

Swansea Council Parking Services Annual Report 2018-19

1. Introduction

- 1.1 On the 1st of September 2008 the Welsh Government designated Swansea Council a Civil Enforcement Area for Parking Contraventions and a Special Enforcement Area. This removed the responsibility for the enforcement of 'on-street' parking contraventions from South Wales Police and place the onus of responsibility of the Council.
- 1.2 This document reports on the performance of the service from the 1st of April 2018 to the 31st of March 2019 i.e., the 2018 / 2019 budget year. The report identifies performance for enforcement operations both in car parks and on-street.
- 1.3 Working under the powers derived from Part 6 of the Traffic Management Act 2004 the following changes to parking operations in Swansea Council have taken place:

The enforcement of parking regulations is carried out by Civil Enforcement Officers (CEOs) who serve the notice on either the vehicle or the person the officers believes to be the driver at the time of the contravention. However, when the conduct of the driver towards the CEOs prevents the officer from serving it in this manner, or the driver, drives off prior to the officer having an opportunity to serve the notice, the notice will be served by post. Contraventions can be picked up by our CCTV (closed circuit television) camera vehicle, the contraventions are then reviewed by a qualified CEO and the penalty notices sent by post to the registered keeper of the vehicle.

Penalty Charges vary dependent on the contravention; higher level contraventions incur a penalty of £70 or £35 if paid within 14 days, whilst lower-level contraventions incur a penalty of £50 or £25 if paid within 14 days. The level of a contravention code is set in legislation and not by the Council. Typically, a higher-level contravention is for parking in a location that is not allowed such as on a yellow line; a lower-level contravention is for overstaying in a location where parking is allowed such as a limited waiting bay. A full breakdown of the contraventions by category is detailed below within the report for off-street (car parks) and for on-street enforcement.

Formal representations must be responded to within 56 days however the Council's target is to respond within 14 days.

Whilst the Council has a robust and transparent policy on the cancellation of penalty charge notices following the submission of challenges or representations, the Traffic Penalty Tribunal is the final arbitrator on all appeals and all the Council fully co-operates with the Tribunal. The Tribunal is a free and independent adjudication service that motorists can use after the formal representation stage within the appeals process.

The responsibility for the payment of penalty charge notices rests with the owner of the vehicle. Unpaid notices are referred to the Traffic Enforcement Centre at Northampton County Court who issue debt recovery orders. These orders are passed to an Enforcement Agency who are empowered to recover the debt on behalf of the Council.

- 1.4 Apart from the legislative requirements of the Traffic Management Act 2004 the service must ensure full compliance with the following Statutory Instruments/Regulations introduced by the Welsh Government, which are available to view at <http://www.legislation.gov.uk>

The Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013.

The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (Wales) Regulations 2013.

The Civil Enforcement of Road Traffic Contraventions (Approved Devices) (Wales) Order 2013.

The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (Wales) Order 2013.

The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) Removed Vehicles (Wales) Regulations 2013.

The Civil Enforcement Officers (Wearing of Uniforms) (Wales) Regulations 2008.

The Removal and Disposal of Vehicles (Amendment) (Wales) Regulations 2008.

- 1.5 The service must ensure that our Enforcement Agents, who are appointed to recover unpaid penalty charge notices, comply with the requirements of:
The Taking Control of Goods Regulations 2013: and

The Taking Control of Goods (Fees) Regulations 2014

These regulations can be viewed at <http://www.legislation.gov.uk>

- 1.6 Before any enforcement can take place a Traffic Regulation Order must be introduced which will clearly state the extent of the restriction that is in place. The Orders can be viewed at the following link on the Traffic Penalty Tribunal's website: <http://tro.parking-adjudication.gov.uk>

- 1.7 The statutory guidance to local authorities on the civil enforcement of parking contraventions issued by the Welsh Government requires each local authority to produce an annual report. This report forms an important part of accountability and the transparency given by regular and consistent reporting

will help both elected Members and the public understand the processes adopted to manage parking throughout the Swansea area.

- 1.8 The following pages of this report contain information regarding on street and off-street activities during the reporting period and covers penalty charge notices issued, correspondence dealt with including appeals and complaints, staffing levels and expenditure and income details. Further information regarding Parking Services can be found on our website at <http://www.swansea.gov.uk/parking> which includes a link to previous Annual Reports.

2. Off-Street Parking

- 2.1 Swansea Council has a total of 53 car parks listed in 'The Swansea Council (Off-Street, Parking Places) (Pay and Display) Consolidation Order 2008'.
- 2.2 Three City Centre multi-storey car parks are pay on exit whilst all other car parks are pay and display. In addition, there are three park and ride car parks located on the peripheries of the city, which operate as pay on foot car parks.
- 2.3 In addition to an enforcement role, the Parking Services section is responsible for the effective administration and maintenance of all car parks.
- 2.4 There are 86 payment stations located throughout the city, and these are maintained by staff who are also responsible for the collection and reconciliation of the cash from these machines. During the 2018/19 budget year this totalled £5,123,309.90 including season tickets, staff parking and other miscellaneous income.
- 2.5 Car park charges vary with car parks designated as 'long stay,' 'short stay,' 'foreshore,' 'suburban' and 'city centre.' In addition, 13 car parks are currently identified as free. 2 car parks are designated for season ticket holders only and one solely for the use of blue badge holders.
- 2.6 During the reporting period a total of 14,989 Penalty Charge Notices (as shown in Table 1) were issued in respect of contraventions detected in our car parks. Table 1 below identifies the various contraventions split between the higher rate (£70) and lower rate (£50) contraventions.

Table 1

Contravention Code	Contravention Description	Number of PCNs (Penalty Charge Notices) issued
Off Street - Higher Rate		
70	Parked in a loading area	52
74	Parking for sale of goods	1
81	Parked in a restricted area	76

85	Parked in a permit bay	926
87	Disabled person's parking	620
89	Wrong size of vehicle	1
91	Wrong class of vehicle	10
92	Obstruction	2
	Total	1,688
Lower Rate		
80	Parked longer than permitted	171
82	Parked after payment expired	2,871
83	Parked without clear display	8,612
84	Feeding the meter	10
86	Parked beyond the bay markings	1,635
W83	Parked without clear display	1
	Total	13,301
	Grand Total	14,989

3. On-Street Parking

- 3.1 The variety of parking orders in place relating to parking restrictions throughout the City of Swansea presents a challenge to the enforcement staff due to the large geographical area.
- 3.2 Parking operations in the Swansea City area include enforcement of controlled parking zones such as in the city centre, St Thomas, and the Enterprise Park (was the Sandfields CPZ in place during 2016, many resident permit parking schemes, time restricted, loading, and disabled bays, pay and display bays and many single and double yellow line restrictions.
- 3.3 In January 2015 Swansea Council introduced a CCTV Camera Enforcement Vehicle to help where traditional methods of on-foot enforcement has not been effective in meeting our aim of reducing parking contraventions to ensure road safety is increased and congestion levels reduced. Before introducing the vehicle, a wide-ranging publicity campaign was undertaken which included leaflets being given out to all school pupils.
- 3.4 During the reporting period a total of 59,516 on-street Penalty Charge Notices were issued, which included 12,901 issued by CCTV (as shown in Table 4). Table 2 below identifies the various contraventions for the reporting period split between higher rate (£70) contraventions and lower rate (£50) contraventions.

Table 2

Contravention Code	Contravention Description	Number of PCN's issued
On Street - Higher Rate		
01	Parked in a restricted street	6,237
02	Loading in a restricted street	3,035
12	Parked in a residents' place	6,178
14	Parked in an electric place	1
16	Parked in a permit space	675
20	Parked in a loading gap	1
23	Wrong class of vehicle	39
25	Parking in a loading place	3,911
26	Double parked in a Special Enforcement Area (SEA)	118
27	Dropped footway in a SEA	545
40	Disabled person's parking	1,599
42	Police vehicles	1
45	Taxi Rank	429
46	Clearway	34
47	Restricted bus stop or stand	169
48	Restricted school area	61
49	Cycle track or lane	5
99	Pedestrian crossing	158
W01	Parked in a restricted street	1
W12	Parked in a residents' place	1
	Total	23,198
On Street - Lower Rate		
05	Parked after payment expired	422
06	Parked without clear display	1,647
19	Parked in a residents' place	9
22	Re-parked in the same place	245

24	Not parked correctly	246
30	Parked longer than permitted	5,738
	Total	8,307
	Grand Total	31,505

3.5 Penalty Charges Notices issued by post whereby it could not be served to the vehicle at the time of the contravention I.e., a vehicle drives away

Table 3

Contravention Code	Contravention Description	Number of PCN's issued
Higher Rate – Off Street		
85	Parked in a permit bay	1
Lower Rate – Off Street		
82	Parked after payment expired	2
83	Parked without clear display	1
86	Parked beyond the bay markings	1
Higher Rate – On Street		
01	Parked in a restricted street	4
02	Loading in restricted street	25
12	Parked in a residents' place	7
16	Parked in a permit space	1
25	Parked in a loading place	12
26	Double parking in a Special Enforcement Area (SEA)	2
27	Dropped footway in a SEA	6
40	Disabled person's parking	6
45	Taxi rank	3
47	Restricted bus stop or stand	17
48	Restricted school area	8
99	Pedestrian crossing	15
Lower Rate – On Street		
06	Parked without clear display	2
22	Re-parked in the same place	2

24	Not parked correctly	2
30	Parked longer than permitted	4
	Total for Penalty Charges Notices issued by post	121

3.6 Penalty Charge Notices issued by the CCTV Camera Car.

Table 4

Contravention Code	Contravention Description	Number of PCN's issued
02J	Loading in restricted street	6,815
45J	Taxi rank	2,441
46J	Clearway	114
47J	Restricted bus stop or stand	2,152
48J	Restricted school area	444
99J	Pedestrian crossing	935
	Total for CCTV PCNs	12,901

4. Summary of all Penalty Charge Notices issued

Table 5

	Off-Street Lower Rate	Off-Street Higher Rate	On-Street Lower Rate	On-Street Higher Rate	Postal Lower Rate	Postal Higher Rate	CCTV	Total
2018/2019	13,301	1,688	8,307	23,198	14	107	12,901	59,516

Higher = £70 contraventions Lower = £50 contraventions

5. Staffing

5.1 The staffing establishment during 2018/19 was as follows: -

- 1 Car Parks Manager
- 1 Civil Parking Enforcement Manager
- 1 Civil Enforcement Supervisor
- 1 Car Parks Supervisor
- 1 Back Office Supervisor
- 3 Senior Civil Enforcement Officers
- 1 Car Park Senior Officer
- 3 Cashiers

- 21 Civil Enforcement Officers (CEO)
- 7 PCN (Penalty Charge Notice) Processing/Back Office Staff (FTE)
- 1 Car Park Attendant
- 7 Park and Ride Attendants

6. Correspondence

- 6.1 It is every driver's or owner's right to challenge the validity of a Penalty Charge Notice or to present mitigating reasons as to why the Penalty Charge Notice should not be paid. The challenge/appeals process is set out in legislation and information relating to this process is included on the Council's website – <http://www.swansea.gov.uk/parking>. The website contains details on the statutory grounds for cancelling a notice and sets out the mitigation and evidence required to allow the appellant every opportunity to present the necessary information.
- 6.2 The Council is legally obliged to consider and respond to correspondence at any stage in the process and the legislation requires responses to be sent in a timely manner. Whilst the legal requirement is to provide a response within a 56-day period, the Council aims to respond to all challenges within 14 days. Unfortunately, because of the number of appeals received occasionally may take longer than 14 days to respond.
- 6.3 There were 62,967 pieces of correspondence were sent out during the reporting period.
- 6.4 Challenges and Representations (appeals) made within the normal 56-day appeals process, were as follows (it should be noted, that the summary below is the outcome for individual cases).

Appeal Statistics

Table 6

	Accepted	Rejected
Informal Challenges (Pre-Notice to Owner appeal stage)	4,248	5,391
Formal Representations (Post Notice to Owner Stage)	2,993	2,129

- 6.5 Outside of the normal appeals process 6,377 letters were received (these letters are itemised within Appendix 2) after the Charge Certificate letter had been sent out and although the Council are not obliged to consider the mitigating circumstances it was decided that 7,377 additional cases could be

cancelled at this stage (breakdown of this information is detailed within Appendix 1).

- 6.6 If a Formal Representation is rejected then the motorist can progress their case to the Traffic Penalty Tribunal which is a free independent adjudication service. During the reporting period 150 case files were referred to the Tribunal. The preparation of each file of evidence is extremely time consuming as all documents relating to the case need to be reviewed and checked. A full submission setting out the arguments supporting the Council's case must be prepared. 45 cases were accepted by the adjudicator and 36 rejected with 66 cases not contested by the Council following a review of the circumstances and/or consideration of any additional mitigating evidence provided, and 3 cases had a consent order.
- 6.7 There were 7,377 cases of the 59,516 Penalty Charge Notices issued (see Table 5) were stopped either because an appeal was accepted or because the case could not be pursued. This represents 12.39% and is within the 20% that we were originally advised would be unrecoverable. Cases may not be pursued for example because the owner of the vehicle could not be identified or because the Enforcement Agency has returned the case to us because they could not secure payment.

7. Financial Reporting

- 7.1 The Parking Services budget is split into 3 account areas and the income and expenditure for 2018/19 is as follows: -

Parking Services Actual Expenditure 2018/19

Table 7

	Car Parks	Civil Parking Enforcement (CPE)	Park & Ride (P&R)
	£	£	£
Employees	405,297	1,027,753	80,159
Premises	468,950	23,779	99,373
Transport	56,451	9,861	0
Supplies and Services	229,615	277,216	16,947
Third Party Payments	62,923	20,972	432,569
Internal Debits	3,195	0	0
Total Expenditure	1,226,429	1,359,580	629,049
Total Income	4,633,951	1,947,351	360,583
Total Surplus (Deficit)	3,407,521	587,770	(268,465)

7.2 The Civil Parking Enforcement account received income from on-street Pay and Display charges and Penalty Charge Notices. Table 8 overleaf sets out the income from these sources. The income derived from on-street charges and enforcement both on and off-street is subject to the constraints imposed by Section 55 of the Road Traffic Regulation Act 1984, as amended from October 2004 by section 95 of the Traffic Management Act 2004 and Regulation 26 of the Civil Enforcement of Parking Contraventions (General Provisions) (Wales) Regulations 2013.

7.3 Sub section 2 of the 1984 Road Traffic Regulation Act states;

(2) At the end of each budget year any deficit in the account shall be made good out of the [general fund] [or, in Wales, council find], and (subject to subsection (3) below) any surplus shall be applied for all or any of the purposes specified in subsection (4) below and, as far as it is not so applied, shall be appropriated to the carrying out of some specific project falling within those purposes and carried forward until applied to carrying it out.

7.4 This section of legislation ring fences any surplus for specific purposes including the provision or maintenance of off-street parking, highway improvements and environmental issues.

Table 8

Source of Income	Income
Penalty Charge Notices: On and Off-Street	1,876,803.08
On-Street Pay & Display	69,698.80
Total	1,946,771.88

7.5 The expenditure associated with these operations, which offsets income from the on-street charges and payments of penalty charge notices, amount to £1,359,580 (this is the Total Expenditure for CPE (Civil Parking Enforcement) shown in Table 7).

7.6 There was a reported surplus of £587,770 (as shown in Table 7, Total Surplus for CPE).

7.7 As stated in paragraph 7.3 any surplus must be used for specific purposes. During the reporting period the three Park and Ride schemes operated by the Council reported a loss of £268,465 (as shown in Table 7 Total Surplus (Deficit) for P&R).

7.8 Park and Ride car parks provide an important option to motorists visiting the city either on a regular or one-off basis. The resulting reduction in traffic flow into the City Centre not only reduces congestion but also helps reduce pollution levels, which are difficult to manage on the arterial routes into and out of the City Centre. Park and Ride services also support the business community by

providing affordable parking for city centres workers and shoppers. There is therefore a need to ensure the continued operations of these valuable services.

- 7.9 Therefore, the surplus on the Civil Parking Enforcement budget of £587,770 (as shown in Table 7, Total Surplus for CPE) and has been used to support the provision of the City's Park and Ride service.

Appendix 1

Correspondence Stats Out by Type (Notice)	City and County of Swansea
Yearly Between 01/04/2018 and 31/03/2019	
Type	Type Count
Bus Lanes - CC	1
Bus Lanes - PCNNTO	4
CCTV - Accept - On Hire	263
CCTV - Accept - On Hire - No Docs	137
CCTV - Charge Certificate	2,874
CCTV - PCN	13,722
CCTV - Post CC - Reject General	124
CCTV - Rejection	34
CCTV - Rejection - Discounted Offered	1,067
CCTV - Rejection - Full Payment Required	27
CCTV - Warning Notice	2
CPE - Accept Information Provided - Mental Health Issues	2
CPE - Acknowledgement Letter	1,003
CPE - Blank Letter	84
CPE - Case Pack	138
CPE - CIVICA ERR - NTO ISS - FULL PAYMENT RECEIVED	1
CPE - CIVICA ERR - NTO ISS - OVERPAYMENT - REFUNDED	1
CPE - District Judge - Overturned letter	7
CPE - Further Challenge - No Progression	189
CPE - Incoming - Pre NTO-Appeal	9
CPE - In time - 14 Day Letter	62
CPE - Late Witness Statement	349
CPE - No Further Action (Pre-Stage)	1
CPE - No Longer Living at Address Letter	80
CPE - Outgoing - Complaint	2
CPE - Outgoing - Complaint Response	10
CPE - Outgoing - Council Response to Adjudicator/Appellant	19
CPE - Outgoing - Email Response	82
CPE - Outgoing - Payment Plan Agreed	220

CPE - Outgoing - Response to Complaint	1
CPE - Outgoing - TPT Submissions	99
CPE - Outgoing Document	171
CPE - Outgoing Email	2,725
CPE - Outgoing General Blank Letter	1
CPE - Outgoing Managers Response	8
CPE - Outgoing Underpayment Letter	15
CPE - Payment Plan Letter	3
CPE - Payment Received	1
CPE - Post CC - Accept General	129
CPE - Post CC - Reject General	369
CPE - Post NTO (Notice to Owner) - Accept - Any Other Decision	1,094
CPE - Post NTO - Accept - CEO (Civil Enforcement Officers) Error	98
CPE - Post NTO - Accept - CEO Not Prevented from Serving	2
CPE - Post NTO - Accept - Contravention Did Not Occur	16
CPE - Post NTO - Accept - Error Has Occurred	2
CPE - Post NTO - Accept - Hire Company	4
CPE - Post NTO - Accept - Invalid TRO	1
CPE - Post NTO - Accept - Not Keeper - No Docs	105
CPE - Post NTO - Accept - Not Keeper - With Docs	57
CPE - Post NTO - Accept - On Hire	585
CPE - Post NTO - Accept - On Hire - No Docs	625
CPE - Post NTO - Accept - Paid In Full	1
CPE - Post NTO - Accept - Procedural Impropriety	3
CPE - Post NTO - Reject	523
CPE - Post NTO - Reject - Discount Offered	505
CPE - Post TPT - Must Be Paid	20
CPE - Pre-Debt Reg Letter	1
CPE - Pre NTO - Accept - Any Other Decision	3,267
CPE - Pre NTO - Accept - Blue Badge Evidence Provided	86
CPE - Pre NTO - Accept - CEO Error	136

CPE - Pre NTO - Accept - Contravention Did Not Occur	4
CPE - Pre NTO - Accept - Face Down P&D Ticket Provided	545
CPE - Pre NTO - Accept - Hire Company	2
CPE - Pre NTO - Accept - LC2 Permit Provided	72
CPE - Pre NTO - Accept - Paid In Full	6
CPE - Pre NTO - Accept - Problem with Signs or Lines	3
CPE - Pre NTO - Accept - Rotunda Evidence Provided - Not Guildhall	2
CPE - Pre NTO - Accept - Staff Permit Holder - Goodwill	35
CPE - Pre NTO - Accept - Valid Pay and Display Ticket	89
CPE - Pre NTO - Accept - Vehicle Taken Without Consent	1
CPE - Pre NTO - Code 01 SYL - Reject	1
CPE - Pre NTO - Code 12 - Reject	1
CPE - Pre NTO - Code 27 - Reject Appeal	1
CPE - Pre NTO - Code 83 - Reject	1
CPE - Pre NTO - Reject	5,226
CPE - Pre NTO - Reject - Alamein Road	2
CPE - Pre NTO - Reject - Controlled Zone	39
CPE - Pre NTO - Reject - CPZ (Controlled Parking Zones) - St Thomas 2018	11
CPE - Pre NTO - Reject - CPZ Sandfields 2018	15
CPE - Pre NTO - Reject - Salubrious Place Car Park	69
CPE - Pre NTO - Reject - Wind Street	22
CPE - Reg 10 VDA	3
CPE - TE3 TE9	6,864
CPE - TEC (Traffic Enforcement Centre) - Accept - OOT	2
CPE - TEC - Reject - OOT	348
CPE - TEC - Reject - OOT 14 Days	335
CPE - TEC to TPT - Closed or Cancelled	3
CPE - TEC to TPT - Enforce	4
CPE - TPT - Letter to Appellant	1
CPE - Underpayment - Post CC	1

Wales - Charge Certificate	6,573
Wales - Notice to Owner	11,381
Wales - Pre-Debt Registration Letter	2
Wales - Reg 10 PCN (Penalty Charge Notice) NTO	136
Report Total:	62,967

Appendix 2

Correspondence Stats In by Type (Notice)	City and County of Swansea
Yearly Between 01/04/2018 and 31/03/2019	
Type	Type Count
CPE - Incoming - TOW AWAY - No Response Required	5
CPE - Incoming - TPT Result Received	29
CPE - Incoming - Additional Evidence	25
CPE - Incoming - Complaint	92
CPE - Incoming - Duplicate Correspondence	131
CPE - Incoming - Email	2,844
CPE - Incoming - Email - Charge Certificate Correspondence	281
CPE - Incoming - Email - Charge Certificate Correspondence (Bus Lane)	1
CPE - Incoming - Email - Charge Certificate Response (CCTV)	294
CPE - Incoming - Email - General	410
CPE - Incoming - Email - Post NTO	546
CPE - Incoming - Email - Post NTO (CCTV)	368
CPE - Incoming - Email - Pre NTO	1,573
CPE - Incoming - General Document	209
CPE - Incoming - General Document - No Response Required	1,302

CPE - Incoming - HS3 Form - No Response Required	6
CPE - Incoming - In Time Witness Statement with Revoking Doc	181
CPE - Incoming - N244 INCOMING	39
CPE - Incoming - Payment Plan Request	646
CPE - incoming - PCN enquiry	2
CPE - Incoming - Post CC	606
CPE - Incoming - Post CC Correspondence	139
CPE - Incoming - Post NTO	783
CPE - Incoming - Post NTO Correspondence	935
CPE - Incoming - Pre NTO-Appeal	604
CPE - Incoming - Pre NTO-Correspondence - Mail	1,897
CPE - Incoming - Refund Request	1
CPE - Incoming - Tec Result Received	418
CPE - Incoming - TPT Appeal	201
CPE - Incoming Correspondence - Charge Certificate - CCTV	75
CPE - Incoming Correspondence - General - CCTV	107
CPE - Incoming Correspondence - Post NTO - Bus Lane	6
CPE - Incoming Correspondence - Post NTO - CCTV	1,537
CPE - Incoming OOT Statement Case Is Pre Bailiff	44
CPE - Incoming OOT Statement Case with the Bailiff	410
CPE - Pre NTO - Evidence Requested	12
CPE - Pre NTO-Correspondence	161
Incoming - Breathing Space Notification	1

Incoming - IVA - General	54
Incoming - Online - Post NTO - Representation	1,721
Incoming - Online - Pre NTO - Challenge	7,173
Incoming - VQ615 response received from DVLA	7
Incoming - VQ616 response received from DVLA	6
Incoming Document - Returned Case - Andrew James Enforcement	1,455
Incoming Document - Returned Case - Excel	1,197
Incoming Document - Returned Case - Swift	119
Outgoing - VQ616 form requested with DVLA	7
Report Total:	28,660

