

REPORT FOR: INFORMATION BULLETIN

Subject:	ANNUAL PARKING REPORT (2022/23)
Lead Officer:	Head of Customer Operations and Transformation
Portfolio Holder:	Enterprise and Local Economy
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 2022/23 shows the off-street parking enforcement function operated at a net £92k deficit. A total of 13,682 parking penalties notices were issued of which, 77.3% were paid, 18% 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 undertook on-street enforcement on behalf of the County Council under an Agency Agreement. These on and off-street enforcement operations were 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.

Annual Report:

3. The financial and statistical information required for the 2022/23 Annual Report is shown at Appendix A. Members may wish to note the following.
4. Financial: The off-street parking enforcement function operated at a net deficit of £92k. This is calculated from the receipts from 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.

5. **Statistical:** A total of 13,682 parking penalty notices were issued in the Council's pay and display car parks in 2022/23. This compares with a total of 12,223 penalties in 2021/22. The 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, 3,409 (24.9%) were challenged and reviewed through the appeals process, and of these 2,481 (72.8% 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 2022/23. 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 2022/23 – 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 (2021/22)	£,000s
Operational Enforcement	222
Maintenance and other costs	15
Administration Costs	191
Gross Enforcement Costs	428
Less PCN Income	(336)
Net Enforcement Cost	92

Off-street parking enforcement operated at a deficit of £92k in 2022/23.

Appendix A: Off-Street Parking 2022/23 – 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.

2022/23	Number	%
Total Penalty Charge Notices (PCNs) issued	13,682	100
Higher level PCNs (£70)	133	1
Lower level PCNs (£50)	13549	99
PCNs paid at discount	8864	64.8
PCNs paid at full (or above)	1706	12.5
Total PCNs paid	10570	77.3
PCNs against which formal or informal reps made	3409	24.9
PCNS cancelled as a result of formal or informal reps	2481	18.1
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.