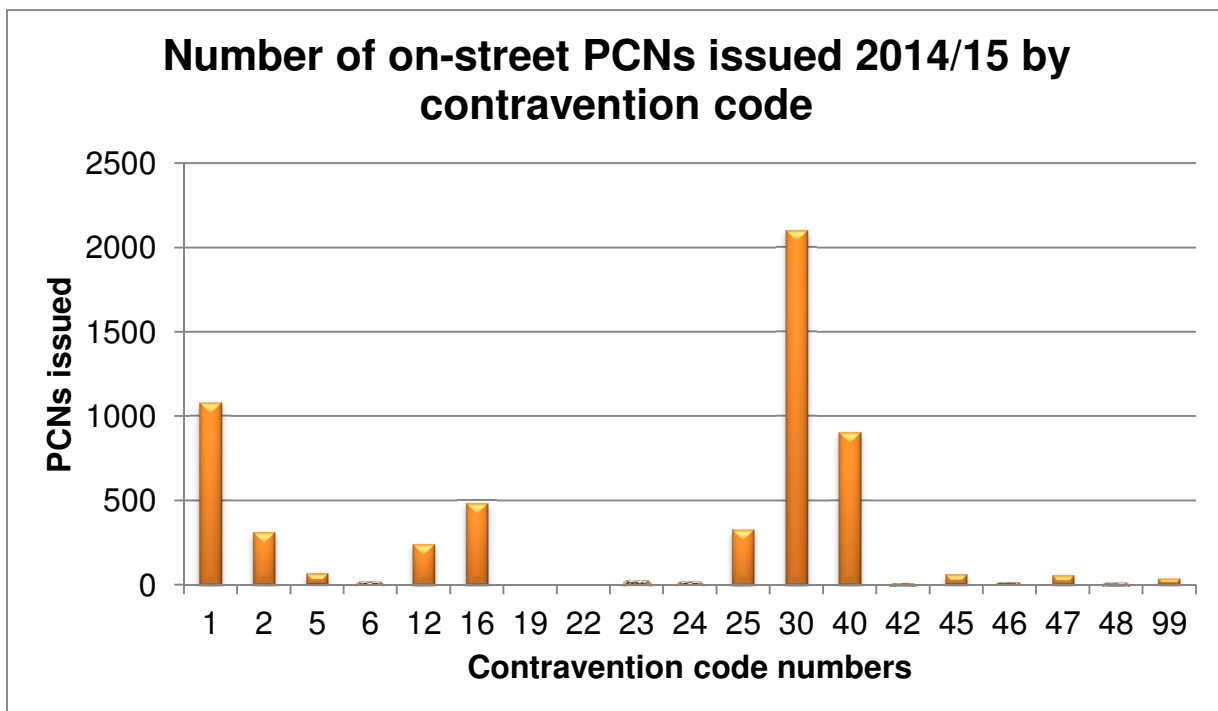
All parking contraventions (on-street + off-street)

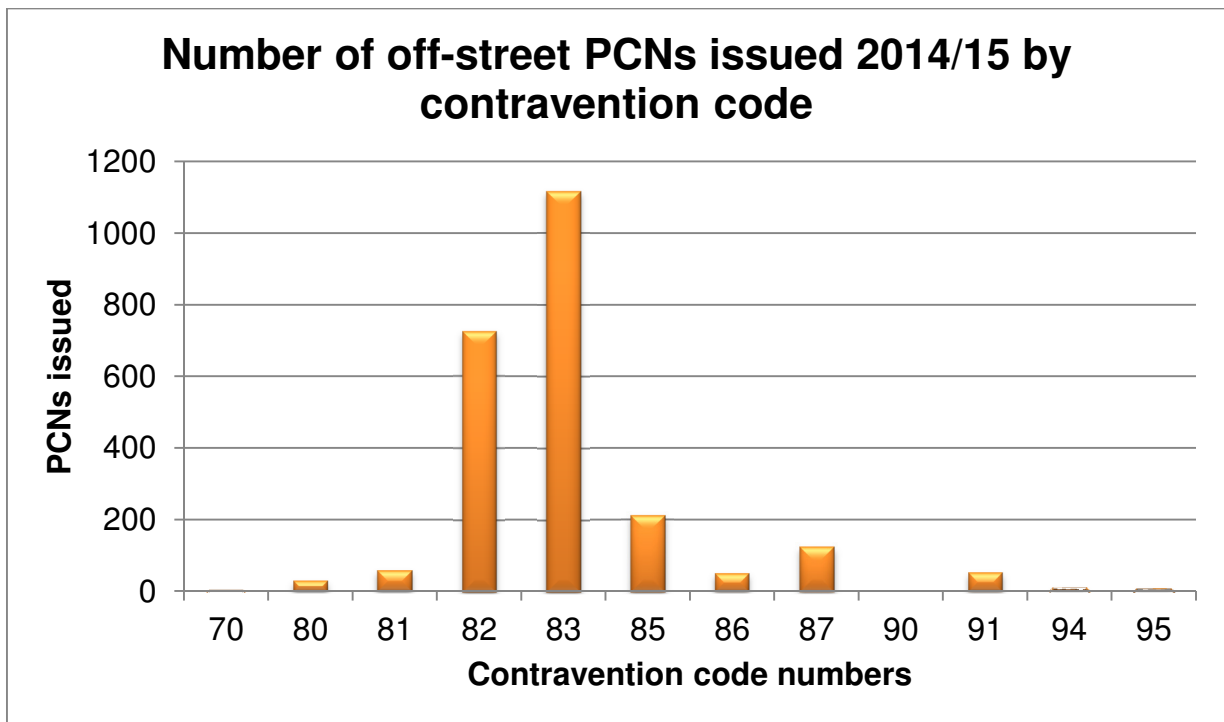
| | | | |
|--|---|--------------|--------------|
| | Total number of higher rate PCNs issued | 3,879 | 4,006 |
| | Total number of lower rate PCNs issued | 4,062 | 4,140 |
| | Total Number of PCNs Issued (on-street + off-street) | 7,941 | 8,146 |

As can be seen there was very little change in the overall number of PCN's issued compared with 2013/14.



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 20 of the Council’s car parks operating on a ‘Pay and Display’ basis (offering around 5,500 parking spaces), it is not surprising that the great majority of PCNs issued off-street relate to ‘Pay and Display’ contraventions.



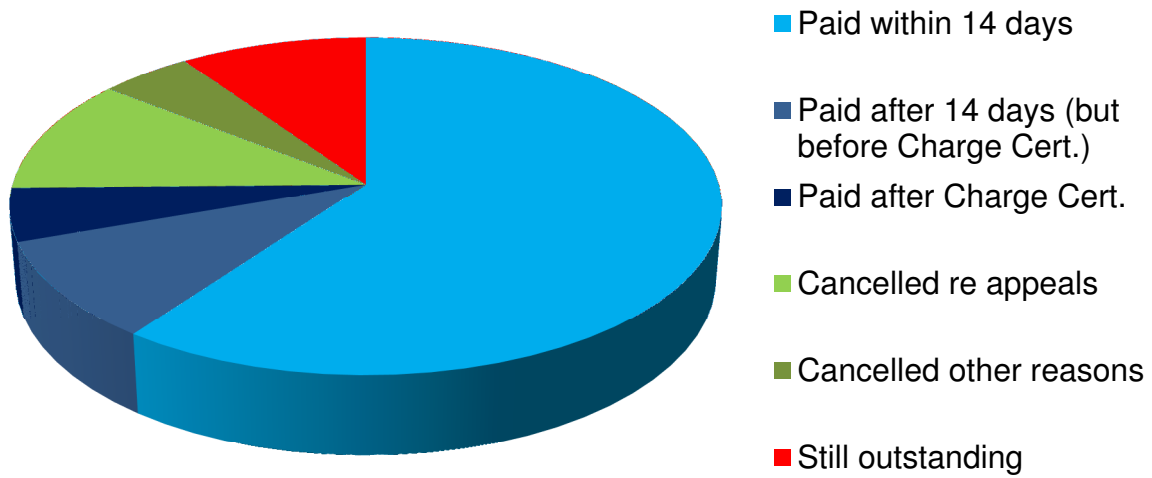
2. Progression of PCNs

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;

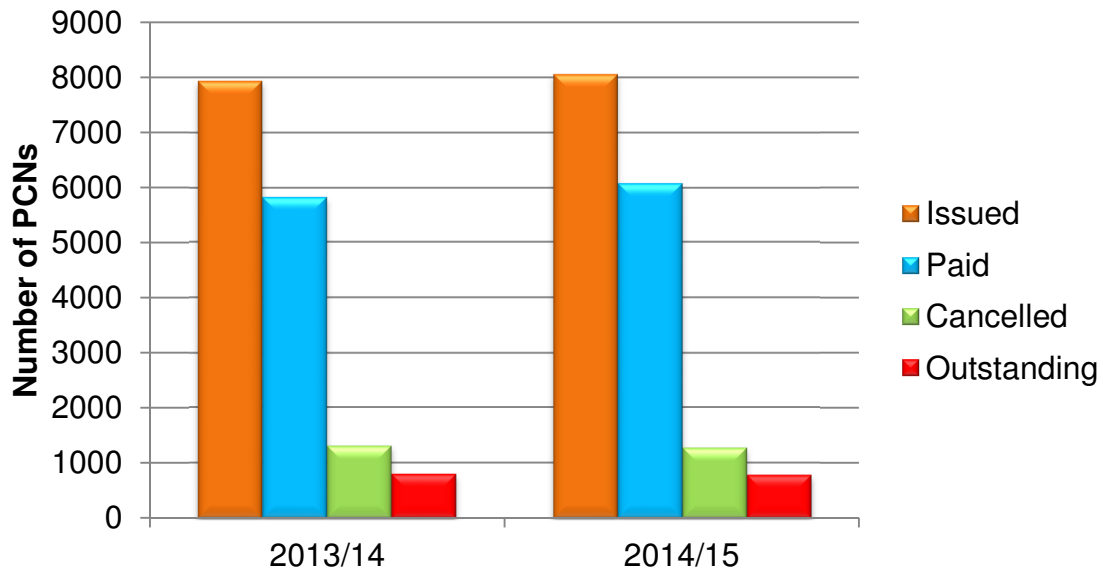
| Progression of cases | 2013/14 | 2014/15 |
|--|--------------------------|--------------------------|
| | | |
| Total Number of PCNs issued | 7,941 | 8,146 |
| | | |
| Number of PCNs paid at the discount rate (within 14 days) | 4,709 (59.3%) | 4,888 (60%) |
| Number of PCNs paid after 14 days but before issue of charge certificate | 815 (10.3%) | 780 (9.6%) |
| Number of PCNs paid after issue of charge certificate | 310 (3.9%) | 418 (5.1%) |
| Total number of PCNs paid | 5,834 (73.5%) | 6,086 (74.7%) |
| | | |
| Number of PCNs cancelled as a result of a successful informal or formal representation | 1,005 (12.7%) | 886 (10.9%) |
| Number of PCNs cancelled for other reasons (e.g. owner untraceable, Enforcement Agents unable to collect debt, or CEO error) | 301 (3.8%) | 388 (4.8%) |
| Total number of PCNs cancelled | 1,306 (16.4%) | 1,274 (15.6%) |
| | | |
| Number of PCNs not yet paid or cancelled | 801 (10.1%) | 786 (9.7%) |
| | | |
| Number of PCNs against which informal or formal representations (appeals) were made | 2,202 (27.7%) | 2,081 (25.6%) |
| Number of Notice to Owners issued | 1,644 (20.7%) | 1,982 (24.3%) |
| Number of Charge Certificates issued | 1,076 (13.5%) | 1,269 (15.6%) |
| Number of PCNs registered at the Traffic Enforcement Centre | 327 (4.1%) | 508 (6.2%) |
| Number of Warrant of Controls issued | 302 (3.8%) | 365 (4.5%) |

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

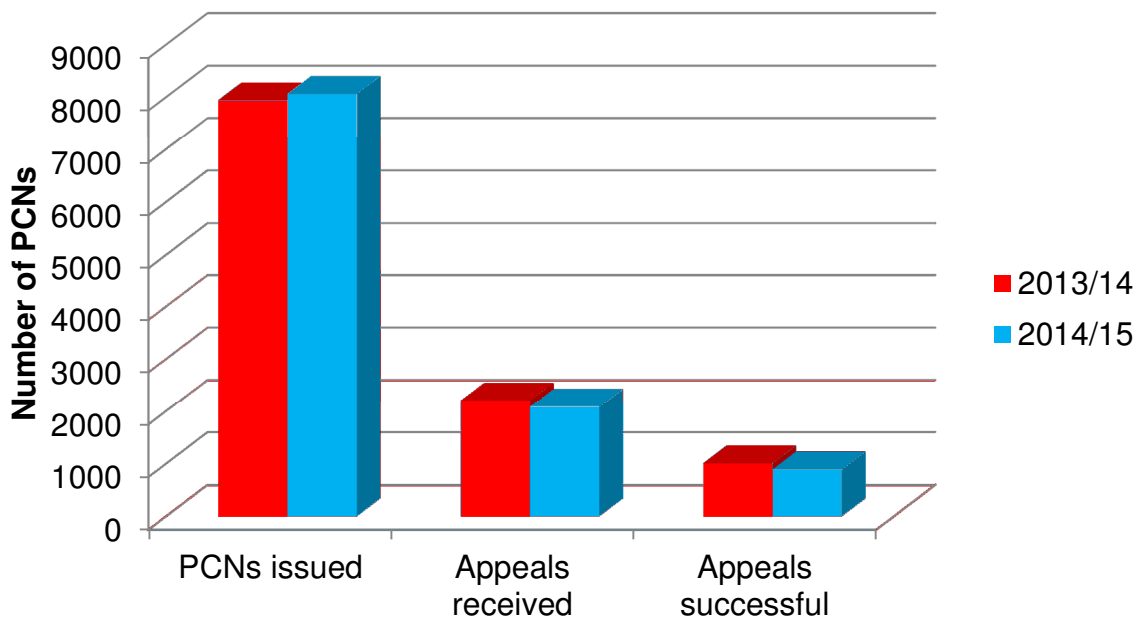
Progress of 2014/15 PCNs to 31.08.15



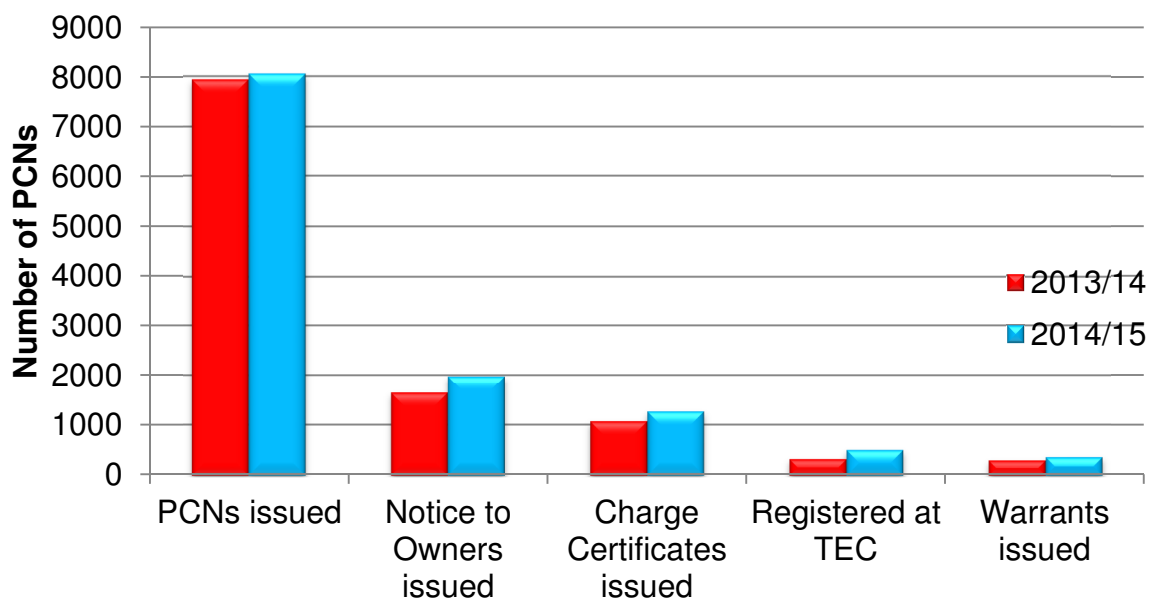
Progression of cases to 31st August



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 (2013/14) Annual Statistics Report from TPT. 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 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 below shows the national 'all councils' statistics over the last five years for which statistics have been 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 | Awaiting decision |
|---|------------------|-------------|------------------------|--------------------------|------------------------|---|---|---------------|-------------------|
| Appeals received by TPT for all councils | | | | | | | | | |
| 2013/14 | 15,578 | 4,490,178 | 0.35% | 4,701 30% | 3,964 25% | 8,665 56% | 6,704 43% | 83 1% | 126 1% |
| 2012/13 | 16,257 | 4,314,038 | 0.36% | 4256 28% | 3704 24% | 7960 52% | 6911 45% | 84 1% | 387 3% |
| 2011/12 | 16,666 | 4,319,708 | 0.35% | 4,347 26% | 3,910 23% | 8,257 50% | 7,092 43% | 229 1% | 249 1% |
| 2010/11 | 15,185 | 4,262,432 | 0.36% | 3,956 26% | 3,638 24% | 7,591 50% | 6,357 42% | 179 1% | 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 | 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 | Awaiting decision |
|--|------------------|-------------|------------------------|--------------------------|------------------------|---|---|---------------|-------------------|
| Appeals received by TPT for Weymouth and Portland Borough Council | | | | | | | | | |
| 2013/14 | 15 | 7,940 | 0.19% | 4 27% | 1 7% | 5 33% | 10 67% | 0 0% | 0 0% |
| 2012/13 | 17 | 8,049 | 0.19% | 2 13% | 1 7% | 3 20% | 11 73% | 0 0% | 1 7% |
| 2011/12 | 18 | 10,847 | 0.17% | 3 17% | 2 11% | 5 28% | 13 72% | 0 0% | 0 0% |
| 2010/11 | 21 | 10,559 | 0.20% | 1 5% | 3 14% | 4 19% | 16 76% | 1 5% | 0 0% |
| 2009/10 | 16 | 13,101 | 0.12% | 0 0% | 1 6% | 1 6% | 15 94% | N/A | 0 0% |

The Statistics provided by TPT also enable a comparison to be made between the performance of this Council during 2013/14 (with regards to adjudication cases) and the performance of the other Dorset local authorities;

| Civil Parking 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 | Awaiting decision |
|--------------------------------|------------------|-------------|------------------------|--------------------------|------------------------|---|---|---------------|-------------------|
| Bournemouth | 174 | 27,016 | 0.64% | 30 17% | 39 22% | 69 40% | 102 59% | 3 2% | 0 0% |
| Christchurch | 4 | 4,875 | 0.08% | 1 25% | 2 50% | 3 75% | 1 25% | 0 0% | 0 0% |
| Dorset | 38 | 15,665 | 0.24% | 2 5% | 16 42% | 18 47% | 19 50% | 1 3% | 0 0% |
| Poole | 52 | 18,928 | 0.27% | 14 27% | 13 25% | 27 52% | 25 48% | 0 0% | 0 0% |
| Weymouth & Portland | 15 | 7,940 | 0.19% | 4 27% | 1 7% | 5 33% | 10 67% | 0 0% | 0 0% |

(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 last (2008/10) report of the Traffic Penalty Tribunal Adjudicators contained details of improvements which had been made regards to the accessibility of the tribunal and it looked at issues which had arisen since the coming into force of the parking related elements of the Traffic Management Act 2004 on 31st March 2008.

The report reviewed the new powers for ‘camera’ enforcement and for issuing PCNs by post and also highlighted problems which those few authorities who had commenced the use of powers for the enforcement of contraventions relating to double parking and to parking against dropped kerbs had encountered. As in previous years, a useful ‘digest of cases’ was also included, which highlighted some of the other issues which had arisen in cases which had been decided upon by the adjudicators.

The adjudicator’s report for 2008/10 (and those for previous years), as well as the full annual statistics reports which have been issued since, 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/travel-dorset/roads-and-driving/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.

