

## **Cabinet – 14 September 2011**

### **Civil Parking Enforcement Annual Report 2010-2011**

**Portfolio:** Councillor Tom Ansell –Transport & Environment

**Service:** Neighbourhood Services

**Wards:** All

**Key decision:** No

**Forward plan:** No

#### **1. Summary**

- 1.1 The Traffic Management Act 2004 and its associated statutory guidance, requires that all local authorities operating Civil Parking Enforcement (CPE) produce an annual report within 6 months of the end of each financial year. The report must contain a range of statistical information as defined in primary legislation. However, the report also allows the opportunity to inform the public of future plans to improve the management of the public highway in order to support local priorities.
- 1.2 Regular reporting is recognised as an important part of local accountability. The transparency provided through the annual report should help the public to understand and accept the benefits to the wider community that result from consistent but fair parking enforcement.
- 1.3 Specific statistical information contained within the report must be submitted to the Department for Transport and the National Adjudication Service in an annual return.
- 1.4 This report and the Walsall Council Annual Parking Report (**Appendix A**) are intended to comply with the statutory reporting requirements.

#### **2. Recommendations**

- 2.1 That Cabinet note the content of the annual report and approve it for submission to the joint committee of England and Wales for the Civil Enforcement of Parking and Traffic Regulations Outside London (PATROL).
- 2.2.1 That Cabinet approve the submission of statistical information contained within the annual report to the Department for Transport and the Traffic Penalty Tribunal (TPT).

- 2.3 That Cabinet authorise the Executive Director of Neighbourhood Services, in consultation with the Portfolio Holder for Transport & Environment, to approve any final changes to **Appendix A** that may be required as a result of minor drafting errors, or to improve overall presentation in line with Department for Transport expectations.

### 3. Report detail

- 3.1 The Council originally implemented civil parking enforcement on 1 April 2009 and its impact on reducing unnecessary traffic congestion as a result of illegal and inappropriate parking was positive. During 2009/2010, 25,147 Penalty Charge Notices were issued but as a result of ongoing improvements in parking compliance levels, 22,327 were issued during 2010/2011.
- 3.2 Under civil parking enforcement, any motorist can challenge the issue of a Penalty Charge Notice as the process is defined in primary legislation. Importantly, the process requires the local authority to act fairly and proportionately by exercising its discretion sensibly and reasonably and with due regard to the public interest. The Council has a discretionary power to cancel a Penalty Charge Notice at any point throughout the process even when an undoubted contravention has occurred.
- 3.3 The Council has taken these responsibilities seriously and deemed it appropriate to cancel 4,560 Penalty Charge Notices either by considering additional evidence produced by the motorist or applying a degree of discretion. For cases where it was felt appropriate to pursue further, a number could ultimately end up at independent adjudication. Again in demonstration of the Council taking its responsibilities seriously, only 63 cases reached the independent adjudication stage. Clearly, the Council can demonstrate that it delivers its parking enforcement activities proportionately and applies discretion where appropriate.
- 3.4 The Council is required to monitor expenditure and income associated with its civil parking enforcement activities. All surplus income has to be used in accordance with the legislative restrictions imposed by Section 55 of the Road Traffic Regulation Act 1984. During 2010/2011 the Council's civil parking enforcement activities generated a small surplus of £31,000. A full breakdown of the overall £1.4m car parking service budget is detailed in **Appendix A**. To manage and maintain 58 off-street car parks costs £689,327 per year.
- 3.5 The ongoing application of civil parking enforcement continues to deliver a wide range of benefits. Blue badge parking bays provided to assist the disabled community are now routinely available for genuine users, loading/unloading bays now only serve the legitimate needs of local businesses and general time limited parking facilities on the highway provide the turnover of passing trade vital to sustain and develop the local economy.
- 3.6 The introduction of on street pay and display parking during March 2011, has proved successful in providing enhanced opportunities for motorists to park on the highway as close to their final destination as possible. Motorists now have a clear choice of convenience against cost. Parking on the highway remains

comparatively cheap for short periods of time, and was specifically designed in this was to support the local economy.

- 3.7 **Appendix A** further outlines that the Council always strives to improve the service it provides and will be progressing a number of key activities during 2011/12.
- 3.8 School gate parking problems remain a concern for local residents. The Council and Police have undertaken a series of enforcement activities around schools. This will continue for the foreseeable future to ensure such areas remain safe and free from unnecessary traffic congestion which impacts adversely on local residents.
- 3.9 Motorists have told us they want the ability to pay for parking without having to always make sure they have the correct coinage available. The Council has listened to this request and will be introducing a facility to pay by phone during 2011 /12.
- 3.10 The operation of public transport plays an important role in the efficient management of the public highway. Bus operators and the Council are concerned that buses are being unnecessarily delayed as a result of unauthorised vehicles driving or parking in bus lanes. To address this, the Council is exploring the deployment of a mobile enforcement vehicle to ensure bus lanes are only used by authorised vehicles.
- 3.11 Local input is vital to ensure the Council continues to address local concerns. The Council's civil enforcement activities will continue to be influenced by local requests. Generally, this will be co-ordinated through the neighbourhood management approach to ensure, where necessary, multi agency responses are delivered speedily.
- 3.12 The application of civil parking enforcement remains an important tool in the delivery of the Council's Statutory Network Management Duty. The Council has to implement measures to reduce traffic congestion and associated air pollution whilst maintaining road safety. The benefits gained through a reduction in illegally and inappropriately parked vehicles continue to contribute to the delivery of that duty.

#### **4. Council priorities**

- 4.1 Communities and Neighbourhoods: Addressing local parking concerns is vital to ensure local people feel they have a voice that can influence local decisions. The neighbourhood management approach has been key in delivering this either directly through the civil parking enforcement service or through a multi-agency response.
- 4.2 Health and well-being: The application of civil parking enforcement has reduced instances of unnecessary traffic congestion and associated air pollution. These reductions have a positive impact on the health and wellbeing of local residents.

- 4.3 **Economy:** By reducing instances of illegal parking on the public highway, the levels of unnecessary traffic congestion will also be reduced. This will ensure the road network continues to support the needs of local businesses whilst also creating a suitable environment to attract new investment and jobs in the borough.

## **5. Risk management**

Failure to produce an annual report and submit the required statistical information could result in intervention by the Secretary of State.

## **6. Financial implications**

The financial information contained within the appendix to this report has been used in the longer term financial planning for the delivery of civil parking enforcement and the wider parking service. As can be seen from **Appendix A**, total income exceeded the cost of the provision, maintenance, management and enforcement of parking facilities/restrictions. Whilst the small surplus of £31,000 is welcome, work is ongoing to achieve best in class status and address the shortfall when compared to the Council approved budget for the whole parking service.

## **7. Legal implications**

None directly associated with this report

## **8. Property implications**

None directly associated with this report

## **9. Staffing implications**

None directly associated with this report

## **10. Equality implications**

None directly associated with this report

## **11. Consultation**

This report has been produced in consultation with the Neighbourhood Services finance team.

## Background papers

None

## Author

Paul Leighton

Group Leader

☎ 652458

✉ [leightonp@walsall.gov.uk](mailto:leightonp@walsall.gov.uk)

Jamie Morris  
Executive Director



5 September 2011

Councillor Tom Ansell  
Portfolio Holder



5 September 2011

# Walsall Council Annual Parking Report

1 April 2010 – 31 March 2011



September 2011



Walsall Council

[www.walsall.gov.uk](http://www.walsall.gov.uk)

## **Contents**

1. Foreword	Page 2
2. Objectives of Parking Provision and Enforcement	Page 3
3. Challenges Representations and Appeals	Page 4
4. Future Developments	Page 5
4.1 Mobile Enforcement	Page 5
4.2 Blue Badge Parking	Page 6
4.3 Pay by Phone Parking	Page 6
4.4 School Gate Parking Enforcement	Page 7
5. Statistical Information	Page 8
6. Financial Information	Page 14



## **Foreword**



“Our vision is that Walsall will be a great place to live, work and invest. The application of civil parking enforcement has, and will, continue to assist with the delivery of this vision. Ensuring people can get around easily and safely to access the wide range of facilities provided for people to use and enjoy is vital to the prosperity of the borough.

The application of civil parking enforcement during 2010/2011 has delivered many benefits for the local community. Parking facilities are now generally used as intended and only by the intended users. Instances of unnecessary obstructions to the public highway as a result of inappropriate parking have also reduced.

Following the introduction of on street pay and display parking we have created the opportunity for increased turnover of kerbside parking space. Businesses will benefit from the increased footfall resulting from this change.

Addressing local parking problems has been a priority. Through the delivery of civil parking enforcement, supported by our neighbourhood management approach, we have ensured that local people have a voice and influence local decisions to address their concerns.

I'm pleased to report an 11% reduction in the number of penalty charge notices issued during 2010/2011 when compared to the previous year. Clearly these reductions demonstrate the improved levels of parking compliance that result from fair but consistent parking enforcement.

We will continue to face challenges as we balance the needs of many competing demands. However, we will always ensure that we deliver our parking enforcement function in a way that supports the delivery of our statutory network management duties and our vision for the borough.”

**Councillor Tom Ansell**  
**Portfolio Holder for Transport & Environment**



## Objectives of Parking Enforcement

The Council has a statutory duty under the Traffic Management Act 2004 to manage traffic congestion. Parking provision, management and enforcement is an integral part of delivering this duty.

Our parking enforcement activities have focused on removing unnecessary traffic congestion whilst creating a safe and efficient environment for pedestrians and motorists to move around the borough.

Priority for enforcement has been given to locations where failure to comply with the parking restrictions would:

- Result in unnecessary traffic congestion
- Result in delays to emergency vehicles
- Result in delays to public transport
- Result in adverse implications for road safety
- Result in adverse implications for air quality

Priority has also been given to ensuring that parking facilities are only used by their intended users, with particular emphasis being given to:

- Blue Badge parking
- Taxi Bays
- Bus Stops
- Loading/unloading bays
- Time limited parking bays



## **Challenges, Representations and Appeals**

The Council will always try to achieve full compliance with parking restrictions particularly, as they were originally installed to assist with managing the efficient operation of the highway network and, or, to maintain road safety. However, in order to achieve this, there needs to be the deterrent of a Penalty Charge Notice being issued to motorists that wilfully fail to comply with the restrictions.

We recognise that there will be instances where the motorist feels they have complied with the restrictions, or did not understand the nature of the restrictions but, despite this their vehicle received a Penalty Charge Notice.

In these instances, the Council encourages motorists to challenge the Penalty Charge Notice should they feel there are mitigating circumstances leading up to the issue of the Notice. The process for this is detailed on the rear of the Penalty Charge Notice.

The Council has a duty to act fairly and proportionately when determining the outcome of a challenge and takes this responsibility seriously. We require that the challenge is submitted in a written format as there can be no future dispute regarding the nature of the challenge. Challenges can be submitted by:

Email: [parkingoffice@walsall.gov.uk](mailto:parkingoffice@walsall.gov.uk)

Internet access:

[www.walsall.gov.uk/index/transport and streets/motor vehicles roads and parking/parking services/parkingfines.htm](http://www.walsall.gov.uk/index/transport_and_streets/motor_vehicles_roads_and_parking/parking_services/parkingfines.htm)

By Post:

Parking Services, Walsall Council, Civic Centre, PO Box 5373

In Person:

The Civic Centre First Stop Shop, Darwall Street, Walsall WS1 1EU

## **Future Developments**

### **Mobile Enforcement**

We operate a number of bus lanes to encourage the use of more sustainable forms of transport. Unfortunately, a number of motorists continue to contravene the bus lane and bus stop restrictions, unnecessarily delaying buses and impacting on their journey time reliability.

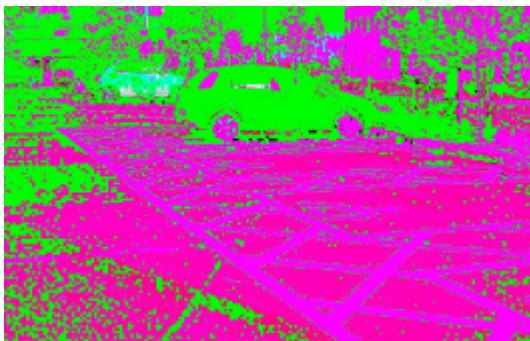


Over the next year we will be introducing mobile enforcement on our key bus routes and transport corridors to control and regulate their use.



## Blue Badge Parking

We want to improve accessibility to local services for the disabled community and will continue to review the location and number of blue badge parking bays on the highway and in our off-street car parks.



Unfortunately, a small number of motorists continue to use blue badge parking bays when not entitled to do so. We want to reduce this further by regularly challenging those motorists that deliberately incorrectly display a blue badge they are not entitled to use, in the hope they will not be identified.

You can help us in this aim by ensuring your blue badge is displayed correctly with the date of expiry and serial number clearly visible.



## Pay By Phone



You have told us that you want the option to pay for your parking with a debit or credit card. We have listened to this request and will be introducing a pay by phone system during the year.

## **School Gate Parking Enforcement**

This remains a priority for further action given the ongoing concerns expressed by local communities. Over the last year we have routinely deployed our parking enforcement team and undertaken joint patrols with the Police.

Through our road safety team, we will continue to encourage walking to school as this brings positive health benefits for our children whilst reducing localised traffic congestion and inconvenience to nearby residents.

Our parking enforcement team will continue to undertake routine patrols of school gate parking zones and will participate in further joint initiatives with the Police. We will also explore the deployment of a mobile enforcement vehicle to encourage further improvements in parking compliance levels.



## Statistical Information

### Penalty Charge Notice (PCN) Issued On-Street

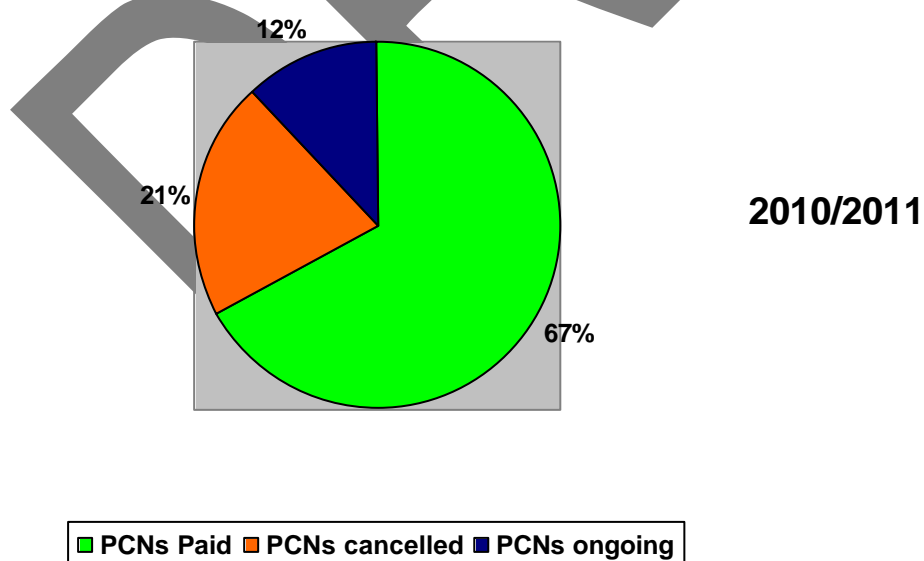
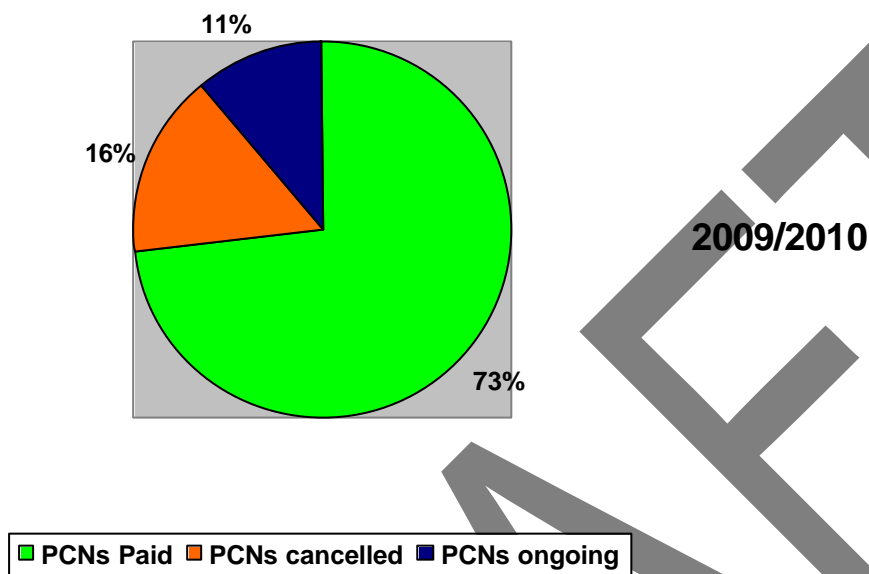
2010/11	
No. Higher level PCNs Issued	11,343
No. Lower level PCNs Issued	3,578
Total number of PCNs issued	14,921
No. of PCNs where a representation was made	3,777
No. of PCNs cancelled as a result of representation	2,282
No. of representations that are rejected	1,495
No. of PCNs cancelled for other reasons	863
Total number of PCNs cancelled	3,145
No. of PCNs paid at discount	8,543
No. of PCNs paid at non discount rate	1,454
Total number of PCNs paid	9,997
Total number of PCNs ongoing	1,779
No. of Charge Certificates registered	1,319
No. of vehicles immobilised	N/A
No. of vehicles removed	N/A

## Penalty Charge Notice (PCN) Issued Off-Street

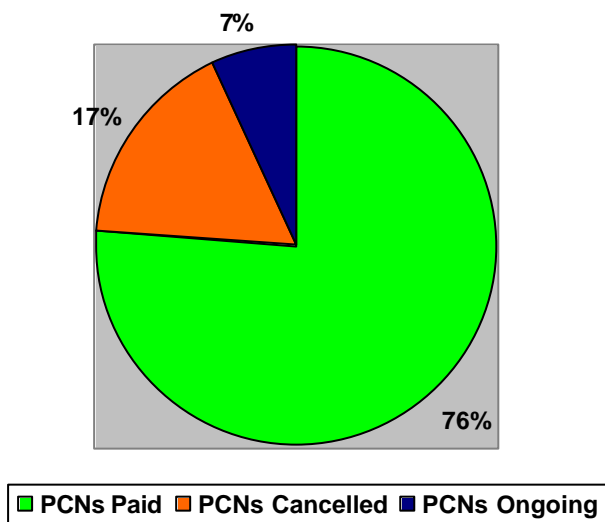
2010/11	
No. Higher level PCNs Issued	1,242
No. Lower level PCNs Issued	6,164
Total number of PCNs issued	7,406
No. of PCNs where a representation was made	2,172
No. of PCNs cancelled as a result of representation	1,310
No. of representations that are rejected	862
No. of PCNs cancelled for other reasons	105
Total number of PCNs cancelled	1,415
No. of PCNs paid at discount	4,799
No. of PCNs paid at non discount rate	616
Total number of PCNs paid	5415
Total number of PCNs ongoing	576
No. of Charge Certificates registered	488
No. of vehicles immobilised	N/A
No. of vehicles removed	N/A



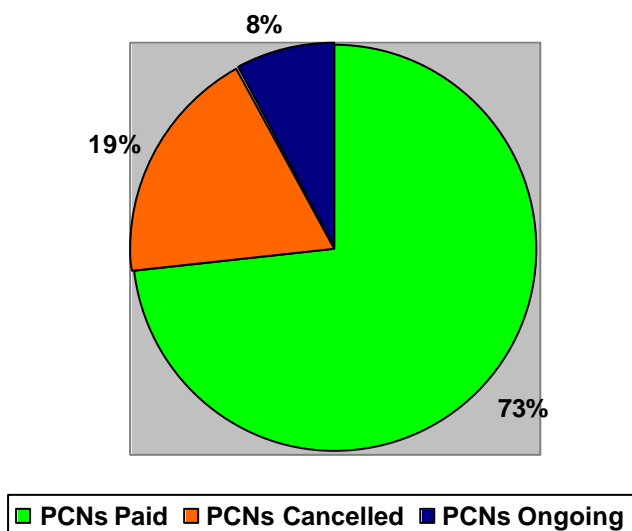
## Comparison of Penalty Charge Notices Issued On-Street



## Comparison of Penalty Charge Notices Issued Off-Street

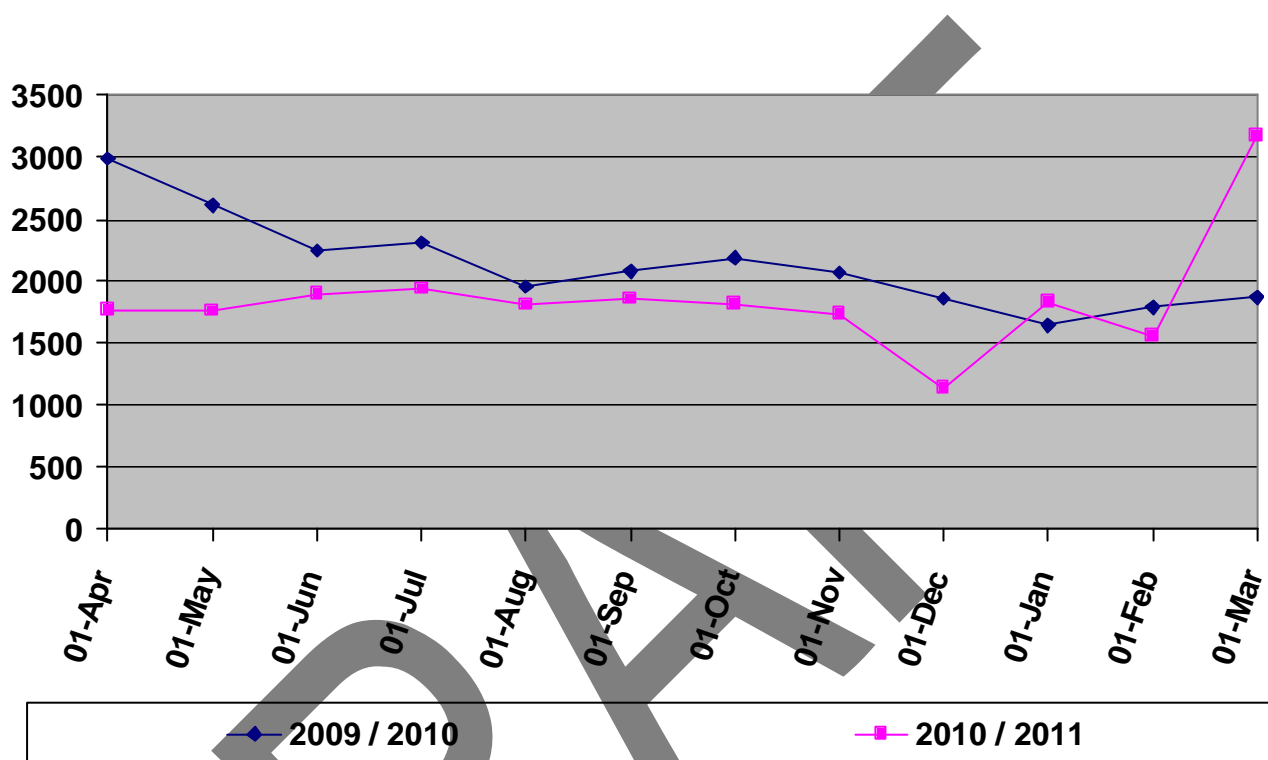


2009/2010



2010/2011

## Comparison of Penalty Charge Notices Issued By Month and Year



The above figures clearly show the levels of compliance have increased over the first 2 years operation of civil parking enforcement.

The increase in penalty charge notices issued over the period February 2011 to March 2011 coincides with the introduction of on-street pay and display parking. This increase was expected to reduce over a short period of time, and has already reduced significantly as motorists become accustomed to the new parking arrangements.

## **Appeals to the Independent Adjudicator**

Every person has the right to appeal their Penalty Charge Notice. Firstly, to the Local Authority and then, under certain circumstances, to the independent adjudicator through the Traffic Penalty Tribunal.

Although you may feel unhappy that your vehicle has been issued with a Penalty Charge Notice, you must consider carefully whether the contravention occurred as there are only a limited number of grounds upon which you can appeal. Further information can be found on the Traffic Penalty Tribunal web site: [www.trafficpenaltytribunal.gov.uk](http://www.trafficpenaltytribunal.gov.uk)

If applicable, an Adjudicator will hear your appeal in person, by telephone or by considering written evidence. The Adjudicator will hear any evidence put forward by you and the Council. After hearing evidence, the Adjudicator can direct the Council to cancel the Penalty Charge Notice so that you pay nothing or, recommend that the Council waives the penalty payment.

An Adjudicator can also find the vehicle owner liable to pay the penalty. The vehicle owner must then pay the penalty before the end of the period of 28 days from receiving written notice of the Adjudicator's decision.

The following cases were determined by the independent adjudicator for Penalty Charge Notices issued by the Council

Year	Appeals received	PCNs issued	Rate of appeal per PCN	Not contested by Council	Allowed by Adjudicator	Total allowed inc not contested by Council	Refused by Adjudicator	Awaiting decision
2009 / 10	13	25,147	0.05%	2 15%	4 31%	6 46%	7 54%	0 0%
2010 / 11	64	22,327	0.29%	20 31%	10 16%	30 47%	32 50%	1 1.6%

## Financial Information

The total parking service budget comprises of income from on and off-street pay and display parking, permit fees, and Penalty Charge Notices, less expenditure on enforcement, operational administration, debt recovery, maintenance and management costs.

2010/11 Expenditure	On & Off-Street	On-Street	Off-Street
Employees	£282,238	67%	33%
Premises	£334,702	0%	100%
Transport	£2,479	67%	33%
Supplies and Services	£7,282	67%	33%
Contracted services	£686,283	67%	33%
Central departmental internal charges	£96,338	67%	33%
Total Expenditure	<u>£1,409,322</u>		

2010/11 Income	On & Off-Street	On-Street	Off- Street
Pay and display	£576,835	2%	98%
Permits	£236,266	2.2%	97.8%
Penalty Charge Notices	£619,588	67%	33%
Other income	£7,673	0%	100%
Total Income	£1,440,362		

Combined On & Off street 2010/11 Expenditure/Income	
Total Expenditure	<u>£1,409,322</u>
Total Income	£1,440,362

## **Treatment of Surplus/Deficit**

Income generated from the combined on and off-street enforcement function was lower than the operational costs of undertaking the enforcement function. However, when combined with the income from pay and display parking, the total income exceeded the operational costs of the service by £31,040.

The surplus was used to offset the overall cost to the Council of delivering the traffic management function that provides and operates bus priority facilities for the benefit of public passenger transport services.

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