

REPORT FOR: INFORMATION BULLETIN

Subject:	ANNUAL PARKING REPORT (2020/21)
Lead Officer:	Head of Environmental Services
Portfolio Holder:	Transport
Business Plan ref:	EC – 1
Exempt information:	None
Delegated status:	For Information

PURPOSE:

The Council is required to publish an annual report detailing certain statistical and financial information relating to the enforcement function in its off-street pay and display car parks. The report for 2020/21 shows the off-street parking enforcement function operated at a net £360,000 deficit. A total of 5775 parking penalties notices were issued of which, 74% were paid, 21% were cancelled on appeal and the remainder either unrecoverable or are pending further recovery action.

REPORT:

Background:

1. The Council manages and controls parking in its off-street pay and display car parks using legislation known as Civil Parking Enforcement. It also undertakes on-street enforcement on behalf of the County Council under an Agency Agreement. These on and off-street enforcement operations are combined to enable an efficient and effective joint parking enforcement service in Elmbridge.
2. Under Civil Parking Enforcement legislation, enforcing authorities are required to issue an Annual Report detailing certain financial and statistical information. This is to ensure transparency and accountability in relation to parking enforcement operations. The Council is required to issue a report in relation to off-street car parks, and Surrey County Council is required to issue a report in respect of on-street parking operations.
3. During the year, the operation of the Council's car parks were impacted by the Covid-19 pandemic lockdown restrictions which included a period of 5 months from April 2020 when the car parks were 'free' and unenforced. Thereafter, the use of the car parks for the remainder of the year was significantly reduced. During this year and in accordance with government advice on service contracts, the council continued to employ and pay its parking enforcement service provider. As a result, whilst operational enforcement cost remained, the number of penalties issued dramatically reduced resulting in a significant deficit for the year.

Annual Report:

4. The financial and statistical information required for the 2020/21 Annual Report is shown at Appendix A. Members may wish to note the following.

5. **Financial:** The off-street parking enforcement function operated at a net deficit of £360,000. This is calculated from the receipts of paid parking penalties and debt recovery less the costs of carrying out the enforcement operation i.e. the cost of the enforcement patrols by the service provider and the cost of penalty processing by Council staff. It excludes the income from pay and display and parking permit ticket sales.
6. **Statistical:** A total of 5775 parking penalty notices were issued in the Council's pay and display car parks in 2020/21. This compares with a total of and 13,469 penalties in 2019/20. The reduction in the number of penalties issued is due to the COVID pandemic. The vast majority of penalties issued were for failing to purchase and or display a valid parking ticket (including incorrect use of the mobile phone payment service). Of the penalties issued, 1524 (26%) were challenged and reviewed through the appeals process, of these 1197 (79% of those challenged) were cancelled at the council's discretion.

Financial Implications: Under the relevant legislation, namely the Road Traffic Regulation Act 1984, any surplus is ring-fenced to offset previous or future deficits and can only be used to fund improvements to car parks or to contribute to general transportation improvement schemes.

Environmental Implications: Exempt - information report

Legal implications: As set out in the report

Equality Implications: None

Risk Management Implications: None

Community Safety Implications: Exempt - information report

Background Papers: None

Enclosures / Appendices: Appendix A - Annual Report 2020/21. Issued in accordance with – Secretary of State's Statutory Guidance of Part 6 of the Traffic Management Act 2004.

Contact Details: Parking Operations Manager

Appendix A: Off-Street Parking 2020/21 – Annual Report

Financial Information:

Off-street parking enforcement is undertaken through a parking enforcement contract with NSL Services, under which the Council's pay and display car parks are regularly patrolled by Civil Enforcement Officers (*traffic wardens*) and Penalty Charge Notices are issued when appropriate. The Civil Enforcement Officers do not operate under a performance scheme based on a quota or target level of Penalty Charge Notices. The Council's expenditure on these **enforcement operations** is shown below.

In addition to the administration of the car parks, including monitoring the Council's revenue streams from pay and display parking and parking permits, the Council's Parking Services Section processes parking Penalty Charge Notices. There is a statutory duty for Local Authorities to consider representations challenging Penalty Charge Notices. This is done according to Statutory Guidance and local policies.

The cost of administering Penalty Charge Notices is included in the **Administration Costs** and below.

Off-Street Parking Enforcement (2020/21)	£,000s
Operational Enforcement	135
COVID enforcement cost*	96
Administration Costs**	232
Maintenance and other costs**	37
Gross Enforcement Costs	500
Less PCN Income	(140)
Net Enforcement Cost	£360

Off-street parking enforcement operated at a deficit of £360,000 in 2020/21.

*Cost of parking enforcement over the lockdown period, due to government guidance to pay service providers.

** The administration and maintenance costs have been calculated differently from previous reports to allow for the impact of Covid, consistency of reporting with other performance reports and to recognise a broader base of expenditure incurred in parking enforcement in 2020/21.

Appendix A: Off-Street Parking 2020/21 – Annual Report

Statistical Information:

The Council recognises that the vast majority of drivers abide by parking controls in our car parks, and we publicise clear and easily understood information on rules governing the operation of our car parks, to ensure that as far as possible penalties can be avoided.

However, even the most diligent driver may receive a Penalty Charge Notice as a result of a simple error or due to circumstances out of their control. In all cases we endeavour to be fair, consistent and transparent in our policies and procedures for considering challenges and appealing against a Penalty.

The law provides for two levels of Penalty: The lower Penalty of £50 generally applies for parking contraventions in areas where parking is allowed for example, for an expired pay and display ticket. A higher £70 Penalty applies for contraventions in areas where parking is normally prohibited such as the unauthorised use of a 'disabled' space. The majority of contraventions occurring in our car parks are for parking without a valid pay and display ticket and very few higher Penalties are issued.

2020/21	Number	%
Total Penalty Charge Notices (PCNs) issued	5775	100
Higher level PCNs (£70)	179	3.00
Lower level PCNs (£50)	5596	97.00
PCNs paid at discount	3668	63.51
PCNs paid at full (or above)	594	10.29
Total PCNs paid	4262	73.80
PCNs against which formal or informal reps made	1524	26.39
PCNS cancelled as a result of formal or informal reps	1197	20.73
Vehicle's immobilised / removed	0	0

To encourage prompt payment of penalties the law allows a 'discount' 14-day period when the Penalty may be paid at half the normal charge, for example, a £50 Penalty will be accepted at £25. In addition, if we receive a challenge before the 14-day period runs out, we may extend the discount period for a further 14-days if we are unable to agree to cancel the Penalty.

One of the most common reasons for agreeing to cancel a Penalty is where the pay and display ticket has been purchased but not properly displayed for example, put on the vehicle dash 'face-down'. A warning notice may be issued in these circumstances. However, where a Penalty is issued, it is normally cancelled when the otherwise valid ticket is produced.

Where a Penalty remains unpaid, we follow parking law and ask the Court to allow the use of enforcement agents (*bailiffs*) to recover the unpaid monies and costs. This ensures penalties are not ignored. In those cases where the *bailiff* is unable to trace the owner of the vehicle, the debt owed to the Council from the unpaid Penalty will eventually expire.