



# **Annual Parking & Bus Lane Enforcement Report**

**2017 -2018**

Welcome to Swindon Borough Council's Annual Report. It has been a busy year for our parking department. This report looks at changes and developments made to the service in the 2017/18 financial year.

The cleansing team have increased staff to maintain a satisfactory standard.

Working alongside Property department to review our current assets and dispose of those which are not producing either a cost or environmental benefit, supporting the regeneration of the Town Centre.

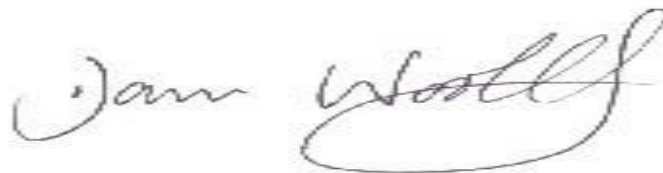
To encourage an easier way of payment we introduced contactless payments on our pay on foot car parks in Swindon Town Centre.

We introduced a camera car to assist enforcement particularly around schools providing a safer environment and to check permits within the resident zones in a more efficient manner.

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. There are two documents. The first is entitled 'Guidance on the Issue, Enforcement and Cancellation of Penalty Charge Notices by Swindon Borough Council', deals with Parking Notices and can be found at: [https://www.swindon.gov.uk/download/downloads/id/1545/parking\\_-\\_decriminalised\\_parking\\_enforcement.pdf](https://www.swindon.gov.uk/download/downloads/id/1545/parking_-_decriminalised_parking_enforcement.pdf)

The corresponding publication for Bus Lanes can be found at [https://www.swindon.gov.uk/download/downloads/id/1543/bus\\_lane\\_enforcement.pdf](https://www.swindon.gov.uk/download/downloads/id/1543/bus_lane_enforcement.pdf)

**Foreword by Dawn Woollard, Parking Manager**

A handwritten signature in black ink, appearing to read 'Dawn Woollard', with a large, stylized flourish at the end.

25 June 2018

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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 2018.

### **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.

Since 21<sup>st</sup> July 2014 Swindon Borough Council has expanded its responsibilities to include the enforcement of Bus Lanes and Bus Gates within 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 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 the inception of the scheme the Department for Transport identified the prime purposes of Civil Parking Enforcement to be:

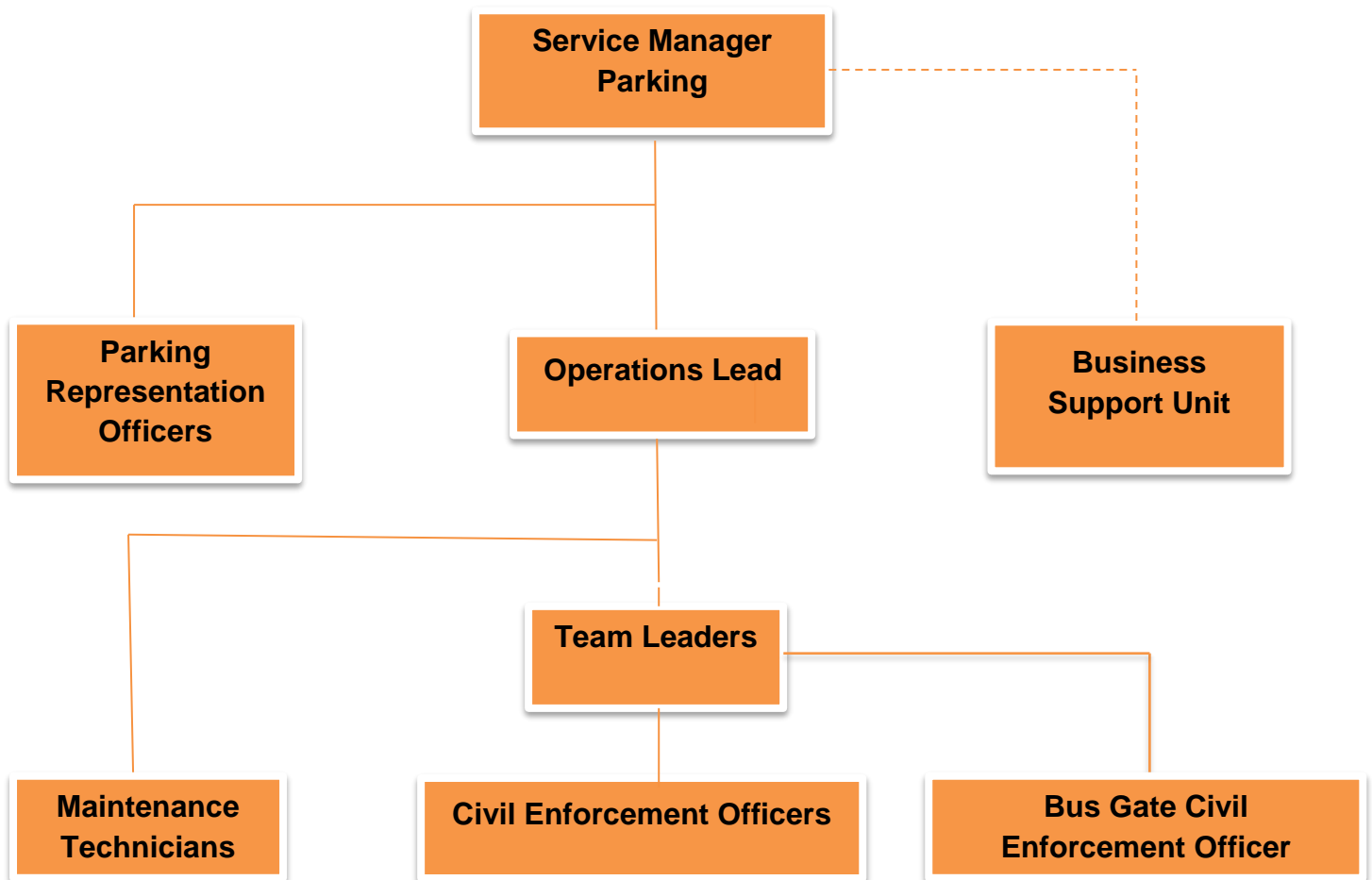
- Contribute to Authorities' transport objectives.
- Increase compliance with parking restrictions.
- To ensure the movement of traffic, including pedestrians and cyclists.
- To improve road safety.
- To improve the local environment.
- To improve the quality and accessibility of public transport.
- 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 2017/2018

The team responsible for the operation of Civil Parking Enforcement and the maintenance of our car parks and their fittings is:



(ii) Enforcement and back office Processing

All members of the Parking Team are directly employed by Swindon Borough Council.

Our Business Support Unit deal with the processing of permits and season tickets. They also deal with challenges against Penalty Charge Notices received before the Notice to Owner form is sent to the registered keeper of the vehicle. The Unit act in accordance with the operational and policy guidelines issued by the Parking Team.

After the issuing of the Notice to Owner Council Officers 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 Notices Issued - Parking

The numbers of Penalty Charge Notices issued by Swindon Borough Council for parking contraventions 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). The corresponding figures for the previous years are provided for comparison.

Year	Total Penalty Charge Notices	On Street	Off Street
2015/16	23544	16865 (72%)	6679 (28%)
2016/17	24725	16586 (67%)	8139 (33%)
2017/18	23360	15754 (67%)	7606 (33%)

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
2015/16	14608 (62%)	8936 (38%)
2016/17	15094 (61%)	9631 (39%)
2017/18	14345 (61%)	9015 (39%)

## 5 (i) Penalty Charge Notices Issued – Bus Lane

Swindon Borough Council issued the first Penalty Charge Notices during July 2014. Notices are issued at a charge of £60. The Notices issued since commencement in each financial years since then are:

2015/16	24090
2016/17	29272
2017/18	29110

## 6. Enforcement After Issue - Parking

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

Year	Penalty Charge Notices paid at discounted rate
2015/16	13372 (56%)
2016/17	14077 (48%)
2017/18	13842 (48%)

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
2015/16	2491 (11%)
2016/17	3836 (16%)
2017/18	2342 (8%)

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.

## 6 (i) Enforcement After Issue - Bus Lanes

Penalty Charge Notices are issued at £60. However a 50% discount applies to notices paid within 14 days of issue or where an informal representation is received by us within 14 days of the date of service. The numbers, and percentages of the total issued, paid at this discounted rate are:

Year	Penalty Charge Notices paid at discounted rate
2015/16	17948 (75%)
2016/17	19454 (72%)
2017/18	20713 (71%)

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
2015/16	2058 (9%)
2016/17	2227 (8%)
2017/18	2777 (10%)

As with Parking Notices, it is clear that the majority of motorists receiving a Penalty Charge Notice accept their liability and make prompt payment to avoid the penalty rising.

## 7. Challenges, Representations and Appeals

All motorists who receive a Parking 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.

The system for Bus Lane Penalty Charge Notices is slightly different given that the Notice is served by post after the event. On these the first Representation is at the 'formal' stage. So figures for Bus Gates start at the Representation stage below. Due to this the number of Penalty Charge Notices issued in the table below are for Parking contraventions only while the subsequent tables include these and Bus Gate ones.

Over the last few 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
2015/16	23544	4058 (17%)	1646 (40%)*
2016/17	24725	4314 (17%)	1797 (42%)*
2017/18	23360	3902 (17%)	1604 (41%)*

\*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.

During 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
2014/15	41642	1215 (6%)	479 (39%)
2015/16	47634	3911 (8%)	1646 (42%)
2016/17	53997	4040 (7%)	1095 (27%)
2017/18	52948	3662 (7%)	1016 (28%)

\*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 to the registered keeper.

Figures of appeals for Penalty Charge Notices issued by Swindon Borough Council are shown below. Corresponding national figures can be found on the Traffic Penalty Tribunal website.

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
2016/17 Swindon	103	0.23%	12	36	55	0
2017/18 Swindon	103	0.23%	15	35	53	0

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.

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](http://www.trafficpenaltytribunal.gov.uk)

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
2014/15	1317
2015/16	1660
2016/17	2298
2017/18	2447

These figures are subject to change.

## 8. 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 it is still not paid the Authority will apply for a warrant to issue to our bailiffs for enforcement.

During last two financial years the numbers of Notices which were registered as debts were:

Year	Debts Registered	Warrants Obtained	Amount Remitted by Bailiffs
2015/16	5058	3963	£124892
2016/17	7704	6651	£143509
2017/18	5882	5615	£207282

Please note that the 2015/16 figures include Bus Gate Notices for the first time.

Swindon Borough Council will continue to vigorously pursue outstanding amounts.

## 9. Financial Aspects of Civil Parking Enforcement in Swindon

		Swindon Borough Council Car Park Account		
		<i>(Excludes Departmental Overheads &amp; Central Support)</i>		
	Bus Lanes			Bus Lanes
<u>2016/2017</u> <u>Actual</u>	<u>2016/2017</u> <u>Actual</u>		<u>2017/2018</u> <u>Actual</u>	<u>2017/2018</u> <u>Actual</u>
<i>£'000</i>	<i>£'000</i>		<i>£'000</i>	<i>£'000</i>
		Pay & Display Income		
-£3,880	£0	Off Street Pay & Display Income	-£3,825	£0
-£50	£0	On Street Pay & Display Income	-£57	£0
-£198	£0	Leasing	-£206	£0
-£1,220	£0	Season Tickets	-£1,131	£0
-£5	£0	Miscellaneous Income	-£26	£0
-£757	-£784	PCN Fee Paying	-£741	-£873
<i>-£6,110</i>	<i>-£784</i>	Total Income	<i>-£5,986</i>	<i>-£873</i>
		Summary Of Payroll		
<i>£658</i>	<i>£85</i>	<i>Staffing , Maintenance &amp; Management Costs</i>	<i>£685</i>	<i>£73</i>
		Direct Costs		
£162	£0	Electricity	£184	£0
£3	£0	Water	£1	£0
£0	£0	Rents	£0	£0
£1,223	£0	NNDR	£1,222	£0
£9	£0	Premises Insurance	£9	£0
£43	£0	Structural Review	£38	£0
£39	£0	Car Park Equipment	£40	£0
£9	£0	Signs & Signpost	£21	£0
£4	£0	Contract Cleaning (Multi storey)	£0	£0
£46	£0	Vandalism (Part Insurance Claims)	£1	£0
£19	£0	Lifts	£3	£0
£101	£0	Ticket Machine Maintenance	£130	£0
£2	£0	Ticket Machine Airtime	£4	£0
£58	£0	Cash Collection & Security	£26	£0

£0	£0	Operational Eq.	£3	£17
£13	£26	Materials	£43	£32
£1,731	£26		£1,725	£49
		<u>Other variable costs</u>		
£0	£0	DVLA Processing & Court Costs	£34	£0
£22	£0	NPAS Agency Fees	£13	£0
£0	£0	Court Fees	£0	£22
£36	£0	Ticket Supplies All	£13	£0
£58	£0		£60	£22
		<u>Other costs</u>		
£0	£0	Clothing/Uniforms	£0	£0
£12	£0	Telephones/Mobiles	£6	£0
£1	£0	Printing & Stationary	£0	£0
£7	£0	Credit Card Service Charge	£0	£0
£55	£2	Postages	£6	£3
£1	£7	Computer Hardware/Software	£0	£0
£0	£0	Radio SCRIPT	£6	£0
£0	£0	Promotions Advertising	£2	£0
£6	£0	Misc	£8	£11
£148	£0	General Maintenance	£103	£2
£31	£0	Fleet Management Recharge	£29	£0
£2	£0	Subscriptions	£0	£0
£2	£0	Furniture & Fittings	£10	£0
£0	£0	Public Notices	£0	£0
£265	£9		£170	£16
£2,712	£120	<i>Total Costs ( Including Pay )</i>	£2,640	£160
-£3,398	-£664	<i>Costs - Income</i>	-£3,346	-£713
-£54	£0	<i>Transfer To Car Park Reserve</i>	£20	£0
-£3,452	-£664	<i>Surplus</i>	-£3,326	-£713

The surplus of (£3,451,706) has been fully spent during the year on public passenger transport services, highway improvement, maintenance & other environmental improvements. The contribution derived from Parking continues to bring improvements throughout the town.

## 10. Future Plans

Over the coming year we will

- Introduce digital permits
- Create a more cashless society
- Introduce more Bus Gate cameras.
- Review and restructure the Parking department.
- Supporting the Council's "Paperless" Policy, to find ways to lose less paper.
- Securing a temporary car park that will assist with Bus Boulevard Project
- Simplifying the payment system, to make the payment experience smooth.
- Implement "Right first Time" approach to reduce mistakes.
- Introducing Drop Kerb parking.

## Appendix A –

### i) Top 15 locations where Parking Penalty Charge Notices were issued during 2017/18

Location	Number Issued
Granville Street Car Park	1263
Princes Street Car Park	912
Commercial Road	836
Lydiard Country Park	807
North Star Car Park	801
Prospect Place Car Park	596
Davis Place	550
Whalebridge Car Park	433
Britannia Place Car Park	423
Cheltenham Street Car Park	402
College Street	349
Coate Water Country Park	311
Wood Street	306
Brunel North Car Park	305
Henry Street	237

### ii) Bus Lane/Gate Locations and Penalty Charge Notices issued

Location	Number Issued
A4311 Cricklade Road 01,	2214
Bristol Street	3285
East Wichel Way	0
Mazurek Way	1819
Penzance Drive 1	15455
Upham Road	1187
Penzance Drive 2	4331
Ermin Street	1527
Ferndale Road	3

**Appendix B – Parking Penalty Charge Notices issued against contravention.**

Summary to show the principle contravention groups where 100+ Parking Penalty Charge Notices were issued.

**On Street:**

Code and contravention	Charge Band	Number issued
01 – Parked in a restricted street during prescribed hours	Higher	7562
02 – Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	Higher	839
06 – Parked without displaying a valid pay & display ticket (On Street)	Lower	818
12 – Parked in a residents’ parking place without clearly displaying a permit for that place	Higher	3806
19 – Parked in a residents’ place	Higher	376
25 – Parked in a loading place during restricted hours without loading	Higher	450
30 – Parked for longer than permitted	Lower	1012
40 – Parked in a designated disabled persons parking space without displaying the relevant badge	Higher	185
99 – Stopped on a pedestrian crossing	Higher	164

**Off Street (Car Parks):**

Code and contravention	Charge Band	Number issued
80 – Parked longer than permitted	Lower	60
81 – Parked in a restricted street	Higher	183
82 – Parked after expiry of paid for time	Lower	1541
83 – Parked in a car park without clearly displaying a valid pay and display ticket	Lower	4820
85 – Parked in a permit bay without clearly displaying a permit	Higher	485
86 – Parked beyond bay markings	Lower	162



87 – Parked in a disabled persons parking space without displaying a valid badge	Higher	232
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### **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