



# **North Hertfordshire District Council**

## **Parking Services**

### **Report on Parking Enforcement**

**2018/19**

## **Table of Contents**

- 1. Introduction**
- 2. Background**
- 3. The Purpose of Civil Parking Enforcement**
- 4. Policy and Priorities**
- 5. Civil Parking Enforcement in North Hertfordshire**
- 6. Enforcement Activity – On-street and Car Parks**
- 7. Enforcement Activity – Representations, Appeals and Beyond**
- 8. Financial Aspects of Civil Parking Enforcement**
- 9. Future Plans**
- 10. Availability of Parking Spaces Across North Hertfordshire's Towns**
- 11. Appendices**
- 12. Glossary of Terms**

## **1. Introduction**

Local authorities engaged in parking enforcement under the Traffic Management Act 2004 are advised to produce an annual report.

This Report on Parking Enforcement for 2018/19 focuses on Penalty Charge Notices (PCNs) issued during the stated year, although for obvious reasons a PCN issued in one year may only be resolved in the next.

The Secretary of State for Transport's '*Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Regulations*' suggests what local authorities' annual reports might contain. This report includes such items but goes further in terms of explaining the statistics in the context of North Hertfordshire District Council's overall policy objectives. Where possible and appropriate, the Council's performance is benchmarked against previous years' figures, a national standard or local performance indicator.

## **2. Background**

North Hertfordshire District Council adopted Decriminalised Parking Enforcement (DPE) powers in January 2005. In respect of on-street parking enforcement, North Hertfordshire District Council acts on behalf of Hertfordshire County Council (the highway authority) under the terms of an agency agreement between the two authorities. As the parking authority North Hertfordshire District Council is responsible for the management and enforcement of its own off-street car parks.

## **3. The Purpose of Civil Parking Enforcement**

Local authorities have had powers to manage and enforce their own off-street car parks for many years; however until recently most on-street parking enforcement was undertaken by police officers or police-employed traffic wardens.

In the mid-1990s central government gave local authorities the right to apply for powers to enforce on-street parking restrictions. The adoption of what was then called Decriminalised Parking Enforcement (DPE) but is now termed Civil Parking Enforcement, or CPE, has spread rapidly across the United Kingdom in the following fifteen years. The Secretary of State for Transport has taken reserve powers within the Traffic Management Act 2004 to compel any remaining local authorities to adopt CPE once a critical mass of councils has adopted these powers.

There were three main drivers for the so-called "decriminalisation" of parking offences:

- Police forces had signalled to central government that they could no longer regard parking enforcement as a priority function given the myriad of other demands upon their limited resources. In many areas

traffic wardens had effectively been withdrawn, causing growing parking anarchy on our streets.

- It was considered that many parking “offences” would be better dealt with under civil law procedures, which are typically more cost effective and less formal to operate, rather than allow them to clog up the criminal courts.
- Local authorities themselves argued that as representatives of their community they were best placed to design and run an enforcement regime that met the priorities of that community.

The primary purpose of CPE, as identified in statutory guidance, is to support local authorities in their delivery of their overall transport objectives in areas such as those detailed below.

- Managing the traffic network to ensure expeditious movement of traffic, (including pedestrians and cyclists), as required under the TMA Network Management Duty.
- Improving road safety.
- Improving the local environment.
- Improving the quality and accessibility of public transport.
- Meeting the needs of people with disabilities, some of whom will be unable to use public transport and depend entirely on the use of a car.
- Managing and reconciling the competing demands for kerb space.

Central government is also clear in explaining what CPE is not about. In particular, government emphasises that CPE is not to be regarded as a revenue raising exercise. Whilst Government accepts that local authorities will seek to make their CPE operations as close as possible to self-financing as soon as possible, it advises that any shortfall must be met from within existing budgets rather than falling on the local or national taxpayer.

The traffic management objectives of CPE are achieved primarily through encouraging compliance with parking restrictions – and it is with this objective in mind that North Hertfordshire District Council enforces parking both on and off-street throughout the district.

#### **4. Policy and Priorities**

North Hertfordshire District Council’s overarching vision is to Make North Hertfordshire a vibrant place to live, work and prosper.

The Mission statement for the Council state ‘To work collaboratively with our partners and communities to deliver the vision for the district of North Hertfordshire’.

The Council’s mission and vision is supported by the following three objectives:

**Attractive and Thriving** - To work with our partners to provide an attractive and safe environment for our residents, where diversity is welcomed and disadvantaged people are supported.

Working with our communities  
Living within our means

**Prosper and Prospect** - To promote sustainable growth both within and where it affects our district to ensure economic and social opportunities exist for our communities, whilst remaining mindful of our cultural and physical heritage.

**Responsive and Efficient** - To ensure that the Council delivers cost effective and necessary services to our residents that are responsive to developing need and financial constraints.

The increasing intrusion of the motor vehicle into the life of our community can have a detrimental effect on our town centres – whether through the effects of congestion, pollution or inconsiderate and dangerous parking. The place of motor vehicles needs to be properly managed to ensure these adverse effects are minimised. Effective enforcement of our streets, leading in turn to improved compliance with parking restrictions, helps reduce risks to pedestrians and other road users and promotes the free and safe flow of traffic, thus reducing congestion and the economic and environmental damage this causes. It is also important to note that town centres rely on a turnover of short stay parking spaces to help them operate and prosper so parking enforcement plays a key role in making this happen. Long stay parking is also offered and carefully managed to cater for town centre businesses.

## **5. Civil Parking Enforcement in North Hertfordshire**

CPE in North Hertfordshire is undertaken by a team of eleven Civil Enforcement Officers (CEOs) and a Parking Team Leader spread across the district and is actively managed by a Parking Enforcement Manager in accordance with North Hertfordshire District Council's Parking Strategy<sup>1</sup>.

North Hertfordshire Council does not clamp or remove vehicles. Clamping is no longer favoured as an enforcement tool, as it often results in a “problem” vehicle being made to remain at an inappropriate location for longer than is necessary. The cost of setting up and running a removal operation, including a vehicle pound for the purpose of storing vehicles would be disproportionate to the benefit it might create for a smaller, rural district council such as North Hertfordshire.

## **6. Enforcement Activity – On street and in Car Parks**

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<sup>1</sup> NHDC Parking Strategy 2009-2019 (Revised 2012) : <https://www.north-herts.gov.uk/home/parking/parking-strategy>

The number of PCNs issued since North Hertfordshire District Council adopted CPE is detailed below:

<b>Year</b>	<b>Total PCNs</b>
<b>2005/06</b>	<b>12801</b>
<b>2006/07</b>	<b>14494</b>
<b>2007/08</b>	<b>12775</b>
<b>2008/09</b>	<b>11895</b>
<b>2009/10</b>	<b>12181</b>
<b>2010/11</b>	<b>9952</b>
<b>2011/12</b>	<b>9673</b>
<b>2012/13</b>	<b>9071</b>
<b>2013/14</b>	<b>14215</b>
<b>2014/15</b>	<b>13642</b>
<b>2015/16</b>	<b>12150</b>
<b>2016/17</b>	<b>13753</b>
<b>2017/18</b>	<b>14475</b>
<b>2018/19</b>	<b>14234</b>

The proportion of PCNs issued on and off-street is of interest to North Hertfordshire District Council and its residents. The primary purposes of CPE are to ensure compliance with parking controls and to improve road safety; therefore enforcement of car parks, where road safety considerations are slight, must always be secondary to enforcement of restrictions on the highway, which have more evident safety connotations. That said, many of our towns rely on visitors to local shops and restaurants and enforcement of car parks is therefore important, both to ensure a regular turnover of vehicles and that car park users correctly pay and display.

Given that the car parks are densely packed with vehicles; there is the potential for contraventions to be greater in the car parks than on the highway. This is evident in the first six years. However latterly with the increase in the number of on street parking restriction and controlled parking zones there has been more of a balance between on and off street enforcement. It must be noted that North Hertfordshire CEO patrol its on and off-street enforcement areas equally.

The proportion of on and off-street PCNs issued in previous years is given in the table below.

<b>Year</b>	<b>On-Street PCNs</b>	<b>Off-Street PCNs</b>
<b>2005/06</b>	59%	41%
<b>2006/07</b>	50%	50%
<b>2007/08</b>	48%	52%
<b>2008/09</b>	44%	56%
<b>2009/10</b>	40%	60%
<b>2010/11</b>	45%	55%
<b>2011/12</b>	45%	55%
<b>2012/13</b>	52%	48%
<b>2013/14</b>	61%	39%

<b>2014/15</b>	55%	45%
<b>2015/16</b>	54%	46%
<b>2016/17</b>	57%	43%
<b>2017/18</b>	57%	43%
<b>2018/19</b>	55%	45%

The number of PCNs issued in 2018/19 for the main on-street and off-street parking contraventions are detailed in **Appendix A**.

With effect from 2008/09, Government introduced differentiated penalty charges, whereby some parking contraventions attract a higher level penalty charge according to their perceived seriousness. These are typically on-street contraventions. Details of parking contraventions enforced in North Hertfordshire during 2018/19 and their associated penalty charge are detailed in **Appendix B**. The number of higher level and lower level PCNs issued by North Hertfordshire Council \* is given below.

<b>Year</b>	<b>Higher Level PCNs (£70)</b>	<b>Lower Level PCNs (£50)</b>
2008/09	4592	7303
2009/10	4105	8076
2010/11	3299	6653
2011/12	3140	6533
2012/13	3615	5456
2013/14	6249	7966
2014/15	5371	8271
2015/16	4944	7206
2016/17	5658	8095
2017/18	6081	8394
2018/19	5526	8708

\*Comparisons with previous years are not possible as differential charging only commenced in 2008/09

North Hertfordshire District Council will continue to develop its parking enforcement service in ways that meet statutory requirements and the enforcement and other strategic objectives of the authority whilst recognising that flexibility is needed to respond to an environment that can change on an almost day to day basis.

## **7. Enforcement activity – Representations, Appeals and Beyond**

A 50% discount applies to a penalty charge paid within 14 days of the date of issue (with the date of issue counting as day 1). The number of PCNs paid at the discounted rate in previous years is as follows:

<b>Year of Issue</b>	<b>PCNs Paid at Discount (% of total)</b>
2005/06	8411 (65.7%)
2006/07	8857 (61.1%)
2007/08	7890 (61.7%)

2008/09	7219 (60.7%)
2009/10	7223 (59.3%)
2010/11	5985 (60.1%)
2011/12	5453 (56.4%)
2012/13	5315 (58.6%)
2013/14	9017 (63.4%)
2014/15	8664 (63.5%)
2015/16	7418 (61.1%)
2016/17	8557 (62.2%)
2017/18	8725 (60.3%)
2018/19	8886 (62.4%)*

The above payments will either have been made immediately upon receipt of the PCN or following an informal challenge which the Council has declined. This illustrates the fact that the majority of motorists who receive a PCN accept their liability for the penalty charge and make prompt payment.

Following the 14 day period the penalty charge reverts to its full value and the penalty charge increases in set steps thereafter. The number of PCNs issued in previous years that were paid at the full rate or higher is as follows:

Year	PCNs Paid at Full Charge or Higher
2005/06	1232 (9.6%)
2006/07	1523 (10.5%)
2007/08	1587 (12.4%)
2008/09	1336 (11.2%)
2009/10	1302 (10.7%)
2010/11	1145 (11.5%)
2011/12	1140 (11.8%)
2012/13	1175 (13.0%)
2013/14	1764 (12.4%)
2014/15	1785 (13.1%)
2015/16	1608 (13.2%)
2016/17	2265 (16.5%)
2017/18	2367 (16.4%)
2018/19	2278 (16.0%)*

*\*A number of PCNs issued in 2018/19 remain subject to active enforcement; therefore this figure will increase.*

Any motorist who receives a PCN is entitled to challenge its issue. The Traffic Management Act 2004 sets out a number of statutory grounds on which a PCN may be challenged which, if established, require a local authority to cancel the motorist's liability for payment of the penalty charge (see **Appendix C**).

In addition to those who invoke one or more of the statutory grounds, motorists contact North Hertfordshire District Council each year offering mitigating circumstances which they hope will lead to cancellation of the penalty charge on discretionary grounds. North Hertfordshire District Council



has adopted a set of Enforcement Guidelines to guide its staff in enforcement decisions in a wide range of circumstances.

No set of guidelines can ever cover the range of situations in which motorists find themselves; however the Enforcement Guidelines are invaluable in terms of setting a framework and establishing the tone of the Council's enforcement practices.

Of the PCNs issued by North Hertfordshire District Council in 2018/19, 2208 (15.5%) were cancelled upon receipt of a challenge or Notice to Owner representation. The main reasons for the cancellations of PCNs for 2018/19 are detailed in **Appendix D**.

Around 2.1% of PCNs issued in 2018/19 have been written off, usually because the motorist/owner cannot be traced – either because of an inadequate record at the DVLA or because the motorist/owner is no longer at the address they have registered with the DVLA.

The number and percentage of PCNs cancelled upon receipt of a challenge or Notice to Owner representation in previous years is as follows:

<b>Year</b>	<b>PCNs Cancelled</b>
2005/06	2243 (17.5%)
2006/07	3071 (21.2%)
2007/08	2641 (20.7%)
2008/09	2735 (23.0%)
2009/10	3083 (25.3%)
2010/11	2291 (23.0%)
2011/12	2682 (27.7)%
2012/13	2044 (22.5%)
2013/14	2643 (18.6%)
2014/15	2432 (17.8%)
2015/16	2273 (18.7%)
2016/17	2130 (15.5%)
2017/18	2512 (17.4%)
2018/19	2208 (15.5%)

Of the 14234 PCNs issued in 2018/19, 3624 (25.5%) have been the subject of an informal challenge or Notice to Owner representation against its issue. As can be seen above, to date, 2208 (15.5%) of the PCNs issued in that year have been cancelled following the Council's consideration of an informal challenge or formal representation.

It is important to emphasise that cancellation of a PCN does not mean that it should not have been issued in the first place. There are many occasions where a CEO is quite correct to issue a PCN based on the evidence available at the time, but where the Council quite correctly cancels the Notice upon receipt of evidence from the motorist as to the circumstances that led them to park as they did on the day in question.

For example, a medical emergency may have taken place with a motorist or their passenger. A CEO could not possibly know of this at the point of issue, but properly evidenced to the Council, such a situation would normally lead to the cancellation of the penalty charge on discretionary grounds.

There are also a number of circumstances where a motorist's activities exempt them from the restrictions detailed in the Traffic Regulation Order. The main exemption concerns loading or unloading. A CEO cannot always know that such an activity is taking place and in these circumstances it may be necessary for the recipient of a PCN to challenge its issue, again supplying such evidence as may be available in support of their case.

The general rule concerning Civil Parking Enforcement is that where a council alleges a contravention it is for the council to establish, on balance of probabilities that the contravention occurred. The exception to this rule is where the motorist seeks to claim an exemption (such as loading or unloading), in which case the motorist must satisfy the council, again on the balance of probabilities, that they were entitled to the benefit of that exemption at the time the PCN was issued.

North Hertfordshire District Council benchmarks its performance on a regular basis with nearby local authorities.

Should the council reject a statutory representation, the vehicle's owner is entitled to appeal that decision to the independent Parking Adjudicator.

During 2018/19, 20 PCNs were the subject of an appeal to the independent Parking Adjudicator – an appeal rate of 0.14%. (It will be appreciated that due to the inevitable time lag between the issuing of a PCN and the right to appeal, a number of these appeals will relate to PCNs issued in previous years).

The Traffic Penalty Tribunal issues an Annual Report in which the performance of all local authorities in England and Wales is benchmarked. The following table compares North Hertfordshire District Council's performance at appeal in 2018/19 to benchmarked councils.

<b>Appeals 2018/19</b>	<b>No. of appeals</b>	<b>Rate of appeal per PCN issued</b>	<b>Appeals not contested by council</b>	<b>Appeals allowed by Adjudicator (in favour of appellant).</b>	<b>Appeals refused by Adjudicator (in favour of Council)</b>	<b>Appeals awaiting decision</b>
		%	%	%	%	%
<i>North Hertfordshire</i>	20	0.14	15	35	50	0

**N.B. Figures relate to appeal activity for 2018/19 not to the year of issue of the PCN.**

As well as being an essential judicial “safety valve” for the CPE process, individual appeal decisions and of course the Adjudicators’ Annual Report contain findings, information and advice which can be of great assistance to local authorities in their operation of their on-street and back office enforcement regime. North Hertfordshire District Council will continue to use these important sources of external comment and information to develop its enforcement practices.

### **Debt Registration and Enforcement Agents**

If a motorist does not pay the penalty charge or is unsuccessful in challenging the notice (and assuming an accurate address is held by the DVLA) the notice may be registered as a debt in the County Court. Only at this stage does a penalty charge become a civil debt.

Although it is not required to do so, North Hertfordshire District Council sends a further letter to the vehicle owner before registering the penalty charge at the County Court. This gives the motorists a final chance to make payment of the penalty charge before it is registered as a debt.

In 2018/19 865 PCNs were registered as a debt in the County Court. (The date of issue of many of these PCNs will have been prior to the period in question as by definition, debt registration can only take place a number of months after the issue of a PCN).

Failure to pay this debt within the timescale specified will result in the passing of the debt to enforcement agents. In 2018/19 711 cases were referred to the Council’s enforcement agents. Again, many of the associated PCNs will have been issued in the previous year.

## **8. Financial Aspects of Civil Parking Enforcement**

The Road Traffic Act 1991, which brought in Decriminalised Parking Enforcement until April 2008, required local authorities to seek to make their parking enforcement regime self-financing as soon as possible. Local authorities were not, however, allowed to design and run their enforcement regime to make a surplus. Any surplus that was generated was ‘ring fenced’ to fund improvements in related areas such as passenger transport or car parks.

As more and more local authorities took on DPE powers, government increasingly recognised that for many, particularly smaller boroughs and district councils, achieving break-even would not be possible. Accordingly, the Traffic Management Act 2004 softened this requirement. From 1 April 2008 a local authority has been able to apply for CPE powers without demonstrating that it will break even, but on the understanding that any deficit would be met from within existing funding. Government has made it quite clear that national or local taxpayers are not to bear any shortfall.

The annual income from PCNs issued by North Hertfordshire Council is shown below

Year	PCN Revenue
2006/07	£356,433
2007/08	£355,035
2008/09	£312,648
2009/10	£310,703
2010/11	£335,985
2011/12	£360,638
2012/13	£346,185
2013/14	£571,679
2014/15	£534,905
2015/16	£482,242
2016/17	£537,850
2017/18	£546,541
2018/19	£534,919

It is a commonly held belief that parking enforcement is regarded by local authorities purely as a revenue raising exercise; however it will be seen that (in common with many smaller, more rural local authorities) North Hertfordshire District Council does not break even on its enforcement activities alone.

The shortfall is effectively made good from the Council's General Fund, which includes surpluses received from pay and display parking in council owned car parks. This is perhaps appropriate, as one of the reasons why a motorist will have been able to drive to a North Hertfordshire car park, ideally with the minimum of inconvenience and find a space, is because of compliance achieved through effective enforcement.

The further, statutory requirements placed on North Hertfordshire Council in respect of its financial reporting of its enforcement activity are addressed in **Appendix E** to this report.

### **9. Future Plans**

The traffic management objectives of CPE as identified by Government and set out on page four of this report remain at the core of this authority's enforcement and practices. As national, regional and county-wide transport strategies develop, so local authorities will need to develop their parking services in response. North Hertfordshire District Council will also need to further develop its parking strategies tailored to the differing circumstances and needs of each town and village. The Council has an adopted Parking Strategy and associated 10 year Action Plan which is being implemented since its adoption in 2009.

Technological advances now make it possible for customers to access the parking service through an increasing number of channels. Motorists may now register a PCN challenge via e-mail and the internet.

The Council operates a 'Pay by Phone' system to its off-street car parks which encourage usage of car parks, allowing visitors to stay longer thereby supporting our town centres.

In April 2012 North Hertfordshire replaced all its existing pay and display machines. These machines incorporate coin payments and on selected machines also chip and pin payments with the option of pay by phone still available. These machines provide more detailed information on usage. This is via wireless connectivity and assists the Council in managing its car parks in a more efficient manner.

In 2012 the Council introduced on-street charging in Market Hill, Royston town centre to replace some off-street parking places that were lost as part of a town centre enhancement scheme. The current Parking Strategy identifies the need to consider the introduction of on-street charging in other locations in future years. There are several reasons for considering on-street charging as follows so;

- There is a considerable amount of non-compliance with regard to on-street parking, especially in town centres. The Council is concerned that this is affecting turnover of short stay spaces to the detriment of town centre users. Introducing on-street charging in some locations may help reduce non-compliance as well as make CEO's tasks easier in identifying when vehicles arrived and how long they have parked for.
- Where off-street car park charges have increased over time the Council is concerned that there is increasing potential for town centre visitors to circulate in vehicles looking for free, on-street parking. Whilst there will always be an element of this type of activity where on-street parking is provided, the Council is keen to minimise its impact on the town centre/pedestrian environment. On-street charging could be one way of balancing out the attractiveness of on and off-street parking based on price considerations.
- Demand for rail station parking remains high so the Council will consider whether introduction of some limited on-street charging around stations can both help relieve the pressure on station car parks and co-habit with residents' parking. This option is being considered as part of the Letchworth town wide parking review.

The Council's Parking Strategy has since 2010 been investigating several parking management areas in Baldock, Knebworth, Hitchin, Letchworth Garden City and Royston. . These areas are affected or likely to be affected by commuter and employee parking. A number of new controlled parking zones and on street waiting restrictions have either been implemented or are presently under investigation across all the towns.

The Council in accordance with the Government initiative to promote the use of low emission vehicles has introduced electric vehicle charging parking bays in certain long stay car parks within each of its towns. This is to raise wider awareness of green transport issues and the opportunities available to the general public. Electric Vehicle charging bays are available in the following long stay car parks:

- The Twitchell car park in Baldock
- The Lairage multi-storey car park and Woodside car park in Hitchin

- Garden Square, Multi storey car park in Letchworth
- Civic Centre car park in Royston

The Council is also looking at different ways in which people can pay for off-street car parking. In Royston the Town Centre Manager has facilitated a subsidised pre-paid parking ticket by way of scratch cards. In Hitchin the Town Centre Manger previously subsidised free after 3:00pm parking in several short stay car parks over the Christmas period. The Council is keen to explore how this may be rolled out to other towns and possibly to allow business to subsidise or sell pre-paid parking tickets in a similar way.

The Council is in the process of reviewing its Parking Strategy, and has undertaken two pieces of work which will provide the evidence base for the revised strategy. These two reports can be viewed on the council's website<sup>2</sup>. It is anticipated that the Revised Parking strategy will be adopted in 2018/2019.

#### **10. Availability of Parking Spaces Across North Hertfordshire's Towns**

Under the Local Government Transparency Code 2015 Local Authorities should publish the number of:

- free parking spaces available in the local authority's area and which are provided directly by the local authority, and
- parking spaces where charges apply that are available in the local authority's area and which are provided directly by the local authority.

Where a parking space is not marked out in individual parking bays or spaces, local authorities should estimate the number of spaces available for the two categories.

The availability of on and off street parking spaces and locations are detailed in **Appendix F**.

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<sup>2</sup> NHDC Phase 1 and Phase 2 Parking Study Reports. <https://www.north-herts.gov.uk/home/parking/parking-strategy>

## 11. APPENDICES

### Appendix A

#### Principal on-street and off-street contraventions 2018/19

##### 1. On-street

<b>Contravention</b>	<b>No. of PCNs Issued</b>
(01) Parked in a restricted street during prescribed hours (yellow lines)	1743
(02) Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	399
(06) Parked without clearly displaying a valid pay and display ticket	107
(12) Parked in a residents parking place without displaying a valid permit or voucher	1652
(19) Parked in a residents parking place displaying an invalid permit or voucher	203
(30) Parked for longer than permitted	1987
(40) Parked in a disabled person's bay without displaying a valid blue badge in the prescribed manner	609
(25) Parked in a loading place without loading	678
(24) Not parked correctly within the markings of the bay or space	216

##### 2. Off Street (Car parks)

<b>Contravention</b>	<b>No. of PCNs issued</b>
(82) Parked after the expiry of paid for time	1155
(83) Parked in a car park without clearly displaying a valid pay and display ticket	4187
(86) Parked beyond the bay markings	348
(87) Parked in a disabled person's parking space without displaying a valid blue badge in the prescribed manner.	188
(93) Parked in a car park when closed	401

## APPENDIX B

On-street and off-street parking contraventions enforced by North Hertfordshire District Council in 2018/19.

### **On-Street Parking Contraventions**

Description	Penalty Charge Level
01 Parked in a restricted street during prescribed hours	Higher (£70)
02 Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	Higher (£70)
05 Parked after the expiry of paid for time	Lower (£50)
06 Parked without clearly displaying a valid pay & display ticket or voucher	Lower (£50)
12 Parked in a residents' or shared use parking place or zone without clearly displaying either a permit or voucher or pay and display ticket issued for that place	Higher (£70)
19 Parked in a residents' or shared use parking place or zone displaying an invalid permit, an invalid voucher or an invalid pay & display ticket	Lower (£50)
21 Parked in a suspended bay or space or part of bay or space	Higher (£70)
22 Re-parked in the same parking place or zone within one hour* of leaving	Lower (£50)
23 Parked in a parking place or area not designated for that class of vehicle	Higher (£70)
24 Not parked correctly within the markings of the bay or space	Lower (£50)
25 Parked in a loading place during restricted hours without loading	Higher (£70)
26 Vehicle parked more than 50 centimetres from the edge of the carriageway and not within a designated parking place	Higher (£70)
27 Parked in a special enforcement area adjacent to a dropped footway	Higher (£70)
30 Parked for longer than permitted	Lower (£50)
40 Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher (£70)
45 Parked on a taxi rank	Higher (£70)
47 Stopped on a restricted bus stop or stand	Higher (£70)
48 Stopped in a restricted area outside a school when prohibited	Higher (£70)
55 A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban	Higher (£70)
99 Stopped on a pedestrian crossing or crossing area marked by zigzags	Higher (£70)

### **Car Park Contraventions**

Description	Penalty Charge Level
71 Parked in an electric vehicles' charging place during restricted hours without charging	Higher (£70)
80 Parked for longer than the maximum period permitted	Lower (£50)
81 Parked in a restricted area in a car park	Higher (£70)
82 Parked after the expiry of paid for time	Lower (£50)
83 Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	Lower (£50)
86 Parked beyond the bay markings	Lower (£50)
87 Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher (£70)
91 Parked in a car park or area not designated for that class of vehicle	Higher (£70)
93 Parked in car park when closed	Lower (£50)



**N.B. The amount of the penalty charge and the decision as to whether a specific penalty is higher level or lower level are both decisions for the Secretary of State for Transport.**

**Statutory Grounds for Challenging a Penalty Charge Notice at Notice to Owner and Appeal Stages**

**The alleged contravention did not occur**

For example:

- The signs and lines were wrong
- The PCN was not served
- The events alleged did not happen
- The vehicle was entitled to park
- loading/unloading was taking place
- A passenger was boarding/alighting
- A valid disabled person's badge was displayed
- A valid pay-and-display ticket or permit was displayed.

**I was never the owner of the vehicle in question/or I had ceased to be its owner before the date on which the alleged contravention occurred/or I became its owner after the date on which the alleged contravention occurred.**

**The penalty charge exceeded the amount applicable in the circumstances of the case.**

This means that the council has asked to be paid more than is required by law.

**The Order which is alleged to have been contravened in relation to the vehicle concerned is invalid.**

The owner/keeper/hirer should explain why they believe the Order in question is invalid.

**There has been a procedural impropriety by the enforcement authority.**

This means that the council has failed to comply with any requirement imposed by the Traffic Management Act 2004, by the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 or by the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 Regulations. The owner/keeper/hirer should set out the statutory requirement, time limit or other procedural step with which they believe that the Council has failed to comply.

**We are a vehicle-hire firm and the vehicle was on hire under a hiring agreement and the hirer had signed a statement acknowledging liability for any PCN issued during the hiring period.**

The hiring agreement must be one which qualifies by containing prescribed particulars. The name and address of the hirer must be supplied. The hiring company is requested to supply a copy of the signed agreement.

**The vehicle had been permitted to remain at rest in the place in question by a person who was in control of the vehicle without the consent of the owner.**

This ground covers stolen vehicles and vehicles used without the owner's consent.

It could apply, for example, to a vehicle taken by "joy-riders". It does not generally apply to vehicles in the possession of a garage or borrowed by a relative or friend.

The motorist should supply a **Crime Reference Number or Insurance Claim Reference**.

**The Notice should not have been served because the penalty charge had already been paid: (i) in full; or (ii) at the discounted rate set in accordance with Schedule 9 to the Traffic Management Act 2004 and within the time specified in paragraph 1(h) of the Schedule to the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.**

The owner/keeper/hirer should indicate the amount of payment made and when and how the payment was made and include a copy of any supporting documentary information such as a receipt or bank statement.

**If there are any other reasons why the Council should cancel the penalty charge notice and refund any sum already paid the reasons should be set out in full when representations are made.**

## Appendix D

### Principal Reasons for PCN Cancellation or Write Off – 2018/19

Valid pay and display ticket or permit produced	1146
Medical Emergency	48
Blue badge holder	238
Foreign Vehicle	56
Error in ticket issue	68

## APPENDIX E

### North Hertfordshire District Council Financial Information - as at 31 March 2019

#### Total Income and (Expenditure) on Parking Account kept under Section 55 of the Road Traffic Regulation Act 1984

(Relates to on-street activity only)

	£
Total Income	513,118.27
Total Expenditure	518,953.93
Net Position	-5,835.66

#### Breakdown of income by source

Penalty Charge Notices	343,404.67
Residents Parking	164,438.00
Permits	5,275.60
Total Income	513,118.27

#### Annual and Cumulative Surplus (Deficit) on parking account

	£
31/03/2005	(167,066.75)
	(167,066.75)
31/03/2006	(171,576.44)
	(338,643.19)
31/03/2007	(227,352.25)
	(565,995.44)
31/03/2008	(155,964.81)
	(721,960.25)
31/03/2009	(267,047.71)
	(989,007.96)
31/03/2010	(307,084.37)

	(1,296,092.33)
31/03/2011	(235,107.56)
	(1,531,199.89)
31/03/2012	(180,662.84)
	(1,711,862.73)
31/03/2013	(112,503.31)
	(1,824,366.04)
31/03/2014	48,184.10
	(1,776,181.94)
31/03/2015	(31,796.90)
	(1,807,978.84)
31/03/2016	(26,729.44)
	(1,834,708.28)
31/03/2017	(19,798.46)
	(1,854,506.74)
31/03/2018	(113,003.54)
	(1,967,510.28)
31/03/2019	(5,835.66)
	(1,973,345.94) Total deficit brought forward

## Off Street and On Street Parking Income and Expenditure

	2018/19	2017/18
<b>Off Street Parking</b>		
Expenditure	1,160,542*	1,838,510
<b>Total Expenditure</b>	<b>1,160,542</b>	<b>1,838,510</b>
<b>Income</b>		
Other Income	28,147	28,604
Pay & Display/Meters	1,910,662	1,765,147
PCN Income	191,515	183,361
Permits	309,072	271,115
<b>Total Income</b>	<b>2,439,396</b>	<b>2,248,228</b>
<b>Surplus / (Deficit)</b>	<b>1,278,853</b>	<b>409,717</b>
<b>On Street Parking</b>		
Expenditure	518,954*	651,928
<b>Total Expenditure</b>	<b>518,954</b>	<b>651,928</b>
<b>Income</b>		
PCN Income	343,405	363,181
Permits	5,276	4,029
Residents & Visitor Permits	164,438	171,715
<b>Total Income</b>	<b>513,118</b>	<b>538,925</b>
<b>Surplus / (Deficit)</b>	<b>(5,836)</b>	<b>(113,004)</b>

*\*The Authority ceased recording inter departmental charges from 2018/1. To give a reflection of the full cost of the service an average of the recharge costs from prior years has been included.*

### Action taken with respect to a surplus or a deficit on the parking account

Section 55 of the Road Traffic Regulation Act 1984 states that – ‘at the end of each financial year any deficit in the account shall be made good out of the general rate fund’.

The annual deficit in North Hertfordshire is made good by means of a transfer from the Council’s General Fund, into which surpluses from the Council’s pay and display car parks will have been paid.

### Details of how any financial surplus has been or is to be spent, including the benefits that can be expected as a result of such expenditure

This is not applicable as North Hertfordshire does not make a surplus.

Appendix F

**North Hertfordshire Off street chargeable parking locations and available spaces**

<b>Town</b>	<b>Location</b>	<b>Type</b>	<b>Number of spaces</b>
Hitchin	Christchurch	Short Stay	29
	Biggin Lane	Short Stay	70
	St Mary's Square	Short Stay	127
	Portmill East	Short Stay	79
	Portmill West	Short Stay	66
	Lairage Multi-Storey	Long Stay	295
	Woodside	Long Stay	205
	Bancroft	Long Stay	125
	Hitchin Swim Centre	Short Stay	92
	Nightingale road (no charge)	Short Stay	20
	West Alley (Disabled Parking Only no charge)	Short Stay	10
Letchworth	Town Hall	Short Stay	96
	Hillshott	Long Stay	67
	Multi-Storey levels 1 - 3	Short Stay	114
	Multi-Storey levels 4 - 9	Long Stay	244
	Norton Common Car parks (no charge)	No restrictions	88
Royston	Princess Mews	Short Stay	81
	Priory Gardens	Short Stay	10
	Angel Pavement	Short Stay	22
	Market Place	Short Stay	34
	Civic Centre	Long Stay	226
	The Warren	Long Stay	113
Knebworth	St Martins Way	Short Stay	30
Baldock	The Twitchell	Long Stay	35



**The number of estimated on-street permitted Parking Spaces in North Hertfordshire**

<b>Town Centre On-Street Parking For All Locations</b>	<b>Total Free Parking</b>	<b>Total Disabled</b>	<b>Total Loading Only</b>	<b>Total Taxi Only</b>	<b>Total Ambulance</b>	<b>TOTAL</b>
Letchworth Garden City	395	42	8	21	0	466
Hitchin	300	35	43	9	1	388
Baldock	265	11	7	4	0	287
Royston	110	2	4	2	0	118
Knebworth	227	1	0	0	0	228
<b>TOTAL</b>	<b>1297</b>	<b>91</b>	<b>62</b>	<b>36</b>	<b>1</b>	<b>1487</b>

<b>On-Street Controlled Parking Areas For All Locations</b>	<b>Total Zone A</b>	<b>Total Zone B</b>	<b>Total Zone C</b>	<b>Total Zone D</b>	<b>Total Zone E</b>	<b>Total Zone F</b>	<b>Total Zone G</b>	<b>Total Zone H</b>	<b>TOTAL</b>
Letchworth Garden City	360	54	0	101	0	0	0	0	515
Hitchin	22	48	28	27	317	291	56	291	1080
Baldock	36	64	0	100	0	0	0	0	154
Royston	52	348	23	0	0	0	0	0	423
Knebworth	133	0	0	0	0	0	0	0	133
<b>TOTAL</b>									<b>2305</b>

## 12. Glossary of Terms

<b>Civil Enforcement Officer</b>	An officer engaged in parking enforcement under the Traffic Management Act 2004. (Formerly called a 'Parking Attendant').
<b>Civil Parking Enforcement (CPE)</b>	Parking enforcement undertaken under the provisions of the Traffic Management Act 2004 with effect from 31 March 2008.
<b>Decriminalised Parking Enforcement (DPE)</b>	Parking enforcement undertaken under the provisions of the Road Traffic Act 1991 (January 2005 – 31 March 2008).
<b>Highway Authority</b>	The local authority responsible for management and enforcement on the highway – in this case Hertfordshire County Council. District councils in North Hertfordshire enforce on-street under an agency agreement with HCC.
<b>Owner Liability</b>	Under the terms of the Traffic Management Act 2004 (and previously the Road Traffic Act 2001) the <i>owner</i> of a vehicle is liable for a penalty charge, no matter who the driver may have been on the day in question. The owner is <i>normally</i> deemed to be the person or company whose details are held by the DVLA although exceptions can arise.
<b>Parking Authority</b>	The local authority responsible for management and enforcement of off-street parking – in this case North Hertfordshire Council.
<b>Traffic Penalty Tribunal (TPT) (formerly National Parking Adjudication Service)</b>	The administrative tribunal created under DPE/CPE to decide appeals against Penalty Charge Notices issued by local authorities.
<b>Traffic Enforcement Centre (TEC)</b>	The administrative centre for the registering of unpaid penalty charges as a civil debt. Currently based at Nottingham County Court.
<b>Traffic Regulation Order (TRO)</b>	<i>A byelaw which grants legal authority to most local authority parking enforcement. Almost without exception, a contravention does not occur unless it is a contravention of a valid Traffic Regulation Order.</i>

