

# **APPENDIX A**

## **PARKING SERVICES**



## **ANNUAL REPORT**

### **2007/2008**

## **Introduction**

The provision and management of Council controlled parking in Sunderland is a very important function undertaken by the Council. Parking can be the subject of intense public interest including attracting both local and national media. The Council's primary aims related to parking management are to support the economic activity and viability of the city centre and other local shopping areas and to reduce congestion in the interests of all highway users.

Up to the 30<sup>th</sup> March 2008 Sunderland City Council operated parking enforcement under the Decriminalised Parking Enforcement (DPE) legislation in accordance with The Road Traffic Act 1991. From the 31<sup>st</sup> March 2008 the Council has operated parking under the Civil Parking Enforcement legislation in accordance with the Traffic Management Act 2004.

The Traffic Management Act 2004 states that Enforcement Authorities should produce an annual report about their enforcement activities. The report should be published and as a minimum it should cover the financial, statistical and other data (including any parking or CPE targets). This report describes these parking and other related activities undertaken by the Council.

The Council's transport priorities are to improve safety, accessibility and air quality and to reduce congestion. Parking facilities and the way they are used contribute to achieving these priorities, and it is important therefore that they are appropriately managed and controlled.

The rationale behind this report is that it helps to make it clear that the council is operating the scheme satisfactorily and more openness enables the public to see that this is the case, which in turn helps to increase the public's understanding of civil parking enforcement at a local level.

## **Parking Charter**

The Council has produced a parking charter entitled "Parking Matters" which includes useful information for motorists about traffic signing and the circumstances in which a Penalty Charge Notice (PCN) may be issued and what to do if you are issued with one. The amount of observation time that civil enforcement officers give before a PCN is issued is included and the charter also provides guidelines for appeals staff to follow when representations are received from motorists who have received a PCN. To ensure fairness and consistency all appeals are considered on their own merits. The Council's Parking Charter can be viewed on line at:

<http://www.sunderland.gov.uk/public/editable/themes/citycouncil/key-docs/files/parking-charter-jan-2008.pdf>

The Council's approach to parking enforcement is to be fair but firm and the parking charter outlines how we intend to deliver the best possible service to motorists.

## Car Parking Facilities

### Pay On Foot Car Parks

There are four car parks within the city centre that operate a pay on foot system. These are the St Mary's and Sunnyside multi-storey car parks which are Council operated car parks and the Bridges multi-storey car park and the Bridges roof top car park which are privately owned.

The income taken (excluding VAT) and usage figures for St Mary's and Sunnyside car parks during 2007/08 are shown below;

Car Park	No of Spaces	Tariff	Income 2007/2008	Tickets Purchased	* Occupancy
<b>St Mary's Multi Storey Car Park</b>	480	£1.10 8am – 6pm 50p 6pm – 8am Sunday/Bank Holidays 50p per hour to max £1.00 Lost Ticket £12	£778,185	429,550	47%
<b>Sunnyside Multi Storey Car Park</b>	653	£1.10 8am – 6pm 50p 6pm – 8am Sunday/Bank Holidays 50p per hour to max £1.00 Lost Ticket £12	£224,716	300,697	13% (excludes visitors to the Limelight development and permit holders)

### Multi-Storey Car Parks Operating Pay and Display

There are 2 other multi storey car parks in the City Centre, which operate a pay and display method of parking.

Car Park	No of Spaces	Tariff	Income 2007/2008	Tickets Purchased	* Occupancy
<b>Civic Centre</b>	630	70p per hour Monday to Saturday 8am – 6pm	£296,477	169,502	21% (excludes permit holders)
<b>Central Area</b>	391	70p per hour Monday to Saturday 8am – 6pm	£109,265	87,524	15%

## Off Street Car Parks

The Council has 7 chargeable off street car parks located in the City Centre which operate a pay and display system and 2 car parks which operate a permit only system of parking and 25 free off street car parks located in other areas as shown in the tables below:

Car Park	No of Spaces	Tariff per Hour	Income 2007/2008	Tickets Purchased	* Occupancy
<b>Boughton Street</b>	56	80p	£71,893	55,768	52%
<b>Charles Street</b>	28	50p	£15,526	11,348	26%
<b>Gorse Road</b>	54	40p	£15,047	13,529	22%
<b>Nile Street</b>	49	70p	£43,782	34278	41%
<b>Tatham Street</b>	94	50p	£45,552	41,550	31%
<b>Tavistock Place</b>	143	70p	£128,869	93,098	41%
<b>West Wear Street</b>	40	50p	£33,393	26,991	53%
<b>Prince Street</b>	19	£340 per quarter	£25,905	19	100%
<b>South Street</b>	12	£340 per quarter	£16,361	12	100%

## Free Off Street Car Parks

<b>CENTRAL AREA</b>	
Car Park Name	No of Spaces
Booth Street	15
Brookside Terrace	19
Commercial Road	64
Morgan Street	38
Ocean Road	21
Ocean Park	211
Silksworth Road	6
Wreath Quay Road	19
Marine Walk	60
Harbour View	129
Total	582

<b>HOUGHTON AREA</b>	
Car Park Name	No of Spaces
Brinkburn Crescent	86
Fatherley Terrace	25
Eden Terrace	16
Station Road	90
Westbourne Terrace	30
Total	247

<b>HETTON AREA</b>	
<b>Car Park Name</b>	<b>No of Spaces</b>
Barnes Street	38
Barnes Street Church	8
Market Street	31
Railway Street	8
Park View	5
Elemore Lane	5
Total	95

<b>WASHINGTON AREA</b>	
<b>Car Park Name</b>	<b>No of Spaces</b>
Coach Road Estate	56
Manor Road	78
Speculation Place	151
Village Lane	42
Total	327

### **Chargeable On Street Car Parking**

The Council has 71 chargeable on street parking bays located in the City Centre which operate a pay and display system of parking as shown in the table below:

<b>Car Park</b>	<b>No of Spaces</b>	<b>Tariff</b>	<b>Income 2007/2008</b>	<b>Tickets Purchased</b>	<b>* Occupancy</b>
<b>Foyle Street</b>	12	60p per 30 mins	£22,121	16,143	49%
<b>Frederick Street</b>	13	60p per 30 mins	£17,451	12,377	36.1%
<b>Norfolk Street</b>	7	60p per 30 mins	£10,433	7,341	40.1%
<b>West Sunnyside</b>	13	60p per 30 mins	£23,247	17,086	48.1%
<b>St Thomas Street</b>	8	60p per 30 mins	£12,842	9,571	43.2%
<b>Bridge Street</b>	4	60p per 30 mins	£6,171	5,142	41%
<b>Laura Street</b>	11	80p per hour	£15,188	11,465	55.7%
<b>Villiers Street</b>	8	50p per hour	£5,931	5,113	47%
<b>High Street</b>	5	60p per 30 mins	£10,178	8,111	54%

\* Occupancy in relation to parking spaces is a measure of the income taken when compared with the maximum potential income which could be taken in a year.

## Enforcement

Enforcement of waiting and loading restrictions and parking places is undertaken across the whole of the city. The area is patrolled through 10 enforcement beats or rotas as follows:

- 4 are deployed in the City Centre
- 1 in North Sunderland,
- 1 in West Sunderland,
- 1 in South Sunderland,
- 1 in Houghton, Hetton and Washington,
- 1 that sweeps around the outskirts of the city centre
- 1 mobile operator who deals with discrete issues such as school keep clear markings and acts on any incident reports.

The Council operated parking enforcement under the Decriminalised Parking Enforcement legislation in accordance with The Road Traffic Act 1991 from the 3<sup>rd</sup> February 2003 up to the 30<sup>th</sup> March 2008. National Car Parks were awarded the parking services enforcement contract for a period of seven years and commenced duties on 3<sup>rd</sup> February 2003. Consequently the contract expires on 2<sup>nd</sup> February 2010. At the time the contract was awarded the duties included enforcement of both on and off street parking places and waiting restrictions in accordance with the requirements of the Road Traffic Regulation Act 1984.

Subsequently, the Council took responsibility for providing on street enforcement with NCP Services retaining off street enforcement operations including cash collection and cleansing of car parks. This new arrangement came into effect as from 1<sup>st</sup> December 2007.

On 31<sup>st</sup> March 2008 in accordance with government legislation, the relevant provisions of the RTA 1991 were repealed and part 6 of the Traffic Management Act 2004 (TMA) and the associated regulations introduced Civil Parking Enforcement (CPE). The provisions for CPE largely replicated and updated the arrangements for DPE.

CPE introduced some changes in terminology and differential parking penalties (higher and lower charges) are now applied depending on the seriousness of the contravention. For example, parking in a place where it is always prohibited, such as on double yellow lines, is considered to be more serious than overstaying where parking is permitted, such as in a parking place. The current levels in Sunderland of higher and lower charge are £60 and £40 respectively.

In due course it is intended that local authorities will also be given the power to enforce certain moving offences such as contravention of bus only lanes, one way street contraventions, no entry restrictions, prohibited turns, yellow boxes, pedestrian zones and prohibition of certain vehicles. It is anticipated that these powers will be made available during 2009 but in the meantime the police will continue to be responsible for enforcement of these offences.

The police remain responsible for endorsable offences such as dangerous parking, obstruction, failure to comply with police “no parking” signs placed in emergencies, and any vehicle where security or other traffic policing issues are involved, including the need to close roads or set up diversions.

## Frequency of Patrols

The city centre is where most congestion occurs and we aim to make three visits to each location in the morning and the afternoon. Other areas such as primary routes into the city and local shopping centres are visited twice during a morning and afternoon with other areas on a lesser and “as and when” basis. Car parks are patrolled at regular intervals throughout the day.

## Staffing Levels

The Council Parking Services establishment consists of:

No of Staff	Job Title
1	Parking Services Manager
1	Deputy Parking Services Manager
1	Parking Services Officer
1	Customer Liaison Officer
2	Senior Appeals Assistants
1	Monitoring Assistant
2	Appeals Assistants
2	Admin Assistants (1 post vacant)
3	Senior Civil Enforcement Officers
1	Radio Operator
15	Civil Enforcement Officers

Each Civil Enforcement Officer (CEO) undergoes 5 days of induction training and then “shadows” a more experienced staff member until they are familiarised with their role and management is satisfied that an appropriate level of competency is established. The Council encourages parking staff to be customer focussed and to act as ambassadors for the city. A CEO may be the first person a visitor sees when arriving in the city and the aim is to make a good first impression even in what may be difficult circumstances.

CEO’s are suitably uniformed and are equipped with a mobile radio that keeps them in constant contact with the control room that is based in the Civic Centre. They have electronic handheld equipment that can issue a PCN via a printer. They also have a camera to record photographic evidence.

NCP Services provide off street enforcement on behalf of the Council and their current establishment consists of:

No of Staff	Job Title
1	Contract Manager
1	Cash Collection Supervisor
8	Car Park Supervisors
2	Cleansing Operatives
30	Civil Enforcement Officers (based in and patrolling off street car parks)
1	Cash Collector

## Types of Contraventions

There are over 70 contraventions that could be enforced depending on what is contained within relevant traffic regulation orders. These range from enforcing yellow lines on the streets to vehicles being parked outside bay markings in a car park. CPE allows enforcement authorities to choose one of two charging bands. Band 1 comprises £70 (higher) and £50 (lower) charges. Band 2 comprises of £60 (higher) £40 (lower) charges. As stated earlier, the City Council has adopted the Band 2 charges.

## **Most Common Contraventions**

The most common contravention is code 01 for being parking on a restricted street during prescribed hours i.e. parking on a yellow line. Approximately 38% of PCN's are issued for this contravention. Other most repeated types of contravention are also shown below;

<b>Contravention Code</b>	<b>Contravention Description</b>	<b>% of Overall PCN Issue</b>
01	Parked in a restricted street during prescribed hours	38%
02	parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	11%
83	parked in a car park without clearly displaying a valid pay and display ticket or voucher or parking clock	10%
82	parked after the expiry of paid for time	8%
25	parked in a loading place during restricted hours	7%

## Operational and Financial Statistics

### **Operating Costs**

The car parking trading account for 2007/2008 is as follows:

	£,000
Delegated Expenditure	2,146
Income	<u>2,242</u>
Surplus	96
Non Delegated Expenditure	<u>318</u>
Trading Deficit	222
Revised Budget	<u>92</u>
Net Overspend	<u>130</u>



## Penalty Charge Notices

A Penalty Charge Notice may be issued for any vehicle parked in contravention of the parking and waiting restrictions. For 2007/2008 the value of a Penalty Charge Notice was £60.00 discounted to £30.00 if paid within 14 days from the date of issue. (Differential sums of £60 and £40 were introduced with effect from the 31<sup>st</sup> March 2008 and the 50% discount amount is applied similarly to both charge amounts).

During the period 1<sup>st</sup> April 2007 to 31<sup>st</sup> March 2008 the City Council issued 10,708 Penalty Charge Notices and from that number 1957 notices were cancelled as a result of an appeal

The Income generated from PCN's for the same period was £257,968.

## Observation Periods

Civil Enforcement Officers are given guidance on what the minimum length of observation time that vehicles must be given before a PCN can be issued. The electronic handset is set up such that the minimum period of time must elapse before it will issue a PCN. The observation periods are included in the Councils Parking Charter.

## Mitigating Circumstances

Staff who deal with the appeals have a framework that provides guidance on how to deal with the various contraventions to ensure fairness and consistency and all appeals are considered on their own merits. A list of mitigating circumstances is included in the Councils Parking Charter.

## PCN's Issued Per Area

A breakdown of the PCN issue in each area is as follows;

Area	No Of PCN's Issued	% Of Total PCN's Issued
City Centre	7,730	72%
South Sunderland	1,836	17%
North Sunderland	720	6.7%
West Sunderland	239	2%
Houghton and Hetton	129	1%
Washington	54	0.5%

## The 10 locations in the city where most PCN's have been issued are;

1. Tavistock Place Car Park
2. Frederick Street
3. West Street
4. Boughton Street Car Park
5. High Street West
6. Station Street
7. St Thomas Street
8. John Street
9. Derwent Street
10. West Sunnyside

## Payments of PCN'S

7,450 (69%) payments were received;

<b>% Paid</b>	<b>Status</b>
14%	paid at full rate
82%	paid at discounted rate
3%	paid at charge certificate stage
0.5%	paid at bailiffs stage

## Method of Payment

7,450 PCN's were paid using the following methods:

<b>% Paid</b>	<b>Method Of Payment</b>
58%	Debit/Credit Card Payment
27%	Cheque Payment
14%	Cash Payment
1%	Postal Order/Other Payment

## Correspondence

In 2007/08, 21,098 items of correspondence were dealt with.

<b>No Of Items Sent</b>	<b>Type Of Correspondence</b>
6508	Informal Representations
6508	Responses to Informal Representations
3665	Notice To Owners
333	Formal Representations
333	Notice of Rejections
110	Representations to NPAS
3035	Charge Certificates
610	Statutory Declarations
42	Warrants

## Appeals Process

If after a period of 28 days the amount owed remains outstanding the Council obtains the registered keeper's details from the DVLA at Swansea and sends out a "Notice to Owner" (NtO) to the registered keeper. Regardless of who was driving at the time it is the registered keeper who is responsible. The notice requests the registered keeper to either pay the outstanding amount or challenge the issue of the PCN. At this stage the opportunity to pay the discounted sum is no longer available.

If the Council and the registered keeper cannot agree then an appeal can be made by the appellant to the Traffic Penalty Tribunal (TPT), formerly the National Parking Adjudication Service (NPAS), which is an adjudication service made up of qualified solicitors with a minimum 5 years experience in road traffic law. They are independent of the Council and arrive at decisions based on evidence placed before them. Appeals can be made in person at a tribunal, by post or via a telephone hearing using conferencing equipment.

## Cancellations

### **Cancellations Due to Appeal**

All appeals must be made in writing detailing their mitigating circumstances. Because the Council adopt a firm but fair approach, appeals are considered on their own merits and inevitably there are a number of cancellations for various reasons. Last year approximately 18% of PCN's were cancelled due to an appeal being received around 4% were written off and approximately 10% are still outstanding. It is important that the decisions which are made are consistent, supported by firm evidence, not only to assist the notice processing staff to arrive at the correct decision but also to confirm to the Council's auditor that we are operating a fair, proportionate and consistent regime.

The most frequent reasons for cancellations are as follows:

<b>Reason for Cancellation</b>	<b>No Cancelled of Total Tickets Issued</b>	<b>%</b>
Valid Ticket Produced	649	6%
Mitigating Circumstances	445	4%
Blue Badge Holder	297	2%

### **PCN's Written Off**

<b>Reason for Writing Off</b>	<b>Number of PCN's Written Off of Total Tickets Issued</b>	<b>%</b>
Processing Error/Spoilt	418	3%
Driver Untraceable	113	1%
Machine Fault	16	0.01%
Foreign Vehicle	8	0.01%
Bankruptcy	1	0.01%

### **Recovery of Debts**

If the registered keeper fails to pay the outstanding charge it will ultimately be referred to the Traffic Enforcement Centre at Northampton County Court and the outstanding charge is registered as a debt to the Council and thereafter bailiffs may be employed to recover the debt. In 2007/08 42 warrants were issued from the 10708 tickets issued. The current status of the 42 warrants issued is as follows;

<b>%</b>	<b>Current State as at September 2008</b>
55%	Pending
29%	Paid
14%	No Trace
2%	Cancelled (additional evidence provided not previously submitted)

**The Joint Report of the Parking Adjudicators for England and Wales  
2007/2008 – Statistical Information**

The National Parking Adjudication Service (NPAS) (now known as the Traffic Penalty Tribunal (TPT) with effect from the 31<sup>st</sup> March 2008) most recent published report quotes figures for the periods April 2007 to March 2008 and January 2007 to March 2008. The report provides statistical information on every authority outside of London that had adopted decriminalised parking enforcement, now called civil parking enforcement with effect from the 31<sup>st</sup> March 2008. During the period April 2007 to March 2008 NPAS/TPT dealt with 11,182 appeals.

Currently there are 192 authorities outside of London operating CPE.

**Sunderland's Statistics;**

When considering Sunderland's position in the tables it should be borne in mind that some authorities dealt with a relatively low number of appeals therefore the statistics can be misleading. Some authorities received low numbers of appeals because not all of their administrative area is subject to enforcement or enforcement was introduced part way through the year.

		<b>Quartile</b>	<b>Position In Table</b>	<b>Position In Table Of Authorities In Excess Of 100 Appeals</b>
Appeals Received	110			
PCN'S Issued	10,708			
Rate of Appeal per PCN	1.03 %	4 <sup>th</sup> Quartile	192 <sup>nd</sup>	27 <sup>th</sup>
Postal Appeals	40 (36%)			
Personal Appeals	69 (63%)			
Telephone Appeals	1 (1%)			
Not contested by Council	15 (14%)	2 <sup>nd</sup> Quartile	53 <sup>rd</sup>	3 <sup>rd</sup>
Allowed by Adjudicator	14 (13%)	1 <sup>st</sup> Quartile	31 <sup>st</sup>	3 <sup>rd</sup>
Total allowed including not contested by Council	29 (26%)	1 <sup>st</sup> Quartile	20 <sup>th</sup>	1 <sup>st</sup>
Refused by Adjudicator Including Out Of Time and Withdrawn by Appellant	74 (67%)	1 <sup>st</sup> Quartile	10 <sup>th</sup>	2 <sup>nd</sup>
Awaiting decision	7			

including other decided	(6%)			
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Since the objective of the Councils parking management regime must be compliance with the regulations, then this would appear to be a clear indication of the success of the Councils parking management regime.

For comparison purposes, shown below are statistics taken from the report relating to other northeast authorities that were operating DPE during 2007/2008.

<b>Authority</b>	<b>Number of Cases</b>	<b>Allowed by Adjudicator</b>	<b>Total Allowed Including Not Contested by Council</b>	<b>Refused by Adjudicator Including Out of Time and Withdrawn by Appellant</b>
Hartlepool	23	7 (30%)	13 (57%)	9 (39%)
Middlesbrough	38	9 (24%)	19 (50%)	19 (50%)
Redcar and Cleveland	22	10 (45%)	17 (77%)	5 (23%)
Stockton	18	5 (28%)	10 (56%)	8 (44%)
<b>Sunderland</b>	<b>110</b>	<b>14 (13%)</b>	<b>29 (26%)</b>	<b>74 (67%)</b>

The figures indicate that the Council's parking management team provide robust, quality representations to NPAS/TPT, including comprehensive evidence, which has resulted in most appeals being refused. The Council is placed in the first quartile (the best performing 25%) for the most important indicators which clearly demonstrates that the Council is among the top performers, comparing especially favourably with authorities that have dealt with in excess of 100 appeals.

The joint report of the Parking Adjudicators for England and Wales of January 2007 to March 2008 recommends an Authority publishes in its Annual Report information relating to 10 specific statistics. These are attached as annexe 1 to this report.

## ANNEXE 1

This information to be provided at the Cabinet meeting on 5<sup>th</sup> November 2008