

## **Introduction**

1. Civil Parking Enforcement (CPE) places the responsibility for enforcing on-street parking restrictions, in addition to off-street car parks with the Council rather than the police. The Council operates its parking enforcement service under the provisions of the Traffic Management Act 2004 (TMA).

The regulations made under Part 6 of the Traffic Management Act 2004 enable a Local Authority in England, provided it has been given the relevant power by the Secretary of State, to enforce parking contraventions within a particular geographical area and to enforce other contraventions such as double parking and parking across a dropped footway within a Special Enforcement Area. Darlington Borough Council is operating CPE for both on street and off street contraventions in both areas covering the entire Borough area with the exception of the trunk roads (A1(M) and A66) these remain the responsibility of the Highways Agency.

This report will provide an account of parking enforcement activity in Darlington between 01/04/12 – 31/03/2013.

## **Civil Parking Enforcement in Darlington**

2. From the 31/12/2010 the Council has been operating decriminalised parking enforcement (CPE). Our objectives for CPE are compatible with our Local Transport Plan as follows:
  - To reduce congestion and ensure expeditious movement of all road traffic
  - To improve air quality and the local environment
  - To maximise safety and reduce accidents
  - To support economic regeneration
  - To comply with the council's Parking Management Strategy
3. CPE is a key component of effective traffic management and improving traffic flow. The integration of enforcement and parking policy should provide better monitoring of the effectiveness and value of parking controls, so that parking provision becomes more responsive to the public's needs. Poor, dangerous, and obstructive parking can pose a danger to pedestrians by blocking pavements and forcing them onto the roads. It also reduces visibility for other motorists and impedes traffic flow. Through CPE all residents, visitors, schools and businesses will benefit from better enforcement of parking regulations and the reduction of incorrectly parked vehicles.
4. CPE transfers the responsibility for enforcing on street parking restrictions (such as double yellow lines, no loading restrictions etc), to the Council rather than the Police. This is in addition to on and off street parking enforcement (car parks, residents parking areas etc) which was carried out by the Council and was ultimately dealt with through the magistrates courts as a criminal matter prior to CPE.
5. Enforcement is carried out by an in-house team of Civil Enforcement Officers (CEOs). Civil Enforcement Officers do not have discretion and work within a stringent set of guidelines governed by the Traffic Management Act. CEOs will at the time of issuing a Penalty Charge Notice (PCN) make notes and take photographic evidence to substantiate the reason for the issue. This will

be used by the back office processing staff if a challenge is received.

6. The Council does not set PCN issue targets for our CEOs and they do not receive any financial gain based on the number of PCNs issued.
7. Income from PCNs is used to finance the enforcement and adjudication systems. Any on-street surpluses must be used only for the purposes set out in Section 55 (as amended) of the Road Traffic Regulations Act 1984. The council is required to keep separate accounts of PCN income from on-street and off street enforcement. Any surplus can be used for further investment in the Council's transport and environmental policies and to promote Local Transport Plan objectives.

### **Civil Parking Enforcement Initiatives, projects and Improvements**

8. The following initiatives, projects and improvements have been implemented between 01/04/2012 – 31/03/2013
  - New waiting restrictions in Neasham Road to improve traffic flow.
  - New waiting restrictions on Woodlands Road to remove a pinch point adjacent to a petrol filling station.
  - New waiting restrictions in Faverdale North to reduce obstructive parking and improve visibility for cars exiting private entrances.
  - Introduction of a paid for parking waiver for tradesman carrying out work in restricted areas.
  - Introduction of 2 contract car parks at Beaumont Street and Winston Street.
  - Commenced review of the Parking Strategy

### **Structure**

9. Responsibility for Parking in Darlington is split between 4 teams within 2 departments:

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A)	<b>Team</b> Parking & Strategy Commissioning	<b>Officers</b> 1x Principal Strategy Officer	<b>Department</b> Place
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**Responsible for:**  
Car Parking Strategy

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B)	<b>Team</b> Highway Network Management	<b>Officers</b> 1x Traffic Manager 1x Traffic Management Engineer 1x Traffic Management Technician	<b>Department</b> Place
	Legal Services	1x Principal Legal Assistant	Resources

**Responsible for:**  
Statutory Highway Network Management Duty  
Consideration and prioritisation of requests for new or amended restrictions  
Preparation of processing of Traffic Regulation Orders (TROs)  
Exemptions, waivers and permissions  
Maintenance of signing and lining associated with restrictions  
Maintenance of car parks

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C) Team	Officers	Department
Parking Processing & Parking Enforcement	1x Licensing, Parking, Trading Standards & CCTV Manager 1x Processing & Appeals Co-Ordinator 1x Parking Processing Officer	Place
	1x Parking Processing Assistant 1x Parking & Enforcement Co-Ordinator 2x Civil Enforcement Supervisors 7x Full Time Equivalent CEOs	

**Responsible for:**

Civil Parking Operational Enforcement  
 Management of day to day operation of all pay and display machines  
 Penalty Charge Notice Appeals  
 Bailiff Enforcement – Unpaid PCNs  
 Management of Cash Collections from pay and display machines  
 Preparation of cases for consideration by independent adjudicator (Traffic Penalty Tribunal)  
 Freedom of Information requests  
 Management of Resident, Staff and Contract Parking Permits

10. The management and back office appeals and processing staff deal with all correspondence from the first informal challenge to a PCN being registered with bailiff. All back office staff have received full training and have obtained City & Guilds qualifications in accordance with the Traffic Management Act 2004. Staff who deal with penalty notice representations refer to a published framework which provides guidance so that each representation is considered on its own merits. These procedures are published on the Council website and can be viewed at

**<http://www.darlington.gov.uk/Transport/carparking/carparking.htm>**

11. The Council employ 7 full time equivalent CEOs who patrol both on and off street parking areas. All CEOs shadow a more experienced staff member as part of their training to familiarise themselves with the responsibilities of the role. This will continue until management are satisfied that they are competent to patrol alone. All CEOs have or are working towards a City and Guilds Level 2 qualification in Parking Enforcement.
12. CEOs are equipped with mobile radios to keep in constant contact with the back office and each other. They also wear video cameras on their person to record live footage, to assist with health and safety reasons and challenges against PCNs
13. The CEOs follow enforcement procedures which are included in the published framework on the Council website and can be viewed at:

**<http://www.darlington.gov.uk/Transport/carparking/carparking.htm>**

## **Parking Locations and Spaces**

14. Darlington Council owns, operates and enforces 20 pay and display car parks which consist of 2,191 spaces. There are also a number of privately operated car parks in the Town Centre. Between 01/04/12 – 31/03/2013 over 1.6 million pay and display tickets were purchased within the Council owned car parks, this has remained the same as last annual report which confirms numbers parking in our car parks have remained consistent. There are 108 designated disabled spaces, however vehicles displaying a valid disabled badge can park in any marked space. **See Appendix 1**
15. There are 298 On Street pay and display spaces which are restricted to a maximum stay of 2 hours with no return within an hour. This is to keep a constant turnover so there are available spaces for visitors to local businesses. **See Appendix 2**
16. The Council has three permit holder contract parking areas to serve the operational parking needs of the town centre business's Four Riggs, located on Bondgate) Beaumont Street West (located on Beaumont Street) and Winston Street West (located on Winston Street, this is allocated to NHS staff only)
17. A map listing of all the Council car parks can be found at:

**<http://www.darlington.gov.uk/Transport/carparking/carparking.htm>**

18. **Appendix 3** shows the recorded levels of car crime within Darlington car parks between 2001 - 2012

## **Disabled Parking**

19. The Council provides designated disabled spaces within most of our car parks. Disabled badge holders can park for 3 hours free within a Short Stay car park and they can park all day for free within a Long Stay Car Park.
20. Disabled badge holders may currently park without charge and without limit in all On Street pay and display areas.
21. Darlington Shopmobility is located in the Market Square in the centre of the town (opposite the Town Hall). Shopmobility provides a hiring service to the public for scooters and wheelchairs. Shopmobility also has a small dedicated parking area at the Town Hall.

## **Residents Parking**

22. There are 15 Resident Permit Zones within the borough of Darlington Parking is restricted to permit holders 8am to 6pm Monday to Sunday. Out of the 14 zones, 11 require payment for a residents permit, 3 are designated free zones due to parking congestion being created after the construction of the college and football stadium. Charges for permits are currently 12 Months £40, 6 Months £25 and 3 month (temporary permit) £18. In total there are 1509 resident permit spaces. Income received from permits for 2012-2013 is **£30,430.**

## Performance

23. Civil Parking Enforcement commenced on the 31/12/10 within the borough of Darlington. Differential penalty charge levels which are set nationally were introduced. A higher level of £70.00 (reduced to £35.00 if paid within 14 days) is levied for more serious parking contraventions i.e. no waiting/loading areas, bus stop clearways etc. A lower level of £50.00 (reduced to £25.00 if paid within 14 days) is levied for lesser contraventions i.e. parked after ticket expired, not displaying a valid ticket etc.
24. Between 01/04/12 – 31/03/13 Civil Enforcement Officers issued 17,587 Penalty Charge notices. This figure is **LOWER** than the issue levels of Dec 2010 to Mar 2013 due to improved compliance of the traffic regulations.
25. **Appendix 4** shows the number of penalty charge notice appeals received between 01/04/2012 – 31/03/2013 broken down into appeals which were allowed (cancelled, no payment) rejected (payment required) cases at TPT (Traffic Penalty Tribunal where drivers have the option to have their appeal heard by an independent adjudicator) and penalty charge notices referred to bailiff.
26. **Appendix 5** shows the breakdown of the Council's expenditure on Civil Parking Enforcement & Processing.
27. **Appendix 6** shows the income received from penalty charge notices as of 23/09/2013 between 01/04/2012 – 31/03/2013.
28. The Traffic Management Act 2004 (part 6) requires that all income from Civil Parking Enforcement (CPE) (including RPZs) should not exceed the cost of running the service. For Darlington in 2012/13 the out-turn position was:  
**Income** £ £448,957, made up of:  
£418,527 penalty notice payments  
£30,430 resident permit payments  
**Cost of running service** £568,895  
**Deficit** is £119,938

The Road Traffic Regulations Act 1984 restricts what the Council can do with any surplus it generates from operating its wider parking function: income has to be spent on transport/highways. The income this refers to is broader than CPE and includes the income we receive from off-street parking. This function does generate a surplus and is used to contribute to highway related functions, as the law requires. For Darlington in 2012/13 the out-turn position was:

**Net income** £1.009M  
**Spending on highways** £5.535M

## LESSONS LEARNED

29. Following on from the introduction of Civil Parking on 31/12/2010 we have listened to the views of the public and local businesses and where possible have made changes to benefit the car parking provision in the town.
30. We listened with regards to parking issues in Garden Street when concerns were raised by the public regarding private land boundary issues. The Council recognised that the penalty notices issued to vehicles parked in this area

were incorrect and we publicly announced this via the Northern Echo and asked drivers to contact the council for full refunds.

- 31 We listened to local residents and increased our patrols around local schools to prevent inconsiderate parking which created a risk to children attending the schools

## **THE WAY FORWARD**

32. The number of Civil Enforcement officers (CEOs) has reduced since the inception of Civil Parking Enforcement. We will however continue to carry out pro-active enforcement in parking hot spots in the town where the council receives high numbers of complaints e.g. school keep clear lines, town centre parking, loading bays and no waiting/loading areas.
33. We continue to learn from the outcome of appeals from the Traffic Penalty Tribunal (TPT) and where the TPT has ruled against us we apply this learning to future cases.

## Appendix 1 – Council Car Park Spaces

Car Park	Spaces	Type	Designated Disabled Spaces
Abbotts Yard *	72		22
Archer Street	79		
Beaumont St East *	150		
Beaumont St North *	118		3
Central House *	47		2
Chestnut St (Car & Lorry Park)	109		
Commercial St East *	139		13
Commercial St West *	171		10
East Street *	334		4
Garden Street *	70		2
Hird Street	13		
Kendrew St East *	91		
Kendrew St West *	97		
Park Lane	109		9
Park Place East *	91		4
Park Place West	89		2
St Hildas *	15		
Town Hall *	435		31
Winston St South	48		6
Winston St North *	27		
<b>Total</b>	<b>2304</b>		<b>108</b>

## **Appendix 2 – Council On Street Spaces**

<b>On Street</b>	<b>Spaces</b>	<b>On Street</b>	<b>Spaces</b>
Beaumont Street	16	Raby Street	2
Grange Road	38	Primrose Street	5
Northumberland Street	14	Powlett Street	12
South Arden Street	4	Larchfield Street	10
Winston Street	25	West Powlett St	2
Barnard Street	13	Gladstone St	37
Duke Street	34	North Lodge Tce	6
Napier Street	8	Kendrew St	7
Kendrew Street	7	Victoria Emb	9
Park Place	24	Victoria Road	7
Hargreave Terrace	13	Swan Street	5



### Appendix 3 - Recorded Crime Levels

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Archer Street	5	5	6	1	1	0	1	1	2	0	0	0
Barnard Street	1	1	0	0	0	0	0	0	1	0	0	1
Beaumont Street	2	4	5	4	1	1	2	2	0	0	1	1
Bells Place	0	3	1	0	0	0	0	0	0	0	0	0
Commercial Street	3	2	5	2	2	4	0	0	1	0	2	1
Crown Street	2	2	1	0	0	4	3	0	0	0	0	0
East Street	0	2	1	1	0	0	0	0	1	0	1	0
Garden Street	0	0	2	0	0	4	8	0	0	0	1	0
Kendrew/Gladstone Street	11	3	1	0	1	4	1	0	0	0	1	2
Market Place	1	0	0	0	0	1	0	0	0	0	0	0
Park Place	2	5	1	1	1	3	3	0	1	0	0	1
St Hilda's Church	0	0	2	0	0	4	2	0	0	0	0	0
Town Hall	0	4	9	3	2	1	3	1	0	5	0	0
<b>Total</b>	<b>27</b>	<b>31</b>	<b>34</b>	<b>12</b>	<b>8</b>	<b>26</b>	<b>23</b>	<b>4</b>	<b>6</b>	<b>5</b>	<b>6</b>	<b>6</b>

#### **Appendix 4 – Penalty Charge Notice Appeals, Tribunal & Bailiff**

<b>Month</b>	<b>Apr 12</b>	<b>May 12</b>	<b>Jun 12</b>	<b>Jul 12</b>	<b>Aug 12</b>	<b>Sep 12</b>	<b>Oct 12</b>	<b>Nov 12</b>	<b>Dec 12</b>	<b>Jan 13</b>	<b>Feb 13</b>	<b>Mar 13</b>	<b>Total</b>
PCNS Issued	1451	1278	1308	1480	1192	1572	1560	1596	1633	1433	1364	1720	17,587
Appeals Received	494	441	434	445	437	438	497	519	486	574	463	561	5789
PCN Appeals Allowed	197	198	183	186	173	189	182	234	160	276	192	254	2424
PCN Appeals Rejected	137	122	137	132	128	123	166	156	155	168	107	135	1666
TPT Cases in which DBC successful					2		1		1	2		2	8
TPT Cases in which Public successful	1			2	1		1		2	1	1	1	10
Referrals to Bailiff	115	52	116	44	54	26	82	57	70	44	57	138	855

Appeals received – Penalty notices can receive upto 2 incoming challenges and other supporting documents. Therefore the number of appeals allowed and rejected, are lower then the overall appeals received figure.

## **Appendix 5– Expenditure**

<b>Description</b>	<b>Amount</b>
Salaries Parking Enforcement Parking Processing and Highways (including overhead costs)	393,755
Legal Fees – Publications (including Traffic Regulation Orders)	£11,849
Other Supplies & Services (building/heating/maintenance agreements/vehicle hire etc)	£106,606
Appeal Processing Costs (DVLA, PATROL & HMCTS)	£18,830
Transport (Van Leasing/Mileage/Fuel etc)	£2,532
ICT Hardware, Software & Training, Maintenance, Equipment & Support	£32,213
Employee Training Costs	£3110
<b>Total</b>	<b>£568,895</b>

## Appendix 6 – Income from penalty charge notices

<b>Month</b>	<b>Amount</b>
April 2012	£15573
May 2012	£31641
June 2012	£33396
July 2012	£37709
August 2012	£32549
September 2012	£40106
October 2012	£38647
November 2012	£41996
December 2012	£41043
January 2013	£32605
February 2013	£32610
March 2013	£40652
<b>Total</b>	<b>£418,527</b>