

Tonbridge and Malling Borough Council

Parking Services

Annual Report 2008/09

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1. Context

We established the Parking Service in its current form in September 2000. Before then, we were responsible for managing and enforcing restrictions in our own car parks. After this date, we extended our role to cover on-street enforcement under a legal agreement with the highway authority, Kent County Council.

The Government introduced new law and associated regulations for public sector parking enforcement services at the start of April 2008. This was called the Traffic Management Act (TMA) and the specific part related to parking management is Part 6. It introduced Civil Parking Enforcement (CPE) and renamed 'parking attendants' as 'civil enforcement officers' (CEO).

Our CEOs enforce a range of parking restrictions covered on-street by Traffic Regulation Orders or, off-street, by the Off-street Parking Places Order.

2. Producing an Annual Report

The obligation in the legislation to produce an annual report rests with the 'traffic authority'. In shire areas, this is defined in the legislation as the County Council. Each district in Kent has provided the County Council with data to help it produce its composite county-wide report.

Nevertheless, the character, nature and practice of the enforcement service differ between districts and reflect local culture, expectations and circumstances. This is a telling reason why each district in Kent wishes to produce its own annual report to explain to the local community in greater detail the workings of its own parking team and its policies and performance.

Further support for this approach is contained in successive reports from the independent National Parking Adjudication Service, now renamed the Traffic Penalty Tribunal (TPT). The Chief Adjudicator has stated that she considers it good practice for all enforcement authorities to produce an annual report. This is to enable them to demonstrate that they are transparent, fair, accountable and consistent in the way they carry out the enforcement activity.

Therefore, this annual report is not obligatory but we consider it good practice to produce it so that we can share with Borough residents how we run the parking service and what the results were during 2008/09.

3. Parking Service – the Overall Aim

Our over-arching aim is to balance competing parking pressures safely, fairly and economically. Within this broad aim there are a number of elements: we seek to

- Maintain road safety and protect the environment;
- Assist the free movement of traffic where parking is a material factor;
- Promote and safeguard the needs and interests of residents, businesses and visitors, paying particular attention to those with disabilities;
- Encourage drivers to comply with parking regulations through effective, efficient, economic and fair enforcement throughout the borough;
- Provide and manage a stock of public car parking to support local businesses and economic vitality in the Borough;
- Manage on and of-street parking as a whole integrated service.

4. Parking Assets

4.1 Car Parks

The Council owns, or manages on behalf of Parish Councils, some 35 public car parks, involving almost 2900 spaces, of varying sizes and locations across the Borough. In addition the car parks serving Larkfield Leisure Centre and the Country Parks at Leybourne and Haysden are managed by the Council. Some are free and some are fee paying or managed through the use of tickets or season tickets. Full details of all the car parks we manage are available on our web site - www.tmbc.gov.uk

People using our car parks do so for a number of reasons. They may be visitors, shoppers, residents, workers or commuters. Some may only wish to park for a short time; others may need to park all day. We have set the conditions for using each of the car parks in a way that best meets the varying needs of the different groups of drivers who wish to use them. These conditions and charges are subject themselves to an annual review to ensure the efficient use and operation of the car parks.

We have 32 ticket machines located across a number of the car parks. A local company, Cale Briparc, supplies and maintains these machines for us. A separate company empties and banks the money from the machines each day.

4.2 On Street parking

The Borough has many stretches of single and double yellow lines waiting restrictions. There are also permit parking areas, disabled bays, school keep clears, bus stop clearways and pedestrian crossings that our parking team enforces.

We have three streets containing short lengths of parking covered by pay and display rules. These provide useful short stay bays near the town centre to assist local businesses. They are located in the Avebury Avenue, Holford Street and Danvers Road, Tonbridge.

Extensive areas of Resident Preferential Parking Schemes have been introduced in locations where parking problems were caused by commuter or worker parking. There are 13 such schemes across the Borough. Residents or businesses can have a permit that allows them to park when non-permit holders are banned from doing so. Our website contains full details of the various schemes.

We have issued 2815 resident and 552 business permits.

5. The Parking Team

5.1. Structure

We directly employ all the staff in the parking team. The elements of the work contracted out are the cash collection and ticket machine maintenance.

The parking manager leads the parking team from the office at Tonbridge Castle. During 2008/09 he had four administrative officers to process penalty charge notices and to respond to enquiries from members of the public. On patrol, throughout the Borough, we have a team of Civil Enforcement Officers (CEO - previously known as Parking Attendants). There are eight CEOs, led by a Senior Civil Enforcement Officer and his assistant

All have received training to the required national standard and receive continuing training as necessary. The CEO's role is to enforce existing regulations and ensure that Penalty Charge Notices are issued properly. The administrative staff ensure the notices are properly paid, enforced or cancelled as necessary.

Staff from other teams within Transportation Services are involved in planning and implementing new and amended parking schemes and also in carrying out improvement works on the car parks. Part of the CEOs' role also includes reporting on practical experience in monitoring and enforcing new parking regimes and providing feedback for adjustment and efficiency.

5.2. Management

Not all regulations and charges apply at all times and in all locations. Appropriate lines and signs must be evident and reflected in both the Off Street and On Street Parking Orders. Any additional or amended restrictions must be determined through a formal process and included in an appropriate order. Both the Off Street and On Street Orders are reviewed regularly and updated at least annually.

Deployment is undertaken in shifts using a system of “beats” to cover the areas where enforcement is necessary. Each beat is assessed as to its priority in terms of the number of contraventions and the effect these have on parking management and income due to the Council. The majority of beats are patrolled daily, subject to staff resources and the vagaries of the weather. Some high priority beats, such as Tonbridge town centre car parks, are visited more frequently. The beats are regularly reviewed by the Parking Manager and his team to ensure our staff resources are deployed in an optimum fashion, particularly having regard to the priority on highway safety and the concentration of the parking stock in car parks.

5.3. Enforcement

Our fundamental aim is to carry out the enforcement service in a way that is open, fair, accountable and consistent.

There are no targets or productivity bonuses of any description paid to the CEOs. They deal with each and every contravention on its merits and in the light of the circumstances.

Before our CEOs issue any PCN, they must follow strict procedures. It has to be legally issued and supported by proper evidence. The traffic order must accord with national standards and guidelines on the quality and positioning of signs and lines.

Every person who receives a PCN has the opportunity to send representations to the Council. If we reject a challenge or representation, the person can appeal directly to an independent Adjudicator in the Traffic Penalty Tribunal.

To improve consistency and fairness across the county, parking managers within Kent have produced a policy guidance document on dealing with challenges and enforcement. This is intended to promote a consistent approach to enforcement across different areas as well as clear and transparent processes by working to an agreed set of policy and operational guidelines. This approach has resulted in greater public understanding of, and confidence in, the enforcement processes. It will also move towards compliance with the aspirations of the TMA, TPT and the Local Government Ombudsman. This document has been

acclaimed nationally through out the parking world as representing an excellent example of best and consistent practice and is being used to develop similar practices across the country. *We have made this document available on our website.*

National guidelines and the local policy document are helpful and provide a useful steer overall. The important point is that each challenge to a PCN is dealt with individually and entirely on its own merits.

6. Performance and Financial Information

PCN Issues 2008/2009

| Data for 2008/09 | Total PCN | On-street | Off-street |
|--|-----------|-----------|------------|
| Higher level PCN (£70) | 3930 | 3422 | 508 |
| Lower Level PCN (£50) | 6228 | 1052 | 5176 |
| PCN paid | 7372 | 3352 | 4020 |
| PCN paid at discount rate | 6362 | 2848 | 3514 |
| PCN paid full charge | 1010 | 504 | 506 |
| PCN receiving a challenge or formal representation | 2736 | 903 | 1833 |
| PCN cancelled – challenge/representation accepted | 1693 | 494 | 1199 |
| PCN cancelled (other reasons e.g. CEO error, driver untraceable) | 267 | 151 | 116 |
| | | | |
| Number of Appeals to Adjudicator | 27 | - | - |
| Number of Appeals refused | 16 | - | - |
| Number of Appeals uncontested by the Council | 3 | - | - |
| Percentage of higher level PCNs issued | 39% | 34% | 5% |
| Percentage of lower level PCNs | 61% | 10% | 51% |
| Percentage of PCNs paid | 73% | 33% | 40% |
| Percentage of PCNs paid at discount rate | 62% | 28% | 34% |
| Percentage of PCNs formally/informally challenged | 27% | 9% | 18% |
| Percentage cancelled after a challenge | 17% | 5% | 12% |
| Percentage of PCNs written off for other reasons | 2.5% | 1.4% | 1.1% |
| Percentage of Appeals to Adjudicator | 0.26% | - | - |
| Percentage of Appeals refused | 0.15% | - | - |
| Percentage of Appeals not contested | 0.02% | - | - |

The majority of cases where a PCN is cancelled, following a formal or informal challenge, involve the motorist subsequently producing a valid ticket, permit or blue badge that was not clearly visible at the time the PCN was issued.

Financial Outturn 2008 /2009

On Street

| Item | On-street |
|--|----------------|
| Direct Employees | 241,739 |
| Premises and Transport | 8,799 |
| Supplies and Services | 30,063 |
| Central, departmental and Technical support services | 144,022 |
| Capital Charges | 32,327 |
| | |
| Parking Permits (inc dispensations) | (124,799) |
| On-street parking fees | (10,574) |
| Fines - PCN | (163,158) |
| | |
| TOTAL | 158,419 |

Off-street

| Item | Off-street |
|--|------------------|
| Direct Employees | 200,457 |
| Premises and Transport | 247,318 |
| Supplies and Services | 334,528 |
| Refunds on dual tickets | 442,424 |
| Central, departmental and Technical support services | 162,739 |
| Capital Charges | 147,320 |
| | |
| Season tickets | (167,334) |
| Parking fees | (1,848,369) |
| PCN fines | (126,547) |
| Other income | (84,674) |
| | |
| TOTAL | (692,138) |

The National Adjudicator's Annual Report

The National Adjudicator will shortly publish her Annual Report for 2008/09. The prepublication a draft of the results from the Traffic Penalties Tribunal (TPT) makes interesting reading in the context of this review of performance by our parking team.

The information from TPT focuses narrowly on a limited set of indicators based on formal appeals to the Adjudicator. When we study the comparative figures in detail, we see some positive and encouraging news about the performance of our parking team during 2008/09.

TPT considers that the ratio of appeals to the total number of PCNs issued contains information on overall performance. Up to a point, we agree. Our concern is that the figure, on its own, does not tell the whole story. You really need to know the total number of PCNs that enforcement team issues and the number that are cancelled after an informal or formal representation to gauge the 'quality' of PCN issue as shown in the information above. Even with this reservation, the Borough Council performance last year on this indicator was reassuring. The national average rate of Appeals per PCN was 0.31% and we were below this at 0.27%

A second figure from the national data that we believe indicates quality of performance is the percentage of Appeals that the Adjudicator dismissed. We registered a 59% result on this indicator, the best performance in Kent and thirteenth in the country out of over two hundred authorities carrying out civil parking enforcement.

7. Significant Tasks during 2008/09

7.1 Introducing the Traffic Management Act

The Government decreed that Part 6 of the Traffic Management 2004 (TMA) would come into force on 31 March 2008. This Act and its associated Regulations now controls the way that local Councils enforce waiting restrictions on the highway and in Council owned car parks.

Gearing up for the new legislation was a major task. It involved:

- changes to the computer systems that are essential tools for efficiently and effectively processing PCNs.
- retraining for the parking attendants who the Act renamed Civil Enforcement Officers.
- reappraising Traffic Regulation and Off Street Parking Places Orders, to ensure that they complied with the new legislation.
- ensuring that traffic signs, car park signs and road markings conformed to the new legislation, and were consistent with the TROs
- informing the public about relevant changes to enforcement and in particular the changes to penalty charge levels.
- making changes to uniforms.
- ensuring that printed stationery and standard letters were updated to reflect the requirements of the new Act.

We also reset our charges to accord with the new system of differential penalty charge that the Act introduced. This discriminates between less and more serious contraventions. Higher-level contraventions were introduced at £70 and lower level ones at £50. The majority of the lower rate contraventions apply in the car parks. It became clear during 2008/09 that this new system had an adverse impact on the economics of the enforcement service since the majority of the penalty charges fall within the lower band.

7.2 Wider Enforcement Activities

Schools - There are a number of schools across the district with serious traffic management problems at drop-off and pick-up times. Parking enforcement activity on its own is an ineffective way of dealing with such problems and there needs to be a wider partnership with each school and the police to deal with the road safety problems created by the behaviour of a small number of parents.

We worked with schools, their staff, governors, parents and the Police to try and resolve these problems and provided advice about parking and traffic management. We provided CEO presence where appropriate to do so to support joint campaigns by the schools and the police with some success at problem locations.

Other Activities – CEOs are uniformed officers who are highly visible and provide a useful and important ‘ambassador’ role on behalf of the Borough Council. They often act as the first point of contact for the public providing advice and information on all aspects of our role and activities.

The CEOs also take a pro-active role in combating the litter problem with close liaison with the relevant officers in our Environmental Health Services.

CEOs also collect data on behalf of the Police in their combat against Blue Badge fraud, car tax evasion and crime prevention initiatives.

The Parking Action Plan

We receive a continuing flow of requests from local residents and businesses about the parking problems that adversely affect them. To deal with this in a managed way, as effectively as possible, we set out our strategy in a Parking Action Plan which we adopted a few years ago.

It consists of a series of discrete Local Parking Plans for particular towns where we need to consider the parking pressures and assess likely solutions broadly across the neighbourhood. A solution needs to resolve the parking problem, not simply transfer it to a nearby street. So our Parking Plan considers all the competing pressures across the area and seeks to provide parking management and control that share out the parking opportunities fairly and openly, in a balanced way.

During 2008/09, our work focused on two areas. We completed a major scheme of parking management in **Tonbridge town centre**. This was a project that had spanned over several years and we introduced it incrementally because of the scale of the task. The second area was Borough Green where we now have an agreed **Borough Green Local Parking Plan**. This document set out a programme of measures to respond to concerns about parking from the local community much of which was completed before the end of the reporting period. It included a considerable degree of local consultation and a partnership group of Parish, Borough and County Councillors helped steer the work as it progressed.

We will review this Plan after a couple of years, in line with our practice, so that we can keep it relevant and fresh in the light of any changes in local circumstances and developments.

Many of the requests we receive on parking are about specific problem locations with no wider area implications. We have dealt with these over the years in a phased programme with each of the phases made up of a manageable number of discrete locations. We exercise the same concern about migration of problems in this phased programme as we do in setting up Local Parking Plans. During 2008/09 we completed Phase 4 of this part of the Action Plan.