

Civil Parking Enforcement (CPE) Devon County Council's Annual Report 2009/10

Executive Summary

- 51,131 PCNs were issued in Devon during 2009/10.
- Of those issued, 19% were appealed against, informally and formally.
- 0.35% of Penalty Charge Notices issued were progressed to the Traffic Penalty Tribunal adjudication service.
- The overall deficit for the CPE service was £658,882
- This deficit was funded from the on-street parking account which includes revenue from parking charges and permits.

Foreword – Councillor Stuart Hughes, Cabinet Member for Highways and Transportation

Civil Parking Enforcement enables Devon County Council to ensure parking policies are implemented effectively, assisting us in meeting the objectives of the Devon Local Transport Plan. Benefits of effective enforcement can include improved traffic flow, fewer accidents, a fairer distribution of available parking places and a more pleasant environment. CPE is another tool that aids Devon County Council in meeting the network management duty requirements of the Traffic Management Act 2004.

In the second year of operation we have again experienced a very low percentage of Penalty Charge Notices being challenged and progressed to the Traffic Penalty Tribunal, which indicates that they are being issued in a fair and consistent manner. We have seen an overall improvement in the deficit of the service and continue to deliver the service effectively in partnership with the city, borough and district councils.

1. Introduction

In May 2008 the necessary powers were granted by the Secretary of State for Transport, in the form of a Statutory Instrument, designating the county of Devon as a Civil Enforcement Area. In Devon, we currently operate a two tier system of local government and therefore this power applies equally to the district owned off-street car parks as well as the on-street parking restrictions.

Civil Parking Enforcement (CPE) in Devon is being delivered via an agency agreement established between the county council and each of the district partners. The agreement is for the provision of Civil Enforcement Officers (CEOs), employed by the district and city councils, who carry out the enforcement duties on-street and for the processing of penalty charge notices (PCNs), including consideration of challenges and appeals as well as processing payments of the charge.

In general the service across Devon has continued to develop in a positive way during the second year of operation. The officers involved in delivering the service have gained valuable experience and continue to offer the best service possible.

There is a high demand for parking management that in turn supports the local economy, allows residents to park outside their homes and plays a significant part in improving road safety.

2. Devon County

Transport in Devon is a function of its geography, its environment and its social and economic make up. The importance of tourism within the region and within Devon itself is reflected in significantly increased traffic flows and peak period congestion in the summer, both on the strategic networks and within the major settlements.

Devon is a county with a high quality landscape and environment, and while much of its area is sparsely populated it also has major urban areas and larger towns. Its main urban area, Exeter, has an extensive rural hinterland while other parts of the county, in the south and south west, relate closely to the adjacent urban areas of Plymouth and Torbay. This settlement pattern has resulted in contrasting characteristics in terms of transport and travel patterns, with congestion in Exeter and some larger towns but remoteness and relatively poor accessibility in the most rural areas. Devon has a large number of historic market and coastal towns which play a key role as focal points for local services and facilities.

The size of the county also means that its highway networks are extensive and, in addition to the national routes, there are over 12,800 km of county roads, more than any other highway authority area in England. This network is a key asset to local communities and its maintenance is a priority for ensuring effective accessibility and safety. Traffic in Devon has grown steadily over the past 20 years, a product of increased car ownership, increased need to travel and significant growth in population.

All of the above adds to the challenge of effectively managing the network through effective enforcement of parking restrictions. The contrasting characteristics mean that different challenges are experienced in each of the districts and the city. The challenge is to deliver a service that is consistent and at the same time is adaptable to these different characteristics.

3. Policy and Priority

3.1 Devon County Council priorities

- To manage congestion to ensure the economic vitality of the community
 - by restricting parking on strategic routes
 - by managing travel demand by limiting and charging for kerb space
 - by promoting alternatives to the car by providing bus, taxi and cycle lanes.
- Improving road safety
 - by maintaining inter-visibility at junction and bends, and,
 - by introducing restrictions outside schools and on routes to schools.
- To promote accessibility to jobs and services
 - by providing disabled parking
 - by providing for “shopmobility”
 - by providing “car share bays”
 - by providing for buses, taxi, cycles and motorcycles
- Ensuring access to the public highway
 - by restricting parking at accesses
- Improving the amenity of Devon

- by restricting parking on footways
- by preventing damage to verges or open space
- by protecting historic buildings and structures
- by promoting community markets and use of the highway
- Balancing parking demand
 - by encouraging the use of off-street car parking
 - by providing kerb space for each user in line with demand and the amenities available

3.2 Enforcement priorities

On-street enforcement is prioritised as follows:-

- **Priority 1 - Incidents on the highway**
 These are events that are either planned or un-planned, and have an effect on the movement of traffic along the highway which can be eased by the appropriate enforcement of restrictions. The traffic restriction may be a temporary traffic regulation order introduced to facilitate a planned event. The enforcement service is required to react to incidents on the highway, as directed by the Traffic Manager, and must be flexible enough to deploy resources to accommodate planned events.
- **Priority 2 - Strategic Routes**
 These are key radial routes into urban areas and any other route that if congested would result in progressive gridlock in part or all of the urban area. Enforcement on these routes will occur during peak hours and, if required, will be directed by the Traffic Manager through the Highway Operations Control Centre when problems are detected.
- **Priority 3 - Road safety**
 This is enforcement of yellow lines where they have been introduced as a road safety measure. For example, yellow lines introduced to ensure good visibility for motorists, cyclists and pedestrians at junctions, crossings and schools.
- **Priority 4 - Demand Management**
 This is enforcement of on-street pay and display and residents' parking to ensure turnover of permitted parking bays, in support of the economy, and also to ensure that residential areas are not being used for commuter parking in support of our congestion plan. It is about ensuring our demand management measures work and providing turn over to aid business and support commuter modal shift.
- **Priority 5 - Accessibility**
 This is enforcement of permitted parking bays other than pay and display, for example bus stop clearways, loading bays, taxi ranks and disabled parking bays. This is to support the economy by ensuring that deliveries can be made, people can access facilities, and also ensures accessibility for disabled drivers. It is about ensuring access for all goods and services.
- **Priority 6 - Amenity**
 This is enforcement of all other restrictions, most notably limited waiting parking bays that are in place to serve local amenities such as shops, libraries, and facilities in towns.

3.3 Traffic Management Act

The main objective of the enforcement service is to manage the highway network in support of the county and districts' parking strategies and congestion plan. The secondary objective is to prevent parking that causes a road safety issue, for

example on double yellow lines at a junction. These objectives reflect the Traffic Management Act 2004 (TMA) which puts a responsibility on the highway authority to ensure the safe and expeditious movement of traffic on the authority's road network.

3.4 Penalty Charge Notices

No incentives or bonuses for the number of PCNs issued by individuals or councils have ever been offered as part of the CPE service. Enforcement is designed to improve the day to day management of traffic and enable the appropriate turnover of on-street car parking to support the Devon Congestion Strategy and access to local businesses. Devon County Council **does not** operate an aggressive enforcement regime aimed at maximising income.

4. Key changes 09/10

During 2009/10, there have been a number of key changes to the way Civil Parking Enforcement is delivered and the powers that enforcement officers have. These key changes include:-

- “School keep clear” markings

A traffic regulation order has been introduced to support existing “school keep clear” road markings across the county. This has formalised the majority of markings which were previously only advisory and as such only enforceable by the Police. The introduction of a regulation order means that civil enforcement officers are now able to issue penalty charge notices to motorists parked on these markings. This will only be done as a last resort. Prior to this, the enforcement service will work in liaison with the headmaster and local Police to educate and advise motorists. These markings are for road safety reasons to help protect all children attending the school.

- Dropped kerbs / double parking

On 1st June 2009 Devon County Council and its district partners, along with all other Civil Parking Enforcement areas outside London, were granted additional powers to enforce double parking offences, and parking at dropped kerbs or raised carriageways at crossing points, cycle lanes and driveways.

Double Parking is defined as “any vehicle wholly parked more than 50cms from the kerbside” and considered to be an obstacle or a hazardous to other road users. Motorists who commit these offences will be liable for a £70 Penalty Charge Notice (PCN) from 1 January 2010.

- Blue badge abuse

Blue badges allow disabled and elderly drivers with mobility difficulties to park unrestricted and for free. Their fraudulent use is preventing legitimate badge holders from parking close to where they need to be.

In an exercise to raise awareness of the issue and to encourage people to report blue badge misuse, Devon County and South Hams District Councils, in collaboration with the Police, visited Totnes to speak to blue badge users. The main purpose of the exercise was to give badge holders information and let them know that further help is available from the county council. Drivers were also told that reports of misuse can be made to the county council's Customer Service Centre. Enforcement Officers also spoke to people where they spotted potential problems, for example approaching expiry dates or faded badge information. Police looked for badges previously reported as stolen.

Totnes was chosen for the exercise because the town is popular with visitors from all over Europe, where the Blue Badge scheme also operates. It is hoped that this exercise will be repeated in the next financial year.

5. Statistical information for Devon (On-street) 2009 / 2010

The following information is collated in line with guidance from DfT.

	Total PCNs
Number of higher level PCNs issued	29933
Number of lower level PCNs issued	21198
Total number of PCNs	51131
Number of PCNs paid	37657
Number of PCNs paid at discount rate	31986
Number of PCNs against which an informal or formal representation was made	9544
Number of PCNs cancelled as a result of an informal or formal representation	3491
Number of PCNs written off for other reasons (e.g. CEO error or driver untraceable)	2587
Number of appeals to adjudicators	178
Number of appeals non-contested	55
% of higher level PCNs issued	58.54%
% of lower level PCNs issued	41.46%
% of PCNs paid	73.65%
% of PCNs paid at discount rate	62.56%
% of PCNs against which an informal or formal representation was made	18.67%
% of PCNs cancelled as a result of an informal or formal representation	6.83%
% of PCNs written off for other reasons (e.g. CEO error or driver untraceable)	5.06%
% of appeals to adjudicator	0.35%
% of appeals non-contested	0.11%

7. Appeals and challenges

There are three stages of appeal. The first is an informal challenge which can be made directly after the PCN has been issued and prior to a "Notice to Owner". All informal challenges are considered by trained staff working in the district or city council where the PCN was issued. Instructions on how to appeal are shown on the back of the PCN. If the informal challenge is accepted then the PCN is cancelled. If the challenge is not accepted a "Notice of rejection" is sent and subsequently, if no payment is received, a "Notice to Owner".

The second stage of appeal, following a "Notice to Owner", is called a formal challenge. Again this is considered by the district or city council, however, it will be reviewed by a different member of staff from the informal challenge, so that the formal challenge is considered on its own merits. Again, if the formal challenge is accepted then the PCN is cancelled. If the challenge is not accepted a "Notice of rejection" is sent and the appellant is informed how to apply for the case to be considered by the Traffic Penalty Tribunal and an independent adjudicator.

This is the third and final stage of appeal when an independent adjudicator considers the evidence and decides whether the PCN should be paid or cancelled. There is no charge for cases to be considered by an adjudicator. However, the first two stages must be completed before an adjudicator will consider the case. A hearing can be conducted by post, on the telephone or in person at a local venue, such as a hotel, and are informal rather than being conducted in court.

The legal grounds of appeal are listed on the Notice of Appeal and are as follows:

- The contravention (offence) did not occur
- The penalty exceeded the relevant amount
- The Traffic Regulation Order was invalid
- "I was not the owner of the vehicle when the alleged contravention occurred"
- "The vehicle was taken without my consent" (e.g. stolen) at the time the alleged contravention occurred
- "We are a hire company and have supplied the hirer's name and address"

There are no grounds for making an appeal where the recipient acknowledges that a contravention occurred but argues that there were extenuating circumstances. However, the council will consider such cases on their merits. The need to show flexibility in dealing with exceptional cases will be balanced against the need to enforce parking controls firmly in the wider public interest.

8. Financial information for Devon

	On-street charges 08/09	On-street charges 09/10	Enforcement service 08/09	Enforcement service 09/10
Income on parking account	£1,798,797	£2,140,271	£1,060,672	£1,490,625
Expenditure on the parking account	£1,866,524	£2,308,486	£1,978,797	£2,149,507
Totals (surplus) / deficit	£67,727	£168,215	£918,125	£658,882

On-street account expenditure details;-

Expenditure to the on-street parking account, as detailed in the table above, accounts for a number of services supported by the income from pay and display machines. These include:

- Exeter Park & Ride services - £57,611
- Barnstaple Park & Ride services - £124,391
- Improved access at bus stops - £112,958
- Ivybridge Park & Ride services - £14,534
- Residents' parking schemes - £87,313
- On-street parking restriction line marking - £188,563
- Towns, villages and rural communities programme - £457,289 (this programme of works includes projects such as: Wheels to Work, Shopmobility, Ring & Ride, Totnes residents' parking schemes, Cullompton air quality study, Yelland power station link, Culm Valley bus corridor improvements, various town centre bus improvements.)
- Strategic highway signing - £31,827

The remainder of the expenditure was due to running costs of pay and display machines, introduction of new pay and display machines and the deficit shown for the civil parking enforcement service.

9. Compliance Surveys

As well as the statistical and financial information presented in this report, also included is a summary of compliance surveys that have been carried out during May and June 2009 and subsequently on the same days in 2010, as a comparison.

These surveys are designed to illustrate the effectiveness of the service, the level of compliance experienced in some of our main communities, and also to set a benchmark for comparison in future years on how the service is performing in terms of acting as a reasonable deterrent to prevent illegal parking. Compliance is measured as a percentage of the vehicles observed that are parked legally and is established by surveying an area within the community with a mixture of parking restrictions. Vehicle numbers were observed and notes made if they contravened a restrictions, i.e. parked on yellow lines, parked in pay and display without displaying a ticket or staying longer than allowed in a limited waiting bay.

The surveys are undertaken by traffic enumerators rather than CEOs, so motorists do not react to their presence. It is recognised that this only provides a snap shot of the situation. However, the results are quite interesting and show an improvement from year 1 to year 2 of operation.

District	Community/location	Compliance 08/09	Compliance 09/10
Exeter City	Exeter	68%	72%
East Devon District	Exmouth	72%	78%
Teignbridge District	Newton Abbot	74%	86%
South Hams District	Totnes	62%	87%
West Devon Borough	Tavistock	79%	90%
Torridge District	Bideford	77%	80%
North Devon	Barnstaple	72%	84%
	Woolacombe	63%	79%
Mid Devon District	Tiverton	62%	79%

Average		70%	82%
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The results show an average compliance of 82% across Devon which is a significant improvement on last year. It demonstrates that in our main towns most motorists are complying with the restrictions in place and that the enforcement service is acting as a suitable deterrent.

10. Conclusion

Just over 51,000 PCNs were issued in Devon during 2009/10, an increase of approximately 10,000 compared to the first year of operation. It is however difficult to compare like for like, as the first year of operation was not a complete year and the service was still being implemented during the first few months.

Less than 19% of PCNs issued were appealed against, which is comparative to last year. This demonstrates that only a small percentage of motorists felt that their penalty charge was unduly issued. Less than 0.4% of PCNs issued were progressed to the Traffic Penalty Tribunal. Further demonstrating that of the 19% appealed against, the majority were dealt with at the first two stages of appeal and were either paid or cancelled.

The compliance surveys show that, with an average compliance of 82% across Devon, in our main towns most motorists are complying with the restrictions in place and that the enforcement service is acting as a suitable deterrent.

The overall deficit for the CPE service was £658,882, down from over £900,000 in the first year. This deficit was funded from the on-street parking account which includes revenue from parking charges and permits. The on-street parking account in turn had an overall deficit of £168,215 and income of over £2.1 million. This deficit was funded from the surplus carried forward from previous years.