

WIRRAL COUNCIL

CABINET

3 FEBRUARY 2011

SUBJECT:	ANNUAL REPORT ON PARKING ENFORCEMENT
WARD/S AFFECTED:	ALL WARDS
REPORT OF:	DIRECTOR OF TECHNICAL SERVICES
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR LESLEY RENNIE
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

1.1 This report sets out information and data on the performance of the Council's parking enforcement operations for the periods 2008/2009 & 2009/2010. Parking enforcement within Wirral is undertaken through the provisions of Part 6 of the Traffic Management 2004, enacted in March 2008 which requires local authorities to produce and publish an annual report about their parking enforcement activities.

2.0 RECOMMENDATION/S

2.1 It is recommended that Cabinet note the contents of the report and approve the details of the report being published on the Council's website.

3.0 REASON/S FOR RECOMMENDATION/S

3.1 The Council is required to produce an annual report and to publish its findings to comply with the statutory guidance relating to Part 6 of the Traffic Management Act 2004.

4.0 BACKGROUND AND KEY ISSUES

4.1 The Traffic Management Act 2004 places a statutory Network Management Duty on the Council to manage the traffic network to ensure the expeditious movement of all traffic modes

4.2 Part 6 of the Traffic Management Act 2004 (TMA) came into effect on 31st March 2008 and changed Decriminalised Parking Enforcement (DPE) to Civil Parking Enforcement (CPE). Part 6 of the TMA provides for a single framework in England for the civil enforcement of parking, bus lanes and some moving traffic offences. The aim of CPE is to provide for a reasonable, transparent and proportionate system of parking enforcement that is applied consistently across the country. The objective is to increase public confidence by providing a system that can be seen to be balanced and fair to the motorists whilst satisfying the Council's transport and parking policy aspirations.

4.3 The introduction of the TMA has meant a number of changes for parking enforcement services across the country. The Act has introduced a number of new contraventions to be managed through the civil enforcement process; these have included enforcement of:

- Bus Lane
- Dropped kerbs
- Double parking
- Vehicle Drive-Aways (VDAs) – drivers that leave the scene before a PCN can be issued by a CEO
- Pedestrian Crossing zigzags
- Some moving traffic contraventions e.g. failure to comply with no entry signs / failure to comply with no right/left turn signs

The effects and implementation of the TMA were considered by Cabinet on 13 March 2008 in a report Traffic Management Act 2004 - Interim Parking Strategy and this remains the current policy for parking enforcement within Wirral. From the above list only the enforcement of dropped kerbs and pedestrian crossing zigzags have been adopted in addition to the existing yellow line, loading restrictions, parking places and parking restriction enforcement. Some of the other elements such as moving traffic offences have yet to be fully introduced in statute.

4.4 Statutory Guidance issued under the Traffic Management Act requires that Councils should produce an annual report on their parking enforcement activities and that this report should contain financial, statistical and performance related data in respect of its parking operations. Reports should be made available to the public with the aim of improving the public's understanding of the Council's aims & objectives in relation to parking and their acceptance of Civil Parking Enforcement.

4.5 As well as providing the statistical information required by the Statutory Guidance this report includes a brief overview of the Parking Enforcement Service and its contributions to the Council's overall aims & objectives. The Council receives a significant number of requests for information under the Freedom of Information Act for parking related data and statistics. By including the most frequently requested statistical data in this report this information can be made more easily and freely available to the public.

4.6 This report covers the periods 1st April 2008 to 31st March 2009 and 1st April 2009 to 31st March 2010. This is to allow comparisons to be made between the results for the two years. Further information and explanations on the data is also discussed in the report. In future the report will be produced annually allowing performance and statistics to be compared year on year.

4.7 **Parking Enforcement In Wirral** - The overall aim of the Parking Enforcement Service is to provide, operate and enforce on and off street parking in accordance with Council objectives and in the interests of road safety, traffic management and crime prevention. Effective enforcement assists in delivery of the following objectives;

- Ensuring the transport system is accessible and operates as efficient as possible including public transport,
- Reducing congestion and peak hour traffic volumes by encouraging commuters to consider more environmentally friendly travel alternatives by use of appropriate parking controls along routes and at destinations,
- Reducing the volumes and severity of road traffic accidents by targeting enforcement into those areas where accidents are occurring and where measures have been introduced to reduce accidents. This includes planned programmes of enforcement, including joint agency operations, such as those undertaken outside schools across the borough and more traditional enforcement of parking controls for example to maintain visibility at junctions,
- Economic sustainability by improving the availability of existing parking space and by encouraging a turnover of use of such space, both on-street and within car parks through the use of appropriate parking controls and charges,
- Ensuring that the needs of disabled people are met in the provision of convenient parking space and ensuring these spaces are kept clear for their use,
- Ensuring that emergency vehicle, goods and service vehicles, taxi's etc are able to access and deliver their goods and services,
- Reducing the environmental impact of traffic in sensitive areas through appropriate controls, for example resident only parking schemes.

4.8 Since November 2003 the Council has been operating Decriminalised Parking Enforcement to control parking, waiting and loading restrictions across the borough. On the ground enforcement is carried out by the Council appointed enforcement contractor NSL Services Group. This contract has been recently renewed following a competitive tendering exercise to provide the service until November 2015.

4.9 Civil Enforcement Officers (CEOs) formerly parking attendants, issue Penalty Charge Notices (PCNs) to motorists who contravene parking regulations. The Council enforces waiting and loading restrictions to:

- Improve road safety
- Reduce congestion
- Support the local economy
- Improve access for emergency vehicles
- Improve access to public transport
- Reduce commuter parking in residential areas

4.10 It should be stressed that the Council does not carry out parking enforcement as a revenue raising exercise. Neither NSL Group nor individual civil enforcement officers have targets for PCNs issued and there are no payments or bonuses based on the numbers of PCNs issued.

4.11 It is a legislative requirement that all income received from penalty charge notices and on-street pay and display parking is used only to fund the provision of the parking service and that if any surplus is achieved this must be reinvested into transport and environmental related schemes in Wirral.

4.12 **School Parking** – As in many other parts of the country, parent parking outside schools is a problem and generates a high number of complaints. We are committed to enforcing parking restriction in these areas in particular school entrance zig zags but also to engaging with schools, their staff and parents in an education and awareness role. Over the past twelve months, joint patrols have taken place between CEOs and Police Community Support Officers to help tackle these issues. A rolling programme of enforcement at problem school sites is ongoing.

4.13 **CCTV Enforcement** – This mode of parking enforcement was also introduced through Part 6 of the TMA 2004. Enforcement by CCTV is restricted to locations that have proven difficult to enforce with any reasonable level of success, by conventional means. In this context success is measured by there being a reasonably high level of compliance with the restrictions in force. CCTV enforcement is also focussed on locations which have a known history of road traffic accidents, locations near to high generators of vulnerable road users (i.e. children near schools) and some busy shopping areas, which rely on roadside deliveries and are affected by persistent short duration parking. Typical locations therefore include school entrance zig-zag markings, pedestrian crossing zig-zag markings and some local and town centres shopping streets.

4.14 **PERFORMANCE INFORMATION 2008/09 AND 2009/10** - The following tables provide information about Penalty Charge Notices issued in Wirral, payments made and appeals received.

4.15 In 2008 the government introduced two rates for PCNs issued; a higher level at £70 and a lower level at £50. The level appropriate for individual PCNs is determined by the specific contravention and is set in the TMA legislation. Appendix A to the report details the appropriate PCN amounts for contraventions enforced in Wirral. All PCN amounts are reduced by 50% if the PCN is paid within 14 days of issue.

Penalty Notices Issued						
	Total All PCNs Issued		Issued On-Street		Issued Off-Street	
	08/09	09/10	08/09	09/10	08/09	09/10
Number of Higher level PCNs issued	20335	19530	18249	17772	2106	1758
Number of Lower level PCNs issued	19198	15804	7168	5391	12030	10413
Total Number of all PCNs issued	39553	35334	25417	23163	14136	12171

4.16 It can be seen that in 2008/09 a total of 39,533 PCNs for parking contraventions were issued, this reduced to 35,334 in 2009/10. The fall in the numbers of PCNs is not unique to Wirral and reflects a trend seen across most of the country with the exception of London. The reduction is considered to be partly an effect of higher levels of compliance and partly due to the effect of current economic climate which is reducing the numbers of vehicle trips and the volume of parking within town centres. This trend is looking to continue in 2010/11.

4.17 PCNs can be paid at a number of different stages. If paid with 14 days of issue the amount is reduced by 50%. If a PCN remains unpaid despite formal reminders its amount can increase by a further 50%. Unpaid parking debts can be registered at County Court and passed to certificated bailiffs for collection.

PCN Payment Volumes						
	Total for PCNs Issued		Issued On-Street		Issued Off-Street	
	08/09	09/10	08/09	09/10	08/09	09/10
Number of PCNs paid at discount rate (50%)	18991	17653	12394	11939	6597	5714
Number of PCNs paid in full at non-discount rates	3630	2821	2571	1966	1059	855

4.18 From the above it can be seen that payment is made on approx 60% of all PCN issued in the period. It is not possible to recover debts from all notices issued for a number of reasons. These include PCNs cancelled following appeal and vehicle owners being untraceable. If only closed cases are considered, ie cases still ongoing are removed from the above figures the recovery rates increases to 65% in 08/09 and 66% in 2009/10.

4.19 Cases which have not been appealed or cancelled and which the Council have been unable to recover payment may ultimately be referred to bailiffs for collection after the debt has been registered in County Court. In 2008/09 a total of 2803 cases were registered and in 2009/10 the figure was 2612 cases. The typical recovery rate for cases passed to bailiffs is 20-25% of the total debt passed over. Although this may seem low it is typical across the industry with the primary reasons for non recovery being gone aways, ie the debtor is untraceable or that the debtor has no reasonable means of payment or assets that can be levied.

4.20 As can be expected the Council receive a significant volume of written appeals in relation to PCNs issued. After consideration of an appeal the Council may uphold the PCN or cancel it for a number of reasons. Some reasons are statutory and some are discretionary. Statutory reasons include errors in issuing or processing of the PCN. For discretionary cancellations the Council has a set of adopted policies and the large majority of PCNs which are cancelled following appeal fall into this group. The table below details the volumes of appeals and cancellations. Typical reasons for cancelling PCNs on discretionary grounds include:

- Motorist had a valid disabled badge but forgot to display it.
- Motorist had purchased a valid pay and display ticket but this had fallen from the windscreen.
- Motorists had a valid permit for a permit controlled area but forgot to display it.
- Vehicle has broken down and driver provides proof or evidence
- Loading or unloading of goods and driver provides proof or evidence

Appeals Received						
	Total for PCNs Issued		Issued On-Street		Issued Off-Street	
	08/09	09/10	08/09	09/10	08/09	09/10
Number of PCNs appealed	16520	12925	9963	7466	6557	5459
Number of PCNs cancelled following appeal	9661	8347	5191	4498	4470	3849
Number of PCNs written off (driver untraceable, systems errors etc)	2054	969	1482	703	572	266

4.21 Full information about the councils Policy on representations and appeals is available on the Council website.

4.22 If a motorist remains unhappy with the Council's decision following an appeal they may make a further appeal to the Traffic Penalty Tribunal. This is an independent appeals process that is free for motorists to use. Decisions made by the tribunal adjudicators are binding on both the Council and the motorist. The following table details appeals to and decisions made by the tribunal.

Adjudicator Appeals received						
	Total for PCNs Issued		Issued On-Street		Issued Off-Street	
	08/09	09/10	08/09	09/10	08/09	09/10
Number of appeals to independent adjudicator	76	83	64	66	12	17
* Number of appeals allowed by independent adjudicator	8	35	6	33	2	2
* Number of appeals refused by independent adjudicator	29	32	18	27	11	5
* Number of appeals not contested by the Council & allowed by the adjudicators	17	50	11	49	6	1

* Decisions may relate to PCNs issued in other years.

4.23 The increase in the number of tribunal appeals in 2009/10 is thought to be primarily due to the statutory legislative process for CCTV cases. PCNs issued by enforcement officers have two stages of appeal to the Council before they reach the tribunal stage. However, for CCTV cases there is only one stage of appeal before the case may be considered by the tribunal and more motorists are therefore choosing to take up this option.

4.24 Due to the nature of parking enforcement it is inevitable that some complaints will be received. In 2008/09 a total of 23 complaints were received, these were split fairly evenly between complaints about enforcement officer conduct or attitude and those about parking enforcement policy. It is pleasing to see that in 2009/10 the number of complaints had fallen to 8 and most of these were in relation to the parking enforcement policy.

4.25 Civil enforcement officers are the frontline of the service, and frequently meet and interact with the owners of vehicles whilst undertaking their duties. Unfortunately parking enforcement can be an emotive issue and this inter-action can result in conflict situations; usually in the form of verbal abuse and less frequently physical abuse. In 2008/09 there were 22 physical assaults/incidents recorded on NSL staff and in 2009/10 the number was 33 assaults/incidents. NSL Services have developed a close working relationship with Merseyside Police to ensure that when these types of incidents do occur they are dealt with promptly and appropriately. As a result of this there were 2 successful prosecution cases in 08/09 and a further 2 in 2009/10. A number of the less serious incidents were dealt with by the Police through the issue of Fixed Penalty Notices.

4.26 **FINANCIAL INFORMATION 2008/09 AND 2009/10** - The enforcement service is one element of the overall parking services function which includes management and operation of the Councils public free car parks, Pay & Display car parks and on-street parking operations. Income from penalty notices is used to fund the provision of the enforcement service. It is not possible to exactly identify the

precise expenditure on some elements of enforcement as many back office tasks are undertaken by staff whose duties include other roles within parking services not directly related to enforcement. Any differences between income and expenditure are accommodated within the overall parking budget. The following table shows enforcement income and expenditure for the above periods.

Financial Information	2008 – 09	2009 – 10
Item	£	£
Income - Penalty Charge Notice	939,000	868,000
Expenditure - Enforcement Contractor (NSL Group) costs, back office staffing and overheads, IT/Court fees/Adjudicator Fees	987,000	860,000
Net Surplus or Deficit (negative)	-48,000	8,000

4.27 From the above it can be seen that the provision of the service is essentially self financing through PCN revenue received with little if any excess income. This accords with the statutory guidance offered by The Secretary of State, which states that Civil Parking Enforcement should not be viewed as a way of raising revenue.

4.28 The biggest expenditure within parking enforcement is the contract for provision of parking enforcement services. Wirral has recently commenced a new five year contract with NSL Services Group for this service. Under the new contract the deployment of Civil Enforcement Officers was reviewed to ensure we continue to deliver an efficient, effective and economical service. Through ongoing appraisals of the levels of compliance, enforcement level and frequencies can be adjusted to achieve compliance at the most economic cost.

4.29 Wirral's aim is to increase compliance with parking restrictions through clear, well designed, legal and enforceable parking controls that will also provide a means by which we can effectively deliver wider transport strategies and objectives.

5.0 RELEVANT RISKS

5.1 Failure to produce or publish the report could impact on the reputation of the Council as it may be perceived that the Council has something to hide. It would also be contrary to the statutory guidance issued by the Secretary of State not to produce this information. In fact much of the information in the report has already been released through freedom of information requests and this report will provide a standard format to release this type of information for similar requests in the future.

6.0 OTHER OPTIONS CONSIDERED

6.1 None available.

7.0 CONSULTATION

7.1 None, this report is a statistical analysis of the parking operation for the periods stated.

8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

8.1 There are no implications under this heading.

9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

9.1 The report is for noting, there are no specific implications under this heading.

10.0 LEGAL IMPLICATIONS

10.1 There are no implications under this heading.

11.0 EQUALITIES IMPLICATIONS

11.1 There are no specific implications under this heading, however, effective parking control can assist vulnerable road users such as blue badge holders.

11.2 Equality Impact Assessment (EIA)

(a) Is an EIA required? Yes/No

12.0 CARBON REDUCTION IMPLICATIONS

12.1 There are no specific implications under this heading, however, effective control of parking can have an impact in reducing the effects of transport on the environment.

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

13.1 There are no implications under this heading.

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APPENDICES

APPENDIX A – Contravention Codes and Penalty Charge Rates (appended)

REFERENCE MATERIAL

Statistical information contained within this report has been obtained from the Sidem Debt Management system used by the Council to manage and administer parking enforcement cases. Information can be obtained by contacting the Parking Services Team.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet report Traffic Management Act 2004 - Interim Parking Strategy	13 March 2008