

<b>REPORT TO:</b> <b>CLLR STUART WHITTINGHAM</b> <b>CABINET MEMBER FOR TRANSPORT</b> <b>AND TECHNOLOGY INFRASTRUCTURE</b>	<b>CABINET MEMBER DECISION</b> <b>30 MARCH 2016</b> <b>ANNUAL REPORT ON PARKING ENFORCEMENT</b>
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## **REPORT SUMMARY**

This report sets out information and data on the performance of the Council's parking enforcement operations for the previous 5 year period 2010/2011 to 2014/2015. (Information was last reported to Cabinet on the 24 February 2014). 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.

This matter affects all wards within the Borough.

## **RECOMMENDATION/S**

That the Cabinet Member:

- 1) Note the content of this report and endorse the details within the report for publication on the Council's website.

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 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.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 None available.

### **3.0 BACKGROUND INFORMATION**

- 3.1 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.
- 3.2 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.

3.3 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 was considered by Cabinet on the 15 March 2012 [Minute 344 refers].

3.4 **Deregulation Bill** – 10 minute grace period for parking; The Deregulation Bill and the '10 minute grace period' came into effect on the **6<sup>th</sup> of April 2015**. It applies in **England** only for public regulated parking both on- and off-street. The exact wording in the Statutory Instrument is as follows:

***“If a vehicle is parked legally on a designated parking bay when it is initially parked, then you should apply a ten minute grace period before issuing a PCN from the moment it becomes parked illegally.”***

The above is interpreted as follows:

- A vehicle parked on a residents bay overnight when controls are not in place (and the vehicle is allowed to park), will receive a 10 minute grace period from the moment controls commence.
- A vehicle that parks on a residents bay, shared use bay or pay and display bay when controls are already in force, and the driver does not display a permit/scratch card or pay and display ticket is liable for a PCN **without** the need for a 10 minute grace period (any usual observation periods apply).
- A vehicle parked on a single yellow line (and not in a designated parking place) outside of the hours of control will be liable to an immediate PCN **without** the 10 minute grace period when controls commence (any usual observation periods apply).
- A vehicle parked in a bay that is not designated for that class of vehicle can receive an immediate PCN **without** the 10 minute grace period if it parks when controls are already in force. 10 minutes grace **will** need to be given if it is parked legally before controls commence (any usual observation periods will apply).

3.5 **Appendix A** to the report details the contravention codes and observation periods. In accordance with the requirements of the Deregulation Bill, the observation periods for contravention codes 5 and 82 have been increased from 5 minutes to 10 minutes. Also amended is the observation period for codes 30 and 80 which has been reduced from 15 minutes to 10 minutes. This is consistent with most other Council's observation periods.

- 3.6 A number of Electric Vehicle Charging points have been introduced in the Borough. In order to allow enforcement of these spaces contravention codes 14 and 71 have been added to the list of contravention codes in **Appendix A**.
- 3.7 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.
- 3.8 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.
- 3.9 This report covers the period 1st April 2014 to 31st March 2015. Future reports will be produced annually allowing performance and statistics to be compared year on year.

#### 4.0 **PARKING ENFORCEMENT**

- 4.1 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.
- 4.2 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 Limited. This contract was renewed in November 2010 following a competitive tendering exercise to provide the service until November 2015. A one year extension has recently been approved to this contract.
- 4.3 Civil Enforcement Officers (CEOs) 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

- 4.4 It should be stressed that the Council does not carry out parking enforcement as a revenue raising exercise. Neither NSL Services Limited nor individual civil enforcement officers have targets for PCNs issued and there are no payments or bonuses based on the numbers of PCNs issued.
- 4.5 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.
- 4.6 **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.
- 4.7 **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 generating high numbers of vulnerable road users (i.e. children near schools) and some busy shopping areas which rely on roadside deliveries that 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. Since the introduction of the Deregulation Bill (See 3.4 above) CCTV can only be used for enforcement of school zigzag markings and bus stops, it can no longer be used to enforce yellow lines or pedestrian crossing markings.
- 4.8 **Performance Information** - The following tables provide information about PCNs issued in Wirral, payments made and appeals received for the 5 year periods from 2010/2011 to 2014/2015.
- 4.9 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 or 21 days for contraventions recorded by CCTV.

<b>Penalty Notices Issued</b>					
	<b>Total All PCNs Issued</b>				
	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>14/15</b>
<b>Number of Higher level PCNs issued</b>	15908	15593	12941	11196	11132
<b>Number of Lower level PCNs issued</b>	13479	12175	12070	12151	10890
<b>Total Number of all PCNs issued</b>	29387	27768	25011	23347	22022
	<b>Issued On-Street</b>				
	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>14/15</b>
<b>Number of Higher level PCNs issued</b>	14348	13398	11752	10226	10360
<b>Number of Lower level PCNs issued</b>	4558	5106	4093	4340	4287
<b>Total Number of all PCNs issued</b>	18906	18504	15845	14566	14647
	<b>Issued Off-Street</b>				
	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>14/15</b>
<b>Number of Higher level PCNs issued</b>	1560	2195	1189	970	772
<b>Number of Lower level PCNs issued</b>	8921	7069	7977	7811	6603
<b>Total Number of all PCNs issued</b>	10481	9264	9166	8781	7375

*Table 1 – Penalty Notices Issued*

- 4.10 The five year figures are shown in the tables above and below for comparison purposes and to be transparent for Freedom of Information requests. It can be seen from Table 1 that in 2010/11 a total of 29,387 PCNs for parking contraventions were issued and this has reduced to 22,022 in 2014/15. 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 change as PCN levels for 2015/2016 look to be around the 23,500 mark.
- 4.11 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.

<b>Penalty Payment Volumes</b>					
	<b>Total All PCNs Issued</b>				
	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>14/15</b>
<b>Number PCNs paid at discount rate (50%)</b>	15024	14267	13451	11882	12680
<b>Number of PCNs paid in full at non-discount rates</b>	2505	3021	2642	2212	2699

*Table 2 – PCN Payment volumes*

- 4.12 From Table 2 above it can be seen that payment is made on approximately 60% of all PCNs issued which is consistent over the years. However, 2014/15 saw an increase to almost 70%. 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.
- 4.13 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 2010/11 a total of 3685 cases were registered and in 2011/12, 2012/13, 2013/14 and 2014/15 the figures were 3485, 3037, 1848 and 1256 cases respectively. The typical recovery rate for cases passed to bailiffs is 35% 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.
- 4.14 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.

<b>Appeals Received</b>					
	<b>Total All PCNs Issued</b>				
	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>14/15</b>
<b>Number of PCNs appealed</b>	9476	11107	9131	8358	6771
<b>Number of PCNs cancelled following appeal</b>	6295	5709	4987	3729	3232
<b>Number of PCNs written off (driver untraceable, system error etc.)</b>	905	1887	955	1753	683
	<b>Issued On-Street</b>				
	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>14/15</b>
<b>Number of PCNs appealed</b>	5307	6820	5132	4467	3841
<b>Number of PCNs cancelled following appeal</b>	3393	3052	2875	2088	1778
<b>Number of PCNs written off (driver untraceable, system error etc.)</b>	616	1395	721	1262	499
	<b>Issued Off-Street</b>				
	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>14/15</b>
<b>Number of PCNs appealed</b>	4169	4287	3999	3891	2930
<b>Number of PCNs cancelled following appeal</b>	2902	2657	2112	1641	1454
<b>Number of PCNs written off (driver untraceable, system error etc.)</b>	289	492	234	491	184

*Table 3 – Appeals Received*

- 4.15 Full information about the Council's Policy on representations and appeals is available on the Council website.
- 4.16 If a motorist remains dissatisfied with the Council's decision following an appeal they then may make a further appeal to the Traffic Penalty Tribunal. This is an independent appeals process that is free of cost for motorists to use. Decisions made by the tribunal adjudicators are binding on both the Council and the motorist. The following Table 4 below details appeals to and decisions made by the adjudicator.

<b>Adjudicator Appeals Received</b>					
	<b>Total All PCNs Issued</b>				
	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>14/15</b>
<b>Number of appeals to independent adjudicator</b>	72	73	74	111	69
<b>Number of appeals allowed by independent adjudicator</b>	19	15	10	27	14
<b>Number of appeals refused by independent adjudicator</b>	34	42	32	59	30
<b>Number of appeals not contested by the Council &amp; allowed by the adjudicators</b>	19	16	32	25	25
	<b>Issued On-Street</b>				
	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>14/15</b>
<b>Number of appeals to independent adjudicator</b>	57	62	63	85	55
<b>Number of appeals allowed by independent adjudicator</b>	16	12	10	17	12
<b>Number of appeals refused by independent adjudicator</b>	25	39	26	48	23
<b>Number of appeals not contested by the Council &amp; allowed by the adjudicators</b>	16	11	27	20	20
	<b>Issued Off-Street</b>				
	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>14/15</b>
<b>Number of appeals to independent adjudicator</b>	15	11	11	26	14
<b>Number of appeals allowed by independent adjudicator</b>	3	3	0	10	2
<b>Number of appeals refused by independent adjudicator</b>	9	3	6	11	7
<b>Number of appeals not contested by the Council &amp; allowed by the adjudicators</b>	3	5	5	5	5

*Table 4 – Adjudicator Appeals received*

- 4.17 The number of tribunal appeals in 2013/14 saw an increase from previous years however, 2014/2015 has seen a return to the levels of previous years' figures. The number of appeals refused by the adjudicator i.e. won by the Council; is also consistent averaging at around 50%.
- 4.18 Due to the nature of parking enforcement, it is inevitable that some complaints will be received. In 2010/11 there were 24, in 2011/12 there were 10, in 2012/13 there were 9, in 2013/14 there were 0 and in 2014/15 there were 12. These complaints were split relatively evenly between complaints about civil enforcement officer conduct or attitude and those about parking enforcement policy. The total number of complaints remains at an average of less than one per month. 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 driver's parking appeal. These complaints should therefore be considered as an 'informal appeal' rather than as a complaint. A number of complaints were received at the beginning of the 2015 due to changes to the resident parking permit application process being moved on-line. Residents are now becoming familiar with the new procedure. All complaints were resolved as quickly as possible and during Stage 1 of the Council's complaints procedure.

4.19 CEOs are the frontline of the enforcement service, and frequently meet and interact with the motorists and the public whilst undertaking their duties. Unfortunately parking enforcement remains an emotive issue and this interaction can result in conflict situations usually in the form of verbal abuse and less frequently physical abuse. In 2010/11 there were 54 physical assaults/incidents recorded on NSL staff, in 2011/12 there were 24, in 2012/13 there were 21, in 2013/14 there were 30 incidents and in 2014/15 there were 33 incidents. NSL Services continue to have a close working relationship with Merseyside Police to ensure that when assaults or incidents do occur they are dealt with promptly and appropriately. NSL and Merseyside Police regularly share information and intelligence and take part in joint patrolling opportunities creating a safer working environment for NSL staff.

4.20 As a result of this close working relationship there were 4 successful prosecution cases in 2010/11, there were no prosecutions in 2011/12, there was 1 in 2012/13 and there were no prosecutions in 2013/14 and 2014/15. A number of the less serious incidents have been dealt with by the Police through interviews and issuing of warnings.

## **5.0 FINANCIAL IMPLICATIONS**

5.1 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 charge notices is used to fund the provision of the enforcement service. It is not possible to 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 which are not directly related to enforcement. Any differences between income and expenditure are accommodated within the overall parking budget. The following table 5 shows enforcement income and expenditure for the previous 5 year period 2010/2011 to 2014/2015.

<b>Financial Information</b>	<b>2010 - 2011</b>	<b>2011 - 2012</b>	<b>2012 - 2013</b>	<b>2013 - 2014</b>	<b>2014 - 2015</b>
<b>Item</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
<b>Income</b> - Penalty Charge Notice	818,000	768,000	715,000	699,000	642,000
<b>Expenditure</b> - Enforcement Contractor (NSL Services) costs, back office staffing and overheads, IT/Court fees/Adjudicator Fees	849,000	829,000	799,000	755,000	761,000
<b>Net Surplus or Deficit (negative)</b>	<b>-31,000</b>	<b>-61,000</b>	<b>-84,000</b>	<b>-56,000</b>	<b>-119,000</b>

*Table 5 – Financial information*

5.2 From Table 5 above it can be seen that the provision of the service for the past five years has been running at a deficit. 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.

5.3 The biggest expenditure within parking enforcement is the contract for provision of parking enforcement services. Wirral commenced a five year contract in November 2010 with NSL Services Limited for this service. A one year extension to this contract has recently been approved and a new contract will commence in November 2016 following a competitive tendering exercise. Under the current and any new contract the deployment of CEOs will continually be reviewed to ensure that the Council continue to deliver an efficient and effective service. The ongoing analysis of the levels of compliance and enforcement levels can be adjusted to achieve compliance at the most economic cost.

5.4 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 our pledge to provide transport fit for the future and associated transport strategies and objectives.

## **6.0 LEGAL IMPLICATIONS**

6.1 The Council publishes full financial details of parking revenues on its website at [https://data.gov.uk/dataset/wirral\\_parking\\_account](https://data.gov.uk/dataset/wirral_parking_account) . This forms part of the Local Government Transparency Code 2014 and will inform residents and businesses of how much income the Council generates from parking revenues and what it does with that income.

6.2 The management of traffic movement is a statutory duty for the Council under the Traffic Management Act 2004.

## **7.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

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

## **8.0 RELEVANT RISKS**

8.1 Failure to produce or publish the report would be contrary to the statutory guidance issued by the Secretary of State not to produce this information.

8.2 Regular publication of parking services PCN and financial data enables the Council to meet its commitment to be transparent, and to demonstrate that parking enforcement is not used as a means of raising revenue.

8.3 The effective management and enforcement of parking contributes to the Council's obligation to manage the safe and efficient flow of Traffic.

## **9.0 ENGAGEMENT/CONSULTATION**

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

## **10.0 EQUALITY IMPLICATIONS**

10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

(a) Yes and impact review is attached – <http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010-0>

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## **APPENDICES**

Appendix A – Contravention Codes and Penalty Charge Rates

## 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.

The Local Government Transparency Code 2014 can be viewed at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/360711/Local\\_Government\\_Transparency\\_Code\\_2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/360711/Local_Government_Transparency_Code_2014.pdf)

## SUBJECT HISTORY (last 3 years)

<b>Council Meeting</b>	<b>Date</b>
Annual Report on Parking Enforcement	<b>24/02/2014</b>
Car Parking Scrutiny Review - Regeneration and Environment Policy and Performance Committee	<b>22/09/2014</b>
Car Parking Scrutiny Review - Cabinet	<b>6/11/2014</b>