

Yield Points



Annual Parking Enforcement Report

2012 – 2013

Foreword by Dawn Woollard, Parking Manager

Hello and welcome to this year's Annual Parking Report for the year 2012/13 from Swindon Borough Council's Parking Services.

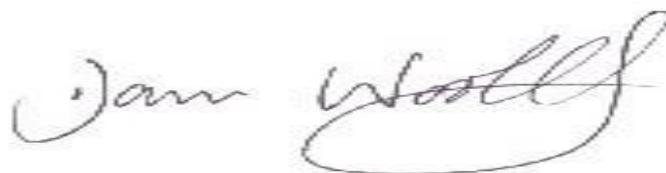
Each year we try to provide a picture of the work we have carried out and provide details of the income and expenditure that has been involved in providing Parking facilities for the Borough. The report will also look at our work in enforcing the parking prohibitions needed to provide healthy and resilient communities.

It has almost become a tradition that I should start this foreword by saying that it has been a challenging year in a difficult financial climate. It will come as no shock that we are again faced by challenging times however we will not use this as a reason to back down on our commitment to our Residents and visitors to secure for them the best possible outcomes in parking and safety. We do accept, however, that we must approach our desired outcomes realistically and accept that we must plan and prioritise improvements carefully.

Over the year we have been able to contribute to the on-going reviews of parking in Resident Zones with work being completed in Zones A & F. The purpose was to make the areas work better for the people who live there and early feedback from them is encouraging. We will now move onto other zones.

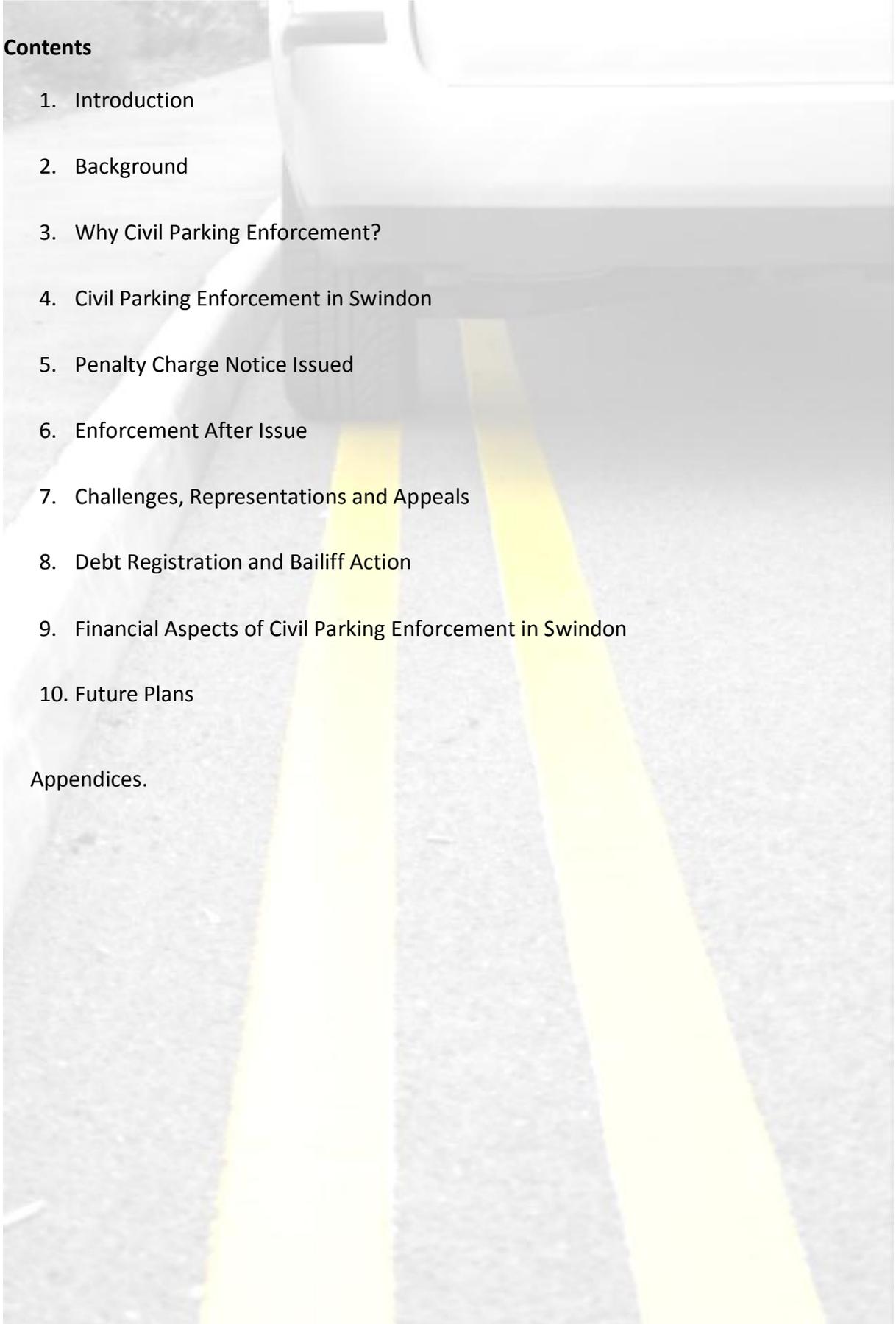
The year has also seen a great deal of work in preparation for the introduction of on line applications for all of our permits and season tickets. We know from your feedback that there is an expectation that we should offer a full range of our services via the web. To meet this we expect this improvement to be fully operational by April 2014. Also at that time we will be making improvements to our web facility for making challenges against Penalty Charge Notice. Our aim is to allow our services to be fully accessible via the internet and we will expect to achieve this over the coming year.

Building work has continued during the year on our new Town Centre Car Park, Whalebridge. The site will be opening in time for Christmas 2013 and will provide a welcome addition to our locations. In preparation for the opening we have been rationalising our current stock and taking the opportunity to create Blue Badge holders only car parks. This has also given us the opportunity to transform other sites into urban gardens.



September 2013





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1. Introduction

The Traffic Management Act 2004 places an obligation on local authorities that carry out Civil Parking Enforcement to produce an annual report. Providing a report of our activities is a major part of the accountability that we will provide to our residents and visitors. This is our report for the year ended 31 March 2013.

2. Background

Since September 2003 Swindon Borough Council has adopted Decriminalised Parking Enforcement (DPE) powers. The Council is responsible for on-street enforcement (yellow lines, resident parking areas etc.) on all adopted highways within the Borough with the exception of the A419 and motorways. The Council is also unable to issue Penalty Charge Notices for obstruction as this power continues to be reserved by the Police authority.

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 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 across the country rapidly adopted this opportunity.

There are a number of reasons why Local Authorities accepted the decriminalisation: Police forces let central government know that they would not regard parking enforcement as a priority given the many other demands on their resources.

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 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.

From its inception of the scheme the Department for Transport identified the prime purposes of Civil Parking Enforcement to be:

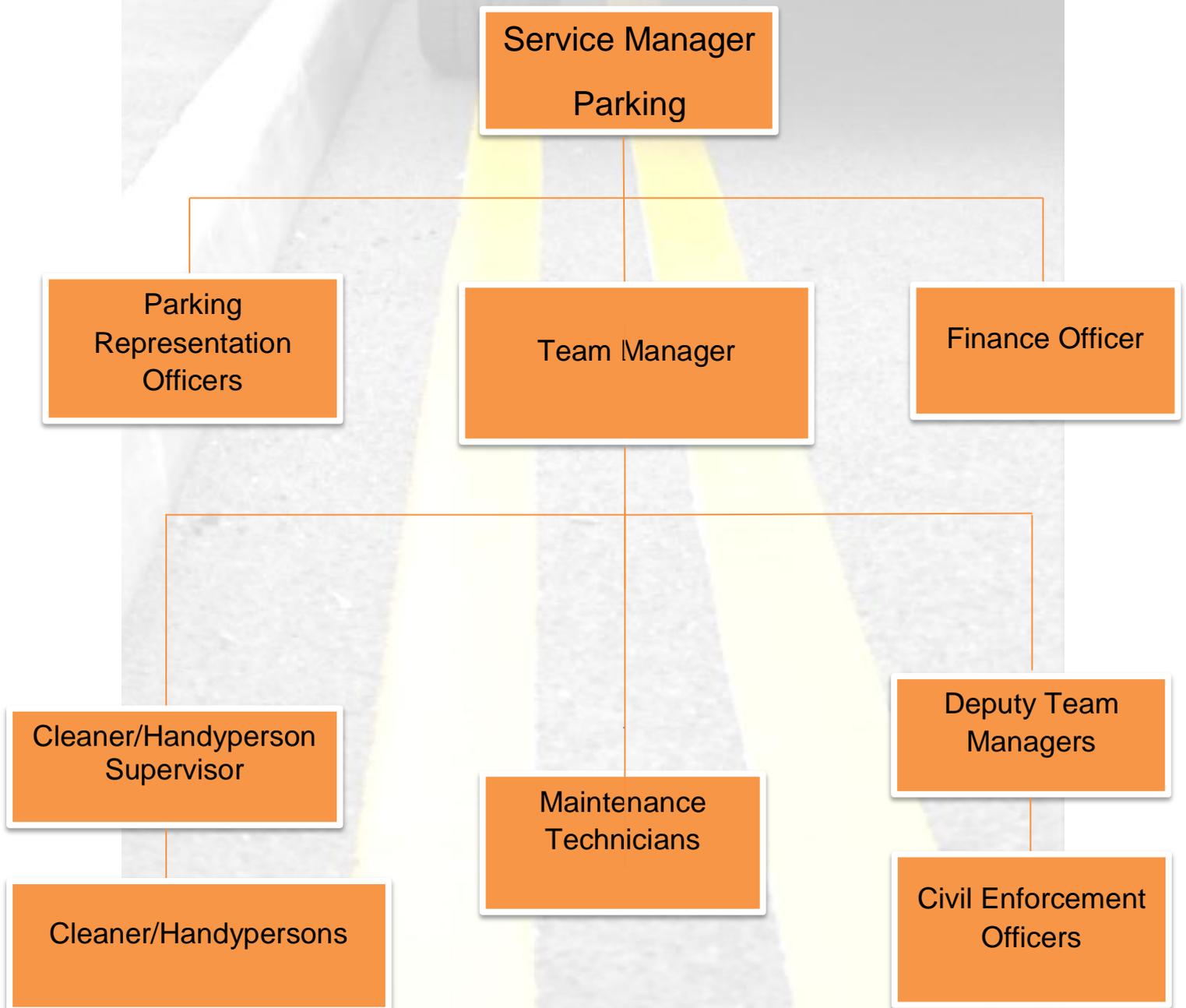
- Contribute to Authorities' transport objectives.
- Increase compliance with parking restrictions.
- To ensure the movement of traffic, including pedestrians and cyclists.
- To improve road safety.
- To improve the local environment
- To improve the quality and accessibility of public transport.
- Meet 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 2012/2013

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



(ii) Enforcement and back office Processing

Directly employed Council employees undertake the enforcement function. This is true for both on street and within our car parks.

Our partner, Capita, deal with the processing of permits and season tickets. They deal with challenges against Penalty Charge Notices received before the Notice to Owner form is sent to the registered keeper of the vehicle. Capita act in accordance with the operational and policy guidelines agreed by the Council.

After the issuing of the Notice to Owner officers directly employed by the Council consider the formal representations and deal with appeals to the Traffic Penalty Tribunal. These staff are also responsible for the registration of any debts owed to the Council at the Traffic Enforcement Centre and any subsequent instructions to Bailiff Companies.

Although it has the powers, Swindon Borough Council, does not currently clamp or remove vehicles. The sanction of removing vehicles is, however, under review to be invoked for vehicles which persistently evade payment of penalty notices or are posing a hazard to other road users or pedestrians.

5. Penalty Charge Notice Issued

The numbers of Penalty Charge Notices issued by Swindon Borough Council over the last three years are detailed below. The total Penalty Charge Notices are split between on street (contraventions that occur on the public highway) and off street (usually contraventions that happen in Council owned car parks).

Year	Total Penalty Charge Notices	On Street	Off Street
2010/11	28400	13742	14658
2011/12	24456	12073	12383
2012/13	24645	13420	11225

Penalty Charge Notices are issued at two price bands, higher and lower rates. The rate depends on the seriousness of the contravention. For example parking on double yellow lines is deemed as a higher rate contravention while overstaying in a car park is charged at the lower rate. The relative numbers issued were:

Year	Higher Level £70	Lower Level £50
2010/11	8654 (30%)	19746 (70%)
2011/12	6581 (27%)	17875 (73%)
2012/13	8392 (34%)	16253 (66%)

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 an informal representation. The numbers, and percentages of the total issued, paid at this discounted rate are:

Year	Penalty Charge Notices paid at discounted rate
2010/11	15302 (54%)
2011/12	13009 (53%)
2012/13	13529 (55%)

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

Following the initial 14 days the Penalty Charge Notice reverts to the full value and if not paid the outstanding amount increases by stages. This increase reflects the additional cost incurred by the Issuing Authority and to act as an incentive to promptly pay or challenge the charge.

Year	Penalty Charge Notices paid at full or surcharged rate
2010/11	4791 (17%)
2011/12	4011 (16%)
2012/13	4395 (18%)

7. Challenges, Representations and Appeals

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 2004 sets 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 consider 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 the number of those challenges that were accepted and the Notice cancelled.

Year	Total Notices Issued	Challenges Received	Accepted and Cancelled
2010/11	28400	6625 (23%)	2833 (43%)*
2011/12	24456	5412 (22%)	2603(48%)*
2012/13	24645	3892 (16%)	1819 (47%)

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

Where the challenge is accepted the Notice is cancelled. If it is not accepted, 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 and the Penalty Charge Notice can be settled at that amount. Alternatively the motorist can await the issue of the Notice to Owner to the registered keeper who can then 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 together with the percentage this is of the number received.

Year	Total Notices Issued	Representations Received	Representations Accepted and Cancelled
2010/11	28400	1279 (5%)	410 (32%)*
2011/12	24456	1256 (5%)	420 (33%)*
2012/13	24645	949 (3%)	425 (45%)*

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

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 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

Figures of appeals for Penalty Charge Notices issued by Swindon Borough Council 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.e. cancelled	Refused i.e. found in favour of the Council	Not Decided & Other
2011/12 Swindon	83	0.34%	29 35%	7 8%	38 46%	3 4%
2011/12 National	16666	0.35%	4347 26%	3910 23%	7092 43%	249 1%
2012/13 Swindon	59	0.25%	20 34%	12 20%	25 42%	2 4%
2012/13 National	16225	0.38%	4249 26%	3691 23%	6898 43%	1387 8%

The Traffic Penalty Tribunal provides an important safeguard to the interests of the motorist. It also provides findings, information and advice which can enable the Local Authority to improve their enforcement and back office work by providing instruction and guidance. The Tribunal also publishes an Annual Report that gives examples of illustrative individual adjudications. We continue to look to use this to improve our service and practices.

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

Year	Notices Written Off/Cancelled
2010/11	1250
2011/12	1212
2012/13	1383

These figures are subject to change.

To assist drivers with understanding the issue and the grounds for cancellation of Penalty Charge Notices our website contains the guidelines that we follow. These will not cover all eventualities but they should show the grounds that decisions need to be based upon. The guidelines can be found on the Swindon Borough Council website. The document, entitled Guidance on the Issue, Enforcement and Cancellation of Penalty Charge Notices by Swindon Borough Council, can be found by following this link: www.swindon.gov.uk/ts/ts-parking/ts-parking-enforcement/Pages/ts-parking-enforcement-challenge.aspx

8. Debt Registration and Bailiff Action

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

Over the last three years the numbers of Notices which were registered as debts were:

Year	Debts Registered	Warrants Obtained	Amount Remitted by Bailiffs
2010/11	3148	2701	£93354
2011/12	2867	2016	£71931
2012/13	2862	2048	£65183

Of the total of Penalty Charge Notices issued approximately 11% progress to be registered as a debt. Swindon Borough Council will continue to vigorously pursue outstanding amounts.

9. Financial Aspects of Civil Parking Enforcement in Swindon

2011/12 (£'000)		2012/13 (£'000)
	Income	
4050	Pay & Display Income	4050
177	Leasing	190
449	Season Tickets	436
518	Miscellaneous Income	508
694	Penalty Charge Notice Fee Paying	716
5,888	Total Income	5,900
1029**	Staffing, maintenance & management costs	956
	Direct Costs	
166	Electricity	160
3	Water	5
29	Rents	13
1141	National Non Domestic Rates	1109
10	Premises Insurance/Part Claims	10
45	Structural Review	42
6	Car Park/Operational Equipment	47
7	Signs and Signposts	4
23	Lifts	22
51	Ticket Machine Maintenance/Airtime	73
97	Cash Collection and Security	106
21	Contract Cleaning/Materials	7
1599		1598
	Other Variable Costs	
21	DVLA Processing & Court Costs	22
16	NPAS Agency Fees	24
48	Ticket Supplies	41
85		87
	Other Costs	

11	Clothing/Uniforms	4
20	Telephones/Mobiles	11
42	Printing/Stationary	40
31	Credit Card Service Charge	18
7	Postage	6
17	Computer Hardware/Software	17
4	Radio	0
3	Promotions	2
73	Misc	80
100	General Maintenance	114
5	Subscriptions	2
1	Furniture & Fittings	0
32	Fleet Management	27
346**		321
3059	Total Costs	2962
2829	Income less Costs	2938

** Due to a change of Accounting practice following completion of last year's report this figure now reflects all administration costs.

The surplus of £2,938,000 has been fully spent during the year on public passenger transport services, park & ride, shopmobility, highway improvement, maintenance and other environmental improvements. The contribution derived from Parking continues to bring improvements throughout the town.

10. Future Plans

Over the coming year we will be looking to implement or continue to work towards implementing:

- Online Permit applications, allowing a 24/7 resource to residents and users of the car park. Ensuring customer service needs are met in every way.
- Introducing new tariff boards in the town centre and tidying up car parks. We will also be improving our cleaning in our car parks.
- Looking at new options available for the purchase of car parking season tickets.
- Examining discounts for the bulk purchase of season tickets.
- Review our current assets and dispose of those which are not producing either a cost or environmental benefit.
- Encourage the use of Swindon Town Centre by sympathetic parking enforcement.
- Investigate cost savings in administrative and IT systems.

Appendix A –

i) Top 10 locations where Penalty Charge Notices were issued during 2012/13

Off Street:

Location	Number Issued
Granville Street Car Park	2396
Princes Street Car Park	1540
Britannia Place Car Park	1071
Prospect Place Car Park	1039
Cheltenham Street Car Park	779
Wyvern Car Park	632
North Star Car Park	588
Parade Car Park	422
Queenstown Car Park	371
Commercial Road Car Park	360

On Street:

Location	Number Issued
Davis Place	468
Cricklade Road	248
Wood Street	237
Whiteman Street	230
Ferndale Road	224
Sanford Street	214
Commercial Road	197
Newhall Street	163
Redcliffe Street	157
Henry Street	153

ii) Top 5 vehicle colours issued with Penalty Charge Notices

Colour	Number Issued
SILVER	5832
BLACK	5082
BLUE	4701
WHITE	2444
GREY	2199

iii) Top 5 vehicle makes issued with Penalty Charge Notices

Vehicle Make	Number Issued
FORD	3683
VAUXHALL	3013
VOLKSWAGEN	2274
PEUGEOT	1850
BMW	1586
RENAULT	1573
AUDI	1119
MERCEDES	981
HONDA	967
CITROEN	932

Appendix B – Penalty Charge Notices issued against contravention.

Summary to show the principle contravention groups for which Penalty Charge Notices were issued during 2011/2012. The figure below indicates the percentage of the total issued.

On Street:

Code and contravention	Charge Band	Number issued
01 – Parked in a restricted street during prescribed hours	Higher	5300 22%
02 – Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	Higher	735 3%
05 – Parked after expiry of paid for time (On Street)	Lower	187 1%
06 – Parked without displaying a valid pay & display ticket (On Street)	Lower	426 2%
12 – Parked in a residents' parking place without clearly displaying a permit for that place	Higher	998 4%
25 – Parked in a loading place during restricted hours without loading	Higher	290 1%
30 – Parked for longer than permitted	Lower	4736 19%
40 – Parked in a designated disabled persons parking space without displaying the relevant badge	Higher	135 1%
45 – Parked in taxi rank	Higher	96 0.5%
47 – Stopped on a restricted bus stop	Higher	171 1%

99 – Stopped on a pedestrian crossing	Higher	99 0.5%
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Off Street (Car Parks):

Code and contravention	Charge Band	Number issued
82 – Parked after expiry of paid for time	Lower	4735 19%
83 – Parked in a car park without clearly displaying a valid pay and display ticket	Lower	5786 23%
85 – Parked in a permit bay without clearly displaying a permit	Higher	187 1%
86 – Parked beyond bay markings	Lower	212 1%
87 – Parked in a disabled persons parking space without displaying a valid badge	Higher	149 1%

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

Appendix D - 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	927
Owner not traced	659
Valid Blue Badge produced	246
Civil Enforcement Officer Error	174

