

**East Herts Council**

**Parking Services**

**Report on Parking Enforcement**

**2013/14**

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## **1. Introduction**

In accordance with Traffic Management Act 2004 requirements local authorities that undertake Civil Parking Enforcement are required to produce an annual report on their enforcement activities.

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

East Herts Council enforces on-street parking controls on behalf of Stevenage Borough Council and on-street and some off-street parking controls on behalf of Welwyn Hatfield Borough Council, again under agency agreements. These agreements include the provision of Civil Enforcement Officers and the processing of Penalty Charge Notices (PCNs) by East Herts staff.

This annual report concerns only on-street and off-street parking enforcement undertaken within the East Hertfordshire District Council area.

## **2. The Purpose of Civil Parking Enforcement**

On-street parking enforcement was originally undertaken by police officers or police-employed traffic wardens. A process of what was called Decriminalised Parking Enforcement (DPE), now termed Civil Parking Enforcement (CPE) has spread across the United Kingdom in the last twenty years. The Secretary of State for Transport took reserve powers within the Traffic Management Act 2004 to compel remaining local authorities to adopt CPE.

The primary purpose of CPE as identified in Statutory Guidance issued pursuant to the Act 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 encouraging compliance with parking restrictions – and it is with this objective in mind that East Herts Council enforces parking controls both on and off-street throughout the district.

It is not always easy to prove that CPE is having 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. Likewise, being able to find space in a clean, well lit car park is usually taken for granted – and rightly so.

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.

### **3. Policy and Priorities**

Transport is of great concern to the community of East Hertfordshire

The East Herts Sustainable Community Strategy 2009-2024, “Everyone Matters”, 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, some 14% 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. Local traffic is forecasted to increase by 2012 to be 43.7% above 2001 levels, the highest in Hertfordshire. 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 carry 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 is constantly communicating with local businesses and residents to identify, develop, balance and introduce new parking solutions that can support shoppers, businesses and local communities.

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

East Herts has adopted its own Parking and Transportation Strategy 2012-2022 which has 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 clear majority of respondents to a survey of East Herts residents supported an emphasis on the traffic management purposes of Civil Parking Enforcement (CPE), for example by using it as a tool to promote:

- Safety around schools (69% made this their highest or second highest priority)
- Safety 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 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, local contractors and service providers and is 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 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 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 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 avoid any suggestion that any commercial objectives may influence 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 these enforcement tools.

## 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*

\* Figures for 11/12, 12/13 and 13/14 include Warning Notices (904 in 11/12, 282 in 12/13 and 1,750 in 13/14). Warning Notices are frequently issued to warn motorists of restrictions that have been recently introduced. For the purpose of this report, the 1,750 warning notices issued in 2013/14 are excluded from later statistical tables.

The above pattern of PCN issue is common to local authorities that take on CPE powers. An initially high level of PCNs decreases as motorists recognise that parking enforcement is in operation, leading to improved compliance. The slight growth in 2013/14 can be attributed, at least in part, to the implementation of additional controls such as resident permit parking schemes and to the 'bedding in' of a new enforcement contractor appointed in 2012.

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 have more safety issues. That said, many of our towns and villages rely on visitors to local shops and restaurants. Enforcement of 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 2013/14 was 65% on-street and 35% off-street.

The proportion of on-street and off-street PCNs issued in 2013/14 and in previous years is given in the table below.

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

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. These are typically on-street contraventions. Details of parking contraventions enforced in East Herts during 2012/2013 and their associated penalty charge are detailed in **Appendix B**.

The number of higher level and lower level PCNs issued by EHC since differential charges were introduced is given below.

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

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 authority 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 (with the date of issue counting as day 1). 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%)

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%)

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 C**).

In addition to those who invoke one or more of the statutory grounds a 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. 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 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 current Enforcement Guidelines are scheduled to be reviewed during 2015.

The main reasons ascribed to the Council's cancellation of PCNs during 2013/14 are detailed in **Appendix D**.

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

<b>Year</b>	<b>PCNs Cancelled</b>
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%)

Upwards of 8% of PCNs issued each year will eventually be written off, usually because the motorist/owner cannot be traced – either 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.

The tables below show key areas of performance in 2013/14 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).

#### 2013/14

<b>Local Authority</b>	<b>PCNs Issued</b>	<b>PCNs Paid</b>	<b>PCNs Cancelled</b>	<b>PCNs Awaiting Resolution</b>
<b>Three Rivers</b>	3,816	77%	8%	16%
<b>Watford</b>	22,379	68%	14%	18%
<b>Welwyn Hatfield</b>	8,366	76%	16%	8%
<b>East Herts</b>	24,411	75%	22%	3%
<b>Dacorum</b>	13,576	65%	23%	12%
<b>Stevenage</b>	8,996	74%	19%	7%

Should the council reject a statutory representation, the vehicle's owner is entitled to appeal that decision to the independent Parking Adjudicator. During 2013/14 forty-seven PCNs were the subject of an appeal to the Parking Adjudicator – an appeal rate of 0.18%. (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 2013/14 to the national average and to the results for all other DPE councils in Hertfordshire.

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
<b>National Picture</b>	<b>16,497</b>	<b>0.35%</b>	<b>30%</b>	<b>56%</b>	<b>43%</b>	<b>1%</b>
Broxbourne	29	0.24%	21%	38%	62%	0%
Dacorum	23	0.15%	19%	29%	71%	0%
<b>East Herts</b>	<b>47</b>	<b>0.18%</b>	<b>5%</b>	<b>26%</b>	<b>72%</b>	<b>1%</b>
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 a proxy indicator of its performance at earlier stages in the enforcement process. As can be seen, East Herts' performance in 2013/14 was markedly better than the national average 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 additional 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 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. EHC 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 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 Herts 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 2013/14 six hundred and sixty two PCNs were registered as a debt in the county court. This represents 2.7% 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 a certificated enforcement agent (bailiff) for recovery.

## **7. Financial Aspects of Civil Parking Enforcement**

The Road Traffic Act 1991, which brought in Decriminalised 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 that was generated was '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 within 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 below

<b>Year</b>	<b>Contract Costs</b>	<b>PCN Revenue</b>
<b>2006/07</b>	<b>£806,544</b>	<b>£665,873</b>
<b>2007/08</b>	<b>£807,344</b>	<b>£650,720</b>
<b>2008/09</b>	<b>£969,323</b>	<b>£668,441</b>
<b>2009/10</b>	<b>£986,785</b>	<b>£718,928</b>
<b>2010/11</b>	<b>£996,916</b>	<b>£735,831</b>
<b>2011/12</b>	<b>£1,012,029</b>	<b>£658,611</b>
<b>2012/13</b>	<b>£756,044</b>	<b>£638,540</b>
<b>2013/14</b>	<b>£752,156</b>	<b>£669,144</b>

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 smaller local authorities) East Herts does not break even on its enforcement activities alone.

The shortfall is effectively made up from the Council's General Fund, which includes surplus revenue from off-street pay and display parking as well as

income from resident permit charges. This is perhaps appropriate, as one of the reasons why a motorist will have been able to drive to an East Herts car park, ideally with the minimum of inconvenience and find a space, 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 E** to this report.

## **8. Planned developments**

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

As national, regional and county-wide transport strategies develop, so local authorities will need to develop their parking services in response. East Herts will also need to further develop its parking strategies tailored to the differing circumstances and needs of each of its towns and villages.

The current car park management system is due to be replaced during 2016/17, as the existing pay and display machines near the end of their life span. Since the purchase of these pay and display machines in 2004 technological advances mean that a number of alternative management options can be explored as part of the tender process. A comprehensive survey of each of the Council's car parks will be undertaken in 2014/15 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 gives the motorist choice in terms of how they can pay 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 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. Majority support for a scheme has been established and a Traffic Regulation Order detailing the Council's proposals will be advertised in early 2015.

Herts County Council is carrying out a review of the county's town centre restricted parking zones in 2014/15/16. East Herts Council has taken the opportunity to work with our County Council partners by funding a parallel study of limited waiting (free) bay availability in these areas. This has identified nearly

four hundred metres of yellow line across Hertford, Bishop's Stortford and Ware that will be 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.

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.

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 will undertake a study of footway and grassed verge parking during 2015, leading to the presentation of policy options to Members later in the year.

Looking further ahead 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 will include a cost/benefit analysis of options to create additional off-street parking in the town 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.

## Appendix A

### Principle on-street and off-street contraventions 2013/2014

#### 1. On-street

<b>Contravention</b>	<b>No. of PCNs Issued 2014/2015</b>
Parked in a restricted street during prescribed hours (yellow lines)	4,836
Parked for longer than permitted in a limited waiting bay	1,958
Parked in a residents' area without displaying a valid resident's permit	1,796
Parked or loading/unloading where waiting and loading/unloading restrictions are in force	434
Parked in a loading bay without loading	427
Parked on a restricted bus stop	394
Parked in a bay or area not designed for that class of vehicle (goods vehicle loading only)	365
Parked in a disabled bay without clearly displaying a valid blue badge	342
Parked adjacent to a dropped verge or footway	242
Parked on pedestrian crossing zig zags	74
Re-parked in the same parking place or zone within the prescribed no return time	31
Parked on a school keep clear markings	30
Parked in a taxi rank	26

#### 2. Off-Street

<b>Contravention</b>	<b>No. of PCNs issued 2013/14</b>
Parked without displaying a valid pay & display ticket	5,924
Parked after the expiry of paid for time	5,697
Parked in a disabled person's bay without displaying a valid blue badge	463
Parked outside of the bay markings	352
Parked for longer than permitted	245
Parked in a permit bay without displaying a permit	81
Parked in a restricted area within a car park	48
Parked in a car park bay not designated for that type of vehicle	42

## APPENDIX B

On-street and off-street parking contraventions enforced by EHC in 2013/14.

### On-Street Parking Contraventions

Description	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

Description	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

<b>Reason for cancellation</b>	<b>2013/14</b>
Valid pay and display ticket or permit produced	1,681
Explanation accepted	590
Cancelled for discretionary reasons	556
Blue badge holder	540
Write off before registering debt – addressee moved	347
No trace from DVLA	294
Cancelled with a warning	247
DVLA no trace – foreign vehicle	194
CEO error	116
Proof of loading/unloading provided	107
PCN spoilt by CEO before issue	88
Vehicle driven away before PCN can be served	90
Other cancellation reasons such as police vehicle, driver deceased, vehicle breakdown etc.	550

## Appendix E

### Financial Reporting

#### East Herts Council Financial Information – 2013/14

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

Total Income	£1,020,775.33 <sup>1</sup>
Total Expenditure	(£1,184,308.75) <sup>2</sup>
Net Position	<b>(£163,533.42)<sup>3</sup></b>

#### Breakdown of income by source

Penalty Charge Notices	£669,144.41
Residents Parking Schemes	£106,231.02
Government Grant	£0
Contribution from Other Authorities	£244,244.90
Dispensations	£1,155.00
Miscellaneous Income	
Total Income	<b>£1,020,775.33</b>

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

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

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