

Department of Transport Annual Parking Report Off-Street car parks 2008/9.



1. Introduction.

The district of East Devon is on the Devon coast in the South West of England.

The East Devon District has an area of 314 square miles. It sits between the River Exe and the outskirts of Exeter to the west, Somerset (inland) and Dorset to the east. At the extremes, the District stretches 30 miles east to west and 15 miles north to south.

East Devon is the largest of the eight districts in Devon with a population of 125,522. It is also one of the largest English districts by population. There are 68 town or parish councils across the whole district. It is a tourist area and in the summer the population will increase significantly with visitors to the area.

East Devon's main towns are the Jurassic Coast resorts of Exmouth (Devon's largest town – population 34,000); Budleigh Salterton; Sidmouth; Beer; and Seaton. In the mainly rural inland area the settlements are Honiton; Ottery St Mary; Aminster; Colyton and Broadclyst.

East Devon's coastline forms part of England's first and only World Heritage site designated for its natural environment. The East Devon Area of Outstanding Natural Beauty (AONB) lies wholly within the District, together with the greater part of the Blackdown Hills AONB.

1. Civil Parking Enforcement

The Council began Civil Parking Enforcement of its off-street car parks in accordance with the Traffic Management Act 2004 on the 6th May 2008. Prior to that date Devon did not have Civil Enforcement Area or Special Enforcement Area status. For this reason there is nothing to report for 2007/8.

2. Car Parks.

The Council has 52 car parks, which in total provides 5344 parking spaces. The breakdown of these is as follows:

- **Pay and Display** **41 car parks - number of spaces** **5075**
- **Free** **7 car parks - number of spaces** **169**
- **Reserved Space** **4 car parks - number of spaces** **100**

All of the Council's off-street car parks are surface parks. There are no multi-storey car parks.

3. Civil Enforcement Officers.

The Council currently employs 4 full time Civil Enforcement Officers to carry out enforcement of its off-street car parks. These are supported by 4 Seasonal Civil Enforcement Officers for the period 01 April to 30 September inclusive.

4. Enforcement

The Council attempts to enforce its car parks in a fair, reasonable, sympathetic and in as customer friendly manner as possible given how sensitive the public are to parking enforcement in general. In support of this the Council points to the following:

- It will generally extend the period for payment of the discounted fee in circumstances where a challenge against the serving of the Penalty Charge Notice has been received. This is providing that the challenge was received by not later than the last day of a 14 day period commencing with the date on which the Penalty Charge Ticket was served.
- Depending on the circumstances of each individual case, in the first instance the Council will accept a challenge where a valid ticket is presented after the serving of the Penalty Charge Notice. However, it does use this opportunity to inform the motorist what is required and how they can avoid receiving a Penalty Ticket for this contravention in the future. The Council reserves the right to reject any subsequent challenge against the serving of a Penalty Charge Notice for the same contravention.
- Depending on the circumstances of each individual case, in the first instance the Council will accept a challenge on the basis that a valid permit has been purchased for the vehicle in question but not displayed clearly at the time of inspection. However, it does use this opportunity to inform the motorist what is required and how they can avoid receiving a Penalty Charge Notice for this contravention in the future. The Council reserves the right to reject any subsequent challenge against the serving of a Penalty Charge Notice for the same contravention.
- Only two motorists out of a total of 4177 that had a Penalty Charge Notice served on their vehicles elected to take their challenge against the serving of the Notice to the Traffic Penalty Tribunal during the year 2008/9. The adjudicator found in favour of the Council on one and against it on the other. The Council believes that these facts are an indication that the public sees the Council as a fair, reasonable and sympathetic enforcer. It also shows that the vast majority of motorists accepted that a contravention had taken place.

5. Statistical information for East Devon District Council (Off-street) 2008/9

Number of higher level PCNs served	132
Number of lower level PCNs served	4045
Number of PCNs paid	2708
Number of PCNs paid at discount rate	2377
Number of PCNs against which an informal or formal representation was made	1316
Number of PCNs cancelled as a result of an informal or formal representation	861
Number of PCNs written off for other reasons (e.g. CEO error or driver untraceable)	325
Number of appeals to adjudicators	2
Number of Appeals refused	1
Number of appeals non-contested	0
% of higher level PCNs served	3%
% of lower PCNs served	97%
% of PCNs paid	65%
% of PCNs paid at discount rate	57%
% of PCNs against which an informal or formal representation was made	32%
% of PCNs cancelled as a result of an informal or formal representation	21%
% of PCNs written off for other reasons (e.g. CEO error or driver untraceable)	8%
% of appeals to an adjudicator	0.049%
% of appeals refused	50%
% of appeals non-contested	0%

Financial information for East Devon District Council (off-street)

Income on Parking Account (PCN revenue) 08/09	£79,027
Expenditure on Parking Account 08/09	£1,020,866
Totals (surplus) / deficit	£941,839

6. Conclusions.

The statistical information above shows that the off-street parking service has provided a reasonable level of enforcement over the first year of operation in accordance with the requirements of the Traffic Management Act 2004.

- The number of Penalty Charge Notices served in the year was 4177. This figure is below what was anticipated. The Council had expected to serve about 6000. However, the legislation originally determined that only a County Council declared a Civil Enforcement Area could appoint Civil Enforcement Officers.
- This fact meant that the District Council was advised that the 4 Seasonal Civil Enforcement Officers appointed by them in May 2008 were not legally authorised to serve Penalty Charge Notices. There was some confusion over this matter and after taking advice from its legal department the Council decided not to take any risks with the legality of the appointment of the seasonal civil enforcement officers. It decided that they would not serve Penalty Charge Notices until the Council was certain that they were legally authorised to do so.
- It was late August of 2008 when the situation was remedied by a Statutory Instrument. The affect of the legal drafting of the legislation meant that between May and August 2008 inclusive, the Council suffered a shortfall of about 1500 PCNs with an income loss estimated at £30,000.
- The percentage of PCNs paid (65%) appears to be lower than might be expected. However, the Council, based on the specific circumstances of each case, takes a sympathetic view in the first instance when challenges are submitted where permit holders have failed to clearly display their permit and motorists failed to clearly display the ticket purchased (e.g. dropped on the floor, or displayed the wrong way up). One can expect the figure of 65% for Penalty Charge Notices paid to increase in 2009/10. This is because motorists will be made aware what is required of them within the contents of the original acceptance of challenge notice. Failure to take heed of the advice given may result in a rejection of challenge notice being issued on any subsequent challenge for contraventions of this nature.
- 21% of the Penalty Charge Tickets cancelled as a result of an informal or formal representation will include those cancelled for sympathetic reasons.
- The reason that 97% of the Penalty Charge Notices served were at the lower rate is because there are very few contraventions in off-street car parks that are subject to the higher rate.
- Overall the Parking Service operated successfully. This is especially so given that there was new legislation, new systems, new procedures, newly recruited staff in all departments with a huge learning curve for all of them.

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