

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 01st April 2013 to 31st March 2014

Civil Parking Enforcement in Darlington

2. From the 31st December 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 (including ticket sales) 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 parking income from on-street and off street parking bays. Any surplus from off street ticket sales can be used for 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 started/completed from 01st April 2013:
 - A. Inner Ring Road. Ongoing
 - B. Grange Road Mini, speed limit change and cycleway through Blackwell Grange.
 - C. Sugarhill Park Cycleway
 - D. Central Park Junction
 - E. Green Street car park
 - F. Feethams / Beaumont car park.
 - G. John Street Cycle way
 - H. Yarm Rd Mc mullen Road Roundabout (Now Bus Stops)
 - I. Feethams Bus Stop town hall
 - J. Morton Palms car park
 - K. Newton Lane roundabout west park link
 - L. College junction DETC
 - M. Central park link road
 - N. Clifton Road Bus Stops

- O. Bus stop improvements
- P. Hurworth School 20mph zone
- Q. A68 Roundabout.
- R. Park Place West Car Park. Slurry seal, Survey.

Structure

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

A

Team	Officers	Department
Parking Strategy & Commissioning	1x Head of Service 1x Principal Policy Officer 1x Transport Officer	Place

Responsible for:

Car Parking Strategy

B

Team	Officers	Department
Highway Network Management	1x Traffic Manager 1x Traffic Management Engineer 1x Traffic Management Technician	Place

Legal Services	1x Principal Legal Assistant	Resources
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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

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

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

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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 currently 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 CEO's 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 there are also a number of privately operated car parks in the Town Centre. In September 2013 part of the town hall car park was suspended for the construction of the new Department of Education building and 194 parking spaces (35%) were put of action. Between 01st April 2013 – 31st March 2014 just under 1.2 million pay and display tickets were purchased within the Council owned car parks, which shows a drop in usage however this is explained by the loss of spaces in the town hall. There are designated disabled spaces in 90% of council operated car parks, however vehicles displaying a valid disabled badge can park in any marked bay. Car Park Locations/Number of Spaces can be viewed at:

<http://beta.darlington.gov.uk/transport-and-streets/car-parking/car-parks-and-charges.aspx>

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 1**
16. The Council has 3 permit holder contract parking areas. 2 are open to local business to serve the operational parking needs. Four Riggs, located on Bondgate and Beaumont Street West located on Beaumont Street. The 3rd Winston West located on Winston Street is a business car park rented to the local PCT trust.
17. **Appendix 2** shows the recorded levels of car crime within Darlington car parks for 2006 – 2013.

Disabled Parking

18. 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.
19. Disabled badge holders may currently park without charge and without limit in all On Street pay and display areas.
20. 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

21. 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 15 zones, 11 require payment for a residents permit and 4 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 £24 and 3 month (temporary permit) £18. In total there are 1509 resident permit spaces. Income received for 2013-2014 is **£41,005**.

Performance

22. Civil Parking Enforcement commenced on the 31st December 2010 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.
23. Between 01st April 2013 to 31st March 2014 Civil Enforcement Officers issued 15,599 Penalty Charge notices. This figure is lower compared to previous years due to improved compliance of traffic regulations.
24. **Appendix 3** shows the number of penalty charge notice appeals received between 01st April 2013 to 31st March 2014. This has been broken down into appeals which were allowed (cancelled, no payment) rejected (payment required) cases at TPT (Traffic Penalty Tribunal (drivers have the option to have their appeal heard by an independent adjudicator) and penalty notices referred to bailiff.

25. **Appendix 4** shows the income received from penalty charge notices as of 11/06/2014 between 01st April 2013 to 31st March 2014
26. **Appendix 5** shows the breakdown of the Council's expenditure on Civil Parking Enforcement, cost of running service £5,024,286
27. 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 2013/2014 the turn out position was: Income £2,658,433 see **Appendix 6**

Lessons Learned

28. Feedback received from residents and local tradesman via council public consultation resulted in the council agreeing to look at implementing a trader permit for local tradesman. The trader permit would enable local tradesman to park in resident parking/pay and display bays when carrying out works without the need to phone the council to pay for a parking waiver. **Update – The scheme was implemented by the council in July 2014**

Residents also requested the council look at introducing visitor permits so family/friends could visit without having to pay for parking. **Update – A trial scheme is scheduled for Autumn 2014**

The Way Forward

29. 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.
30. The old bus station site has been identified as a potential location for a new cinema/restaurant complex and to provide parking for this new venture a 650 space multi storey car park will be built on the current Beaumont Street car park **Update – Work should start on this project October 2014**

Appendix 1 – Council On Street Spaces

On Street	Spaces	On Street	Spaces
Beaumont Street	16	Raby Street	2
Grange Road	38	Primrose St	5
Northumberland St	14	Powlett St	12
South Arden St	4	Larchfield St	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 Embank	9
Park Place	24	Victoria Road	7
Hargreave Terrace	13	Swan Street	5

Appendix 2 – Recorded Car Crime Levels

Car Park	2006	2007	2008	2009	2010	2011	2012	2013
Abbotts Yard	0	0	0	0	0	0	0	1
Archer Street	0	1	1	2	0	0	0	1
Barnard Street	0	0	0	1	0	0	1	1
Beaumont Street	1	2	2	0	0	1	1	2
Commercial Street	4	0	0	1	0	2	1	0
Crown Street	4	3	0	0	0	0	0	0
East Street	0	0	0	1	0	1	0	0
Garden Street	4	8	0	0	0	1	0	0
Kendrew/Gladstone Street	4	1	0	0	0	1	2	2
Market Place	1	0	0	0	0	0	0	4
Park Place	3	3	0	1	0	0	1	5
St Hildas	4	2	0	0	0	0	0	0
Town Hall	1	3	1	0	5	0	0	0
Total	26	23	4	6	5	6	6	16

Appendix 3 – Penalty Charge Notices Appeals, Tribunal and Bailiff

Month	Apr 13	May 13	Jun 13	Jul 13	Aug 13	Sep 13	Oct 13	Nov 13	Dec 13	Jan 14	Feb 14	Mar 14	Total
PCN's Issued	1541	1580	1421	1232	1102	1070	1137	1235	1347	1273	1300	1364	15602
Appeals Received	632	583	561	551	485	323	480	416	484	573	515	494	6097
PCN Appeals Allowed	299	240	233	217	194	166	167	163	166	257	221	218	2471
PCN Appeals Rejected	128	162	141	244	111	97	107	126	141	148	113	94	1612
Successful TPT Cases for DBC	4			2				2		2			10
Unsuccessful TPT Cases for DBC				2					1				3

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

Appendix 4 – Penalty Charge Notice Income Levels

Month	Income
Apr 13	£37,403
May 13	£39,334
Jun 13	£35,104
Jul 13	£28,979
Aug 13	£26,150
Sep 13	£23,917
Oct 13	£27,039
Nov 13	£30,162
Dec 13	£32,675
Jan 14	£28,285
Feb 14	£29,195
Mar 14	£29,554
Total	£367,797

Appendix 5 - Expenditure

Description	Amount
Car Parks Repairs/Maintenance, Highway Maintenance, Road Lighting Maintenance, Traffic Management, Bridge Maintenance	£4,452,703
Salaries & other officer costs - Parking Enforcement, Parking Processing & Transport Policy (including overhead costs)	£251,190
Legal Fees – Publications (including Traffic Regulation Orders)	£29,838
Civil Parking Enforcement – prudential borrowing	£23,202
Other Supplies & Services e.g. telephone costs/printing/clothing/machine collections / machine maintenance/equipment/stationary/subscriptions/advertising	£60,157
Appeal Processing Costs (DVLA, PATROL & HMCTS)	£16,569
Transport (Van Leasing/Mileage/Fuel etc)	4,392
ICT Hardware, Software & Training, Maintenance, Equipment	£14,633
Employee Training & Security Check	£1,599
Support Services from other departments	£89,371
Building Costs & Security	£65,218
Other (Provision for Bad Debt/Capital Charge)	£383,084
Total	£5,024,284

Appendix 6 - Income

Description	Amount
Penalty Notice Payments	£367,797
Resident Permit Payments	£41,005
Income from Off street pay and display machines (including pay by phone)	£1,827,797
Income from On Street pay and display machines (including pay by phone)	£379,115
Parking Waivers for Tradesman	£11,196
PCN debt recovered by bailiff enforcement	£31,523
Total	£2,658,433