



SWINDON
BOROUGH COUNCIL

Parking Services

Annual Parking Enforcement Report

2010/2011

Foreword from Dawn Woollard, Parking Services Manager.

Welcome to the annual parking report for the year 2010/2011 from Swindon Borough Council's Parking Services.

This is our report and sets out details of the work we have carried out during 2010/11

We will all be aware of the challenges that face all local services as the Council and Residents look to improve outcomes within a financial climate which challenges the way we work and what we are able to deliver.

Like every other local authority in the country we want to secure the best possible outcomes for our residents. We will work alongside our communities to:

- Develop healthy and resilient communities.
- Focus our "One Swindon" resources to secure the most cost-effective services for the people of Swindon
- Ensure efficient and effective solutions by developing a diverse but well balanced market of public, community, voluntary and private sector providers
- Shape Swindon's economic future and ensure that Swindon people benefit from associated growth
- Meet our statutory duties in a way that supports safer, stronger and creative communities

I would like to reassure all our residents and visitors that our Civil Enforcement Officers do not receive payment based on the number of Penalty Charge Notices they issue. All income goes into the council's budget to provide environmental improvements.

It is an obvious fact that the provision and the cost of parking can be a contentious subject. Equally we all have to accept that every car parking space, whether in a purpose built town centre car park or by the kerbside in a residential area has to be paid for in both financial and environmental costs. We hope that by making the figures in this report available you will find them useful in understanding the work we have done over the year.

Dawn Woollard
20th December 2011

Contents

1. Introduction
2. Background
3. Why Civil Parking Enforcement?
4. Civil Parking Enforcement in Swindon
5. Penalty Charge Notices Issued
6. Enforcement after Issue
7. Debt Registration and Bailiff Action
8. Future Plans
9. Financial Summary

Appendix A - Penalty Charge Notices issued against contravention

Appendix B - Principle reasons for cancellation.

Appendix C – Statutory Grounds for Cancellation of Penalty Charge Notices

1. Introduction

Reporting is an important part of accountability. The Traffic Management Act 2004 places a duty on local authorities that carry out Civil Parking Enforcement, to produce an annual report. This is our report for the last financial year which ended 31 March 2011.

2. Background

Swindon Borough Council adopted Decriminalised Parking Enforcement (DPE) powers in September 2003. The Council is responsible for on-street enforcement (yellow lines, resident parking areas etc.) on all highways within the Borough with the exception of the A419 and motorways. We are also responsible for enforcement in Council owned car parks throughout the Borough.

3. Why Civil Parking Enforcement?

For many years Local Authorities have been able to enforce their own car parks but until the 1990s on-street enforcement was undertaken by police officers or traffic wardens employed by the local police force. By the mid 1990s the government gave local authorities the right to apply for powers to enforce on-street parking restrictions. This is now known as Civil Parking Enforcement. Many Local Authorities rapidly adopted the opportunity across the country.

There were a number of reasons why Local Authorities accepted the decriminalisation:

- Police forces let central government know that they could not regard parking enforcement as a priority given the many other demands on their limited resource.
- The majority of parking offences would be better dealt with under civil law rather than as a criminal matter. This would be more cost effective and would not clog up the already busy criminal courts.
- Local Authorities, as representatives of their community, felt they were best placed to design and run an enforcement regime that would meet the needs of the community.

The Department of Transport identified that the prime purposes of adopting Civil Parking Enforcement should be:

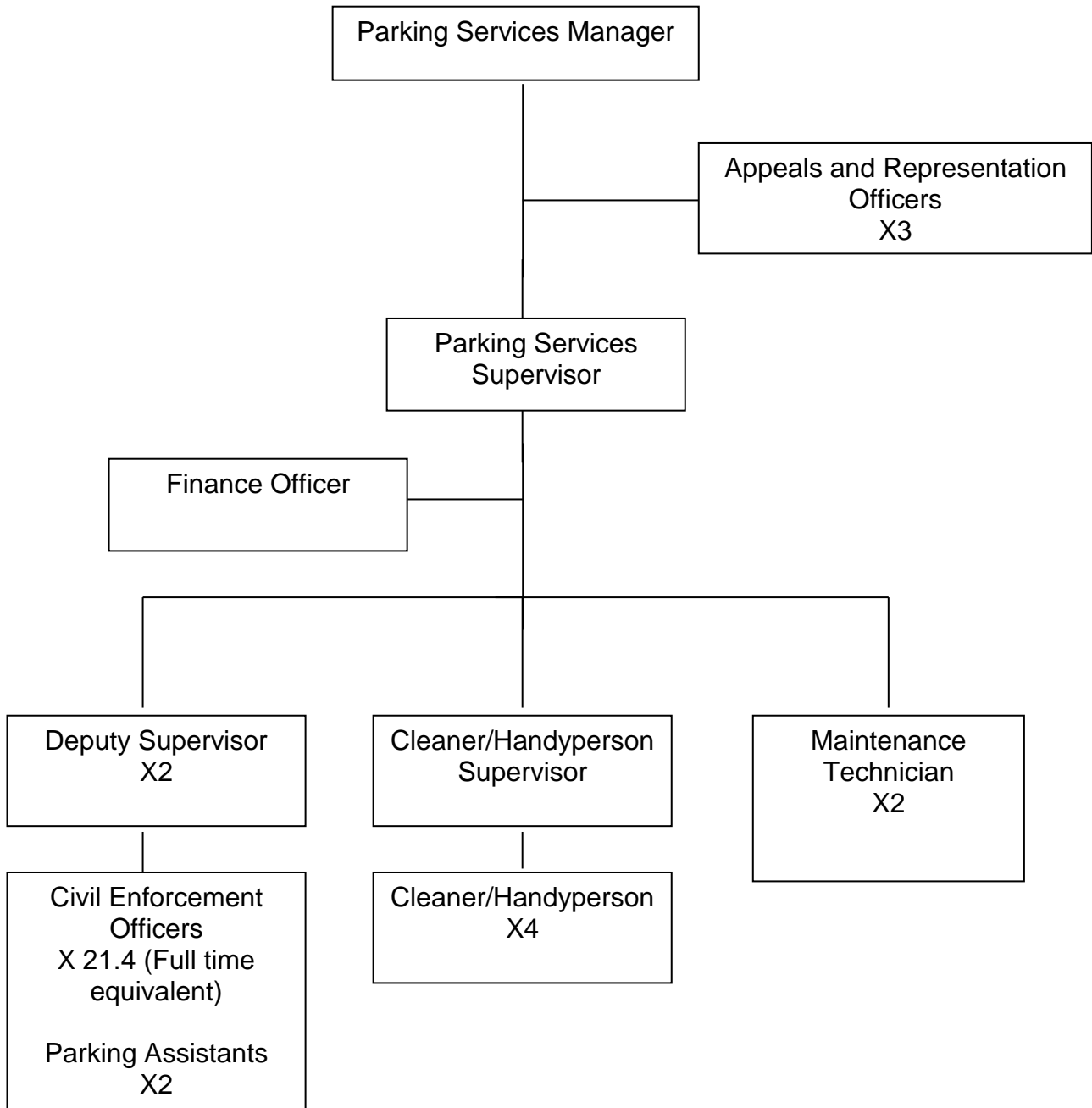
- To contribute to the Authority's transport objectives.
- To increase compliance with parking restrictions.
- To ensure the expeditious movement of traffic, including pedestrians and cyclists.
- To improve road safety
- To improve the local environment
- To improve the quality and accessibility of public transport
- Meet the needs of disabled people, some of whom will be unable to use public transport systems and depend upon the use of a car
- Managing and reconciling the competing demands for kerb space.

The Guidance from Central Government is also clear that Civil Parking Enforcement should not be seen as a revenue raising exercise nor should Local Authorities' set targets for revenue or the number of Penalty Charge Notices they issue.

4. Civil Parking Enforcement in Swindon

(i) Staffing 2010/2011

The team responsible for the operation of Civil Parking Enforcement as well as the maintenance and cleaning of car parks is:



(ii) Enforcement and back office Processing

Directly employed Council employees undertake the enforcement function. This is true for on street and off street work.

Our partner, Capita, deal with the processing of permits and season tickets. They also deal with challenges, or informal representations, against Penalty Charge Notices, operating in accordance with policy and operational guidelines agreed by the Council.

After the issuing of the Notice to Owner staff directly employed by the authority consider the formal representation and deal with appeals to the Adjudication Service. They are also responsible for the registration of any debts owed to the Council at the Traffic Enforcement Centre and, if necessary, any subsequent instructions to Bailiff Companies.

Although it has the powers, Swindon Borough Council does not clamp or remove vehicles. However this sanction is under review to be invoked for vehicles which persistently evade payment of penalty notices.

(iii) Telephone contact and reception provision

The provision of a public reception and telephone service is supplied by Capita working to meet the guidelines and standards agreed with Swindon Borough Council.

During 2010/11 the One Stop Shop received the following numbers visiting to discuss Parking matters. The One Stop Shop has a target of serving 80% of customers within 10 minutes. The percentage of visitors served within that time is shown in the end column:

Month	Visitors Arrived	%
Apr 10	1252	89%
May 10	1175	83%
Jun 10	1236	86%
July 10	1210	86%
Aug 10	1179	87%
Sep 10	1199	83%
Oct 10	1007	79%
Nov 10	1132	85%
Dec 10	840	95%
Jan 11	972	88%
Feb 11	1064	83%
Mar 11	1124	81%

Telephone calls to our Call Centre are also recorded and here one of the targets is to answer 80% of calls within 20 seconds. The percentage in the second column shows the rate actually achieved.

Month	Calls Received	%
Apr 10	1651	69.17
May 10	1478	72.33
Jun 10	1604	67.83
July 10	1608	71.64
Aug 10	1555	73.12
Sep 10	1567	80.34
Oct 10	1472	79.96
Nov 10	1670	76.29
Dec 10	1221	79.12
Jan 11	1328	76.51
Feb 11	1334	73.31
Mar 11	1551	73.82

5. Penalty Charge Notices Issued

The numbers of Penalty Charge Notices (PCN's) issued by Swindon Borough Council over the last three years are detailed below:

Year	Total PCN's
2008/09	35935
2009/10	38647
2010/11	28400

This total is split between on street (contraventions that occur on the public highway) and off street (usually contraventions in Council owned car parks) as follows:

Year	On Street PCN's	Off Street PCN's
2008/09	18347	17588
2009/10	17565	21082
2010/11	13742	14658

With the introduction of the Traffic Management Act in April 2008 Penalty Charge Notices are charged at a higher or lower rate depending on the level of seriousness of the contravention. For example parking on yellow lines is charged at the higher rate while overstaying in a Pay & Display car park is rated at the lower charge.

The number of each type and their relative percentage of the total are shown here:

Year	Higher Level PCN's £70	Lower Level PCN's £50
2008/09	16384 (45%)	19551 (55%)
2009/10	16109 (42%)	22538 (58%)

2010/11	8654 (30%)	19746 (70%)
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6. Enforcement after Issue

Penalty Charge Notices are issued at £50 or £70 however a 50% discount applies to Notices paid within 14 days of issue or where payment is received within 14 days of a rejection of an informal challenge. The numbers, and percentages of the total issued, paid at this discounted rate are:

Year	PCN's Paid at discounted rate
2008/09	19353 (54%)
2009/10	21035 (56%)
2010/11	15302 (54%)

It is clear from these figures that the majority of motorists receiving a Penalty Charge Notice accept their liability and make prompt payment.

Following the initial 14 days the Penalty Charge Notice reverts to the full value and, if not paid, the outstanding amount increases by stages. Notices paid at the initial rate or higher are:

Year	PCN's Paid at full/surcharge rate
2008/09	5907 (16%)
2009/10	6067 (16%)
2010/11	4791 (17%)

All motorists who receive a Penalty Charge Notice are entitled to make an informal representation, usually called a Challenge, against its issue. The Traffic Management Act set out a number of statutory grounds (shown at Appendix C) which, if established, means that the Council must cancel the Notice. However in addition to these the Council must fully consider any mitigation put forward.

Over the last three years the following challenges have been received. The percentage that these represent of Penalty Charge Notices issued is also shown. The end column shows the number of those challenges accepted, the percentage shown is of challenges accepted.

Year	PCN Total Issued	Challenges Received	Accepted and Cancelled *
2008/09	35935	8818 (25%)	3144 (35%) *
2009/10	38647	10158 (26%)	3535 (35%) *
2010/11	28400	6625 (23%)	2833 (43%) *

* Records of the results of challenges are not separately maintained so figures shown are approximate.

If the Challenge is accepted the Notice is cancelled. If not, and if it was received within 14 days of the issue of the Penalty Charge Notice, a further period of 14 days at the discounted rate is offered or the motorist can await the issue of the Notice to Owner to the registered keeper and make a formal Representation.

The issue of the Notice to Owner is the beginning of the more 'formal' part of the process.

Over the last three years the following Representations have been received. The percentage that these represent of Penalty Charge Notices issued is also shown. The end column shows the number of those Representations accepted, the percentage shown is of Representations accepted.

Year	Total Issued	Representations Received	Accepted and Cancelled *
2008/09	35935	1939 (5%)	746 (38%)*
2009/10	38647	2310 (6%)	832 (36%)*
2010/11	28400	1279 (5%)	410 (32%)*

* Records of the results of representations are not separately maintained so figures shown are approximate.

The details of Penalty Charge Notices cancelled are shown below. The percentages shown in brackets show the proportion of the total Notices issued.

A number of Penalty Charge Notices are cancelled or written off each year because the Registered Keeper cannot be traced. This can be due to inadequate records at DVLA or because the address details given are incorrect.

Year	Notices Written Off/ Untraceable
2008/09	3329
2009/10	2972
2010/11	1250

Figures for cancellation and those written off for 2010/11 are subject to change, as they remain subject to enforcement.

To assist drivers with understanding the issue and grounds for cancellation of Penalty Charge Notices, our website contains the guidelines that we follow. Although these cannot cover all eventualities they will show the grounds that decisions are based upon. The guidelines are available on the website www.swindon.gov.uk. The document is 'Guidance on the Issue, Enforcement and Cancellation of Penalty Charge Notices by Swindon Borough Council' and can be found by following the link to 'Parking Fines' and then going to the 'Challenging a Penalty Charge Notice' Page.

Where the Council decides not to cancel the Penalty Charge Notice at the formal Representation stage then the keeper can make an appeal to the Traffic Penalty Tribunal. This is a free service to the driver and will allow an independent adjudicator (who will be a barrister or senior solicitor) to review the issue and enforcement of the Notice. The decision made is binding on both parties. The Council as part of the letter of rejection sends full details and the relevant appeal form to the registered keeper.

Each year the Traffic Penalty Tribunal provides a report detailing the numbers and outcomes of the appeals they have received. Full details can be found on their website

www.trafficpenaltytribunal.gov.uk

The figures of appeals for Swindon Penalty Charge Notices are shown below together with the National results for comparison.

Year	Appeals Made	Rate of Appeal per Penalty Charge Notice	Not Contested by Council	Allowed <i>i.e.</i> cancelled	Refused	Not Decided
2009/10 Swindon	137	0.35%	36 26%	25 18%	76 56%	
2009/10 National	14269	0.34%	3880 27%	4188 29%	5804 41%	397 3%
2010/11 Swindon	83	0.31%	19 23%	8 10%	52 63%	4 5%
2010/11 National	Not Available					

The Traffic Enforcement Tribunal provides an important safeguard and assurance to motorists. It also contains findings, information and advice which can enable the Local Authority to improve their enforcement and back office work by providing instruction and guidance. They also publish an Annual Report that gives examples of illustrative individual adjudications. We will always look to use this to improve our service and practices.

7. Debt Registration and Bailiff Action

If a Penalty Charge Notice has not been paid or successfully challenged and remains outstanding the notice may be registered as a debt in the County Court. If still not paid the Authority will apply for a warrant to issue to our bailiffs for enforcement.

In the last two years the numbers of Penalty Charge Notice which were registered as debts in the County Court were:

Year	Debts Registered	Warrants Obtained	Amount Remitted by Bailiffs
2009/10	4938	3535	£107135
2010/11	3148	2701	£93354

Of the total of Penalty Charge Notices issued approximately 12% progress to be registered as a debt at the County Court. Swindon Borough Council will continue to pursue outstanding amounts vigorously.

8. Financial Aspects of Civil Parking Enforcement

2009/10 (£'000)		2010/11 (£'000)
	Income	
-£4,890	Pay & Display Income	-£4,389
-£180	Leasing	-£177
-£360	Season Tickets	-£287
-£560	Miscellaneous Income	-£578
-£1,130	PCN Fee Paying	-£806
-£7,120	Total Income	-£6,237
£1,485	Staffing , Maintenance & Management Costs	£1,200
	Direct Costs	
£219	Electricity	£160
£4	Water	£3
£53	Rents	£29
£1,057	NNDR	£1,092
£8	Premises Insurance	£6
£58	Structural Review	£39
£10	Car Park Equipment	£40
£9	Signs & Signpost	£1
£4	Cleaning Materials	£3
£1	Vandalism (Part Insurance Claims)	£0
£18	Lifts	£30
£10	Ticket Machine Maintenance	£0
£13	Ticket Machine Airtime	£5
£40	Transfer To Reserves	£0
£110	Cash Collection & Security	£116
£16	Operational Eq.	£2
£31	Contract Cleaning	£21
£17	Office Move	£0
£1,678		£1,548
	Other variable costs	
£28	DVLA Processing & Court Costs	£23
£25	NPAS Agency Fees	£14
£48	Ticket Supplies All	£62
£101		£99

	Other costs	
£4	Clothing/Uniforms	£4
£21	Telephones/Mobiles	£15
£45	Printing & Stationary	£23
£4	MFD Charges (Multi-Function Device)	£0
£28	Credit Card Service Charge	£28
£15	Postages	£15
£12	Computer Hardware/Software	£18
£11	Control Room Charges	£0
£5	Radio SCRIPT	£8
£0	Promotions Advertising	£2
£2	Misc	£3
£28	General Maintenance	£56
£35	Fleet Management Recharge	£34
£2	Subsistance	£0
£1	Other Transport	£0
£2	Subscriptions	£2
£2	Furniture & Fittings	£1
£2	Public Notices	£0
£219		£208
£3,483	Total Costs (Including Pay)	£3,056
-£3,631	Costs - Income	-£3,181

The surplus of £3,181,000 has been fully spent during the year on public passenger transport services, Shopmobility, highway and other environmental improvements.

8. Future Plans

Over the coming year we will continue to invest in new pay and display machines in all our fee paying car parks. This will not only lead to more accurate and timely accounting of income and provide remote advice of machine breakdowns. In addition we will be introducing alternative payment methods at our pay and display car parks which will include paying via mobile telephone.

As part of the Town Centre regeneration project a new multi storey car is planned in the Muse development. This will be the first purpose built car park in Swindon for a number of years and represents our continuing wish to enhance the Town Centre shopping experience.

Pay by phone was implemented 1st November 2011, it has proved successful, with over 1300 customers signing up in the first 6 weeks which has exceeded our expectations. 12% of all transactions are extended.

We have begun working closely with Highway Network Management who have already started by reviewing Resident Zone's D & E, meeting with residents and local councillors to discuss what options are available to update the resident parking zones. It has been identified that a number of limited waiting bays could be changed to resident bays, and double yellow lines could be removed, all creating approximately 100 additional resident bays.

We will continue to place the objectives of the Traffic Management Act at the centre of our plans and work to reduce traffic congestion and improve road and pedestrian safety by using surplus income to support such improvements. Our staff will also vigorously pursue drivers who park in areas which endanger other road users and pedestrians.

Appendix A – Penalty Charge Notices issued against contravention.

Summary to show the principle contravention groups (70+) for which Penalty Charge Notices were issued during 2010/2011

On Street:

Code and contravention	Charge Band	Number issued
01 – Parked in a restricted street during prescribed hours	Higher	7219
02 – Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	Higher	332
05 – Parked after expiry of paid for time (On Street)	Lower	133
06 – Parked without displaying a valid pay & display ticket (On Street)	Lower	461
12 – Parked in a residents’ parking place without clearly displaying a permit for that place	Higher	475
25 – Parked in a loading place during restricted hours without loading	Higher	265
30 – Parked for longer than permitted	Lower	5627
40 – Parked in a designated disabled persons parking space without displaying the relevant badge	Higher	163
45 – Parked in taxi rank	Higher	107
47 – Stopped on a restricted bus stop	Higher	135
56 – Parked in contravention of a commercial vehicle waiting restriction	Higher	98
99 – Stopped on a pedestrian crossing or crossing area marked by zigzags	Higher	82

Off Street (Car Parks):

Code and contravention	Charge Band	Number issued
80 – Parked for longer than the maximum period permitted	Lower	73
81 – Parked in a restricted area of a car park	Higher	224
82 – Parked after expiry of paid for time	Lower	2246
83 – Parked in a car park without clearly displaying a valid pay and display ticket	Lower	10270
85 – Parked in a permit bay without clearly displaying a permit	Higher	591
86 – Parked beyond bay markings	Lower	603
87 – Parked in a disabled persons parking space without displaying a valid badge	Higher	395

Appendix B - Principle reasons for cancellation.

Please see also the document 'Guidance on the Issue, Enforcement and Cancellation of Penalty Charge Notices by Swindon Borough Council' on our website www.swindon.gov.uk. It can be found on the Challenge Penalty Charge Notice page.

Grounds for cancellation/write off	Number cancelled
Valid pay and display ticket/permit produced	2403
Owner not traced	1123
Debtor 'gone away'	831
Civil Enforcement Officer Error	512
Bailiff unable to execute warrant	470

Appendix C – Statutory Grounds for Cancellation of Penalty Charge Notices

1. The alleged contravention did not occur
2. I was never the owner of the vehicle OR
I had ceased to be the owner before the date on which the contravention occurred OR
I became the owner after the date on which the contravention occurred
3. The vehicle had been driven by a person without the consent of the owner
4. We are a vehicle-hire firm and the vehicle was on hire under a hiring agreement and the hirer has signed a statement acknowledging liability for any Penalty Charge Notice issued during the hire period
5. The Penalty Charge exceeded the amount applicable in the circumstances of the case

6. There has been a procedural impropriety by the enforcement authority
7. The order which is alleged to have been contravened is invalid
8. The Penalty Charge Notice has been paid either in full or at the discounted rate