

WIRRAL COUNCIL

CABINET

2 FEBRUARY 2012

SUBJECT:	ANNUAL REPORT ON PARKING ENFORCEMENT
WARD/S AFFECTED:	ALL WARDS
REPORT OF:	DIRECTOR OF TECHNICAL SERVICES
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR HARRY SMITH STREETSCENE AND TRANSPORT SERVICES
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 period 2010/2011 (information for the periods 2008/2009 & 2009/2010 was reported to Cabinet on the 3 February 2011). Parking enforcement within Wirral is undertaken through the provisions of Part 6 of the Traffic Management Act 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 within 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 (TMA) 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 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 duties and its policy aspirations.

4.3 The introduction of the TMA has meant a number of changes for parking enforcement services across the country. The Act 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 [Minute 534 refers]. The policy adopted for parking enforcement and appeals within Wirral is under review; and will be considered at a future Cabinet meeting. 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 TMA 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 and 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 and 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 period 1st April 2010 to 31st March 2011. Future reports 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
- 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 was renewed in

November 2010 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. The Council is committed to enforcing parking restrictions in these areas; in particular school entrance zig zags; but also engaging with schools, their staff and parents in an education and awareness role. Joint patrols have continued to take 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 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 2010/2011 - The following tables provide information about PCNs 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. In accordance with policy, 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	
	09/10	10/11	09/10	10/11	09/10	10/11
Number of Higher level PCNs issued	19530	15908	17772	14348	1758	1560
Number of Lower level PCNs issued	15804	13479	5391	4558	10413	8921
Total Number of all PCNs issued	35334	29387	23163	18906	12171	10481

Table 1 – Penalty Notices Issued

4.16 The 2009/10 figures are shown in the tables above and below for comparison purposes. It can be seen from Table 1 that in 2009/10 a total of 35,334 PCNs for parking contraventions were issued and this reduced to 29,387 in 2010/11. The fall in the numbers of PCNs is not unique to Wirral and reflects a continuing 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 2011/12, but to a lesser degree.

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	
	09/10	10/11	09/10	10/11	09/10	10/11
Number of PCNs paid at discount rate (50%)	17653	15024	11939	9970	5714	5054
Number of PCNs paid in full at non-discount rates	2821	2505	1966	1763	855	742

Table 2 – PCN Payment volumes

4.18 From Table 2 above it can be seen that payment is made on approximately 60% of all PCNs issued in the period (this is consistent with previous years). 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 rate increases to around 64%.

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 2009/10 a total of 2612 cases were registered and in 2010/11 the figure was 3685 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', i.e. 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. Table 3 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	
	09/10	10/11	09/10	10/11	09/10	10/11
Number of PCNs appealed	12925	9476	7466	5307	5459	4169
Number of PCNs cancelled following appeal	8347	6295	4498	3393	3849	2902
Number of PCNs written off (driver untraceable, systems errors etc)	969	905	703	616	266	289

Table 3 – Appeals Received

4.21 Full information about the Council's Policy on representations and appeals is available on the Council website. As stated in section 4.3 above this policy is under review; as contained in a Report to this Cabinet meeting.

4.22 If a motorist remains dissatisfied with the Council's decision following an appeal then 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 4 details appeals to and decisions made by the adjudicator.

Adjudicator Appeals received						
	Total for PCNs Issued		Issued On-Street		Issued Off-Street	
	09/10	10/11	09/10	10/11	09/10	10/11
Number of appeals to independent adjudicator	116	72	99	57	17	15
Number of appeals allowed by independent adjudicator	35	19	33	16	2	3
Number of appeals refused by independent adjudicator	32	34	27	25	5	9
Number of appeals not contested by the Council & allowed by the adjudicators	50	19	49	16	1	3

Table 4 – Adjudicator Appeals received

- 4.23 The number of tribunal appeals in 2010/11 has remained proportionate with the previous year's figures. The Council has seen a percentage increase in the number of appeals refused by the adjudicator i.e. won by the Council; which has risen from 39% to 47%.
- 4.24 Due to the nature of parking enforcement, it is inevitable that some complaints will be received. In 2009/10 a total of 8 complaints were received and these were split fairly evenly between complaints about enforcement officer conduct or attitude and those about parking enforcement policy. In 2010/11 the number of complaints had risen to 24; half of these were in relation to the parking enforcement policy and half in relation to the conduct of the civil enforcement officers. Complaints made against the conduct of the CEOs are fully investigated and recorded. The complainant will always receive a response from the CEOs manager. The majority of complaints in relation to the parking enforcement policy are made following the issue of a PCN and include the drivers parking appeal. These complaints should therefore be considered as an 'informal appeal' rather than as a complaint. However, all complaints were resolved as quickly as possible and during Stage 1 of the Council's complaints procedure.
- 4.25 CEOs 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 2009/10 there were 33 physical assaults/incidents recorded on NSL staff and in 2010/11 the number was 54 assaults/incidents. NSL Services have developed a close working relationship with Merseyside Police to ensure that when these type of incidents do occur they are dealt with promptly and appropriately. A 'Partnership Plus' has been agreed in principal between NSL,

the Council and Merseyside Police. The 'Partnership Plus' agreement or memorandum of understanding outlines the responsibilities of the Police, the Council and NSL regarding:

- Reporting and investigating allegations of assault on NSL staff
- Information/intelligence sharing
- Joint patrolling opportunities
- Training
- Civil and local emergency support
- Creating a safer working environment for NSL staff
- Enhancing community and multi-agency support in relation to the reduction of crime, the fear of crime and anti-social behaviour.

4.26 As a result of this close working relationship there were 2 successful prosecution cases in 09/10 and a further 4 in 2010/11. A number of the less serious incidents were dealt with by the Police through the issue of Fixed Penalty Notices. This positive support and outcomes may have lead to the CEOs reporting more incidents rather than there being more incidents then in the previous year.

4.27 FINANCIAL INFORMATION 2010/2011 - The enforcement service is one element of the overall parking services function which includes management and operation of the Council's 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 period.

Financial Information	2009 – 2010	2010 – 2011
Item	£	£
Income - Penalty Charge Notice	868,000	818,000
Expenditure - Enforcement Contractor (NSL Group) costs, back office staffing and overheads, IT/Court fees/Adjudicator Fees	860,000	849,000
Net Surplus or Deficit (negative)	8,000	-31,000

Table 5 – Financial information

- 4.28 From Table 5 above it can be seen that the provision of the service is essentially self financing through PCN revenue received, although for the period of 2010/11 there was a deficit of £31,000. 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.
- 4.29 The biggest expenditure within parking enforcement is the contract for provision of parking enforcement services. Wirral commenced a new five year contract in November 2010 with NSL Services Group for this service. Under the new contract the deployment of CEOs was reviewed to ensure that the Council 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.
- 4.30 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.

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 Si-Dem 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
Cabinet report Annual Report on Parking Enforcement	3 February 2011