

Swansea City Parking Services Annual Report 2016 – 17

1. Introduction

- 1.1 This document reports on the performance of Parking Services from the 1st of April 2016 to the 31st of March 2017 i.e., the 2016 / 2017 budget year. The report identifies performance for enforcement operations both in car parks and on-street.
- 1.2 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 (Civil Enforcement Officers) 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.

- 1.3 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.

- 1.4 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>

- 1.5 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>

- 1.6 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.

1.7 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 area and these are maintained by staff who are also responsible for the collection and reconciliation of the cash from these machines. During the 2016/17 budget year this totalled £3,636,966.15 including season tickets, car parks and park & ride 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 7,679 Penalty Charge Notices 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. As can be seen the greatest number of contraventions relate to '*Parking without clearly displaying.*'

Table 1

Contravention Code	Contravention Description	Number of PCNs (Penalty Charge Notices) issued
Off Street - Higher Rate		
70	Parked in a loading area	9
81	Parked in a restricted area	45
85	Parked in a permit bay	801

87	Disabled persons parking without badge	389
89	Wrong size of vehicle	1
91	Wrong class of vehicle	2
92	Obstruction	1
	Total	1,248

Table 1 continued

Contravention Code	Contravention Description	Number of PCNs (Penalty Charge Notices) issued
Off Street - Lower Rate		
73	Parked without payment	1
80	Parked longer than permitted	138
82	Parked after payment expired	1,490
83	Parked without clearly displaying	4,427
86	Parked beyond bay markings	371
93	Parked in a closed car park	1
94	Parked in a pay & display car park without clearly displaying two valid pay and display tickets when required	3
	Total	6,431
Off Street - Higher and Lower Rate		
	Grand Total	7,679

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 On-Street parking enforcement operations around the Swansea City area include enforcement of Controlled Parking Zones (CPZ). These CPZs (Controlled Parking Zones) are situated in the city centre, St Thomas, the Llansamlet Enterprise Park and the Sandfields area, whereby resident permit parking schemes, time restricted bays, loading bays, and disabled bays, pay and display bays and many single and double yellow line restrictions are all enforced by Civil Enforcement Officers.

- 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-range publicity campaign was undertaken which included leaflets being given out to all school pupils.
- 3.4 During the reporting period a total of 43,745 on-street Penalty Charge Notices were issued, which included 11,323 issued by CCTV. Table 2 below identifies the various contraventions for the reporting period split between higher rate (£70) contraventions and lower rate (£50) contraventions. The table shows that the greatest number of contraventions relate to contravention code 34J 'being in a bus lane'.

Table 2

Contravention Code	Contravention Description	Number of PCN's issued
CPE – On Street - Higher Rate		
27	Dropped footway in a Special Enforcement Area (SEA)	3
99	Pedestrian crossing	1
	Total	4
Wales – On Street - Higher Rate		
01	Parked in a restricted road	5,099
02	Loading in a restricted street	2,409
12	Parked in a Residents Bay	4,443
14	Parked in an electric	0
16	Parked in a permit space	620
21	Parked in a suspended bay	3
23	Wrong class of vehicle	27
25	Parked in a loading bay	1,962
26	Double parking	109
27	Dropped footway	442
40	Disabled person's parking	1,352
45	Taxi Rank	286
46	Clearway	31
47	Restricted bus stop	164
48	Restricted school area	35

99	Pedestrian crossing	82
W01	Parked in a restricted street – warning notice	7
	Total	17,071
Contravention Code	Contravention Description	Number of PCN's issued
Wales – On Street - Lower Rate		
05	Parked after payment expired	324
06	Parked without clearly displaying a pay and display ticket or voucher	2,218
07	Feeding the meter	1
10	Parked in a pay & display car park without clearly displaying two valid pay and display tickets when required	1
19	Parked in residents or shared use bay displaying invalid permit	421
22	Re-parking within prohibited time	193
24	Not parked correctly	94
24J	Not parked correctly - CCTV	0
30	Parked longer than permitted	43,90
W19	Parked in a residents' place – warning notice	1
	Total	7,643
On-Street - Higher and Lower Rate	Grand Total	24,718

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., vehicle drives away, etc.

Table 3

Contravention Code	Contravention Description	Number of PCN's issued
Wales – On Street– Higher Rate		
01	Parked in a restricted street	3
02	Loading in restricted street	10
25	Parked in a loading place	1
27	Dropped footway in a Special Enforcement Area (SEA)	1
40	Disabled person's parking	2
47	Restricted bus stop or stand	2
99	Pedestrian crossing	1
	Total	20
Wales – On Street – Lower Rate		
05	Parked after payment expired	1
30	Parked longer than permitted	4
	Total	5
Higher and Lower Rate	Total of Postal PCNs	25

3.6 Penalty Charges Notices issued by cameras in Bus Lanes.

Table 4

Contravention Code	Contravention Description	Number of PCN's issued
Bus Lane		
34J	Being in a bus lane	6,219
	Total	6,219

3.7 Penalty Charge Notices issued by images captured via the camera car vehicle.

Table 5

Contravention Code	Contravention Description	Number of PCN's issued
02J	Loading in a restricted street	1,714
45J	Taxi rank	5
46J	Clearway	129
47J	Restricted bus stop	2,206
48J	Restricted school area	401
99J	Pedestrian crossing	649
	Total	5,104

4. Summary of all Penalty Charge Notices issued

Table 6

	Off-Street Lower Rate	Off-Street Higher Rate	On-Street Lower Rate	On-Street Higher Rate CPE - Wales	Postal PCNs served to drive away vehicles, etc.	CCTV Higher Rate	Bus Lane Higher Rate	Grand Total
2016/17	6,431	1,248	7,643	17,075	25	5,104	6,219	43,745

Higher = £70 contraventions Lower = £50 contraventions

5. Staffing

5.1 The staffing establishment during 2016/17 was as follows: -

- 1 Parking Services Manager
- 1 Deputy Parking Services Manager
- 1 Back Office Supervisor
- 3 Senior Civil Enforcement Officers
- 3 Cashiers
- 22 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 (PCN) or to present mitigating reasons as to why the PCN 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 There is clear and informative guidance to ensure that the Council's Back Office team, which comprises of a supervisor, 259 hours = 7 full time equivalent staff deal with all incoming correspondence in a consistent and transparent manner.
- 6.3 The Council is 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 days period, the Council aims to respond to all challenges within 14 days. Unfortunately, because of the number of appeals received occasionally this may take longer than 14 days to respond.
- 6.4 During the reporting period a total of 21,632 items of correspondence relating specifically to Civil Parking Enforcement (CPE) has been entered onto our case management system as being received, which is detailed in appendix 1.
- 6.5 The number of correspondences that were sent out during the reporting period totalled 48,047, see appendix 2.
- 6.6 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, however each case may have numerous items of correspondence, as shown above: -

Appeal Statistics – Table 7

	Accepted	Rejected	Total
Informal Challenges (Pre-Notice to Owner appeal stage)	5,838	3,528	9,366
Formal Representations (Post Notice to Owner Stage)	2,046	2,305	4351
Total	7,884	5,833	13,717

- 6.7 Outside of the normal appeals process 1,831 letters were received 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 156 additional cases could be cancelled at this stage.
- 6.8 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 190 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. 120 cases were accepted by the adjudicator and 62 rejected with 8 cases not contested by the Council following a review of the circumstances and/or consideration of any additional mitigating evidence provided.
- 6.9 Out of the 43,745 PCNs issued, 8,048 cases were stopped either because an appeal was accepted or because the case could not be pursued. This represents 18.39% and is lower than the 20% 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 2016/17 is as follows: -

Parking Services Actual Expenditure 2016/17

Table 8

	Car Parks	Civil Parking Enforcement	Park & Ride
	£	£	£
Employees	325,555	998,411	73,127
Premises	830,705	9,198	157,002
Transport	65,581	7,042	1,809
Supplies and Services	169,475	254,609	34,169
Internal Service Credits	-31,000	990	436,992
Total Expenditure	1,360,316	1,270,250	703,099

Total Income	3,220,994	1,525,418	-428,828
Total Surplus (Deficit)	1,860,678	255,168	(274,271)

7.2 The Civil Parking Enforcement account received income from on-street Pay and Display charges and Penalty Charge Notices. Table 3 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 fund], 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 9

Source of Income	Income
Parking Penalty Charge Notices	1,509,489
On-Street Pay & Display	9,744.64
Total	1,519,233.64

7.5 The expenditure associated with these operations of Civil Parking Enforcement, which offsets income from the on-street charges and payments of penalty charge notices, amount to (£1,519,233.64 Total income from Table 9 above - 255,168 surplus in Table 8 =) £1,264,065.64

7.6 As stated in paragraph 7.3 any Civil Parking Enforcement 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 £274,271.

- 7.7 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.
- 7.8 Therefore, the surplus on the Civil Parking Enforcement budget of £255,168 has been used to support the provision of the City's Park and Ride service.

Appendix 1

Correspondence Stats In by Type (Notice)	City and County of Swansea
Yearly Between 01/04/2016 and 31/03/2017	
Type	Type Count
CPE - Incoming - TOW AWAY - No Response Required	12
CPE - Incoming - TPT Result Received	103
CPE - Incoming - Complaint	66
CPE - Incoming - Email	300
CPE - Incoming - Email - Charge Certificate Correspondence	148
CPE - Incoming - Email - Charge Certificate Correspondence (Bus Lane)	35
CPE - Incoming - Email - Charge Certificate Response (CCTV)	41
CPE - Incoming - Email - General	635
CPE - Incoming - Email - Post NtO (Notice to Owner)	189
CPE - Incoming - Email - Post NtO (Bus Lane)	22
CPE - Incoming - Email - Post NtO (CCTV)	26
CPE - Incoming - Email - Pre NtO	255
CPE - Incoming - Extension Given By TPT	1
CPE - Incoming - General Document	914
CPE - Incoming - General Document - No Response Required	1,747
CPE - Incoming - HS3 Form - No Response Required	36
CPE - Incoming - In Time Witness Statement with Revoking Doc	125
CPE - Incoming - N244 INCOMING	15
CPE - Incoming - Payment Plan Request	39
CPE - Incoming - Post CC	5
CPE - Incoming - Post CC Correspondence	500
CPE - Incoming - Post CC Correspondence - Car Parks	6
CPE - Incoming - Post NTO	9
CPE - Incoming - Post NTO Correspondence	1,746
CPE - Incoming - Post NTO Correspondence - Car Parks	7
CPE - Incoming - Pre NTO-Appeal	1
CPE - Incoming - Pre NTO-Correspondence - Car Parks	1
CPE - Incoming - Pre NTO-Correspondence - Contact Centre	6
CPE - Incoming - Pre NTO-Correspondence - Mail	3,273
CPE - Incoming - Refund Request - 18-20 April 2017	2
CPE - Incoming - TEC OOT Spreadsheet and N244 Form	2
CPE - Incoming - Tec Result Received	365
CPE - Incoming - TPT Appeal	190
CPE - Incoming - TPT Council Case Information	1
CPE - Incoming Correspondence - Charge Certificate - Bus Lane	34
CPE - Incoming Correspondence - General - CCTV	34
CPE - Incoming Correspondence - Post NTO - Bus Lane	228
CPE - Incoming Correspondence - Post NTO - CCTV	225
CPE - incoming email - CCTV - Post CC	124

Appendix 1 continued

Correspondence Stats In by Type (Notice)	
Yearly Between 01/04/2016 and 31/03/2017	
Type	Type Count
CPE - incoming email - CCTV - Post NTO	708
CPE - incoming MAIL - CCTV - Post CC	216
CPE - incoming MAIL - CCTV - Post NTO	1,064
CPE - Incoming OOT Statement Case Is Pre Bailiff	37
CPE - Incoming OOT Statement Case with The Bailiff	334
CPE - Outgoing - Complaint Response	4
CPE - Pre NTO-Correspondence	54
CPE - TPT - Telephone Hearing Date	1
Incoming - Breathing Space Notification	1
Incoming - Complaint Letter/Email	4
Incoming - Online - Post NTO - Representation	1,211
Incoming - Online - Pre NTO - Challenge	4,850
Incoming - VQ615 response received from DVLA	14
Incoming - VQ616 response received from DVLA	2
Incoming Document - Returned Case - Andrew James Enforcement	846
Incoming Document - Returned Case - Excel	606
Incoming Document - Returned Case - Swift	203
Outgoing - VQ616 form requested with DVLA	9
Total Incoming Correspondence Received	21,632

Appendix 2

Correspondence Stats Out by Type (Notice)	City and County of Swansea
Yearly Between 01/04/2016 and 31/03/2017	
Type	Type Count
Bus Lanes - CC	996
Bus Lanes - CC - Accept	29
Bus Lanes - CC - Reject	5
Bus Lanes - PCNNTO	6,341
CCTV - Accept - On Hire	217
CCTV - Accept - On Hire - No Docs	105
CCTV - Charge Certificate	1,213
CCTV - PCN	5,315
CCTV - Post CC - Reject General	18
CCTV - Rejection	511
CCTV - Rejection - Discounted Offered	468
CCTV - Rejection - Full Payment Required	35
CCTV - Warning Notice	3
CPE - Acknowledgement Letter	1,231
CPE - Blank Letter	99
CPE - Case Pack	180
CPE - Further Challenge - No Progression	95
CPE - Incoming - Supporting Evidence	4
CPE - Intime - 14 Day Letter	4
CPE - Late Witness Statement	302
CPE - No Longer Living at Address Letter	66
CPE - No Payment	1
CPE - No Payment Plan Letter	2
CPE - OOT - Refused - Pay	1
CPE - Outgoing - Complaint	23
CPE - Outgoing - Complaint Response	11
CPE - Outgoing - Council Response to Adjudicator/Appellant	6
CPE - Outgoing - Email Response	6
CPE - Outgoing - Payment Plan Agreed	18
CPE - Outgoing - Response to Complaint	1
CPE - Outgoing - TPT Submissions	131
CPE - Outgoing Document	33
CPE - Outgoing Email	1,316
CPE - Outgoing Managers Response	42
CPE - Outgoing Underpayment Letter	4
CPE - Payment Plan - Not Accepted	1
CPE - Post CC - Accept General	125
CPE - Post CC - Reject General	337
CPE - Post NTO (Notice to Owner) - Accept - Any Other Decision	568
CPE - Post NTO - Accept - CEO Error	117

Correspondence Stats Out by Type (Notice)	
Yearly Between 01/04/2016 and 31/03/2017	
Type	Type Count
CPE – Post NTO – Accept – Contravention Did Not Occur	4
CPE - Post NTO - Accept - Hire Company	1
CPE - Post NTO - Accept - Not Keeper - No Docs	118
CPE - Post NTO - Accept - Not Keeper - With Docs	58
CPE - Post NTO - Accept - On Hire	291
CPE - Post NTO - Accept - On Hire - No Docs	546
CPE - Post NTO - Accept - Paid In Full	16
CPE - Post NTO - Accept - Problem with Signs or Lines	4
CPE - Post NTO - Accept - Vehicle Taken Without Consent	1
CPE - Post NTO - Reject	684
CPE - Post NTO - Reject - Discount Offered	642
CPE - Post TPT - Must Be Paid	62
CPE - Pre NTO - Accept - Any Other Decision	3,360
CPE - Pre NTO - Accept - CEO Error	136
CPE - Pre NTO - Accept - Contravention Did Not Occur	1
CPE - Pre NTO - Accept - Hire Company	3
CPE - Pre NTO - Accept - Invalid TRO	1
CPE - Pre NTO - Accept - Not the Keeper	4
CPE - Pre NTO - Accept - Paid In Full	9
CPE - Pre NTO - Accept - Problem with Signs or Lines	19
CPE - Pre NTO - Reject	3,315
CPE - Pre NTO - Reject - Controlled Zone	107
CPE - Pre NTO - Reject - Salubrious Place Car Park	71
CPE - Pre NTO - Reject - Wind Street	35
CPE - Reg 10 VDA	2
CPE - Review - Not Registered Keeper	1
CPE - TE3 TE9	4,992
CPE - TEC (Traffic Enforcement Centre) - Accept - OOT	2
CPE - TEC - Reject - OOT	306
CPE - TEC - Reject - OOT 14 Days	287
CPE - TPT - No Contest Form	8
Wales - Charge Certificate	4,798
Wales - Notice to Owner	8,144
Wales - Pre-Debt Registration Letter	40
Wales - Reg 10 PCN NTO	1
Correspondence Stats Out by Type	48,049