

East Herts Council

Report on Parking Enforcement

2014/15

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1. Introduction

The Traffic Management Act 2004 requires local authorities that undertake Civil Parking Enforcement to issue an annual report on their enforcement activities.

East Herts Council adopted Civil Parking Enforcement (CPE) powers on 17 January 2005. In respect of on-street parking enforcement East Herts enforces on behalf of Hertfordshire County Council (the highway authority) under the terms of an agency agreement. As the parking authority East Herts is responsible for the management and enforcement of its off-street car parks.

East Herts Council enforces on-street parking restrictions on behalf of Stevenage Borough Council and on-street and some off-street parking controls on behalf of Welwyn Hatfield Borough Council, again under separate agency agreements.

This annual report concerns only on-street and off-street parking enforcement undertaken within the East Herts Council area in 2014/15.

2. The Purpose of Civil Parking Enforcement

Historically, on-street parking enforcement was undertaken by police officers or police-employed traffic wardens and penalties were enforced under the criminal law. Local authority car parks have always been enforced by the relevant council, but until the arrival of CPE council enforcement action in car parks was also based on criminal law.

A process of decriminalisation of most on-street and all off-street parking offences began in London in the mid-1990s and this process, now termed Civil Parking Enforcement (CPE) has spread across the United Kingdom in the last twenty years.

The primary purpose of CPE identified in Statutory Guidance issued alongside the TMA 2004 is to support local authorities in their delivery of their overall transport objectives as follows:

- 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 fulfil through its CPE operations are achieved primarily through promoting compliance with parking restrictions and it is with this objective in mind that East Herts Council operates its parking enforcement service throughout the district.

It is not always easy to prove that CPE is having a beneficial 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. Similarly, an ability to find a space in a clean, safe and well lit car park is usually taken for granted – and rightly so.

Central government is clear in explaining what CPE is *not* about. In particular, government emphasises that CPE is not to be exploited by local authorities 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.

3. Policy and Priorities

Transport is of great concern to the community of East Hertfordshire

The East Herts Sustainable Community Strategy 2009-2024 confirms that East Herts has the highest rate of car ownership in Hertfordshire with 1.48 vehicles per household compared to a national average of 1.11. At the same time, 13% of households have no access to a car.

Government predictions of traffic growth in East Herts are much higher than the national projection, due largely to anticipated increases in the number of households and jobs in the district. East Herts residents also have the highest carbon footprint in the county as, with the exception of train services delivering commuters to London, public transport choices within the district are limited.

The economic and environmental consequences of traffic congestion are becoming increasingly well understood and local authorities have a responsibility to minimise their effects. Local authorities have a duty to promote the wellbeing of their communities on a wide range of fronts, including their economic vitality. For a variety of reasons, many town centres throughout the country are suffering a decline and although cost and availability of parking is not the only contributing factor, public opinion is that parking matters play a critical factor in the economy of our towns. East Herts Council communicates on a regular basis with local businesses and residents to identify, develop, balance and introduce parking solutions that can support shoppers, businesses and local communities.

Hertfordshire County Council maintains a Local Transport Plan (LTP), setting out its key objectives for the development and management of transport across the county. The current plan, LTP3, covers the period 2011-2031.

East Herts has adopted its own Parking and Transportation Strategy 2012-2022 in which the Council has set out the following aims:

- We will seek to maintain car parking income at current levels in real terms
- We will seek to ensure that users pay for the parking service rather than the council tax payer
- We will promote existing and explore new technologies to improve the overall convenience of parking in East Herts
- We will seek where possible and appropriate to match parking capacity with demand.
- We will seek to develop and implement parking solutions that reflect local needs
- We will make the economic vitality of East Herts a core consideration when developing parking services

The Strategy also confirms the enforcement priorities of the East Herts community. A majority of respondents to a 2011 survey of East Herts residents saw them support an emphasis on the traffic management purposes of Civil Parking Enforcement (CPE), by using it as a tool to promote:

- Safety around schools (69% made this their highest or second highest priority)
- Safe parking in general (67% made this their highest or second highest priority)
- Keeping traffic moving (34% made this their highest or second highest priority)

These priorities echo the purpose of CPE as set out in the Statutory Guidance issued under the Traffic Management Act 2004

The Council's Strategy Ambition for its parking service is therefore summarised as follows:

- That East Herts subscribes publicly to the traffic management objectives of CPE set out above and commits to operating its parking management and enforcement service in ways that deliver against these objectives.
- That East Herts implements additional enforcement powers where these support the statutory objectives of CPE and our communities' stated priorities.

4. Civil Parking Enforcement in East Herts

CPE in East Herts is undertaken by a team of Civil Enforcement Officers (CEOs) spread across the district. The enforcement function is undertaken by a contractor under the terms of a model contract developed jointly by the British Parking Association (BPA), government, enforcement contractors and service providers and endorsed by the Parliamentary Transport Select Committee. The contract ensures that performance is measured on the *quality* of the service, rather than the emphasis being based on quantitative measures such as PCN issue.

The enforcement contractor's performance is closely monitored by the Council. A set of Key Performance Indicators is used to monitor the time that officers spend on the streets, coverage of the streets, the quality of any Penalty Charge Notices and the conduct of CEOs to ensure that they are appropriate ambassadors for the Council. No direct or indirect financial incentive exists in relation to the quantity of PCNs issued by the enforcement contractor.

After a PCN has been issued all subsequent processing, including the consideration of challenges is undertaken by officers of the Council. The Council regards this split in functions as critical to answer any suggestion that commercial imperatives play any role in this important function. Council officers are properly disinterested in the outcome of cases, yet have good local and procedural knowledge – important factors in reaching a correct and soundly based decision.

Although it has the powers by virtue of having adopted CPE, East Herts does not clamp or remove vehicles. Clamping is no longer favoured as an enforcement tool, as it often results in a 'problem' vehicle being made to remain at an inappropriate location for longer than is necessary.

The cost of setting up and running a removal operation, including a vehicle pound for the purpose of storing vehicles has been explored as well as the possibility of contracting out this service. The costs in East Herts were found to be disproportionate to any benefits it may deliver and the Council has elected not to employ this enforcement tool.

In 2014/15 the Council examined the potential of using a vehicle equipped with Automatic Number Plate Recognition cameras (ANPR) to boost its enforcement capability in particularly sensitive areas, such as outside schools. At the same time Government introduced restrictions on the use of CCTV for enforcement purposes, which have been enshrined in the Protection of Freedoms Act 2012. Whilst the Council has not ruled out the use of ANPR enforcement in future in clearly defined areas, the option has been shelved whilst the full effect of the changes introduced by the 2012 Act are monitored.

5. Enforcement Activity – On Street and in Car Parks

The number of PCNs issued since East Herts Council adopted CPE is detailed below:

Year	Total PCNs
2005/06	31,086
2006/07	26,772
2007/08	24,304
2008/09	26,966
2009/10	29,296
2010/11	29,586
2011/12	25,986*
2012/13	24,271*
2013/14	26,161*
2014/15	25,866*

* Figures for 11/12, 12/13 and 13/14 include Warning Notices (904 in 11/12, 282 in 12/13, 1,750 in 13/14 and 1,250 in 2014/15). Warning Notices are typically issued to warn motorists of restrictions that have been recently introduced. For the purpose of this report the 1,250 warning notices issued in 2014/15 are excluded from later statistical tables.

As stated earlier the primary purpose of CPE is to promote compliance with parking controls and improve road safety; therefore enforcement of car parks is of secondary importance to enforcement of yellow line restrictions on the highway, which has more pronounced safety issues. That said, many of our towns and villages rely on visitors to local shops and restaurants. Enforcement in car parks is therefore important, to ensure a regular turnover of vehicles and that car park users correctly 'pay and display'.

By definition, car parks are densely packed with vehicles; therefore the potential for contravention is greater than on the highway. As a result, there will always be more PCNs issued per patrolling hour in car parks than on street. This can give rise to the erroneous perception that CEOs concentrate on car park enforcement to the detriment of enforcement on the highway. In fact, East Herts requires its CEOs to spend *no fewer than 60% of total patrolling hours* enforcing on-street parking restrictions.

The split of enforcement hours deployed in 2014/15 was 65% on-street and 35% off-street.

The split of on-street and off-street PCNs issued in 2014/15 and in previous years is given in the table below.

Year	On-Street PCNs	Off-Street PCNs
2005/06	40%	60%
2006/07	38%	62%
2007/08	40%	60%
2008/09	41%	59%
2009/10	46%	54%
2010/11	50%	50%
2011/12	46%	54%
2012/13	47%	53%
2013/14	47%	53%
2014/15	41%	59%

The number of PCNs issued for the main on-street and off-street parking contraventions are detailed in **Appendix A**.

With effect from 2008/09, Government introduced differentiated penalty charges, whereby some parking contraventions attract a higher level penalty charge according to their perceived seriousness. The latter are typically on-street contraventions. Details of parking contraventions enforced in East Herts between 2010 - 2015 and their associated penalty charge are detailed in **Appendix B**.

Graphs tracking the number of PCNs issued for the main on-street and off-street parking contraventions in the past five years are shown in **Appendix C**.

The number of higher level and lower level PCNs issued in East Herts since differential charges were introduced is given below.

Year	Higher Level PCNs (£70)	Lower Level PCNs (£50)
2008/09	9,562	17,404
2009/10	11,650	17,646
2010/11	12,766	16,820
2011/12	10,948	15,039
2012/13	10,127	13,862
2013/14	9,823	14,588
2014/15	8,357	16,255

East Herts Council will continue to develop its parking enforcement service in ways that meet statutory requirements and the enforcement and other local objectives of the community whilst recognising that flexibility is needed to respond to an environment that can change on an almost day to day basis.

Recent and forthcoming developments in the service are addressed in **Section 8** of this report.

6. Enforcement Activity – Representations, Appeals and Beyond

A 50% discount applies to a penalty charge paid within 14 days of the date of issue. The number of PCNs paid at the discounted rate in previous years is as follows:

Year of Issue	PCNs Paid at Discount
2005/06	17,558 (57%)
2006/07	14,426 (54%)
2007/08	13,645 (56%)
2008/09	15,181 (56%)
2009/10	15,994 (55%)
2010/11	16,703 (56%)
2011/12	15,967 (61%)
2012/13	13,775 (57%)
2013/14	15,169 (62%)
2014/15	14,577 (59%)

The above payments will either have been made immediately upon receipt of the PCN or following an informal challenge which the Council has declined. This emphasises the fact that the majority of motorists who receive a PCN accept their liability for the penalty charge and make prompt payment.

Following the 14 day period the penalty charge reverts to its full value and the penalty charge increases in set steps thereafter. The number of PCNs issued in previous years that were paid at the full rate or higher is as follows:

Year	PCNs Paid at Full Charge or Higher
2005/06	4,048 (13%)
2006/07	4,211 (16%)
2007/08	3,753 (16%)
2008/09	2,638 (10%)
2009/10	2,990 (10%)
2010/11	2,891 (10%)
2011/12	3,137 (12%)
2012/13	3,035 (13%)
2013/14	3,096 (13%)
2014/15	3,018 (12%)

Any recipient of 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 (**Appendix D**).

In addition to those who invoke one or more of the statutory grounds for cancellation, a significant number of motorists contact the Council offering mitigating circumstances which they hope will lead to cancellation of the penalty charge on a discretionary basis. East Herts has adopted a set of Enforcement Guidelines to assist staff in enforcement decisions in a wide range of circumstances.

No set of guidelines can cover the full range of situations that motorists put forward in their challenges; however the Enforcement Guidelines are invaluable in terms of setting a framework and establishing the tone of the Council's enforcement practices. The current Enforcement Guidelines are scheduled for one of their periodic reviews during 2015/16.

The main reasons ascribed to the Council's cancellation of PCNs during 2014/15 are detailed in **Appendix D**.

The number and percentage of PCNs cancelled and written off since the Council adopted CPE is as follows:

Year	PCNs Cancelled/Written Off
2005/06	5,622 (18%)
2006/07	5,832 (22%)
2007/08	3,946 (16%)
2008/09	5,902 (22%)
2009/10	6,967 (24%)
2010/11	8,411 (28%)
2011/12	5,792 (22%)
2012/13	5,521 (23%)
2013/14	5,400 (22%)
2014/15	5,811 (22%)

Write-offs, which are a subset of cancelled PCNs, usually occur because the motorist/owner cannot be traced – either because of an inadequate record at the DVLA, because the motorist/owner is no longer at the address they have registered with the DVLA or because the vehicle foreign registered.

It is important to emphasise that the Council's cancellation of a PCN does not mean it should not have been issued in the first place. There are many scenarios where a CEO is 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 additional evidence from the motorist as to the circumstances that led them to park as they did on the day in question. A common example relates loading or unloading. From the evidence available at the time a CEO standing next to a vehicle parked in apparent contravention may not know that this exempt activity is taking place. In these circumstances it may be necessary

for the recipient of a PCN to challenge its issue, supplying such evidence as may be available in support of their case.

There are a number of circumstances where a motorist's activities gain them automatic exemption from the restrictions detailed in a Traffic Regulation Order. For example, fire, police and ambulance vehicles enjoy an automatic exemption when engaged in official activities.

The general rule concerning Civil Parking Enforcement is that where the council alleges a contravention has taken place 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.

The tables below show key areas of performance in 2014/15 compared to a number of nearby local authorities. (Results for Stevenage and Welwyn Hatfield Councils are included although it will be appreciated that East Herts enforces on an agency basis for these councils).

2014/15

Local Authority	PCNs Issued	PCNs Paid
Three Rivers	3,949	3,040 (77%)
Watford	23,217	15,555 (67%)
Welwyn Hatfield	8,533	6,296 (74%)
East Herts	24,616	16,990 (69%)
Dacorum	14,661	10,150 (69%)
Stevenage	8,983	6,585 (73%)

It has not been possible to benchmark accurately councils' PCN cancellation/write-off rates. Some (e.g. East Herts) actively cancel PCNs where evidence suggests that the penalty charge is non-recoverable. Others allow them to continue on their systems as 'open' cases and therefore report lower cancellation rates.

Should the council reject a statutory representation, the vehicle's owner is entitled to appeal that decision to the independent Parking Adjudicator. During 2014/15 thirty four PCNs were the subject of an appeal to the Parking Adjudicator – an appeal rate of 0.14%. (It will be appreciated that due to the inevitable time lag between the issuing of a PCN and the right to appeal, a number of these appeals will relate to PCNs issued in the previous year).

The Traffic Penalty Tribunal issues an Annual Report in which the performance of all local authorities in England and Wales is benchmarked. The following table

compare EHC's performance at appeal in 2014/15 to the national average and to the results for all other DPE councils in Hertfordshire in 2013/14 – the most recent year for which full figures are available.

Appeals 2013/14	No. of appeals	Rate of appeal per PCN issued	Not contested by council	Allowed in favour of appellant including not contested	Refused in favour of Council	Awaiting decision/Witness statement
National Picture	16,497	0.35%	30%	56%	43%	1%
Broxbourne	29	0.24%	21%	38%	62%	0%
Dacorum	23	0.15%	19%	29%	71%	0%
EAST HERTS 2014/15	34	0.14%	3%	15%	85%	0%
Hertsmere	24	0.46%	50%	58%	38%	4%
North Herts	23	0.14%	60%	70%	30%	0%
St Albans	89	0.42%	40%	69%	30%	1%
Stevenage	39	0.44%	5%	39%	58%	3%
Three Rivers	9	0.24%	0%	4%	56%	0%
Watford	99	0.37%	29%	47%	52%	1%
Welwyn Hatfield	23	0.26%	19%	57%	38%	5%

A local authority's performance at appeal can be regarded as an indicator of its performance at earlier stages in the enforcement process. As can be seen, East Herts' performance in 2014/15 was markedly better than the national average in 2013/14 in every respect and on key metrics was the best in Hertfordshire.

The low 'not contested' rate is particularly noteworthy. The Traffic Penalty Tribunal recognises that local authorities may justifiably not contest appeals on occasion, primarily when evidence comes to light during the appeals process that was not available at an earlier stage. The tribunal is on record as suggesting a "not contested" rate of 20% of appeals or lower as reasonable – a higher rate might be indicative of poor decision making earlier in the enforcement process.

As well as being an essential judicial safety valve for the CPE process, individual appeal decisions and of course the Adjudicators' Annual Report contain findings, information and advice which can be of great assistance to local authorities in their operation of their on-street and back office enforcement regime. East Herts Council will continue to use these important sources of external comment and information to develop its enforcement practices.

Debt Registration and Bailiffs

If a motorist does not pay a penalty charge or is unsuccessful in challenging the PCN the penalty charge 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 Herts Council sends a 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 2014/15 1,045 PCNs were registered as a debt in the county court. This represents 4.2% of the total number of PCNs issued during the year, although the date of issue of some 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 a certificated enforcement officer (bailiff) for recovery. 714 PCNs were referred to the Council's bailiff in 2014/15

7. Financial Aspects of Civil Parking Enforcement

The Road Traffic Act 1991, which originally introduced Civil Parking Enforcement 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 generated inadvertently had to be 'ring fenced' to fund improvements in related areas such as passenger transport or car parks.

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 existing funding. Government has made it quite 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 overleaf. The figures exclude items such as East Herts Council staff costs and signs and lines maintenance.

Year	Contract Costs	PCN Revenue	Variance
2006/07	£806,544	£665,873	- £140,671
2007/08	£807,344	£650,720	- £156,624
2008/09	£969,323	£668,441	- £300,882
2009/10	£986,785	£718,928	- £267,857
2010/11	£996,916	£735,831	- £261,085
2011/12	£1,012,029	£658,611	- £353,418
2012/13	£756,044	£638,540	- £117,504
2013/14	£752,156	£669,144	- £83,012
2014/15	£731,433	£639,234	- £92,199

The significant narrowing of the variance from 2012/13 onwards is primarily a consequence of the Council's retendering of its enforcement contract from January 2012.

It is suggested that parking enforcement is regarded by local authorities as a revenue raising exercise; however it will be seen that (in common with many local authorities) East Herts Council makes a loss on its enforcement activities.

The revenue shortfall is effectively made up from surplus revenue from off-street pay and display parking. This is perhaps appropriate, as one of the reasons why a motorist will have been able to drive to an East Herts car park and find a space, ideally with the minimum of inconvenience, is because of compliance achieved through effective enforcement.

The further, statutory requirements placed on East Herts in respect of its financial reporting of its enforcement activity are addressed in **Appendix F** to this report.

8. Recent and Planned Developments

i) Developments in 2014/15

Hertfordshire County Council is carrying out a review of town centre restricted parking zones across the county during 2014/15/16. East Herts Council has exploited the opportunity this created to complete a parallel study of limited waiting (free) bay availability in its town centres. This process identified nearly four hundred metres of yellow line restriction in Hertford, Bishop's Stortford and Ware that were converted to around seventy-four limited waiting (free) bays in early 2015. The expectation is that increased availability of parking of this type will have a positive effect on the economy of our towns.

As advised earlier, during 2014/15 the Council shelved plans to introduce an ANPR equipped vehicle to enforce sensitive areas such as school 'zig-zags'. As an alternative, the Council funded a full time Civil Enforcement Officer and vehicle to improve its ability to enforce safety-related school restrictions. In this

way the Council took a positive step towards delivering on the enforcement priorities identified by East Herts residents during its 2011 survey (see page five).

Schools in East Herts were consulted during the process and the new patrol began service in February 2015. Anecdotal evidence indicates that schools and parents have welcomed this new initiative. As always, the emphasis is very much on securing compliance rather than issuing PCNs; however between February and 31 March 2015, thirty-eight PCNs were issued to vehicles parked on school-related restrictions.

A significant change to the Council's enforcement service took place on 23 March 2015. In compliance with a change to Government guidance, East Herts Council now gives a ten minute 'grace' period following the expiry of free parking time on-street and pay and display parking time in its car parks before a PCN may be issued. Until that date the Council had allowed a five minute 'grace' period in these circumstances.

In September 2014 the Council began a two year trial of new car park charges in Hertford, Bishop's Stortford and Ware. The changes included a free first half hour's parking and 50% extra parking time for the same price on short stay tariffs. A report on the trial will be presented to Members in April 2016.

ii) Developments Planned for 2015/16

The current car park 'pay and display' machines are due to be replaced during 2016, as they are nearing the end of their life span. Since these machines were purchased in 2004 technological advances mean that a number of management options can be explored as part of the tender process. A comprehensive survey of each of the Council's car parks is being undertaken in 2015/16 to identify the most appropriate management system on an individual car park basis.

The aim of the above process will be to implement a service that delivers value for money and, where possible, gives the motorist choice in terms of how they can pay for and manage their parking. The emphasis will be on forms of cashless parking, including debit/credit and contactless payment although the option to pay using cash will be retained.

A 'pay by phone' service such as that currently in use in the Council's car parks will be used as a platform for the creation of individual virtual parking accounts ("My Parking Account") and motorists will be able to manage a range of parking requirements, including virtual 'pay and display', season tickets and (for those in on-street resident permit scheme areas), permit and visitor parking.

The Council has consulted with residents, businesses and other interested parties in the Southmill Road area, east of the town centre of Bishop's Stortford to gauge support for a residents' permit parking zone (RPZ). Majority support for

a scheme has been established and a Traffic Regulation Order detailing the Council's proposals will be advertised in the second half of 2015. Subject to the outcome of further studies this proposed RPZ may be extended in 2015/16.

Footway parking is another matter where Councillors and residents have expressed concern. It is rarely acceptable for a vehicle to be parked even partly on a footway – particularly if the safe passage of pedestrians is impeded as a result - but as the amount of vehicles increases and the competition for parking spaces becomes greater, uncontrolled footway parking will become an increasing problem.

Currently, for East Herts to be able to take enforcement action against footway parking, a Traffic Regulation Order would be required. Before this could be passed, a comprehensive survey of the district would have to be undertaken, identifying where footway parking might be allowed and where it should be prohibited. The Council is undertaking a study of footway and grassed verge parking during 2015, which will lead to the presentation of policy options to Members in February 2016.

A Private Member's Bill to better enable the management and enforcement of footway and grassed verge parking by local authorities was introduced in Parliament in 2014. The Council will monitor the progress of this Bill through the new Parliament and will take account of the effect it may have on East Herts Council's proposals in respect of footway and grassed verge parking enforcement.

An online case management system trialled in 2014/15 will be rolled out to a growing number of councils by the Traffic Penalty Tribunal in 2015/16. Although East Herts Council's appeal volume is small (thirty four in 2014/15) the Council looks forward to implementing a change that will improve the speed and user-friendliness of the appeals process to the benefit of all participants.

iii) Longer Term Developments

Major housing and retail developments, particularly in Bishop's Stortford, are likely to stimulate changing demands and challenges in respect of parking provision. The service will continue to anticipate and plan for these developments and in the case of Bishop's Stortford this includes a cost/benefit analysis of options to create additional off-street parking in the town, which will be concluded in 2015/16, as well as a review of the designation of individual car parks as the private sector car parking offer in the town becomes more pronounced.

The Council's contract with NSL Ltd for the provision of parking enforcement services will end on 16 January 2019. Preparations to re-tender the contract will begin in late 2016/17.

Appendix A

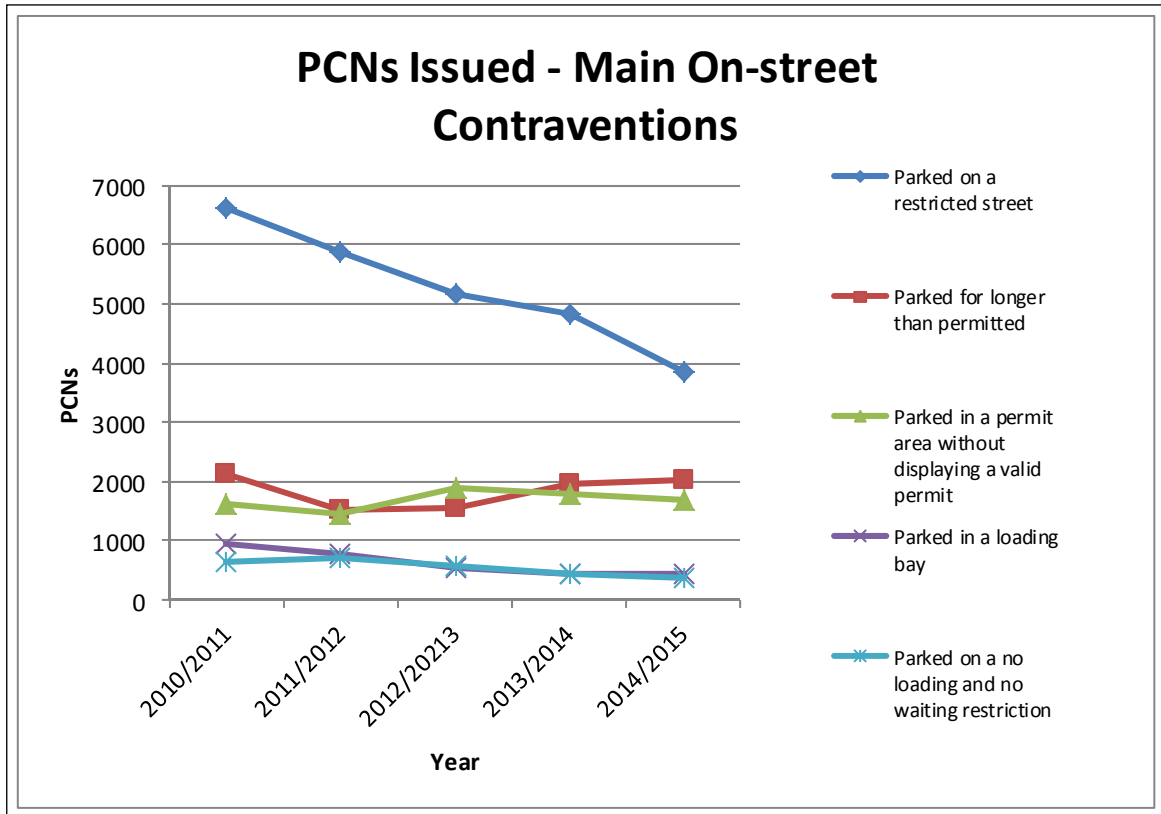
Principal On-street and Off-street Contraventions 2014/15

On-street

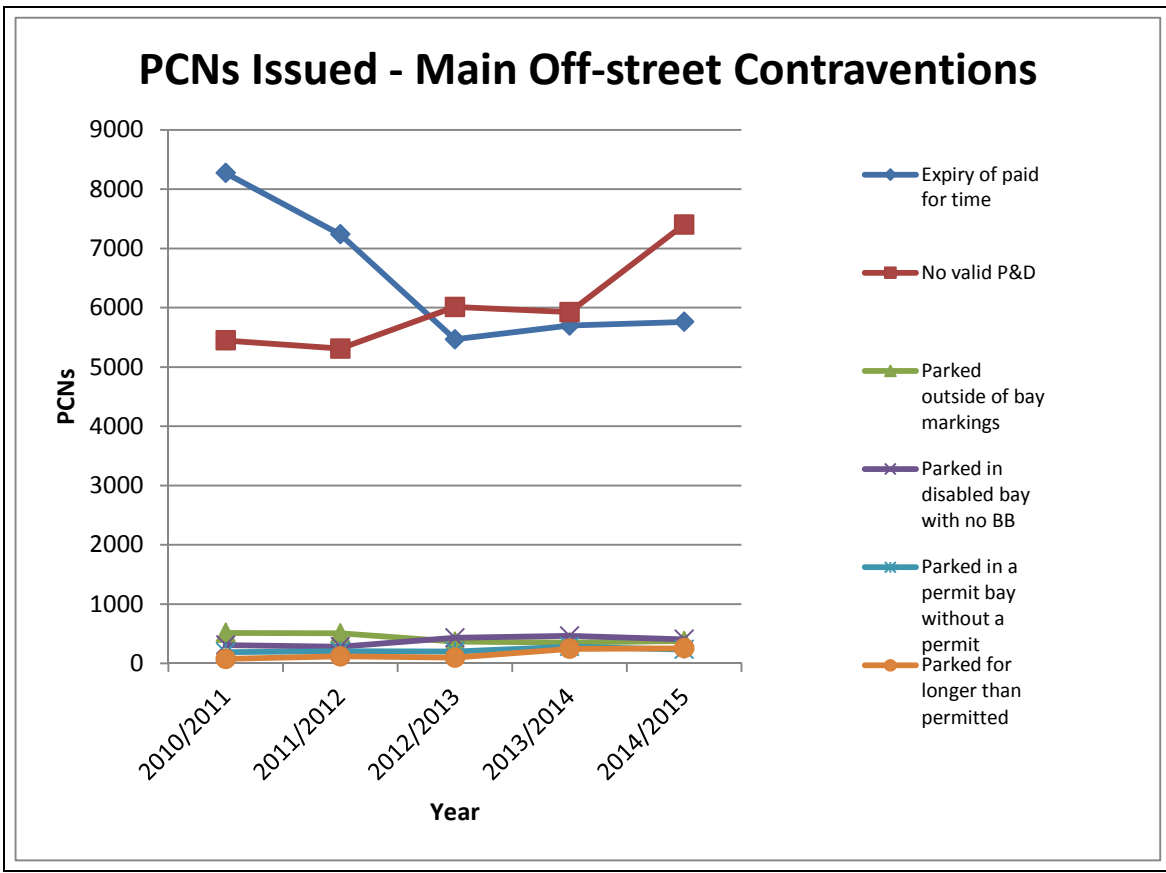
Contravention	No. of PCNs Issued 2014/2015
Parked in a restricted street during prescribed hours (yellow lines)	3856
Parked in a residents' area without displaying a valid resident's permit	2057
Parked for longer than permitted in a limited waiting bay	2031
Parked in a loading bay without loading	425
Parked or loading/unloading where waiting and loading/unloading restrictions are in force	374
Parked in a disabled bay without clearly displaying a valid blue badge	334
Parked in a bay or area not designed for that class of vehicle	284
Parked on a restricted bus stop	250
Parked adjacent to a dropped kerb or footway	245
Parked on a pedestrian crossing	63
Parked on a school keep clear markings	54
Parked in a taxi rank	44

Off-street

Contravention	No. of PCNs issued 2014/15
Parked without displaying a valid pay & display ticket	7402
Parked after the expiry of paid for time	5759
Parked in a disabled person's bay without displaying a valid blue badge	377
Parked outside of the bay markings	405
Parked for longer than permitted	256
Parked in a permit bay without displaying a permit	233
Parked in a restricted area within a car park	63
Parked in a car park bay not designated for that type of vehicle	40



The reducing number of Penalty Charge Notices issued for parking in a restricted street (i.e. on a single or double yellow line) is particularly noteworthy. As the Council does not undertake compliance monitoring it is difficult to prove beyond doubt that this is a consequence of improved compliance; however all other factors remaining equal and on the basis of anecdotal evidence received from Civil Enforcement Officers and others it would appear that compliance has improved since the Council adopted civil enforcement powers and then focussed its attention on on-street enforcement.



As can be seen, the majority of Penalty Charge Notices (PCNs) issued in car parks are for either failing to display a 'pay and display' ticket or for parking following the expiry of time paid for. The slight rise in the number of PCNs issued for the former contravention in the last year is likely to be a consequence of the introduction of a free half hour parking option in Hertford, Bishops Stortford and Ware car parks. For technical/legal reasons an overstay of this free half hour would lead to the issuing of a Notice for this contravention. (All other parking overstays give rise to the issue of a PCN for the latter contravention).

Central Government's introduction on 1 April 2015 of a mandatory ten minute 'grace' period following the expiry of parking time is likely to result in a reduction in the number of PCNs issued for overstays in coming years.

Appendix C

On-Street Parking Contraventions	Penalty Charge Level
Parked in a restricted street during prescribed hours	Higher (£70)
Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	Higher (£70)
Parked in a residents' or shared use parking place or zone without clearly displaying either a permit or voucher or pay and display ticket issued for that place	Higher (£70)
Parked in a residents' or shared use parking place or zone displaying an invalid permit, an invalid voucher or an invalid pay & display ticket	Lower (£50)
Parked in a suspended bay or space or part of bay or space	Higher (£70)
Re-parked in the same parking place or zone within one hour* of leaving	Lower (£50)
Parked in a parking place or area not designated for that class of vehicle	Higher (£70)
Parked in a loading place during restricted hours without loading	Higher (£70)
Parked in a special enforcement area more than 50cm from the edge of the carriageway and not within a designated parking place	Higher (£70)
Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway	Higher (£70)
Parked for longer than permitted	Lower (£50)
Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher (£70)
Parked on a taxi rank	Higher (£70)
Stopped on a restricted bus stop or stand	Higher (£70)
Stopped in a restricted area outside a school when prohibited	Higher (£70)
Stopped on a pedestrian crossing or crossing area marked by zigzags	Higher (£70)

Car Park Contraventions	Penalty Charge Level
Parked for longer than the maximum period permitted	Lower (£50)
Parked in a restricted area in a car park	Higher (£70)
Parked after the expiry of paid for time	Lower (£50)
Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	Lower (£50)
Parked in a permit bay without clearly displaying a valid permit	Higher (£70)
Parked beyond the bay markings	Lower (£50)
Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher (£70)
Parked in a car park or area not designated for that class of vehicle	Higher (£70)
Parked causing an obstruction	Higher (£70)

N.B. The amount of the penalty charge and the decision as to whether a specific penalty is higher level or lower level are both decisions for the Secretary of State for Transport.

Statutory Grounds for Challenging a Penalty Charge Notice at Notice to Owner and Appeal Stages

1. The contravention did not occur

For example:

- The signs and lines were wrong
- The PCN was not served
- The events alleged did not happen
- The vehicle was entitled to park
- loading/unloading was taking place
- A passenger was boarding/alighting
- A valid disabled person's badge was displayed
- A valid pay-and-display ticket or permit was displayed.

2. The penalty charge exceeded the amount applicable in the circumstances of the case.

This means that the council has asked for more than it was entitled to under the relevant Regulations.

3. The relevant Traffic Regulation Order (TRO) is invalid.

This means that the TRO was invalid or illegal.

4. There has been a procedural impropriety by the council.

This means that the council has not complied with the Regulations made under the Traffic Management Act 2004 (TMA) or the relevant regulations.

For example:

- The PCN or some other document did not contain the required information
- The council did not respond to a challenge or responded too late.

The recipient of the NtO/appellant is not liable to pay a penalty, because:

5. They did not own the vehicle when the alleged contravention occurred.

For example:

- They never owned it
- They sold it before or bought it after the date of the contravention. The appellant should provide information about the transaction including the new or former owner's name and address, if known.
- Some long-term leasing arrangements have the effect of transferring keepership from the registered keeper to the hirer.

6. The owner is a vehicle hire firm and:

- (i) the vehicle was on hire under a qualifying hiring agreement; and**
- (ii) the hirer had signed a statement of liability for any PCN issued during the hire period.**

This ground applies only to formal hire agreements where the hirer has signed an agreement accepting liability for penalty charges. The requirements are specific. They are contained in Schedule 2 to the Road Traffic (Owner Liability) Regulations 2000. The appellant should provide the hirer's name and address and a copy of the agreement.

7. The vehicle was taken without the owner's consent.

This ground covers stolen vehicles and vehicles used without the owner's consent.

It could apply, for example, to a vehicle taken by "joy-riders". It does not generally apply to vehicles in the possession of a garage or borrowed by a relative or friend.

If possible, the motorist should supply a **Crime Reference Number** from the police.

8. The penalty has already been paid:

- (i) in full; or**
- (ii) at the discount rate and in time.**

Appendix D

Principal reasons for PCN cancellation/write-off

Reason for cancellation	2014/15
Valid pay and display ticket or permit produced	1938
Cancelled for discretionary reasons	785
Cancelled with a warning	511
Explanation accepted	476
Blue badge holder	416
Write off before registering debt – addressee moved	335
No trace from DVLA	282
DVLA no trace – foreign vehicle	182
CEO error	174
PCN spoilt by CEO before issue	138
Proof of loading/unloading provided	105
Vehicle driven away before PCN can be served	52
Other cancellation reasons such as police vehicle, driver deceased, vehicle breakdown etc.	417

Appendix E

Financial Reporting

East Herts Council Financial Information – 2014/15

Total Income and (Expenditure) on Parking Account kept under Section 55 of the Road Traffic Regulation Act 1984

Total Income	£998,895.18 ¹
Total Expenditure	(£1,216,191.91) ²
Net Position	(£217,296.73)³

Breakdown of income by source

Penalty Charge Notices	£639,234.18
Residents Parking Schemes	£101,640.40
Section 106	£8,403.08
Contribution from Other Authorities	£248,192.32
Dispensations	£1,425.20
Miscellaneous Income	
Total Income	£998,895.18

¹ All income from on-street and off-street enforcement plus sale of on-street resident parking permits.

² All expenditure on parking enforcement (on-street and off-street) plus costs of on-street resident permit parking.

³ Deficit – expenditure in excess of income.

Annual and Cumulative Surplus (Deficit) on Parking Account (Excluding all car park income and expenditure)

31/03/2005	(£167,066.75)
	(£167,066.75)
31/03/2006	(£171,576.44)
	(£338,643.19)
31/03/2007	(£227,352.25)
	(£565,995.44)
31/03/2008	(£269,436.00)
	(£835,431.44)
31/03/2009	(£451,693.71)
	(£1,287,125.15)
31/03/2010	(£399,919.00)
	(£1,687,044.15)
31/03/2011	(£372,156.20)
	(£2,059,200.35)
31/03/2012	(£438,444.00)
	(£2,497,644.35)
31/03/2013	(£293,638.81)
	(£2,791,283.16)
31/03/2014	(£163,533.42)
	(£2,954,816.58)
31/03/2015	(£217,296.73)
	(£3,172,113.31)