



City and County of  
**Swansea**

# **PARKING**

**ANNUAL REPORT  
2011 / 2012**

## 1. Introduction

This is the fourth annual report published by the Council of the City and County of Swansea in accordance with the requirements of the Traffic Management Act 2004. This report aims to place the parking service in context with the Council's other road network management duties and policies, and presents information on how the Council delivers its parking services.

The key concerns of the Parking Services Section are to ensure that the road network operates at maximum effectiveness, to balance conflicting demand, to be fair to law abiding and observant road users and to be considerate of individual circumstances put forward in mitigation of contraventions.

There is an understanding that different groups across the City and County area will have different parking needs. The Council's aim is to balance those needs, to make sure that the system is fair to all. Whilst parking restrictions are rarely popular with motorists, without them there would be a significantly higher level of congestion and, at times, gridlock. Swansea was built in an era of little motorised transport and at that time planners could not have anticipated today's levels of vehicle ownership.

There are a wide variety of groups who require parking and travel services including residents, businesses, commuters, disabled people, shoppers, students and visitors. Traffic and parking management approaches are used by the Council to make sure that available parking areas are shared in a fair and transparent way. They are not revenue raising tools. No targets are set for penalty notice issues and any surplus income is invested into traffic management, parking or public transport improvements.

The City and County of Swansea was designated a Civil Enforcement Area for Parking Contraventions and also a Special Enforcement Area, following a successful application to the Welsh Government under the Traffic Management Act (Part 6). The transfer of powers from the police to the Council resulted in the creation of the Parking Services Sections based within the Traffic Section of the Council's Transportation Service.

The Welsh Assembly Government has set out, in its guidance, a requirement for enforcement to be transparent, consistent and fair. Swansea Council has worked hard to ensure its enforcement meets these three criteria and that its actions are proportionate to the circumstances.

The Council understands that sometimes there are genuine extenuating circumstances which result in the issue of a Penalty Charge Notice (PCN), and the driver may have done their best to comply with the restrictions, or have another good cause to put forward. The Council recognises its express duty to consider "compelling circumstances" and to exercise discretion appropriately.

In line with the Council's policy of transparency, guidance on the handling of representations seeking the cancellation of a Penalty Charge Notice is published on the Council's web site:

[http://www.swansea.gov.uk/media/word/0/d/Discretion\\_Guidance\\_Statutory\\_Grounds\\_2\\_1\\_01\\_09.doc](http://www.swansea.gov.uk/media/word/0/d/Discretion_Guidance_Statutory_Grounds_2_1_01_09.doc)

This not only ensures that motorists are able to establish whether their circumstances allow the Council to cancel their PCN but also ensures consistency in dealing with the large number of appeals received from motorists who have received a PCN.

The vast majority of motorists park legally and sensibly. Some drivers who receive PCNs may not have intended to park in contravention of the Traffic Order and on occasions they have misunderstood the nature of the restrictions. However motorists do have a responsibility to take note of the road markings and restriction signs and to comply with them.

Equally the Council has a responsibility to make sure that any restrictions are clearly signposted and to consider where any lessons could be drawn from the number of contraventions committed.

This was the case on Myndd Gelli Wastad Road on the approach to the Accident and Emergency department of Morriston Hospital. The clearway restrictions which had been in place for a number of years were not being adhered to. This resulted in complaints from the Welsh Ambulance Services that at times they could not access the Accident and Emergency Department. With critically ill patients this delay could be life threatening and as a result the restrictions were altered and yellow lines were applied to the road surface making clear that parking and loading/unloading are not permitted there at any time. The greater visibility of these regulations has proved to be a significant success with ambulances now having unobstructed access and the number of PCNs issued having reduced significantly.

Swansea does unfortunately have a small hardcore of motorists who pay no attention to restrictions and who park illegally because it is convenient for them. They do not consider the inconvenience and often danger they cause others. Their actions are unacceptable: irresponsible parking causes traffic congestion which in turn affects air quality and increases pollution. In addition there is significant potential for increases in road traffic collisions. Finally it is unfair on the majority of motorists who take care to park correctly and legally.

During the period covered by this report 3,971 vehicles have received five or more penalty charge notice for parking contraventions, with one having received 63 penalty charge notices. The outstanding debt from the penalty charge notices issued to these persistent offenders<sup>1</sup> currently stands at £132,822 . The vehicle which has received 63

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<sup>1</sup> Vehicles which receive 5 or more penalty charge notices

penalty charge notices has a debt to the Council of £3440 and all available legal measures will be used to recover this debt.

The table below shows the number of persistent evaders<sup>2</sup> and persistent offenders and the number if penalty charge notices issued.

Number of penalty charge notices issued	5 – 10	11 – 20	21 – 30	31 – 40	41 – 50	51 +
Persistent evaders	222	72	8	8	0	1
Persistent offenders	2882	402	57	12	5	1

Whilst not wishing to target any one group of motorists, it is regrettable that many parents dropping off or picking up children near schools appear to disregard parking restrictions and the safety of others by parking as close as possible to school gates. The Parking Services Section receives complaints from businesses, residents and schools, as well as some parents, complaining about illegal and unsafe parking outside schools. This compromises the safety of one of our most vulnerable groups, our children.

The Parking Services Section works closely with the Road Safety Section, and schools which are identified as being those that are most at risk are targeted with additional education and enforcement.

There are a number of helpful documents, publications and web sites which provide information relating to parking and the enforcement and appeals processes.

The British Parking Association in partnership with the consumer association “Which?” has published a Guide to Parking. Their web site address is <http://www.britishparking.co.uk/>

P.A.T.R.O.L. (Parking And Traffic Regulations Outside London) has published a guide to the enforcement of Penalty Charge Notices and the associated appeals procedures. The web site address for this document is [http://www.patrol-uk.info/downloads/Process\\_Map.pdf](http://www.patrol-uk.info/downloads/Process_Map.pdf)

The Council has also published its own document “Strategy, Procedures and Policy” which gives guidance on how challenges and representations will be dealt with. The link to this document is via the Councils public web site. [http://www.swansea.gov.uk/media/pdf/p/0/Car\\_Parking\\_Enforcement\\_Strategy\\_2011.pdf](http://www.swansea.gov.uk/media/pdf/p/0/Car_Parking_Enforcement_Strategy_2011.pdf)

## 2. Parking Provision in the City and County of Swansea

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<sup>2</sup> A motorist who has received 5 or more penalty charge notices and has a remaining debt on these notices.

Parking space both on and off street is limited. The growth of vehicle ownership, over the last 10 years in particular, has resulted in increased demand for parking, particularly in areas where properties have been altered to provide accommodation for the students of Swansea University and Swansea Metropolitan University and in residential areas surrounding the two higher education facilities.

Managing the competing demand of full time residents, students, commuters, employees and visitors required the allocation of parking spaces for specific groups of people such as disabled people, residents, the business community and short term parking where the needs arise. Balancing the needs of these various groups is key to the continued economic success of both the City and County area.

The City and County of Swansea contains a number of commercial areas which local residents visit on a daily or weekly basis. Out of town retail parks have also impacted on these areas. In addition Swansea is also includes popular tourist locations including Mumbles and Gower. Venues such as the Leisure Centre, the Marina, the Waterfront Museum and Plantasia, along with a host of special events such as the Olympic Torch Parade, Swansea Bay Festival, and the Air Show, also have a major impact on parking.

The Liberty Stadium, home to both Swansea City Football Club and the Ospreys Rugby Union Club and host to various concerts and events, also brings competing demands on parking provision. With Swansea City Football Club having had a very successful first season in the Premiership it is envisaged that the supporters will continue to put pressure on the limited parking provision surrounding the stadium.

Parking provision is regularly reviewed. Officers from the Parking Services Section regularly attend PACT meetings to hear the views of residents. Recent meetings with city centre traders and in particular Swansea BID (Business Improvement District) have allowed the Council to make informed decisions based on current parking and environmental policy. The Council considers a number of factors including:-

- ◆ Hours that parking is controlled
- ◆ Maximum stay periods
- ◆ Types of use for individual parking bays
- ◆ Charges / tariffs
- ◆ Criteria for controlled parking zones
- ◆ Criteria for residents parking areas.

The Council operates 37 pay and display off street car parks throughout the City and County area. These car parks are strategically located to ensure access to the city centre, commercial and tourist areas. In addition there are free car parks located in Gorseinon, Mumbles, Gowerton and Pontarddulias

## City Centre

There are three multi storey car parks operated in the city centre by the Council. NCP own and operate a further 3 multi storey car parks. Tesco have a car park adjacent to their city centre supermarket which offers 2 hours free car parking and there is also a private underground car park in the city centre. There is additional parking provision at Parc Tawe and Sainsbury's on the periphery of the city centre.

There are in total 7288 off street car parking spaces located in the City Centre. Tariffs vary dependant on ownership and designation. Council car parks are designated either long or short stay. Three are designated for season ticket holders only and one, 'Park Street West' is entirely reserved for disabled blue badge holders.

Table 1 below provides a breakdown of these car parks by designation and ownership.

Table 1

Location	Total spaces	Disabled spaces	Type	Designation	Owner
Kingsway	320	4	MSPC	Long Stay	NCP
Orchard Street	512	3	MSPC	Long Stay	NCP
Salubrious Passage	255	15	MSPC	Long Stay	NCP
Quadrant	517	30	MSCP	Short Stay	Council
St. David's	460	33	MSCP	Short Stay	Council
High Street	716	30	MSCP	Long Stay	Council
Mariner Street	164	5	Surface	Long Stay	Council
Clarence Terrace	77	0	Covered	Long Stay	Council
East Burrows	230	6	Surface	Long Stay	Council
The Strand	218	12	Surface	Long Stay	Council
Pockets Wharf	53	2	Surface	Long Stay	Council
Paxton Street	331	0	Surface	Long Stay	Council
Pell Street	30	3	Surface	Short Stay	Council
Park Street East	31	6	Surface	Short Stay	Council
Oxford Street	116	27	Surface	Short Stay	Council
Northampton Lane	84	4	Surface	Short Stay	Council
YMCA	25	2	Surface	Short Stay	Council
Worcester Place	21	2	Surface	Short Stay	Council
Waterfront	220	20	Surface	Short Stay	Council
Park Street West	15	151	Surface	Disabled	Council
Picton Lane	42	3	Surface	Permits	Council
Salubrious Place	26	0	Surface	Permits	Council
Madoc Street	24	0	Surface	Permits	Council
Oystermouth Road	391	12	Surface	Long Stay	Council
Parc Tawe	1288	50	Surface	Free	Private
Tesco	455	30	Surface	Free	Tesco
Sainsbury's	677	30	Surface	Free	Private
Potters Wheel	21	0	Underground	Private	Private

The charging regime for the City Centre car parks applied by the Council from April 2011 is as shown below in table 2.

**Table 2**

<b>Long Stay</b>		<b>Charges</b>
East Burrows	<b>Up to 1 hour</b>	<b>£1.20</b>
Mariner St	<b>Up to 2 hours</b>	<b>£2.40</b>
Paxton	<b>Up to 3 hours</b>	<b>£3.50</b>
Pocketts Warf	<b>Up to 4 hours</b>	<b>£4.50</b>
Strand	<b>All Day</b>	<b>£6.00</b>
<b>Coaches</b>	<b>Up to 3 hours/ All Day</b>	<b>£4.00 £6.00</b>

<b>Short Stay</b>		<b>Charges</b>	<b>Blue Concessions</b>	<b>Badge</b>
Northampton	<b>Up to 1 hr</b>	<b>£1.20</b>	<b>Up to 2 hr</b>	<b>70p</b>
Oxford St	<b>Up to 2 hr</b>	<b>£2.40</b>	<b>Up to 3 hr</b>	<b>£1.20</b>
Park St East	<b>Up to 3 hr</b>	<b>£3.50</b>	<b>All day</b>	<b>£2.40</b>
Pell St)				
Worcester Pl)				
YMCA				
Salubrious (sat)				

<b>Waterfront / LC Oystermouth Road</b>	<b>Mon – Sat 6.30am-10.30pm</b>	
	<b>Up to 2 hours</b>	<b>£2.00</b>
	<b>Up to 3 hours</b>	<b>£3.00</b>
	<b>Up to 4 hours</b>	<b>£4.00</b>
	<b>Up to 5 hours</b>	<b>£5.00</b>
	<b>All Day</b>	<b>£7.00</b>

<b>Secure Parking</b>		<b>New Charges</b>
Clarence Terrace	<b>Up to 1 hour</b>	<b>£1.50</b>
	<b>Up to 2 hours</b>	<b>£3.00</b>
	<b>Up to 3 hours</b>	<b>£4.50</b>
	<b>Up to 4 hours</b>	<b>£6.00</b>
	<b>All Day</b>	<b>£7.00</b>

<b>Disabled Parking</b>		<b>Charges</b>
Park Street West	<b>Up to 2 hours</b>	<b>70p</b>
	<b>Up to 3 hours</b>	<b>£1.20</b>
	<b>All Day</b>	<b>£2.40</b>

A limited amount of on street parking is available in Plymouth Street and Oxford Street. These are short term (30 minute) parking bays controlled by pay and display machines. In addition there are free, time limited parking bays in High Street.

Loading/unloading bays are located throughout the City Centre. There are designated disabled parking bays in St Mary's Square, Orchard Street and High Street. Designated taxi ranks are located on York Street, Portland Street, Kingsway, Newton Street and Caer Street

### Outside the City Centre

To support the City Centre and complement city centre parking provision the Council operates three high quality park and ride facilities. These are located on strategic routes into the city on Fabian Way to the East, at Fforestfach to the West and at Landore to the North. These facilities provide long stay facilities that are cheaper than city centre car parks. Provided in conjunction with First Cymru, these services transport customers into the City Centre on bus corridors which keep the transfer time to the City Centre to a minimum.

Outside the City Centre there are a number of car parks which are located in close proximity to commercial areas such as Mumbles, Gorseinon, Morrision and Gowerton. The Council operates reduced charges in its Mumbles car parks. These charges are designed to ensure visitors gain maximum benefit from all-day stays in the area. Charges for these car parks are shown in Table 3 below.

**Table 3**

<b>Mumbles</b>		<b>Charges</b>	<b>Blue Concessions</b>	<b>Badge</b>
The Dairy, The Quarry and Foreshore car parks.	<b>Up to 1 hour</b>	<b>50p</b>	<b>Up to 2 hrs</b>	<b>50p</b>
	<b>Up to 2 hrs</b>	<b>£1.20</b>	<b>Up to 4 hrs</b>	<b>£1.20</b>
	<b>All Day</b>	<b>£4.50</b>	<b>All day</b>	<b>£2.40</b>

Parking is also available in car parks located close to the tourist and cultural locations such as Port Eynon, Caswell, Langland, Clyne Country Park, Singleton Park and the Swansea Bay Foreshore. . During the 2010/11 financial year

winter charges were introduced in these car parks. This policy was reviewed, following consultation with both town / community councils and the business communities, and these charges were reduced from October 2011. Charges for these car parks are shown in Table 4 below:-

**Table 4**

<b>Foreshore Beach &amp;</b>		<b>Summer Charges</b>	<b>Winter Charge s</b>	<b>Blue Badge Concessions</b>	
Clyne Southend Bracelet Bay Caswell Bay Caswell Hill Langland Bay Port Eynon Horton Sketty Lane Baths	<b>Up to 1 hr</b>	<b>£1.30</b>	<b>50p</b>	<b>Up to 4 hr</b>	<b>£1.30</b>
	<b>Up to 2 hrs</b>	<b>£2.50</b>	<b>£1.20</b>	<b>All Day</b>	<b>£2.50</b>
	<b>All Day</b>	<b>£5.00</b>	<b>£4.50</b>		
<b>Coaches</b>	<b>Up to 3 hours</b>	<b>£4.00</b>			
	<b>All Day</b>	<b>£6.00</b>			

A large car park services the requirements of Swansea University though it is evident that these facilities do not cater for all students and employees, as there is considerable on street congestion in the residential areas surrounding the University.

Controlled parking zones have been introduced in a number of areas. In the City Centre the zone prohibits parking on single yellow lines between 8am and 6pm. This is designed to ensure the free flow of traffic during the day whilst allowing on street parking during the evening periods. In Sandfields and the St. Thomas area controlled parking zones have been introduced to support residents. There is also a controlled parking zone to assist traffic flow on Swansea Enterprise Park.

## Parking Permits

The Contact Centre located in the Civic Centre manages the issue of parking permits. Applicants can either attend in person or apply by post. There are four types of permits available: residents, family visitors, holiday visitors and care attendants.

Residents Permits: Each permit is vehicle and location specific. To obtain a permit the applicant must:

- ◆ own and drive the vehicle subject to the application and,

- ◆ produce the Vehicle Registration Document (V5) and a Current Driving License; both these documents must bear the applicant's name and address as above

From July 2012 (after the reporting period) the criteria for residents permits are that the applicant's name and Swansea address appears on the V5 (vehicle registration) document and either his / her driving licence or a utility bill, and that his / her name also appears on the Swansea Electoral Register.

Permits are not issued for commercial vehicles over 3500kg maximum gross weight, caravanettes or vehicles with dimensions exceeding 2.35m high and 5.35m long.

Family Visitors Permit: These permits are vehicle and location specific. They were, for the period covered by this report, issued to family members only where there no residents permit had been issued for that household. (This was been reviewed and revised in July 2012 and family visitor permits can now be issued provided that only one residents permit has been issued.)

Holiday Visitors Permit: Again these permits are vehicle and location specific. They are issued to non residents of Swansea and who are staying overnight for more than 3 days. Only one permit can be applied for at any time, but a maximum of 4 permits can be applied for in any given year.

Care Attendants Permit: whilst these permits are vehicle specific they allow the holder to park in restricted areas throughout the City and County of Swansea. There are various conditions which apply to this permit. However in general the holder must be looking after the resident's physical wellbeing e.g. cooking, cleaning, administering medication. Permits will be issued where it is deemed necessary to park close to the residents' home.

The Contact Centre also deals with around 6508 blue badge applications per year and there are currently 18,000 such badges in circulation in Swansea. The scheme enables people with mobility difficulties to park in locations where other drivers cannot, in order that they can get closer to their ultimate destination. There are restrictions on their use and holders receive a comprehensive explanation booklet outlining their responsibilities and the restrictions on the use of the badges.

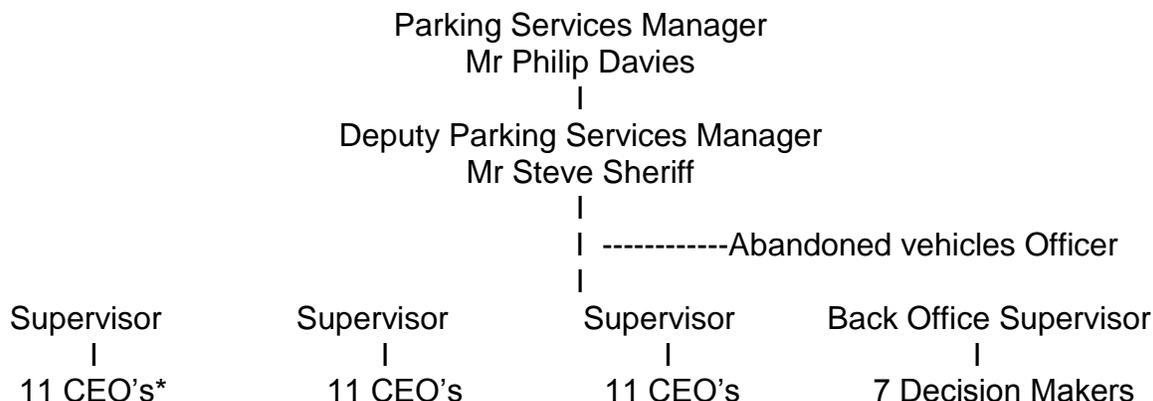
In January 2011 the Council commenced charging elected members and staff located in Penllergaer, Civic Centre, Guildhall and other City Centre locations to park in its car parks. This has resulted in a total of 3,789 permits being issued. To enforce this, Traffic Orders have been introduced in some parking areas at these locations and these are being enforced by the Civil Enforcement Officers.

### **3. Parking Enforcement**

The City and County of Swansea took over responsibility for parking enforcement in September 2008. The Council directly employs the officers who enforce the

traffic orders and the officers who deal with the representations and appeal process.

At the time of preparing this report the staff structure of the Parking Services Section is shown below:



\*CEOs are Civil Enforcement Officers

There are therefore a total of 36 officers trained as Civil Enforcement Officers. Officers classified as CEOs have powers which allow them to:

- issue penalty charge notices to vehicles parked in contravention of a Traffic Regulation Order,
- order the removal of vehicle so parked should that be necessary
- examine blue badges displayed on vehicles parked in areas where the use of the blue badge provides the user with parking concessions.

All officers undertake training prior to commencing their duties. This involves completion of the City & Guilds 1889 Level 2 Certificate for Civil Enforcement Officers (Parking), which ensures that they have a full knowledge of the legislation and procedures and understand how to resolve on street conflict. They also undertake a series of in-house courses to ensure they have a knowledge of the expectations of the Council, an understanding of the Council's requirements in respect of service delivery, equality, disability awareness, risk assessment and first aid.

Six of the officers are classified as Cashiers and in addition to their roles as CEO's they have responsibility for the collection, counting and reconciliation of the cash from the 83 pay and display machines located throughout the City and County area. They also carry out routine maintenance and minor repairs to these machines. To increase efficiency the collection regime has been modified during the reporting period. In line with the risk assessment for this activity, two officers are required to carry out this duty.

During the reporting period officers collected, counted and reconciled a total of £4,452,982 from these pay and display machines.

Officers also provide a physical presence in the Council's multi storey and Clarence Terrace car parks. This reduces the number of officers available on a daily basis to enforce.

Enforcement takes place daily, commencing at 8am and concluding at 6pm on Monday, Tuesday Thursday and Sunday. On Wednesday Friday and Saturday this is extended to midnight to take account of the increased activity in the City Centre during the evening periods. Planning for different events or operations takes place and officers do work outside of these time frames whenever their services are required.

The priorities for parking enforcement are:

- Peak periods waiting and loading (main routes in and out of the City Centre)
- Single / double yellow lines on strategic routes
- School zig-zags (where Traffic Regulation Orders are in place)
- Permit spaces
- Pay and display (both on and off street)
- Road junctions where restrictions are in place
- Bus stops and taxi ranks
- Liberty Stadium whenever an event is taking place
- Commercial areas outside the city centre.

During the reporting period a total of 37,074 penalty charge notices were issued. This represents an increase of 2,478 notices or 7% on the previous financial year.

The Council is required to provide statistical returns to both the Welsh Government and the Home Office on an annual basis. These returns require information relating to on street activities. However as this report is intended to provide the reader with a complete overview on the activities of the Parking Services Section the statistics provided will categorise the information for both on street and off street enforcement.

Penalty Charge notices are categorised as either on or off street and are also split into higher or lower contraventions. The higher and lower contraventions relate to the seriousness of the contravention and apply to both on and off street contraventions.

The penalty levels are £70 for a high level contravention and £50 for a low level contravention. A complete list of the contraventions split into their categories can be found in Appendix A at the end of this report.

Both these penalties are discounted by 50% if paid within 14 days of the receipt of the notice. However if they remain outstanding after 56 days of issue a surcharge of £50 is added. The discount period is extended if representations against the issue of the penalty charge notice are received within the initial 14 day period. This ensures motorists are not disadvantaged should they challenge the notice.

## On Street Enforcement:

In addition to the topography and size of the City and County of Swansea, the variety of parking orders in place presents a real challenge to enforcement staff to manage on-street parking. The Orders were consolidated in 2008. However, as a large number of Orders have subsequently been introduced, a further consolidation took place in March 2011.

During the reporting period a total of 27,972 on-street penalty charge notices were issued. Chart 1 below shows the monthly issue rate for the reporting period.

Chart 1 : Monthly Issue of On Street PCNs

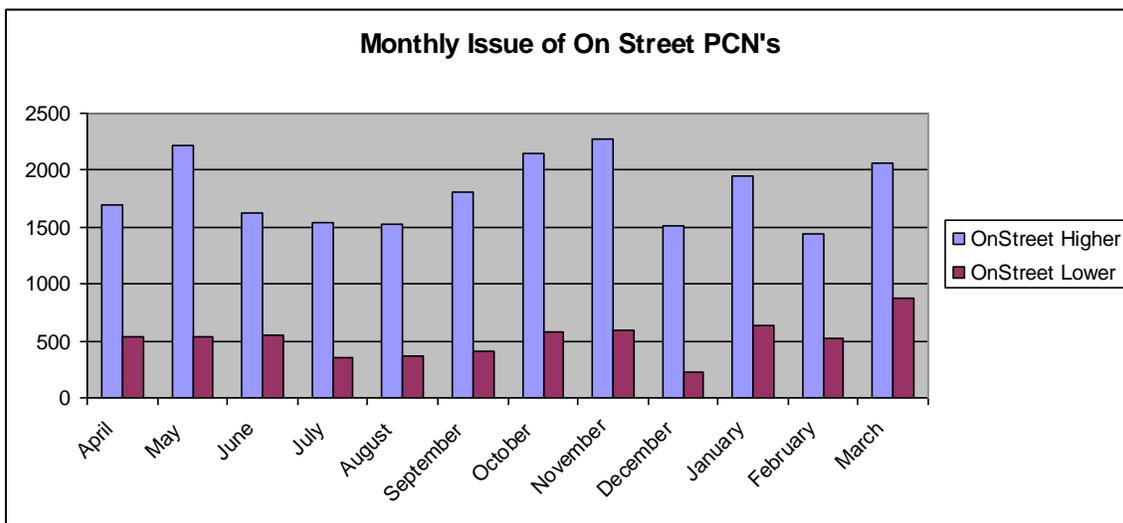


Table 6. below identifies the various contraventions and as can be seen the greatest number of contraventions relate to parking in restricted streets (i.e. double yellow lines) and parking in residents bays without displaying a permit.

Table 6 : Number of PCNs issued for Contraventions (On Street)

Contravention Code	Contravention	Number of PCNs issued
01	Parked in a restricted road	7565
02	Loading in a restricted street	2465
05	Parked after payment expired	24
06	Parked without clearly displaying a pay and display ticket or voucher	56
12	Parked in a Residents bay	4989
16	Parked in a permit space	387
19	Parked in residents or shared use bay displaying invalid .....	646
21	Parked in a suspended bay	20

22	Re-parking within prohibited time	95
23	Wrong class of vehicle	99
24	Not parked correctly	35
25	Parked in a loading bay	3072
26	Double parking	53
27	Dropped footway	262
30	Parked longer than permitted	5243
40	Disabled person's parking	1859
42	Police Vehicles	1
45	Taxi Rank	456
46	Clearway	34
47	Restricted bus stop	485
48	Restricted school area	26
49	Cycle Track or Lane	1
99	Pedestrian crossing	99
	<b>Total</b>	<b>27,972</b>

In addition to the details above warning notices were issued in respect of on street contraventions. Warning notices are issued by officers when, as a result of signage or line problems the traffic order cannot be enforced. Warning notices are issued to remind the driver of their responsibilities and also show the public or residents that officers are patrolling in the area.

#### **Off Street Enforcement:**

An effective and efficient enforcement regime in Council car parks ensures that motorists using the car parks not only pay but also restrict their stay to the time purchased. In addition it ensures motorists park within the parking bays and do not obstruct the bays and roads thereby inconveniencing other car park users.

During the reporting period a total of 9,102 off street penalty charge notices were issued. Chart 2 below shows the monthly issue rate for the reporting period.

#### Chart 2 : Monthly Issue of Off Street PCNs

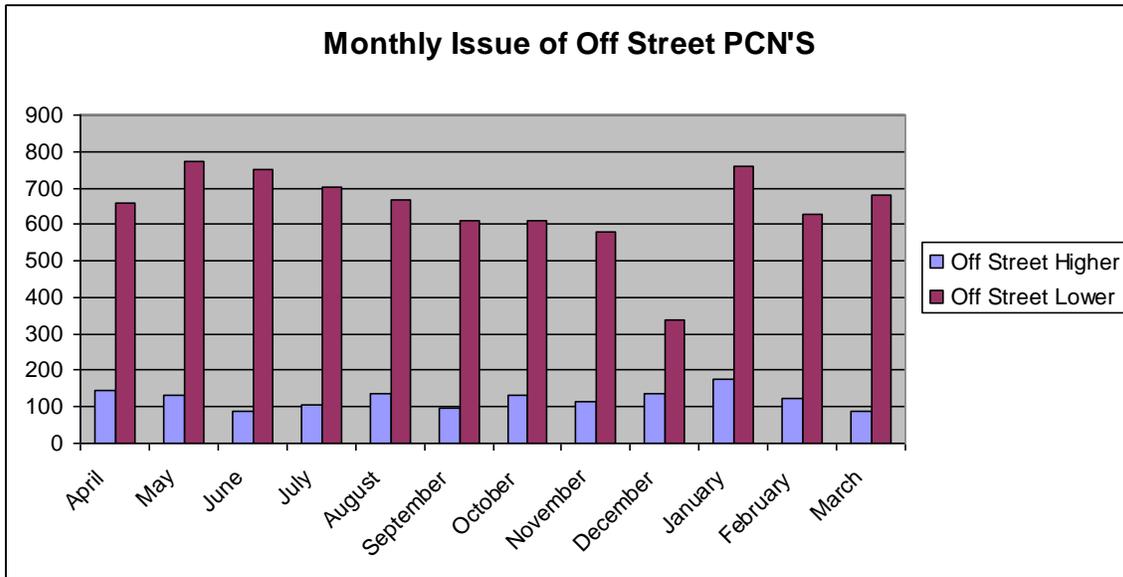


Table 7 below identifies the various contraventions and as illustrated, the greatest number of contraventions relate to not clearly displaying a parking ticket.

Table7 : Number of PCNs issued for Contraventions (Off Street)

Contravention Code	Contravention	Number of PCN issued
70	Parked in loading area	3
80	Parked longer than permitted	44
81	Parked in a restricted area	19
82	Parked after payment expired	2136
83	Parked without clearly displaying	5208
84	Feeding the metre	16
85	Parked in a permit bay	1185
86	Parked beyond bay markings	134
87	Disabled persons parking without badge	348
91	Wrong class of vehicle	0
92	Obstruction	8
93	Parking in closed car park	1
	<b>Total</b>	<b>9102</b>

#### 4. Challenges, Representations and Appeals

All Penalty Charge Notices contain details of how to make an appeal. Council staff respond to all correspondence at all stages of the appeal process. In addition the Council's website provides information about the appeal process and links to the British Parking Association and PATROL (Parking and Traffic Regulations outside London).

It is the Council's aim to ensure that letters sent give information about the processes and staff are committed to adopting a fair, transparent and consistent approach to challenges, representations and appeals against penalty charge notices.

During the reporting period a total of 15,826 items of mail were received and 39,774 sent either in response to the items received, or as a result of non response to the penalty charge notice or subsequent correspondence sent to the registered owner of the vehicle.

93% of all correspondence has been responded to within the 14 day response time. There have been occasions, principally as a result of staff shortages and fluctuations in levels of correspondence received when the usual response time has not been achieved. The Council is committed to resolving such issues and have procured a software package which will improve response times and make it more realistic to engage additional temporary staff to assist. The software will help achieve high levels of consistency by reducing subjectivity within the decision making process. That said there will always be challenges which fall outside the general parameters and clearly in such cases managers or supervisors will be able to override responses.

There are three stages to an appeal process.

#### 1. Informal Representations

The driver of the vehicle which has been issued with a penalty charge notice may write to the Council Parking Services Section if he/she considers that the notice has been issued incorrectly or there are compelling circumstances why it should be cancelled. At present such appeal must be sent in writing or submitted via e-mail. It is anticipated that during the next financial year systems will be developed to allow challenges to be made via a web form. The Council's policy is to respond to only one such challenge per penalty charge notice as their are further stages in the appeals process.

#### 2. Formal Challenges

If payment is not received within 28 days of the date the penalty charge notice was issued, the Council will request details of the owner of the vehicle from the DVLA. The owner will then receive a Notice to Owner.

DVLA advises the Council of the owner they have on record. A number of motorists fail to advise DVLA of change of ownership details and this can cause confusion and distress.

The Notice to Owner document requires the owner to pay the penalty charge notice at the full rate. Legislation makes the owner responsible for the debt even if he/she was not the driver at the time of the contraventions. This often causes confusion and annoyance and results in the irate owner telephoning Parking

Services to complain. Many of these telephone calls are confrontational and require the staff to deal with the owner in a tactful and diplomatic manner.

At this stage the owner can either pay the outstanding amount or can make a formal representation giving reasons why the penalty charge notice has been issued incorrectly, reasons why the owner is not liable or compelling reasons why it should be cancelled.

Failure to pay the penalty charge notice or submit a challenge as outlined above results in a charge certificate being sent to the vehicles owner. This increases the penalty by 50%.

### 3. Appeal to the Traffic Penalty Tribunal

If the Council rejects the formal representations, the owner may appeal to the Traffic Penalty Tribunal. The form on which to make the appeal is provided by the Council with its letter of rejection. The Traffic Penalty Tribunal is a totally independent body and the adjudicators are appointed by the Lord Chancellor. Appeals can either be heard in person at a town or city of the appellant's choice, by telephone or by written evidence. The decision of the Adjudicator is normally binding on both sides. However, in exceptional cases there are opportunities for either side to challenge the decision.

If the appeal is dismissed the appellant is liable for the penalty.

During the reporting period of the 37,074 penalty charge notice issued 10% or 3743 were cancelled. 2855 were stopped following receipt of an informal challenge. 813 following receipt of a formal representation and 75 following service of the charge certificate.

The Traffic Appeals Tribunal received 208 appeals of which 88 were not contested by the Council, 24 appeals were upheld and 96 dismissed. .

A number of motorists, for what ever reason, choose to ignore the penalty charge notices and all correspondence sent to them. The legislation sets out how such cases are dealt with. Cases where the penalty remains unpaid are referred to the Northampton County Court which deals with all traffic related matters for England and Wales.

The Council makes an application for a debt recovery warrant to be issued and, if approved, this is passed to one of two debt recovery companies who work for the Council. They also write to the individual. However if the penalty remains unpaid they instruct bailiffs, who are assigned to recover the debt or, in legal terms, 'seize distress.'

During the reporting period a total of £192,246 was recovered by the two companies. This represents a 50% recovery rate of the debt contained in the debt recovery orders. In many cases the individual has no assets of value or has submitted a debt relief order. A debt relief order can only be applied for by a

person with debts of less than £15k who is not a householder. When such an order is obtained the debt recovery company are required to return the warrant to the Council and the matter is written off.

## 5. Financial Information

The CPE budget consists of income from Pay and Display parking and Penalty Charge Notices (PCN)). Tables 8 below 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 10 of the Civil Enforcement of Parking Contraventions (General Provisions)(Wales)(No2) Regulations 2008.

Sub section 2 of the 1984 states:

*(2) At the end of each financial 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, in so 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.*

This section of legislation ring fences any surplus for specific purposes including the provision or maintenance of off street parking, highway improvement, public transport facilities or services and environmental improvements.

Table 8

<b>Source of Income</b>	<b>Income</b>
Penalty charge notices: On Street	<b>£ 1,093,585</b>
Penalty charge notices: Off Street	<b>£ 241,741</b>
Pay and Display Plymouth St. & Oxford St.	<b>£1,808</b>
<b>Total</b>	<b>£1,337,134</b>

The expenditure which be off set against the on street charges and payments of penalty charges notices in respect of on street contraventions are listed below in Table 9 below.

Table 9

<b>Expenditure</b>	<b>On Street</b>
Employment costs	£870k
Premises Costs / Rent	£24k
Transport	£5k
Supplies and Services	£76k

Financial services Card Charges	£58k
SLA and Management Allocation	£64k
<b>Total</b>	<b>£1,097k</b>

There was therefore a reported surplus of £239,969 from the enforcement of on and off street contraventions.

As stated above any surplus must be used for specific purposes. During the reporting period the three Park and Ride scheme operated by the Council required an operating subsidy. Sub section 4 B of the 1984 Act states:

*‘meeting all or any part of the cost of the provision and maintenance by the local authority of [off-street parking accommodation, whether in the open or under cover;]’*

Park and Ride car parks provide an essential option to motorists visiting the City either on a regular or one-off basis. The charge of £2.50, which includes all day parking and the return bus ride into the City Centre, offers excellent value for money to the customer. This compares very favourably with other towns and Cities offering similar schemes where the average charge is £3.

In addition to the clear benefits to the customer, any reduction of traffic flow into the city reduces congestion and pollution levels, which are very difficult to manage on the arterial routes into and out of the City Centre. Park and Ride also supports the business community providing both affordable parking for City Centre workers and shoppers. There is therefore a clear requirement to ensure the continued operations of these valuable services. These services, in common with other similar operations elsewhere, require an operating subsidy, with £366k being required during the 2011/12 financial year. Whilst the scheme is supported by a large number of visitors to and workers within the City Centre there remains spare capacity, and measures to increase usage are being developed.

Gross income from car parks (excluding the Park and Ride car parks) during the reporting period was £3,152,778 with expenditure of £2,021,956 leaving a surplus of £1,130,822. This does not take account of the income for the car parks operated by other departments with the Council. These include Singleton car park, the Recreation Ground car park, St. Helens Foreshore car park and Knab Rock car park. These car parks are operated by the Council’s Culture and Tourism Service..

## **6. Abandoned Vehicles**

The Parking Services Section includes an officer with specific responsibility for the investigation of complaints regarding burnt out and abandoned vehicles.

The removal of abandoned, burnt and unroadworthy vehicles is a key measure to improve safety on roads and in communities. The City and County of Swansea

vehicle removal scheme has been recognised as best practice chiefly because it aims to remove the means to commit crime.

By removing abandoned, burnt and unroadworthy vehicles it has been possible to reduce the number of vehicle arsons over the past few years. The saving to the taxpayer is considerable as each car fire costs upwards of £4000 to the fire service and court costs on top of this make the costs considerably higher.

The Abandoned Vehicles Team receives over 15 calls a week regarding abandoned, dangerous and unroadworthy vehicles through its hotline number.

These reports are entered into a database which records all the relevant information i.e.

- vehicle make, model, colour
- registration
- location and condition of the vehicle.

A DVLA check is carried out to ascertain the current keeper details prior to an on site vehicle check by the Abandoned Vehicles Inspector. Whilst at the vehicle the inspector completes a vehicle condition report form to assess the type of removal required.

If it is considered that the vehicle is in a dangerous condition it is treated as a priority removal and will be removed within 24 hours. This has had a very positive effect on the reduction of vehicle arson within the Swansea area.

The majority of vehicles that are removed by the partnership are unregistered - in other words they have been sold on from a previous owner and the new owner's details have not been submitted to the DVLA.

During the reporting period, a total of 824 complaints were received and investigated. This resulted in 257 abandoned and unroadworthy vehicles being removed.

In addition, working in partnership with the DVLA under devolved powers, the officer is empowered to remove untaxed vehicles from public roads. During the reporting period a total of 53 vehicles were removed.

In addition the Council received 56 complaints regarding either boats or caravans being left on the road. Whilst highway legislation does allow the Council to take action when the boat or caravan is causing an obstruction this is often very difficult to prove. There are no immediate powers available to the Abandoned Vehicles Officer to address this problem, which can cause distress to residents. Alternative approaches to tackling this problem are being considered.