

Agenda Item No: 16
Report To: EXECUTIVE
Date: 24th September 2009
Report Title: Parking Services Annual Report 2008/2009
Report Author: John Burns



Summary:	<p>This report provides an overview of the service for the period 1 April 2008 to 31 March 2009 and outlines the corporate objectives, structure and operations, as well as highlighting some of the initiatives that were undertaken in 2008/09 and proposed future initiatives.</p> <p>It is a legal requirement of the Traffic Management Act 2004 that local authorities operating Decriminalised Parking Enforcement (DPE) report annually on their parking enforcement activities. This report seeks approval to publish Parking Services' Annual Report for the period 2008/09</p>
-----------------	---

Key Decision: No

Affected Wards: All

Recommendations: **The Executive be asked to:- Note and approve the annual report of the Council's Parking Services for publication as required by the Traffic Management Act 2004**

Policy Overview: Decriminalised Parking Enforcement (DPE) supports the objectives of the Council's Parking Strategy

Financial Implications: There are no direct financial implications

Risk Assessment NO

Equalities Impact Assessment NO

Other Material Implications: There are no material implications

Exemption Clauses: **None**

Background It is a requirement of the Traffic Management Act 2004 that local authorities operating Decriminalised Parking Enforcement (DPE) report annually on their activities

Papers: N/A

Contacts: john.burns@ashford.gov.uk

Report Title: Parking Services Annual Report 2008/2009

Purpose of the Report

1. To note the annual report on the performance of the Council's parking service. and seek approval for its publication

Issue to be Decided

2. To approve the report for publication

The Report

3. The introduction Part 6 of the Traffic Management Act 2004, the parking related section of the legislation, brought about a significant number of changes affecting Councils carrying out DPE. These changes ranged from changing the description of enforcement officers from 'Parking Attendants' to 'Civil Enforcement Officers', to the introduction of differential penalty charges, the service of Penalty Charge Notices by post and the opportunity to carry out enforcement of double parking and parking alongside dropped footways.
4. In addition to the changes affecting every day operational activities, it is very much a main aim of the legislation to improve public confidence in an area of Council activity that hitherto has been regarded with cynicism, suspicion, concern and hostility. The fundamental aim of the new legislation is to improve public confidence in connection with DPE by the introduction of greater openness and transparency and the raising of professional standards. The requirement for Councils to produce detailed annual reports is one of the measures introduced to achieve these objectives.
5. This annual report is designed to explain to the public and stakeholders how the service is managed in Ashford and provide information about the service's performance. The report must be produced and published within six months of the end of each financial year.
6. Reporting also provides the Council with management information to be used in connection with performance evaluation and assists in the identification of areas where improvements can be made.
7. The final point of reporting is that it enables the Council to inform the public of projects commenced or completed during the previous year and proposed future initiatives.

Projects carried out during 2008/09

8. The following projects and initiatives were implemented, continued or completed during the period between 1 April 2008 and 31 March 2009.

- As set out in the Secretary of State's Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions and as required by the Traffic Management Act 2004, a comprehensive review of all Traffic Regulation Orders (TROs), traffic signs and road markings has been carried out to ensure they comply with legal requirements and are consistent with TROs. Although work on this project continues, the work is nearing completion.
- Following a very lengthy review of parking in Tenterden approval of the scheme's proposals and recommendations was received in March. Installation of new and amended signing and road markings will be completed very soon.
- It is hoped, following the Council's approval in March of proposals and recommendations about safety scheme parking restrictions in Ashford's Orbital Park area, the additional yellow lines that have now been installed will improve safety and alleviate difficulties experienced by drivers visiting the area.
- Following completion of the construction of the Ashford Town Centre, 'Shared Zone', it is hoped that issues that have delayed the full implementation of the 'Restricted Parking Zone' will be finalised and the Parking Services team can ensure that parking arrangements are properly observed and the area is effectively managed.
- A major refurbishment of the car and coach parking area in Station Road, Tenterden was completed in March.
- An inspection of Edinburgh Road car park revealed a serious structural defect which resulted in the closure of the car park so that repairs could be carried out. During the period the car park was closed, damaged decking surface on both level one and the top deck was replaced.

Corporate Objectives

9. The key objectives of DPE are to:
 - Regulate and manage the use of motor vehicles in all areas but particularly in the most busy and those likely to become congested
 - Maintain and improve the flow of traffic.
 - Maintain and improve road safety for all road users.
 - Promote and safeguard the interests of residents and business.
 - Meet the needs of disabled people.
 - Improve the effectiveness and encourage the use of public transport.
 - Provide and manage short stay parking facilities in support of business activities.
 - Manage and regulate on-street and off-street parking.
 - Protect and improve the environment.

Background

10. Ashford Borough Council took on DPE responsibility for both on-street and off-street parking regulations in October 2001. Previously, although the Council had been responsible for managing and enforcing regulations in its car parks, the Police and Traffic Wardens had enforced on-street parking regulations under criminal law legislation.
11. Following the Council's successful application to become a DPE area in October 2001, it started to enforce on-street parking regulations on behalf of Kent County Council under an agreement entered into with them. Under the terms of this agreement, after deduction of operating costs, any surplus revenue up to a maximum of £75,000 is retained by the Council, but can only be used in connection with transportation or environmental projects.
12. The Council also operates DPE in its own off-street car parks and retains any surplus to be spent in support of achieving the Council's corporate policies and objectives.
13. Information about parking and parking enforcement is available on the Council's website at www.ashford.gov.uk. In brief, the Council operates eight car parks in Ashford and four in Tenterden. There are also car parks in many of the villages. Urban car parks are conveniently located for easy access to shops and town centre facilities. Charges are reviewed regularly to ensure they are competitively priced and therefore represent good value-for-money.

Structure Management and Operations

14. All Parking Services staff are employed directly by Ashford Borough Council.
15. The Council employs eight Civil Enforcement Officers (CEOs) who are directed and supervised by one Senior Civil Enforcement Officer. They work shifts of various durations between the core hours of 6am and 10pm and on up to four occasions each month they will be called upon to work shifts which either start or finish outside the core hour period. Their enforcement responsibilities can take them anywhere in the borough where parking regulations are in force, but their efforts are directed mainly to the busy town areas of Ashford and Tenterden. Outlying residential areas and villages are not neglected and are regularly patrolled to ensure that parking regulations are complied with. The section has two vehicles which are used to provide daily transport to Tenterden and the outlying areas mentioned.
16. Apart from patrolling and enforcement duties CEOs assist with a range of other responsibilities which (in addition to frequently providing a first point of contact with members of the public seeking help and assistance) include reporting untaxed vehicles, reporting maintenance issues, dealing with minor maintenance tasks, suspending parking bays and setting out "No Parking" cones.
17. Although - like any other Council employees - the performance of enforcement staff is monitored and appropriate action would be taken in cases of poor performance, staff do not receive any kind of

productivity bonus or reward - nor are they required to achieve productivity targets.

18. All enforcement staff receive formal training which meets the requirement of the Traffic Management Act. Initial training provided over a week of intensive classroom based training provides City and Guilds' accreditation for Parking Enforcement. In addition, 'on the job' training provided by experienced colleagues, and Conflict Management and Personal Awareness training provided by the Police all contribute towards equipping new staff to deal with the technical and practical challenges that they will regularly encounter.
19. The activities of the enforcement team are supported by a small administration unit of two full time and one part time administration/clerical officers who work Monday to Friday and are based at the Civic Centre.
20. The section is also supported by a full time officer (also based at the Civic Centre) who is responsible for operational maintenance matters both on and off-street, and dealing with abandoned and untaxed vehicles.
21. The section is managed by the Parking Service Operations Manager.

Penalty Charge Notices

22. During the period April 2008 to March 2009, 11,650 Penalty Charge Notices (PCNs) were issued: 5,874 on-street and 5,776 in car parks. The following table provides more information about these Penalty Charge Notices.

2008/2009	On-Street	Off-Street
Higher Level Penalty Charge (£70)	2,984	616
Lower Level Penalty Charge (£50)	2,890	5,160
Issued in Ashford	4,880	3,549
Issued in Tenterden	994	2,227
Paid within 14 days or at discount rate	2,519	2,503
Paid full penalty charge	1,459	1,241
Cancelled (for all reasons)	974	1,623
Number of PCN's against which challenge or representation was made	1,330	2,250
Number of PCN's cancelled as a result of challenge/representation	547	1,340

23. Of the 11,650 PCNs issued, 2,597 were cancelled in line with the Council's published policies. The main reason for cancelling PCNs, which accounted for over 50% of all cancellations, was the production of a valid parking ticket that had not been properly displayed at the time the vehicle was parked.
24. Although, following the receipt of written representations every case is considered and decided on the merits of the circumstances concerned, all decisions are made strictly in accordance with the Council's agreed and published cancellation guidance policy document. This document has been adopted and taken into use by Councils in Kent and increasingly by Councils throughout the country. Use of this document

is designed to ensure a high level of fairness and consistency in decision making over as wide an area as possible and publication of the document, making it freely and conveniently available, supports the service's efforts towards achieving greater openness, transparency and fairness. It is most reassuring and gratifying to learn that use of the document by Councils in Kent won the praise of the Chief Adjudicator of the Traffic Penalty Tribunal (TPT).

25. If the outcome of a particular case remains in dispute and cannot be concluded to the satisfaction of the vehicle owner, the matter can be referred to the Traffic Penalty Tribunal to be finally decided by an Independent Parking Adjudicator. During the period this report is concerned with, 24 cases were appealed to the Traffic Penalty Tribunal, with the outcome that 7 (following further review or receipt of additional evidence) were not contested by the Council, 7 appeals were allowed by the Adjudicator and cancelled and 10 appeals were refused by the Adjudicator and were paid.
26. If, having followed all the statutory processes to secure payment of the penalty charge, the charge remains unpaid, the debt is registered with the Traffic Enforcement Centre (TEC), Northampton, which is part of HM Courts' Service where unpaid penalty charges are registered as debts with the County Court. Following registration and the service of relevant documentation, a warrant may be issued authorising the Council's Certified Bailiffs to recover, at no cost to the Council, the debts outstanding. During the period 1 April 2008 to 31 March 2009, 557 warrants were issued to the Council's bailiffs for the recovery of Penalty Charge Notice debts amounting to £50,820 which has resulted so far in the recovery of £16,428.
27. **FINANCE:** (2008/09 – Actual figures)

Item	Off-Street	On-Street
Employees	£210,033	£223,552
Premises	£318,450	
Supplies & Services	£108,590	£ 32,549
Transport	£ 6,268	£ 5,639
Support Services	£276,706	£ 59,712
Capital Charges	£ 29,937	
TOTAL	£949,984	£321,452
Season Tickets	- £148,412	- £29,721
Fees	-£1,202,135	- £81,525
Fines	- £ 84,435	-£187,365
Rents	- £125,050	
TOTAL	£610,048	+£22,841

Future Initiatives

28. Work is being carried out with a view to the possibility of introducing the following initiatives during the period 1 April 2009 and 31 March 2010
- Cashless parking which allows car park visitors to pay for parking time by credit or debit card on their mobile phones.
 - Introduction of the Kent Police Community Safety Accreditation Scheme to equip and empower Civil Enforcement Officers to carry out the enforcement of littering offences they may witness during the course of their civil enforcement duties.
 - Parking Services will take on responsibility for dealing with abandoned vehicles and the removal of untaxed vehicles from the highway under the Kent County Council's Operation Cubit scheme.

Portfolio Holder's Views

29. "I note the information contained in this report and I am happy to support the recommendation".

Contact: John Burns – Telephone: 01233 330641

E-mail: john.burns@ashford.gov.uk