

# **CITY & COUNTY OF SWANSEA**

## **PARKING ANNUAL REPORT FOR 2013 - 14**

### **1. Introduction**

- 1.1 On the 1<sup>st</sup> September 2008 The Welsh Assembly Government designated The City and County of Swansea a Civil Enforcement Area for Parking Contraventions and also a Special Enforcement Area. This removed the responsibility for the enforcement of 'on street' parking contraventions from South Wales Police and placed the onus of responsibility on the Council.
- 1.2 This document reports on the performance of the service from the 1<sup>st</sup> April 2013 to the 31<sup>st</sup> March 2014 i.e. the 2013 / 14 financial year. The report identifies performance for enforcement operations both in car parks and on street.
- 1.3 Working under the powers derived from Part 6 of the Traffic Management Act 2004 the following changes to parking operations in the City and County of Swansea have taken place:

The enforcement of parking regulations are 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 Civil Enforcement officers prevents the officer from serving it in this manner, or he/she drives off prior to the officer having an opportunity to serve the notice, the notice will be served by post.

Penalty Charges vary dependant 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. A full break down of the contraventions by category is contained in Appendix A.

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 the Council fully cooperates with the Tribunal.

The responsibility for the payment of penalty charge notices rest 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 the either Excel Enforcement Limited, Andrew James Enforcement or Swift Credit Enforcement Agent Services who are empowered to recover the debt on behalf of the Council.

- 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 City and County areas of Swansea.
- 1.7 This report contains both financial and statistical information and this is broken down to identify enforcement, payment and cancellation rates both on street and off street (car park). The following pages of this report contain this information with explanations where required.

## **2 Off Street Parking**

- 2.1 The City and County of Swansea has a total of 53 car parks listed in the 'The Council of the City and County of Swansea (Off Street, Parking Places) (Pay and Display) Consolidated 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. During the year the Park and Ride sites were update from pay and display to pay on foot.
- 2.3 In addition to an enforcement role, the Parking Services Section is responsible for the supervision of car parks. Officers provide a permanent presence in the Quadrant, St. David's and High Street multi storey car parks and at the three park and ride sites.
- 2.4 There are 86 payment stations located throughout the City and County area and these are maintained by staff who are also responsible for the collection and reconciliation of the cash from these machines. During the 2013 / 14 financial year this totalled £3,514,182, including Season Tickets and Staff Parking.
- 2.5 During the year approximately £557k was invested, as part of a spend to save project, to upgrade the payment and other equipment within the car parks. All car parks now have modern up to date equipment that we believe provides a better service to users; such as the ability to pay by card as well as cash. The systems also provide excellent back office management information that allows the equipment to be monitored for faults and provides valuable usage data.

- 2.6 Car parks charges vary with car parks designated as 'long stay', 'short stay', 'foreshore,' and 'suburban'. In addition thirteen car parks are currently identified as free. Two car parks are designated for season ticket holders only and one solely for the use of blue badge holders.
- 2.7 During the reporting period a total of 7,801 penalty charge notices were issued in respect of contraventions detected in our car parks. Chart 1 shows the monthly issue statistics and Table 1 below identifies the various contraventions. As can be seen the greatest number of contraventions relate to not clearly displaying a parking ticket.

Chart 1

**MONTHLY ISSUES OF OFF STREET PCNs  
SHOWING HIGHER AND LOWER LEVEL CONTRAVENTIONS**

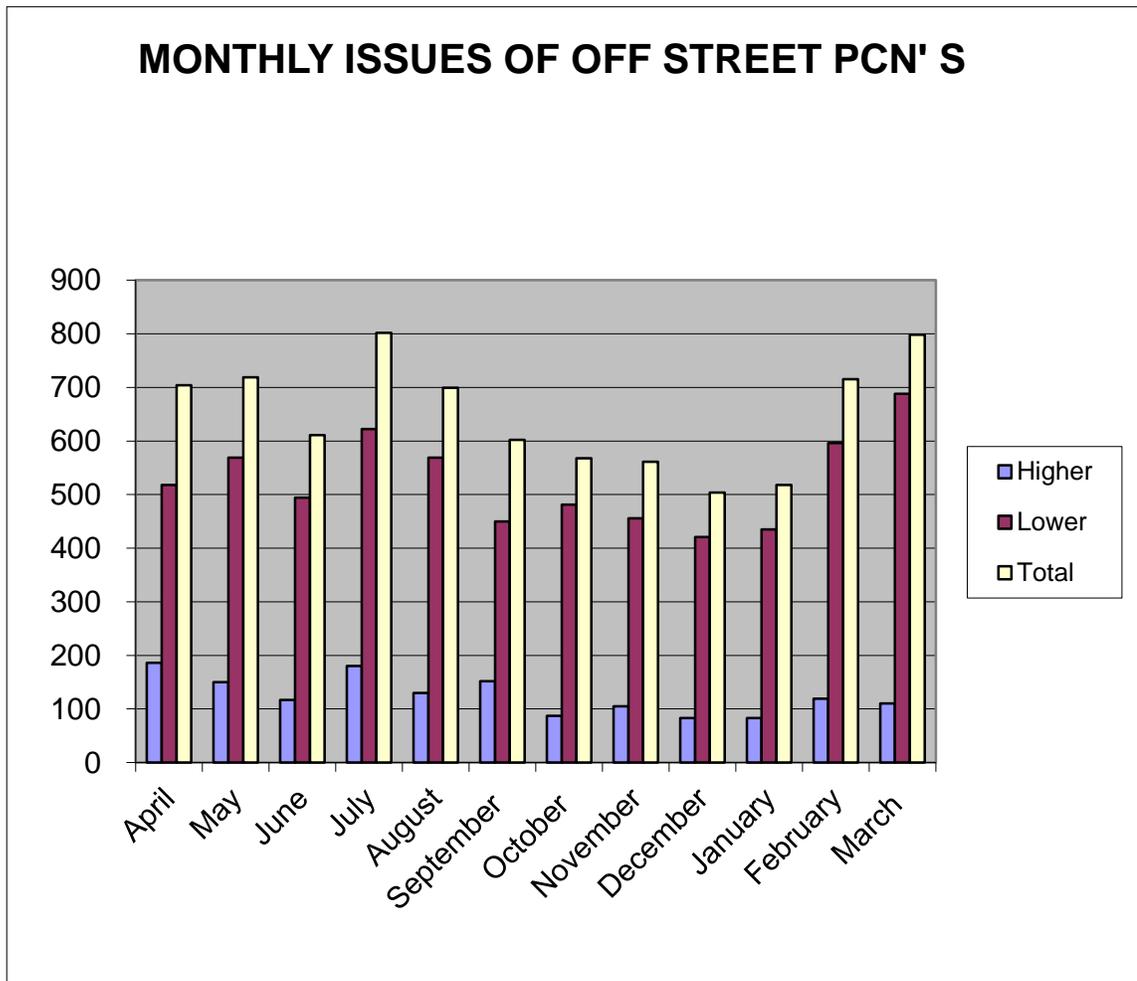


Table 1

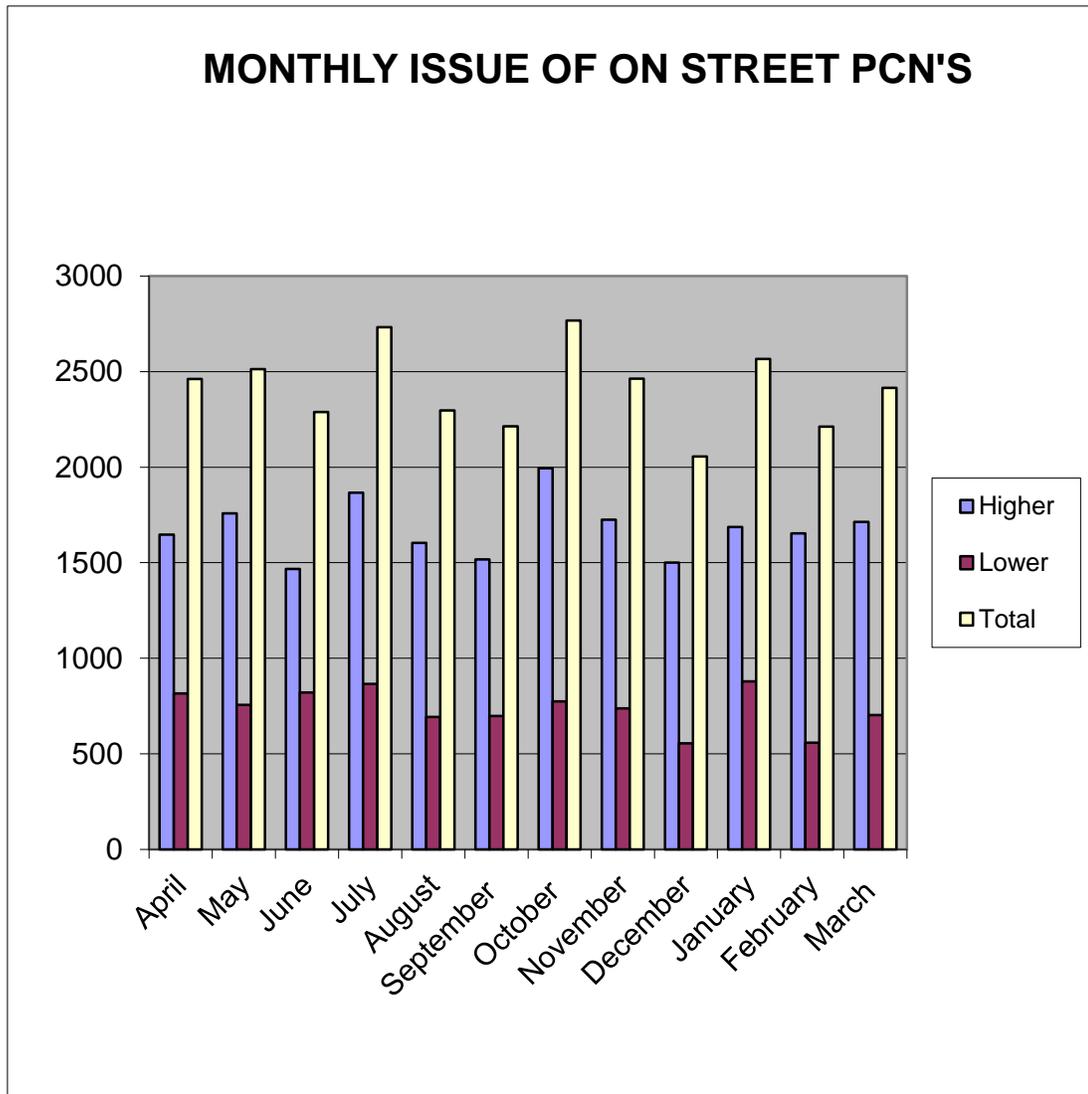
<b>Contravention Code</b>	<b>Contravention</b>	<b>Number of PCNs issued</b>
<b>Higher Level</b>		
70	Parked in a loading area	2
74	Parked for sales of goods	1
81	Parked in a restricted area	47
85	Parked in a permit bay	1,042
87	Disabled persons parking without badge	399
91	Wrong class of vehicle	5
92	Obstruction	6
<b>Lower Level</b>		
80	Parked longer than permitted	21
82	Parked after payment expired	1,957
83	Parked without clearly displaying	4,099
86	Parked beyond bay markings	221
93	Parked in a closed car park	1
	<b>Total</b>	<b>7,801</b>

### 3 On Street Parking

- 3.1 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 the enforcement staff when managing on street parking.
- 3.2 Parking operations in the City and County cover four controlled parking zones (City Centre, Sandfields, St. Thomas and the Enterprise Park), a large number of resident permit parking schemes, time restricted, loading and disabled bays, pay and display bays and the many single and double yellow lines.
- 3.3 During the reporting period a total of 28,988 on street penalty charge notices were issued. The Chart 2 below shows the monthly issue rate for the reporting period.

Chart 2

**MONTHLY ISSUE OF ON STREET PCNs  
FOR HIGHER AND LOWER RATE CONTRAVENTIONS**



3.4 Table 2 below identifies the various contraventions. As can be seen the greatest number of contraventions relate to parking in restricted streets (i.e. double yellow lines), parking for longer than permitted and parked in residents bays without displaying a permit.

Table 2

<b>Contravention Code</b>	<b>Contravention</b>	<b>Number of PCN's issued</b>
<b>Higher</b>		
01	Parked in a restricted road	6,593
02	Loading in a restricted street	2,214
12	Parked in a Residents bay	5,320
16	Parked in a permit space	368
21	Parked in a suspended bay	4
23	Wrong class of vehicle	34
25	Parked in a loading bay	2,452
26	Double parking	16
27	Dropped footway	461
40	Disabled person's parking	1,584
45	Taxi Rank	452
46	Clearway	87
47	Restricted bus stop	415
48	Restricted school area	22
49	Cycle Track or Lane	3
55	Overnight lorry waiting ban	1
62	Footway parking	10
99	Pedestrian crossing	99
<b>Lower</b>		
05	Parked after payment expired	61
06	Parked without clearly displaying a pay and display ticket or voucher	173
11	Parked without payment	2
19	Parked in residents or shared use bay displaying invalid permit	556
22	Re-parking within prohibited time	360
24	Not parked correctly	59
30	Parked longer than permitted	7,637
35	Disc without clearly display	3
36	Disc longer than permitted	2
	<b>Total</b>	<b>28,988</b>

#### 4 Correspondence

- 4.1 It is every driver or owner's right to challenge the validity of a penalty charge notice or to present mitigations as to why the penalty charge notice should not be paid. The challenge / appeals process is set out in the legislation and information relating to this process is included on the Council's website. The website also 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.

- 4.2 There is clear and informative guidance to ensure that the Council's back office team, which comprises a supervisor, four full time and five part time members of staff, deals with all incoming correspondence in a consistent and transparent manner.
- 4.3 The Council is legally obliged to consider and respond to correspondence at any stage in the process and the legislation requires responses to be sent in a timely fashion. Whilst the legal requirement is to provide a response within a 56 day period, the Council aims to respond to all challenges within 14 days.
- 4.4 During the reporting period a total of 35,782 items of mail were sent from the Parking Services section to motorists who had received a penalty charge notice. Incoming items of mail numbered 15,769.
- 4.5 In addition 120 case files were prepared for the Traffic Appeals Tribunal. The preparation of each of these 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 also be prepared.
- 4.6 4,623 cases, of the 36,790 issued were stopped either because a challenge was accepted or because the case could not be pursued. This represents 12.56% and is well within the 20% that we were originally advised would probably be unrecoverable.

## 5 Financial Reporting

- 5.1 The Civil Parking Enforcement account receives income from on-street Pay and Display and Penalty Charge Notices (PCN)). Table 6 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.
- 5.2 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.*

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

Table 6

Source of Income	Income
Penalty charge notices: On Street	£962,092
Penalty charge notices: Off Street	£214,861
On-street Pay and Display Plymouth & Oxford Street	£9,315
Total	£1,186,268

- 5.4 The expenditure associated with these operations, which offsets income from the on-street charges and payments of penalty charges notices, amounted to £1,125,310.

- 5.5 There was therefore a reported surplus of £60,958.

- 5.6 As stated in paragraph 5.1 any surplus must be used for specific purposes. During the reporting period the three Park and Ride scheme operated by the Council reported a loss of £563,914 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;]'*

- 5.7 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 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 centre workers and shoppers. There is therefore a need to ensure the continued operations of these valuable services.

- 5.8 The surplus of £60,958 supports the operational expenditure of the city's Park and Ride service.