

Stevenage Borough Council

On Street Parking Service

Annual Report

2016/17



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1. Introduction

Stevenage is the largest town in north Hertfordshire with over 35,000 households and over 86,000 inhabitants and more people are making their home here every year. As the town becomes more densely populated pressure on the town's roads and the demand for parking spaces are increasing. This can lead to indiscriminate and obstructive parking in the town's streets with an ever increasing demand for parking controls and increasing pressure on the parking enforcement service.

Local Authorities that carry out Civil Parking Enforcement (CPE) are expected to be transparent and accountable in accordance with the Traffic Management Act 2004. This annual report sets out the key statistics in relation to enforcement activity and the finances of the parking account. Additional information required to be published in line with the Local Government Transparency Code can be found online at:

www.stevenage.gov.uk/about-the-council/access-to-information/70040/

2. Background

On-street parking enforcement in Stevenage was undertaken by Police Officers or Police employed traffic wardens until January 2005 when the Secretary Of State in conjunction with Hertfordshire Constabulary granted Stevenage Borough Council Decriminalised Parking Enforcement (DPE) powers under the Road Traffic Act 1991. This Act allowed local authorities to take over most of the enforcement relating to parking, including yellow lines, with only serious parking offences such as dangerous parking and obstruction being retained by the police.

On 31 March 2008 new regulations and a new legal framework were introduced under the Traffic Management Act 2004 (TMA) and the enforcement regime was renamed as Civil Parking Enforcement (CPE).

In respect of on-street parking enforcement Stevenage Borough Council acts on behalf of Hertfordshire County Council (the Highway Authority) under the terms of a parking agency agreement.

East Hertfordshire District Council enforces on-street parking controls on behalf of Stevenage Borough Council under a separate agency agreement. This agency agreement covers the provision of Civil Enforcement Officers and the processing of Penalty Charge Notices (PCNs).

3. The Purpose of Civil Parking Enforcement

The primary purpose of CPE, as identified in statutory guidance, is to support local authorities in their delivery of their overall transport objectives such as those detailed below.

- Managing the traffic network to ensure expeditious movement of traffic, (including pedestrians and cyclists), as required under the TMA Network Management Duty.
- Improving road safety.
- Improving the local environment.
- Improving the quality and accessibility of public transport.
- Meeting the needs of people with disabilities, some of whom will be unable to use public transport and depend entirely on the use of a car.
- Managing and reconciling the competing demands for kerb space.

These and other objectives that a local authority may seek to meet through its CPE operations are achieved primarily through encouraging compliance with parking restrictions and it is with this objective in mind that Stevenage Borough Council enforces parking on street throughout the Borough.

It is not always easy to prove that CPE has a positive effect. Driving along a free-flowing road or walking along a footway free of parked cars is rarely noted or associated with successful application of CPE.

Central government is also clear in explaining what CPE is not about. In particular, government emphasises that CPE is not to be regarded as a revenue raising exercise. Whilst Government accepts that local authorities will seek to make their CPE operations as close as possible to self-financing as soon as possible, it advises that any shortfall must be met from within existing budgets rather than falling on the local or national taxpayer.

4. Civil Parking Enforcement in Stevenage

The enforcement function is undertaken by East Hertfordshire District Council on behalf of Stevenage Borough Council and they contract with NSL to provide a team of Civil Enforcement Officers (CEOs) under the terms of a model contract developed by the British Parking Association (BPA). The contract ensures that performance is measured on the quality of the service.

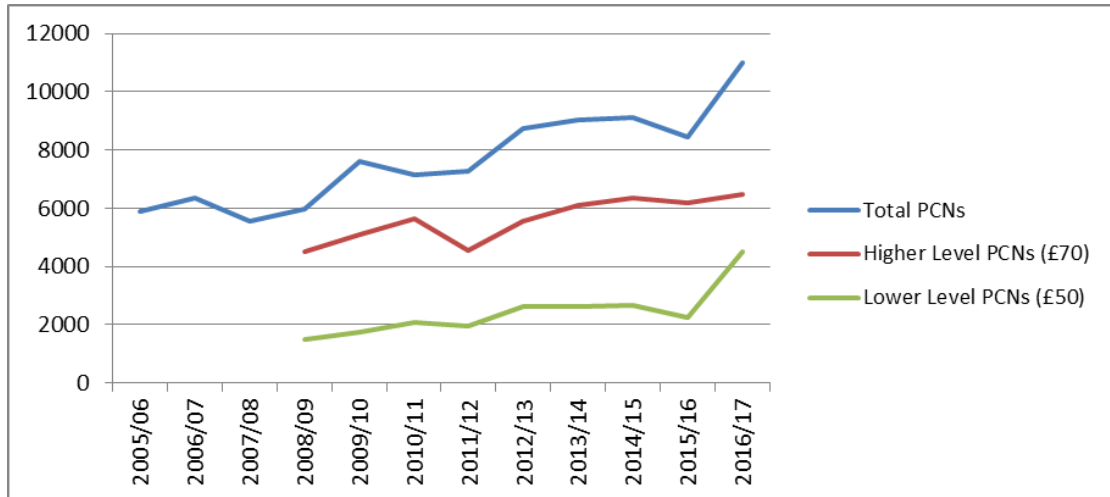
The enforcement contractor is closely monitored by Stevenage Borough Council and East Hertfordshire Council through monthly parking enforcement meetings to review performance against a set of Key Performance Indicators which monitor the time that officers spend on the streets, coverage of the restricted streets, the quality of any Penalty Charge Notices and conduct of CEOs to ensure that they are appropriate ambassadors for the council. No direct or indirect incentive exists in relation to the quantity of PCNs issued.

After a PCN has been issued, all subsequent processing, including the consideration of challenges is undertaken independently by officers of East Herts District Council in accordance with the Regulations. The Council regards this separation of functions as critical to avoid any suggestion that any commercial objectives may influence this important function. Council officers are properly disinterested in the outcome of cases, but have good local and procedural knowledge: important factors in reaching a correct and soundly based decision.

5. PCN Issuance

The number of Penalty Charge Notices (PCNs) issued since Stevenage Borough Council adopted CPE is detailed below. These figures include warning notices which may occasionally be used where issuance of full penalty charge notices are deemed to be unnecessary:

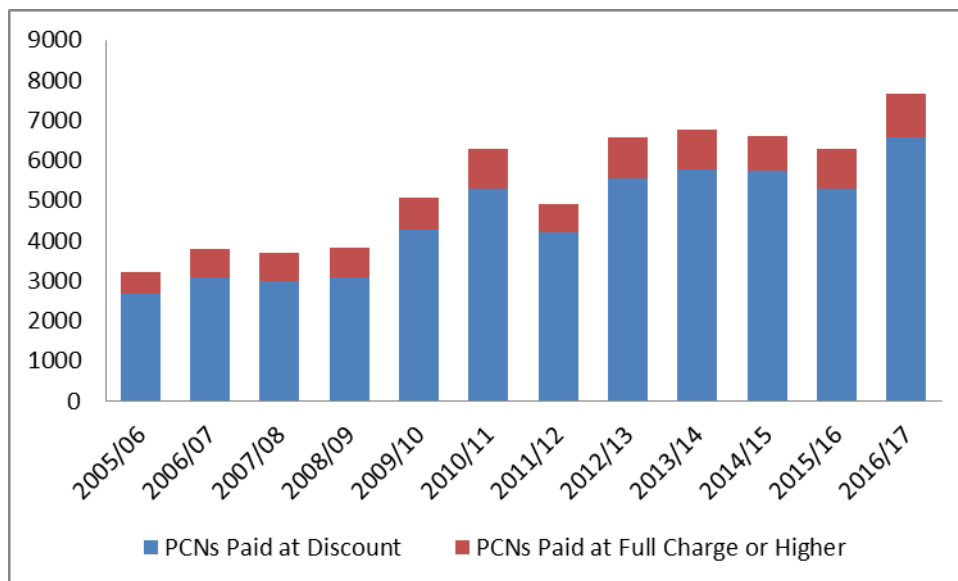
Year	PCNs Issued		Year	PCNs Issued
2005/06	5,885		2015/16	8,464
2006/07	6,348		2016/17	10,981
2007/08	5,551			
2008/09	5,988			
2009/10	7,600			
2010/11	7,130			
2011/12	7,287			
2012/13	8,731			
2013/14	9,022			
2014/15	9,114			



The number of higher level and lower level PCNs issued by Stevenage Borough Council this year is given below.

Year	Higher Level PCNs (£70)	Lower Level PCNs (£50)
2015/16	6,202	2,262
2016/17	6,479	4,502

When a PCN is issued, the recipient can either pay or make an informal representation asking us to cancel, citing relevant information and evidence for us to take into consideration. If the PCN is paid promptly, within 14 days from the date of issue, a 50% discount applies. Representations received within the initial 14 day period can result in a PCN being cancelled, but if a decision is made not to cancel the PCN we allow a further 14 days from the decision date for payment at the 50% reduced rate. If the decision is made not to cancel the PCN, following a formal representation, the Owner can take matters further if they wish and make an appeal through an independent adjudication service, known as the Traffic Penalty Tribunal (TPT).



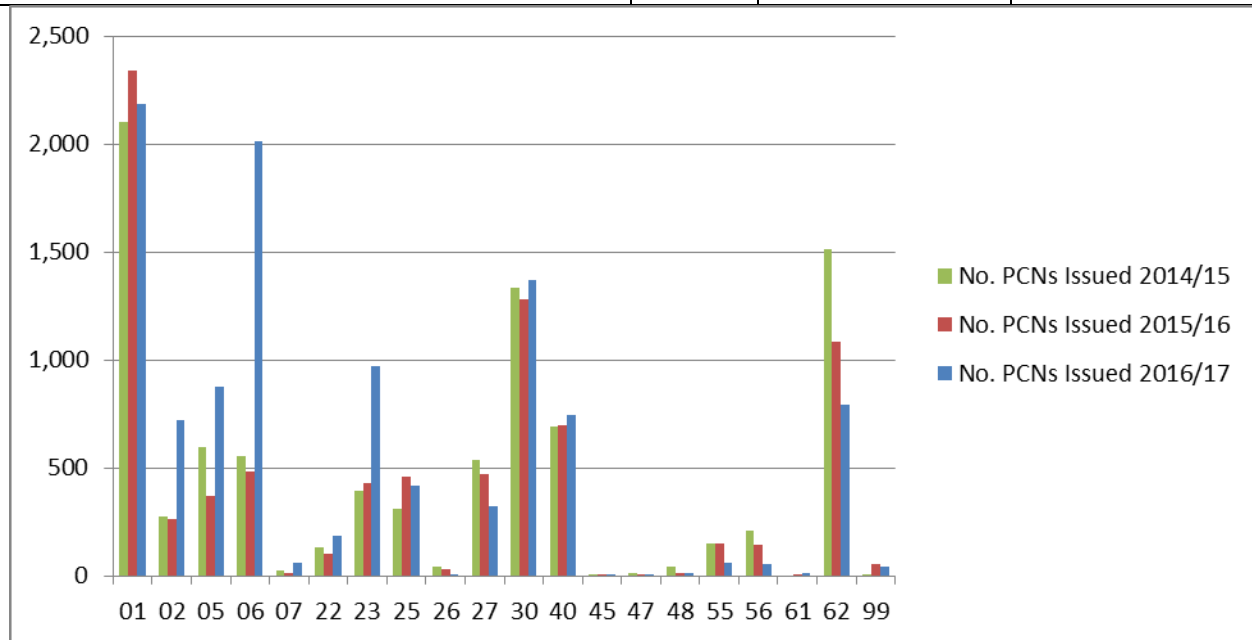
Year	PCNs Paid at discount	PCNs paid at full price
2005/06	2,659	563
2006/07	3,093	707
2007/08	2,999	691
2008/09	3,104	704
2009/10	4,269	794
2010/11	5,283	995
2011/12	4,207	704
2012/13	5,554	1,006
2013/14	5,784	994
2014/15	5,734	869
2015/16	5,345	1,062
2016/17	6,580	1,097

The figures indicate that the great majority of motorists who receive a PCN accept their liability for the penalty charge and make prompt payment.

The number of PCNs issued for each type of contravention enforced by our CEOs is detailed in the following table:

Code	Contravention	Level	No. PCNs Issued 2016/17	No. PCNs Issued 2015/16	No. PCNs Issued 2014/15
01	Parked in a restricted street during prescribed hours (yellow lines)	Higher (£70)	2,185	2,342	2,102
02	Parked or loading/unloading where waiting and loading/unloading restrictions are in force	Higher (£70)	721	264	275
05	Parked after the expiry of paid for time	Lower (£50)	874	368	598
06	Parked without clearly displaying a valid pay & display ticket or voucher	Lower (£50)	2,013	481	556
07	Parked with payment made to extend the stay beyond initial time (feeding the meter)	Lower (£50)	60	14	27
22	Re-parked in the same parking place or zone within the prescribed no return time	Lower (£50)	186	106	133
23	Parked in a bay or area not designed for that class of vehicle (goods vehicle loading only)	Higher (£70)	972	428	396
25	Parked in a loading place during restricted hours without loading	Higher (£70)	416	463	312
26	Parked more than 50cm from the edge of the carriageway	Higher (£70)	9	34	45
27	Parked adjacent to a dropped footway (or verge)	Higher (£70)	324	470	538
30	Parked for longer than permitted (in a limited waiting bay)	Lower (£50)	1,369	1,283	1,332
40	Parked in a disabled bay without clearly displaying a valid blue badge	Higher (£70)	747	698	695
45	Parked on a taxi rank	Higher (£70)	5	7	2
47	Parked on a restricted bus stop	Higher (£70)	4	10	13

Code	Contravention	Level	No. PCNs Issued 2016/17	No. PCNs Issued 2015/16	No. PCNs Issued 2014/15
48	Stopped in restricted area outside a school (school keep clear markings)	Higher (£70)	14	16	41
55	A commercial vehicle parked in a restricted street in contravention of an overnight waiting ban	Higher (£70)	61	151	148
56	Parked in contravention of a commercial vehicle waiting restriction	Higher (£70)	55	146	213
61	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	Higher (£70)	14	9	0
62	Parked with one or more wheels on any part of an urban road other than a carriageway. (footway parking)	Higher (£70)	794	1,086	1,514
99	Parked on pedestrian crossing zig zags	Higher (£70)	42	57	10



Challenges, Representations & Appeals

As of 31 July 2017, 5.6% of PCNs issued during 2016/17 remained unpaid.

Any motorist who receives a PCN is entitled to challenge its issue. The Traffic Management Act 2004 sets out a number of statutory grounds on which a PCN may be challenged which, if established, require a local authority to cancel the motorist's liability for payment of the penalty charge.

In addition to those who invoke one or more of the statutory grounds, a large number of motorists contact the Council each year offering mitigating circumstances which they hope will lead to cancellation of the penalty charge on discretionary grounds. Stevenage Borough Council in its partnership with East Hertfordshire District Council has adopted a set of Enforcement Guidelines to guide its staff in enforcement decisions in a wide range of circumstances.

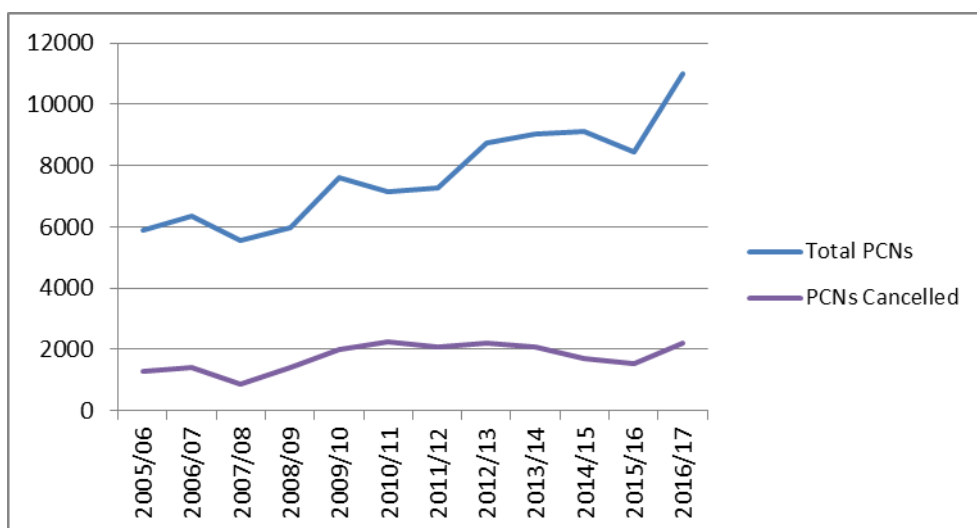
No set of guidelines can ever cover the range of situations in which motorists find themselves; however the Enforcement Guidelines are invaluable in terms of setting a framework and establishing the tone of the Council's enforcement practices.

The main reasons ascribed to the Council's cancellation of PCNs during 2016/17 are detailed here:

Reason for cancellation	2016/17	2015/16	2014/15
Valid pay and display ticket or permit produced	214	34	40
Explanation accepted	195	128	146
Blue badge holder	373	377	383
Cancelled for discretionary reasons	321	207	260
No trace from DVLA	249	157	120
Write off before registering debt – addressee moved	292	272	276
CEO error	50	44	94
DVLA no trace – foreign vehicle	55	56	46
Cancelled with a warning	132	63	56
PCN spoilt before issue	83	79	79
Proof of loading/unloading provided	41	64	64
Vehicle driven away before PCN can be served	60	18	6
Other various cancellation reasons such as police vehicle, driver deceased, vehicle breakdown etc	142	226	252

The number of PCNs cancelled in previous years is as follows:

Year	PCNs Cancelled
2005/06	1,264
2006/07	1,407
2007/08	866
2008/09	1,416
2009/10	1,979
2010/11	2,253
2011/12	2,076
2012/13	2,204
2013/14	2,070
2014/15	1,716
2015/16	1,725
2016/17	2,207



A small percentage of PCNs issued each year will eventually be written off, usually because the motorist/owner cannot be traced. This is typically because of an inadequate record at the DVLA or because the motorist/owner is no longer at the address they have registered with the DVLA.

It is important to emphasise that cancellation of a PCN does not mean that it should not have been issued in the first place. There are many occasions where a CEO is quite correct to issue a PCN based on the evidence available at the time, but where the Council quite correctly cancels the Notice upon receipt of evidence from the motorist as to the circumstances that led them to park as they did on the day in question.

For example, a medical emergency may have overtaken the motorist or their passenger. A CEO could not possibly know of this at the point of issue, but properly evidenced to the Council, such a situation would normally lead to the cancellation of the penalty charge on discretionary grounds.

There are also a number of circumstances where a motorist's activities exempt them from the restrictions detailed in the Traffic Regulation Order. The main exemption concerns loading or unloading. A CEO cannot always know

that such an activity is taking place and in these circumstances it may be necessary for the recipient of a PCN to challenge its issue, again supplying such evidence as may be available in support of their case.

The general rule concerning Civil Parking Enforcement is that where a council alleges a contravention it is for the council to establish, on balance of probabilities that the contravention occurred. The exception to this rule is where the motorist seeks to claim an exemption (such as loading or unloading), in which case the motorist must satisfy the council, again on the balance of probabilities, that they were entitled to the benefit of that exemption at the time the PCN was issued.

Stevenage Borough Council has in the past endeavoured to benchmark its performance on a regular basis with nearby local authorities whose demographics broadly match its own.

However these authorities have not yet published sufficient data for this exercise to be undertaken for 2016/17.

Should the council reject a statutory representation, the vehicle's owner is entitled to appeal that decision to the independent Parking Adjudicator.

The Traffic Penalty Tribunal issues an Annual Statistics Report in which the performance of all local authorities in England and Wales is benchmarked. As the Traffic Penalty Tribunal has not yet released annual statistics for 2015/16 or 2016/17 it has not been possible to provide appeals statistics and benchmarking as has been done previously.

Debt Registration and Bailiffs

If a motorist does not pay the penalty charge or is unsuccessful in challenging the notice (and assuming an accurate address is held by the DVLA) the notice may be registered as a debt in the County Court. Only at this stage does a penalty charge become a civil debt.

Although it is not required to do so, East Hertfordshire District Council sends a further letter to the vehicle owner before registering the penalty charge at the County Court. This affords motorists a final chance to make payment of the penalty charge before it is registered as a debt.

In 2016/17 367 PCNs were registered as a debt in the county court. This represents 3.3% of the total number of PCNs issued during the year, although the date of issue of many of these PCNs will have been prior to the period in question as by definition, debt registration can only take place a number of months after the issue of a PCN. Failure to pay a county court registered debt within the timescale specified will result in the passing of the debt to bailiffs.

6. Parking Improvement Schemes

The traffic management objectives of CPE as identified by Government and set out on page 3 & 4 of this report remain at the core of this authority's enforcement.

As national, regional and county-wide transport strategies develop, local authorities will need to develop their parking services in response. As Stevenage continues to grow, we will also need to further develop parking strategies tailored to the differing circumstances we face.

We are continuing to progress the rolling program of restrictions that began in 2007 with verge and footway parking prohibition and restrictions on waiting to ensure the safe and expeditious flow of vehicles throughout Stevenage. Work is underway to introduce verge and footway parking prohibitions and waiting restrictions in the Broadwater wards.

The council is also investigating and pursuing restrictions in other parts of the town. This includes measures to address parking pressures experienced by residents due to commuter parking, to deter hazardous or obstructive parking in individual problem locations around the town, and to support the town's economy.

Projects completed or substantially completed in 2016-17 include:

- the introduction of restrictions to prevent hazardous or obstructive parking at a number of junctions in Shephall and Bandle Hill;
- a reorganisation of parking in Woolners Way to prevent obstructive parking in parts of the road, and facilitate residential parking near Monument Court;
- a 60% increase in on-street parking availability in the New Town Centre; and
- introduction of an electric car club based in the New Town Centre to help residents.

Stevenage Borough Council has for many years opted to invest capital into the construction of additional parking spaces in residential streets to ease parking pressures for residents. By removing parked vehicles from the roads in these areas it has helped to keep the streets passable for traffic and properties accessible to for refuse collection and emergency services vehicles improving both convenience and safety.

In 2016-17 £47,600 was spent on the projects listed in the table below.

Residential Parking Scheme	Extra Spaces Provided
Hydean Way	9
Burydale	10

7. Financial Information

The Road Traffic Act 1991, which brought in Decriminalised Parking Enforcement until it was superseded by the Traffic Management Act in April 2008, required local authorities to seek to make their parking enforcement regime self-financing as soon as possible. Local authorities were not, however, allowed to design and run their enforcement regime to make a surplus. Any surplus that was generated was 'ring fenced' to fund improvements in related areas such as passenger transport or parking related schemes.

As more and more local authorities took on DPE powers, government increasingly recognised that for many, particularly smaller boroughs and district councils, achieving break-even would not be possible. Accordingly, the Traffic Management Act 2004 softened this requirement. From 1 April 2008 a local authority has been able to apply for CPE powers without demonstrating that it will break even, but on the understanding that any deficit would be met from within existing funding. Government made it clear that national or local taxpayers are not to bear any shortfall. The annual cost of enforcement (contract cost) and annual income from PCNs issued by the Council is shown below.

Year	Contract Costs	PCN Revenue
2006/07	£123,545	£74,000
2007/08	£203,264	£157,343
2008/09	£247,933	£188,476
2009/10	£229,858	£187,390
2010/11	£333,868	£239,362
2011/12	£299,112	£182,442
2012/13	£277,559	£229,961
2013/14	£336,955	£262,824
2014/15	£334,351	£272,511
2015/16	£359,565	£261,915
2016/17	£381,463	£311,262

It is a commonly held belief that parking enforcement is treated by local authorities as a revenue raising exercise; however it will be seen that (in common with many local authorities) Stevenage Borough Council does not break even on its enforcement activities alone.

The growing disparity between contract costs and PCN revenue reflects inflationary and other upward cost pressures experienced while penalty charges set by the government remain unchanged.

The shortfall is effectively made up from the Council's General Fund, which includes surpluses received from fees for parking in council owned car parks as well as income from on street pay and display charges. This is perhaps appropriate, as one of the reasons why a motorist will have been able to drive to a Stevenage car park with the minimum of inconvenience and find a space is compliance achieved through effective enforcement.

The further, statutory requirements placed on Stevenage Borough Council in respect of its financial reporting of its enforcement activity are addressed in the Council's Budget Book and summarised below.

Income and (Expenditure) on Parking Account

Breakdown of income by source

Penalty Charge Notices	£311,262
Pay and display parking charges	£189,834 ¹
Government Grant	£0
Contribution from Other Authorities	£0
Miscellaneous Income	£3,700
Total Income	£504,796

Breakdown of expenditure by source

Contract costs	£381,463
Internal costs (staffing, accommodation etc.)	£53,780
Maintenance of parking signs and road markings	£17,796
Sundry other costs	£1,712
Changes to parking restrictions and related infrastructure	£95,764
Total Expenditure	£550,514

¹ This includes an extra-ordinary refund to the account of VAT that was historically misapplied to pay and display parking charges.