



Shropshire
Council



Shropshire Council Parking Enforcement Annual Report 2011/12



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FOREWORD

I am pleased to present the Parking Annual Report for 2011/12 in line with the requirements of the Traffic Management Act 2004. We want to let you know how Shropshire Council delivers its parking enforcement and associated services.

In Shropshire, many of our streets were built before vehicle ownership reached today's levels. In some of our market towns this creates a problem where streets are narrow and houses do not have off-street parking provision. We understand that different groups - residents, businesses and visitors - will have different parking needs and it is our aim to balance those needs. Whilst parking restrictions are often unpopular with motorists, keeping roads clear of illegally parked vehicles means improved safety for all road users and enables delivery vehicles, buses and the emergency services to get to their destinations more rapidly.

Our traffic and parking management schemes are designed by the Council to make sure that available parking areas can be shared in a fair and transparent way. Parking enforcement is not a revenue raising scheme; no targets are set for the number of Parking Charge Notices (PCNs) issued and any surplus income is used in the budget for transport infrastructure, which manages services including highways improvement schemes, car parks, street lighting and park & ride facilities.

Whilst the majority of motorists park legally and sensibly, some will ignore restrictions. Motorists who act in this way can expect our Civil Enforcement Officers (CEOs) to issue a Penalty Charge Notice (PCN), more commonly known as a parking ticket. Some drivers who receive a PCN may not have intended to park in contravention of the regulations and, on occasions, they may have misunderstood the nature of the restrictions. The appeals officers will consider challenges to notices and will take such matters into account.

Following the formation of Shropshire Council in April 2009, a review of parking services has taken place to ensure that a consistent level of service is provided in each of the former district council areas. The new parking strategy has taken the views of residents, businesses and other stakeholders into account and will help us to improve services across the county.

Shropshire Council welcomes your feedback to help improve the service we provide. If you have any questions or feedback please contact us on tel: 0345 678 9019 or email parkingenforcement@shropshire.gov.uk

Thank you for taking the time to read our Parking Enforcement Annual Report.

Paul McGreary
Group Manager – Public Protection & Enforcement Team

THE WAY WE OPERATE

In Shropshire we aim to operate our parking schemes openly and transparently. All information about parking schemes and services are publicly available on our website, including our **Parking Enforcement Customer Charter** which describes the role and operation of both the Civil Enforcement team and the Notice Processing team in more detail. This can be found at www.shropshire.gov.uk/parking

We have detailed policies which help us to apply schemes fairly and consistently. These cover the situations when we will issue a Penalty Charge Notice (PCN), the tolerances that we use, how long we observe a vehicle for before issuing a PCN and the factors we take into account when deciding whether or not to cancel a ticket on receipt of a challenge against it. Similarly, we realise that motorists can be delayed when returning to their



vehicle so, unlike many other parking operators, we do not issue a ticket to anyone who has paid to park until they have overstayed by at least 10 minutes.

We would prefer all motorists to park in accordance with parking regulations and therefore not to have to issue a PCN. If we do issue a PCN and the motorist makes a challenge, we will consider the challenge in accordance with our accepted Grounds for Cancellation of Penalty Charge Notices – a copy of which can also be found on our website. We will cancel any PCNs that have been incorrectly issued, or if there are other valid reasons to do so.



The enforcement of parking regulations through the issue of PCNs is not intended to be an income generating scheme for the council. Our Civil Enforcement Officers do not receive commission or bonuses and do not have targets related to the number of PCNs issued.

A summary of PCNs issued is included in page 7 of this report.

BENEFITS OF PARKING CONTROL

Our parking objectives play a part in supporting the Council's Priorities as outlined in the Shropshire Council Plan that can be found on the website at:

www.shropshire.gov.uk/shropshirecouncil.nsf

Increased traffic congestion and dangerous or illegal parking causes problems for all road users and pedestrians. Ensuring parking regulations are enforced gives us an opportunity to provide the following benefits:-

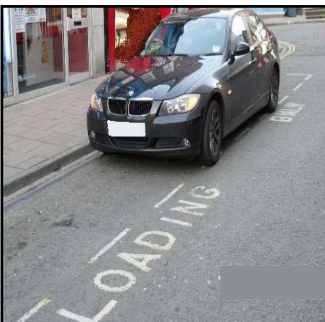
- Improved road and pedestrian safety, particularly in town centres and around schools.
- Reduced pollution and traffic congestion.
- Improved access for buses and delivery vehicles.
- Improved street environment for those who visit, live, or work in the county.
- Improved access to shops and facilities.
- Emergency service vehicles can get to their destinations quickly and safely.



At the same time, enforcement helps to support local businesses in town and village centres by providing a safe environment and ensuring that parking spaces are available for visitors to use, therefore encouraging people to shop there and so helping to promote economic growth and prosperity in the district.

If all motorists were to park correctly, some problems on the road would be eased, for example:-

- Parking illegally in a narrow street can mean that other vehicles, including emergency service vehicles, cannot get past.
- Overstaying the time allowed to park prevents other drivers from parking and causes more congestion as they then drive around looking for a space. This can cause shoppers to go elsewhere, thereby affecting businesses in our market towns.
- Parking on the pavement may cause pedestrians, particularly wheelchair users and parents with pushchairs, to walk in the road, can damage the pavement itself and may crack pipes or cables that lie underneath.



Parking control and enforcement can be unpopular when trying to balance the needs of our residents, businesses and visitors. We therefore aim to deliver a service that provides fair access to parking and discourages parking in contravention of the restrictions, for the benefit of all.

ENFORCEMENT

Under the Traffic Management Act 2004, Shropshire Council is responsible for the enforcement of parking regulations on all highways and off street car parks owned and regulated by the council. The areas where parking regulations apply and the type of restrictions in force are indicated by a series of road markings and/or signs.



Enforcement is carried out by uniformed Civil Enforcement Officers from the council's Environmental Enforcement Team and involves ensuring that vehicles are parked in accordance with the parking regulations.

The Civil Enforcement Officers issue Penalty Charge Notices (more commonly known as parking tickets) for vehicles parked in contravention of parking regulations. Penalty Charge Notices require payment of a penalty but they do not result in a criminal record or points on your licence.

We currently have a team of 12 Civil Enforcement Officers who work throughout the district. Many parking restrictions, such as the no waiting restrictions indicated by double yellow lines, are in force 24hrs a day. Our Civil Enforcement Officers therefore work 7 days a week, including during the evenings and early mornings.

Examples of where a Penalty Charge Notice can be issued include:-

- Not displaying your ticket/permit in a pay and display car park.
- Overstaying the time period allowed in a limited time area.
- Parking on yellow lines outside the designated hours.
- Parking in loading bays.
- Not parking within marked bays.
- Parking in a Blue Badge area without displaying a Blue Badge.

The number of Penalty Charge Notices (PCNs) issued by the Civil Enforcement Officers over the last three years is shown in the table on page 7. The increase in the number of PCNs issued in 2011/12 is mainly due to more early morning and evening enforcement taking place and this is usually done as a direct result of complaints and comments being received from residents and members of the public. The Civil Enforcement Officers also visited a wider variety of locations across the year as a number of the smaller market towns in the north of the district had parking charges introduced for the first time, which required enforcement.

Once a PCN has been issued, the CEO is not able to cancel it as it is a legal document and has to follow the due process. The cancellation of a PCN can only be done by the back office staff after due consideration of any appeal that is submitted against it. This also serves to protect the CEO against allegations of bribery or corruption and it is therefore considered right and proper that the CEO cannot cancel the PCN whilst out on the street.

In conjunction with their role of parking enforcement, the Civil Enforcement Officers also provide many other services to the residents, businesses and visitors of Shropshire, for example they can also issue Fixed Penalty Notices in relation to dog fouling and littering offences and they identify highways issues that require repair and maintenance. The Civil Enforcement

Officers also work closely with West Mercia Police to help reduce vehicle crime by way of the 'Safe and Secure' vehicle crime scheme. Thus, if the Civil Enforcement Officers notice valuables, such as laptops or handbags, left unattended in a parked vehicle, they will pass the relevant information on to the police who then send a crime awareness letter to the vehicle's owner.



Table 1: Number of PCNs issued by Shropshire Council

	2009/2010			2010/2011			2011/2012		
	Total Penalty Charge Notices	On-Street	Off-Street	Total Penalty Charge Notices	On-Street	Off-Street	Total Penalty Charge Notices	On-Street	Off-Street
Number of Higher Level PCNs issued	7119	5131	1988	5360	5141	219	6564	6314	250
Number of Lower Level PCNs issued	2949	2800	149	4530	2827	1703	6469	3288	3181
Total Number of PCN's issued	10068	7931	2137	9890	7968	1922	13033	9602	3431
Number of PCNs paid at discount	6301	5022	1279	6476	5346	1130	8979	6662	2317
Number of PCNs fully paid	7748	6165	1583	8057	6609	1448	10483	7838	2645
Number of PCNs against which a challenge/representation was made	2407			2302			3292		
Number of PCNs cancelled as a result of a challenge/representation	1200			1125			1457		
Number of PCNs cancelled/written off for other reasons	1528			1578			1399		
Number of vehicles removed	n/a			n/a			n/a		

FINANCIAL STATEMENT

The following table shows the total income and expenditure in connection with our on-street charging and our on-street and off-street enforcement activities for 2011/12.

Financial Information	2011/12 £	
Service Income		
On-Street Penalty Charge Notice Income	333,595	
Off-Street Penalty Charge Notice Income	90,162	
On-Street parking charges	508,623	
Total Income	932,380	
Service Expenditure		
Enforcement Employee Costs		328,642
Enforcement Other Costs		127,129
Notice Processing Office		130,070
Cash Collectors Employee Costs (on-street collection only)		66,614
Total Expenditure		652,455
Total Surplus		279,925

The monies received from our on-street income supports the Park & Ride contracts operated by the Council.

APPEALS PROCESS

If you have been issued with a PCN that you feel was incorrectly or unfairly issued, you do have the right to contest it. There is a two stage appeal process to Shropshire Council, which can be followed by an appeal to an independent parking adjudication service if necessary. The grounds on which you may appeal against a PCN are laid out in our document 'Grounds for the Cancellation of Penalty Charge Notices' that can be found on our website at: www.shropshire.gov.uk/Parking

Challenges

Once a Penalty Charge Notice (PCN) has been issued and served to a vehicle, the driver has the opportunity to either pay the PCN or challenge the notice. An informal challenge can be made by anyone in the first instance: the driver, a passenger or an employer and must be received within 28 days from the date of issue of the PCN. We accept challenges in writing, by email or via an 'Appeal Online' form on our website. The Notice Processing Team is responsible for reviewing and investigating all challenges and will request supporting evidence where necessary. Customers will receive a response in writing, either accepting their challenge and cancelling the PCN, or rejecting their challenge and advising them of their options. Any rejected challenge that was received within 14 days from the date the PCN was issued will be offered an extended discount payment period.

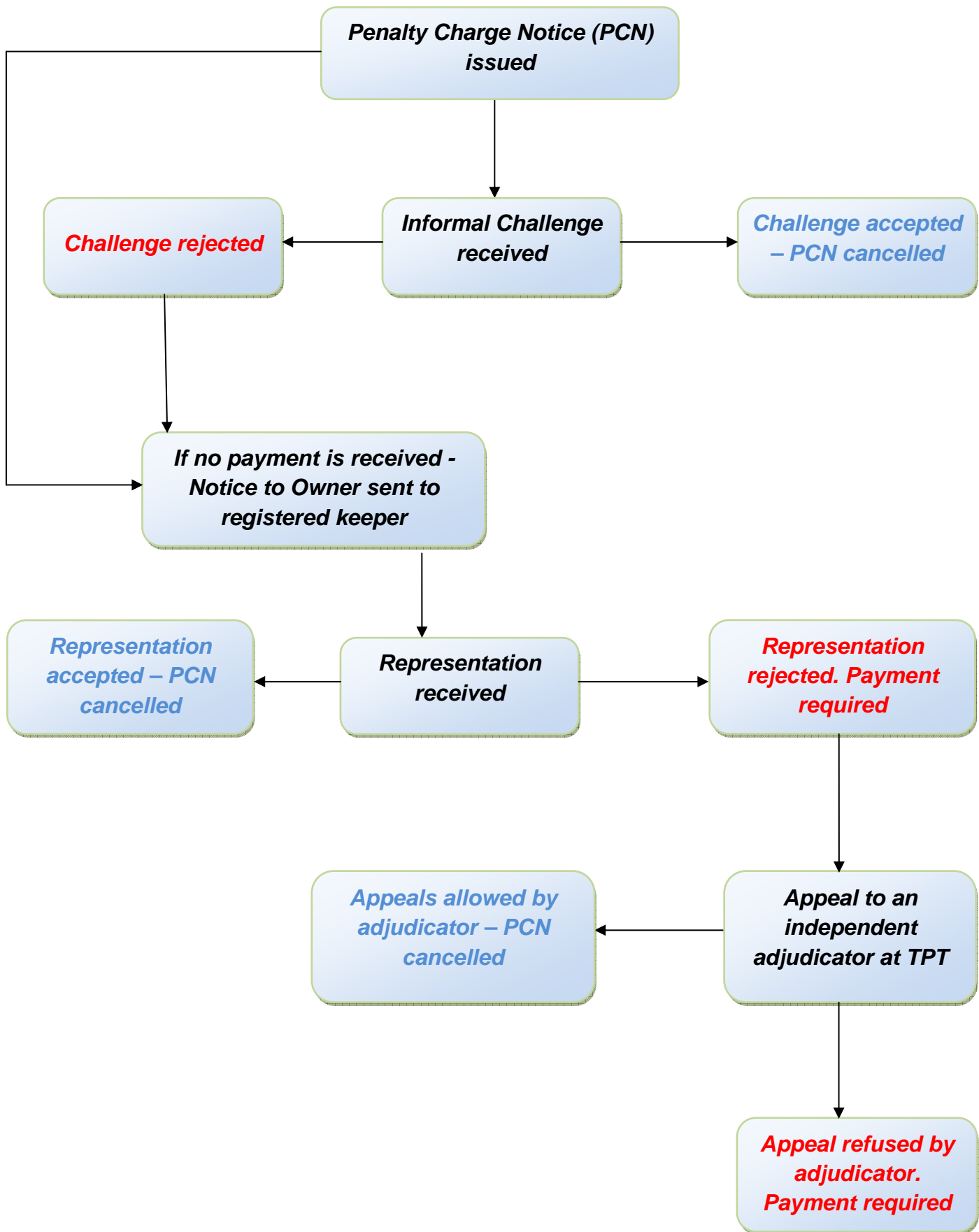
Representations

If a PCN remains unpaid after 28 days from the date it was issued, or from the date a rejection letter was sent out as a result of an informal challenge, the Council will apply to the DVLA to obtain the registered keeper's details. A formal notice called a 'Notice to Owner' will then be sent out to the vehicle's registered keeper giving them the opportunity to make a formal representation against the PCN. A formal representation can only be made by the registered keeper and must be made in writing and be signed and dated. Although the registered keeper may not have been the driver of the vehicle at the time the PCN was issued, it is the registered keeper who is liable for any PCNs issued to their vehicle. If an informal challenge was made against the PCN, a different Appeals Officer will investigate the representation and the registered keeper will receive either an acceptance letter or a formal 'Notice of Rejection of Representation'.

Appeals to an Independent Adjudicator

With every Notice of Rejection of Representation, the registered keeper will receive information on how to appeal to an independent adjudicator at the Traffic Penalty Tribunal (TPT). An appellant can choose to have their appeal dealt with by post or opt to take part in

a telephone or personal hearing with the adjudicator and the Council. An adjudicator will write to both the Council and the appellant with their final decision either allowing the appeal and cancelling the PCN or refusing the appeal and advising that the full Penalty is payable.



APPEAL STATISTICS

The percentage of appeals received at all three stages of the Appeals process has stayed at a fairly constant percentage of the issue rate from 2009 through to 2012.

Table 2: Percentage of Penalty Charge Notices resulting in an Appeal

Type of Appeal	2009/10	2010/11	2011/12
Informal Challenge	21%	20%	22%
Formal Representation	5%	4%	5%
TPT Appeals	0.5%	0.4%	0.5%

Should the keeper of the vehicle not agree with the Council's earlier decision to reject a representation against a Penalty Charge Notice, they may submit an appeal to the independent adjudicator at the Traffic Penalty Tribunal. The following table shows the number of cases submitted to the TPT and their outcomes on PCNs issued by Shropshire Council.

Table 3: Outcome of appeals submitted to the Traffic Penalty Tribunal

	2009/10	2010/11	2011/12
Appeal Allowed	4	14	21
Appeal Rejected	24	10	22
Appeal Non-Contested	17	9	11
Awaiting outcome at 31 March	4	3	6
Total	49	36	60

It should be noted that new evidence is often brought to light when an appeal is submitted to the Traffic Penalty Tribunal which was not supplied to the Council at the earlier two stages of the appeal process. In these cases, on review of the appellant's submission, the Council may decide not to contest the Penalty Charge Notice any further. The adjudicator normally decides to allow any appeal that is not contested by the Council.

With a focus on enforcement across a 24 hour period and across the whole of the County, the issue rate of PCNs has increased, which has resulted in a higher number of appeals being received, although – as can be seen from table 2 – the percentage of PCNs that are appealed against remains fairly constant.

CANCELLATIONS

There are many reasons or circumstances for which a Penalty Charge Notice may be cancelled or written off. Our Appeal Officers consider every challenge against a PCN on its own merit, including any mitigating circumstances offered, in accordance with the Council's Grounds for Cancellation of PCNs, which is available to view on our website.

Description	2009/10	2010/11	2011/12
Cancelled – Corporate Decision	2	16	6
Cancelled – DVLA CEO Error	24	18	22
Cancelled – DVLA No Trace	89	88	77
Cancelled – Foreign Driver	19	11	66
Cancelled – General (Council's discretion)	17	8	3
Cancelled – PCN Not Issued by CEO	674	315	420
Cancelled – Driver returned or vehicle driven away	253	559	570
Post NTO – Cancel – General	80	61	73
Pre NTO – Cancelled Blue Badge (general reason)	160	193	242
Pre NTO – Cancelled Bus Stop	3	6	5
Pre NTO – Cancelled Disabled Overstay	0	0	1
Pre NTO – Cancelled Emergency	0	0	3
Pre NTO – Cancelled General Reason	48	76	98
Pre NTO – Cancelled Humanitarian	8	29	5
Pre NTO – Cancelled Load Unload	10	12	14
Pre NTO – Cancelled Loading Ban	17	7	8
Pre NTO – Cancelled Loading Bay	101	86	52
Pre NTO – Cancelled Loading/Taxi Bay	0	16	33
Pre NTO – Cancelled Machine Problem	11	11	1
Pre NTO – Cancelled Medical Emergency	6	1	1
Pre NTO – Cancelled No Blue Badge Clock	9	4	40
Pre NTO – Cancelled No Pay & Display Ticket	61	48	174
Pre NTO – Cancelled Parked Out Of Bay	0	5	23
Pre NTO – Cancelled Overstayed time	97	108	121
Pre NTO – Cancelled CEO Error	26	24	38
Pre NTO – Cancelled Police incident	2	1	1
Pre NTO – Cancelled Restricted Zone	23	17	14
Pre NTO – Cancelled Taxi Bay	2	1	1
Pre NTO – Cancelled Valid Disabled Badge	158	64	121
Pre NTO – Cancelled Valid Reason	17	3	3
Pre NTO – Cancelled Valid Resident Permit	37	122	61
Pre NTO – Cancelled Valid Season Ticket	1	15	10
Pre NTO – Cancelled Valid P&D Ticket	219	123	157
Pre NTO – Cancelled Valid P&D Ticket or Permit	61	68	127
Pre NTO – Cancelled Yellow Lines	43	24	30
Write Off – Bailiff (all reasons)	376	413	100
Write Off – Outstanding Monies	58	83	55
Write Off - Untraceable	16	67	80
TOTAL	2728	2703	2856

BRITISH PARKING AWARDS 2012

The British Parking Awards, organised by Parking Review and sponsored by Equita, are presented to the leading examples of car park management, enforcement, design and team work. This year the British Parking Awards took place on Friday 9th March 2012.



After a considerable amount of hard work throughout previous years, Shropshire Council was successfully shortlisted for 3 of the British Parking Awards categories. The categories we were shortlisted for were:

1. PARKING IN THE COMMUNITY AWARD

Criteria:

- *Working for and with a wider community*
- *Innovative thinking in the preparation, publicising, undertaking project/initiative*
- *Degree of success in achieving goal, making changes, improvements, etc.*
- *Public profile achieved for the project, cause, etc.*

2. PARKING TEAM OF THE YEAR

Criteria:

- *A commitment to positive change*
- *Team leadership*
- *The building of partnerships to deliver results*
- *A commitment to team building and staff development*
- *Consistent application of good practice*
- *Outstanding customer service*
- *Excellence as representatives of the parking sector to customers and the wider community*

3. ENFORCEMENT AWARD

Criteria:

- *Identifications of parking problems to be addressed*
- *Degree to which partnerships have been brought together to deliver results*
- *Team building and staff development*
- *Engagement with local community and other agencies*
- *Consistent application of good practice*
- *Means by which impact and success of enforcement activity is measured.*



Shropshire Council successfully won the **Enforcement Award** which was presented to us in recognition of the team's work in combining parking management with community and neighbourhood patrols that tackle anti-social behaviour. The Civil Enforcement Team also monitors road works, making sure they do not overrun.

In addition to winning the Enforcement Award, Shropshire Council also came highly commended for the **Parking Team of the Year**.

We are very proud of our successes in the British Parking Awards 2012.

CUSTOMER CHARTER

Shropshire Council is committed to offering the best possible service to its customers. The following are our commitments:

Helpful

- Our Parking Civil Enforcement Officers (CEOs) will give advice on parking provision and how to park safely and within any applicable parking restrictions.
- All parking staff will address customers with respect and courtesy at all times and will expect to be treated by them in the same way.

Fair

- We will enforce the parking restrictions in a consistent and fair manner and will encourage considerate parking.
- We will use photographs of all parking offences to ensure that Penalty Charge Notices (PCNs) have been correctly issued by Parking CEO's and to assist in subsequent challenges.
- We aim to monitor and arrange to replace any incorrect signs or lines on the road or in car parks to avoid confusing drivers.

Responsive

- We will fully investigate and consider all correspondence regarding a PCN issue.
- We will reply clearly and provide full information as to how and why we have reached a decision.
- We aim to reply to all correspondence within 10 working days of receipt.
- We aim to improve on-line access to the parking services for customers.
- We will promote safe and considerate parking through the provision of information on our website and through the media.

GLOSSARY OF TERMS

Appeal

The legal process of challenging a decision by a local authority to reject a motorist's formal representation against the issue of the PCN.

Challenge

An objection made against a Penalty Charge Notice **before** a Notice to Owner is issued.

Cancellations

A Penalty Charge Notice is cancelled when we believe that it would be unjust to pursue the case, or when there is an applicable exemption.

Civil Enforcement Area

An area approved by the Secretary of State for Transport within which the enforcement of most parking controls has been decriminalised and where enforcement may therefore be undertaken by the local authority.

Civil Enforcement Officer (CEO)

This is the title given to officers who used to be known as Parking Attendants, Traffic Wardens etc. They must be employed by the council or through a specialist contractor.

Civil Parking Enforcement (CPE)

This is term given to the enforcement of parking regulations by Civil Enforcement Officers (CEO) under the Traffic Management Act 2004.

Contravention

Failure of the motorist to comply with traffic or parking regulations as set by local Traffic Regulation Orders (TRO).

Controlled Parking Zone

An area where the parking restrictions are shown by signs placed on all vehicular entry points to the zone. Within the zone, signs are only required where the restrictions differ to those on entry. There is no requirement to sign double yellow lines, however single yellow lines must be signed.

Decriminalised

This means that it is not illegal to park in contravention of parking regulations as parking is a civil offence rather than a criminal offence: Enforcement of regulations within a Special Parking Area is the sole responsibility of the Local Authority and not the police. Unpaid charges are pursued through debt collection agencies and not through the courts.

Department for Transport (DfT)

This is the Government department responsible for the English transport network and transport matters in Scotland, Wales and Northern Ireland which are not devolved. The department is run by the Secretary of State for Transport.

Driver and Vehicle Licensing Agency (DVLA)

An Executive Agency of the Department for Transport with the primary aims of facilitating road safety and general law enforcement, by maintaining registers of drivers and vehicles, and to collect vehicle excise duty (car tax).

Notice to Owner (NTO)

This is a statutory notice that is served by the authority to the owner of the vehicle, usually considered to be the registered keeper of the vehicle that was issued with the Penalty Charge Notice (PCN). This will be served when a PCN is unpaid for 28 days. When the registered keeper, or the person the council believed to be the keeper of the vehicle, receives this they can either;

- Make a payment of the full charge.
- Make a representation (an appeal).

Off-street parking

These are facilities provided through car parks.

On-street parking

These are facilities provided on the kerbside such as pay and display or permit parking.

Penalty Charge Notice (PCN)

This is issued to a vehicle that is believed to be parked in contravention of the local Traffic Regulation Order. A PCN must contain certain information, including a description of which contravention is alleged to have occurred.

Registered Keeper

The person registered with the Driver and Vehicle Licensing Agency (DVLA) as being the legal keeper of a vehicle. The registered keeper is presumed to be the owner of the vehicle for the purposes of enforcement.

Representation

This is a challenge against the PCN **after** the Notice to Owner is issued.

Special Parking Area (SPA)

An area where on-street parking is subject to Civil Parking Enforcement (CPE). Local Authorities will enforce the regulations through Civil Enforcement Officers.

Traffic Management Act 2004 (TMA)

This act was passed by UK government in 2004. .This law details street works and parking regulations. .The Act has been implemented since 31st March 2008.

Traffic Enforcement Centre

In the event that a payment has not been made within the statutory period, the Council may register any outstanding amount as a debt with the TEC. The Tec is a County Court that deals with unpaid parking fines in England and Wales. .Once registered, if the penalty charge is not paid or a witness statement made, the council will request a warrant of recovery. .Once a warrant has been authorised by the TEC, the Council will employ bailiffs to recover the debt.

Traffic Management act 2004, Part 6

Part of the Act of Parliament relating to the Civil Enforcement of parking contraventions.

Traffic Penalty Tribunal (TPT)

An independent adjudicator who will decide if an appeal against a PCN is valid. An appeal can be made if both the challenge and representation have been rejected by the council.

Traffic Regulation Order (TRO)

This is statutory legal document necessary to support any enforceable traffic or highway measures.

Warrant of Execution

Document allowing appointed Certified Civil Recovery Agents (bailiffs) to seize goods to the value of the debt owed. The debt will include further charges incurred during the course of recovery.