

Off Street Annual Parking Report 2015/16

Introduction

The Traffic Management Act 2004 introduced a requirement for Enforcement Authorities to report on their Parking Enforcement Activities on an annual basis.

This has been supplemented by the Government's 2015 Transparency Code that requires, annually, the Council to report:

- a breakdown of income and expenditure on the authority's parking account, to include details of revenue collected from on-street parking, off-street parking and Penalty Charge Notices, and
- a breakdown of how the authority has spent a surplus on its parking account
- the number of marked out controlled on and off-street parking spaces within their area, or an estimate of the number of spaces where controlled parking space is not marked out in individual parking bays or spaces.

Lincolnshire County Council carries out 'On Street' parking enforcement in Lincolnshire using a third party contractor and, as the Enforcement Authority for on-street car parking, produce a report to cover their activities across the county.

East Lindsey District Council operates a number of 'Off Street' car parks most of which are operated under a 'Pay and Display' charging system. Enforcement activity is undertaken in these car parks by East Lindsey District Council.

Legal Provisions

The Traffic Management Act 2004 (TMA) lays down the requirements under which Civil Parking Enforcement is carried out. These provisions apply to 'off street' car parks as well as on the roads. The car parks in East Lindsey are subject to a Traffic Regulation Order.

This order and its amendments detail the car park regulations in car parks. The order also allows for the issue of Penalty Charge Notices for certain contraventions of the order. The issue of these notices and the procedures which follow their issue are laid down by the TMA and regulations made under it.

Patrol and Enforcement activities in the car parks are carried out by Civil Enforcement Officers employed by East Lindsey District Council.

Section 55 of the Traffic Management Act defines the purposes for which income, specifically from charges and Penalty Charge Notices for on-street car parking and Penalty Charge Notices for off-street car parking, can be used.

These purposes are for:

- all operational costs in delivering a car parking service (including capital repair and maintenance in addition to staffing)

- supporting public transport passenger services
- supporting road or highway improvement projects
- environmental improvements which includes improving or maintaining the appearance or amenity of -

(i) a road or land in the vicinity of a road, or

(ii) open land or water to which the general public has access; and

(iii) the provision of outdoor recreational facilities available to the general public without charge.

East Lindsey District Council Car Parks

There are 45 pay and display car parks within the East Lindsey district operated by the District Council. These are located in town and village centres to service the needs of residents and visitors to these areas. In addition there are a number of car parks located to support the tourism need in coastal communities. The Council also offers free car parking at 10 car parks throughout the district.

The Council operated car parks are located at the following locations: Skegness, Ingoldmells, Chapel St Leonards, Sutton On Sea, Mablethorpe, Louth, Spilsby, Alford, Horncastle, Burgh Le Marsh, Woodhall Spa, Coningsby and Tattershall with a total of 6514 parking spaces being distributed amongst these locations.

The council reviewed its charging policy in regard to its car parks in 2013 (having not previously reviewed such arrangements since 2008).

The main objectives in the making of charges for parking in the District's car parks are:

- to cover the costs of their maintenance, infrastructure and management, including those of associated land and facilities available to the public.
- to ensure that parking is available for people using the facilities in the town and villages by ensuring a turnover of spaces in the car parks. This is particularly important in the car parks supporting the shops in the town centres where most car parks are 'short or medium stay' facilities.

Parking machines are replaced across the district when this becomes operationally necessary, all machines are networked via digital connection enabling monitoring to be undertaken remotely thus introducing more efficiencies into the service and ensuring that faults can be identified and rectified promptly.

Enforcement Activities

The Council employs 13 uniformed Civil Enforcement Officers (CEO's) to patrol and enforce off street parking matters. As well as ensuring the charging regime in the car parks is complied with, staff also help to ensure that any defects or other issues affecting the car parks are reported and rectified. The Officers are all trained to nationally recognised standards and receive refresher training when necessary.

Penalty Charge Notices

Vehicles appearing to be parked in contravention of certain aspects of the Traffic Order can be issued with a Penalty Charge Notice (PCN) which is normally attached to the vehicle or handed to the driver by the CEO. The level of the charges, set by central government, is currently £50 for a lower level contravention, and £70 for a higher level contravention. The charges can be settled at a reduced charge of £25 or £35 respectively if paid within 14 days of issue.

The level of the charge is designed to reflect the severity of the contravention. For example if someone was to remain in the car park for a longer period than they had paid for then they would receive a lower level charge. Those who park in a disabled person's bay, when not holding the appropriate badge, which is considered to be a more serious contravention, would receive a higher level charge.

Once a PCN has been issued, the driver can challenge the issue of the notice with the Central Processing Unit. Trained members of staff will consider the circumstances and any mitigation given by the driver. While the challenge is being considered the case will be placed on hold so that, even if the challenge is rejected, the motorist can still settle the matter at the reduced charge.

When a challenge is made and rejected, or no payment made, the owner of the vehicle is sent a 'Notice to Owner'. This is the driver's opportunity to make formal representations against the issue of the Penalty Charge Notice. Consideration of these representations is carried out by the Central Processing Unit.

Should the representations be rejected a driver then has an opportunity to appeal against that decision to the Traffic Penalty Tribunal. This is an independent body where Adjudicators will consider the case and whose decision is binding on both the Council and the Motorist.

Statistics – April 2015 – March 2016

Total PCN's issued	4502
Higher level PCN's issued	412
Lower level PCN's issued	4090
Paid at discount	2787
Paid at full (or above)	320

PCN's paid	3107
PCN's against which formal or informal representations made	1731
PCN's cancelled as a result of formal or informal representations	965
PCN's cancelled for other reasons	597
PCN's written off	48

Contraventions

The table below shows the PCN issue figures for all contraventions:

Code	Off Street National Contravention Description	Amount Issued
73	Parked without payment of the parking charge (Electronic payments)	0
74	Using a vehicle in a parking place in connection with the sale, offering or exposing for sale of goods when prohibited	0
80	Parked for longer than the maximum period permitted	1
81	Parked in a restricted area in a car park	39
82	Parked after the expiry of paid for time	738
83	Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	2913
85	Parked in a permit bay without clearly displaying a valid permit	0
86	Parked beyond the bay markings	387
87	Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge	360
91	Parked in a car park or area not designated for that class of vehicle	7
92	Parked causing an obstruction	6
93	Parked in a car park when closed	1
94	Parked in a pay & display car park without clearly displaying two valid pay & display tickets when required	49
95	Parked in a parking place for a purpose other than designated	1

Adjudication Statistics

During the year 7 cases were appealed to the Traffic Penalty Tribunal by motorists, with the following outcomes:

No hearing outcome	1
Appeal allowed	4
Appeal not contested	2
Appeal rejected	0

Income and Expenditure

Income and expenditure in relation to off street parking activities:

Expenditure: £1355042

Income: £3132417

Surplus: £1777374 (to cover the costs associated with delivering the service).

Duncan Hollingworth

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