

**ITEM****Overview and Scrutiny Briefing Note**

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|------------------------------|--|-------------|-------------|
| <b>Title</b>                 | <b>Car Park Management and Enforcement</b> |             |             |
| <b>Report of the Head of</b> | <b>Estates and Economic Development</b>    |             |             |
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| <b>Report to</b>             | <b>Overview and Scrutiny Committee</b>     | <b>Date</b> |             |

**Briefing Summary**

This briefing note provides a summary of the management of the Council's public car parks and the enforcement policy.

**Main focus of the document**

## 1. Management of Car Parks

- 1.1 The Council's aim is to operate the short and medium stay car parks at an average peak occupancy rate of 90% or less. The average peak occupancy rate is calculated based on occupancy surveys undertaken at 10:30, 11:30 and 12:30 Fridays and Saturdays three times a year (May, August and October). This occupancy rate means that at busy times of the day, with the exception of Christmas shopping periods, at least one in nine spaces would be vacant and available for shoppers and visitors to Romsey and Andover. Clearly some car parks are more popular than others. The occupancy rate is therefore taken as the average by maximum stay class (ultra-short, short and medium stay) in each town. When the average peak occupancy rate exceeds 90%, consideration is given to reallocation of parking from long stay to medium stay and medium stay to short/ultra-short stay. This is to ensure parking is available for shoppers and visitors, which are predominantly shorter stay parking.
- 1.2 Surveys carried out in 2016 indicated that the average peak occupancy rates of ultra-short, short and medium stay car parking in Andover and Romsey was under 90%. The 2016 average peak occupancy rates are shown in table 1.

**Table 1 Pay and Display Car Park Occupancy Rates**

|             | Andover   |                       |                      | Romsey    |                       |                      |
|-------------|-----------|-----------------------|----------------------|-----------|-----------------------|----------------------|
|             | No Spaces | Ave peak occupancy No | Ave peak occupancy % | No Spaces | Ave peak occupancy No | Ave peak occupancy % |
| Ultra Short | 154       | 126                   | 82%                  | 0         | 0                     | -                    |
| Short       | 708       | 513                   | 72%                  | 158       | 125                   | 79%                  |
| Medium      | 832       | 521                   | 63%                  | 242       | 199                   | 82%                  |
| Long        | 348       | 153                   | 44%                  | 500       | 372                   | 74%                  |
| Total       | 2042      | 1313                  | 64%                  | 900       | 699                   | 78%                  |

- 1.3 Table 1 shows that in both Andover and Romsey the average peak occupancy rate for each class of car park is below the 90% limit and therefore it is not proposed to change the maximum stay of any car park.
- 1.4 Overall Romsey has the higher occupancy rate. One of the objectives of the Romsey Future programme is to 'provide car parking that meets the needs of the town and the people who visit'. The long term parking needs of Romsey are being considered by the Romsey Future Town Centre Facilities and Development workstream.

## 2. Annual Parking Report

- 2.1 Each year the Council is required to publish an Annual Parking Report for the preceding year. The report for the 2015/16 financial year is published on the

Council's website at  
<http://www.testvalley.gov.uk/resident/transportparkingandstreets/car-parks/parkingreport/>

2.2 The report for 2016/17 will be published by 30 Sep 2017.

### **3. Parking Enforcement**

3.1 In 2016 the Council adopted the Parking Enforcement Policy and Guidance Nov 2016.

3.2 The revised layout of the Parking Enforcement Policy and Guidance document as shown at Annex A, follows examples of best practice highlighted by the Traffic Penalties Tribunal. This is the independent body the public can make representations to where a parking enforcement authority outside London has rejected their challenge to a Penalty Charge Notice (PCN). The document sets out clearly how the Council enforces parking and waiting restrictions on street and in the Council's car parks. It details the processes to be followed by the Council's parking enforcement and administration staff. The policy is in 8 sections:-

1. Introduction
2. The Legislative Background.
3. The Council's Approach to Enforcement.
4. Contravention Descriptions & Considerations for Establishing Enforcement Action including Observation Times.
5. Penalty Charge Recovery Process and How to Challenge or Appeal the Penalty Charge Notice.
6. Policy for Deciding Appeals Against a Penalty Charge Notice including The Statutory Representations Against a Notice to Owner & Mitigation
7. Frequently Asked Questions
8. Record of Amendments

3.3 Following a review of the Council's 2007 Enforcement Policy a number of changes have been made in the Council's parking enforcement policy and guidance. The changes are partly in response to the changes in the legislation and partly to reduce the potential for fraudulent appeals. These changes are in line with the practice of other neighbouring authorities. The changes are;

- Where an appeal to a PCN is made on the grounds that a pay and display ticket had been purchased but had fallen down or is inadvertently face down. The appeal will only be allowed where a ticket is seen by the CEO in the vehicle and the CEO issued the PCN because they were unable to read the details on the ticket (code 83 page 12). The objective is to reduce the ability for drivers to borrow a ticket once they have been issued a PCN.
- The Council, in future will only allow one appeal for non-display of Blue

Badges. Under the 2007 policy appeals are allowed provided an appeal has not been allowed on the same grounds within a 12 month period. This brings Blue Badge holders in line with other season ticket and permit holders. The policy helps to address one aspect of the misuse of Blue badges and in doing so makes more disabled bays available to genuine Blue Badge holders.

- The Council previously allowed a blanket of 15 minutes to cover unforeseen delays. The new policy replaces this with specific times for different circumstances and gives further guidance on the evidence required to support an appeal.
- In circumstances where an appeal is allowed for a first contravention and permits are issued to an organisation for shared use, the allowance would only be allowed once and not for each user of the permits (See S1.7). The organisation to which the permits have been issued will be notified that an appeal has been allowed and no further appeals will be allowed for this contravention. This change is to reduce the potential for misuse of permits in the appeals system and to achieve better compliance.
- Following amendments to the regulations, the Council can now enforce where vehicles are parked obstructing a dropped kerb vehicle or pedestrian access, without the needs for other restrictions such as yellow lines to be in place (contravention 27 page 9). In respect to vehicle accesses, the contravention does not apply where the access is to a single property and a resident of the property has given consent for the vehicle to be parked there. Because of this, the Council will only enforce contravention 27 when requested to do so by a resident of the property affected, and will only include the property in scheduled patrols where the resident has given written confirmation that they do not park in front of their access or give consent for others to do so.
- From time to time new regulations and changes to best practise require changes to the way the Council enforce parking and waiting restrictions. The Head of Service is now authorised to make changes to the Parking Enforcement Policy and Guidance in response to changes in legislation or operational procedures.

3.4 Where an appeal is made against a PCN, the Council is required to consider each appeal on its own merits. Section 6 sets out the guidance for officers to follow when considering whether or not to accept an appeal. However this is guidance and individual circumstances around each contravention will be taken into account.

3.5 The Parking Enforcement Policy and Guidance is available on the Council's website at; <http://www.testvalley.gov.uk/assets/files/11488/Parking-Enforcement-Policy-and-Guidance.pdf>

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| <b>Proposed Outcomes for Consideration</b> |
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| That Members note the content of the report. |
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| <p><u>Confidentiality</u> (<i>Please delete whichever paragraph below does not apply and, if the report is to be exempt, complete the paragraph number of Schedule 12A and the public interest test reason.</i>)</p> |
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| <p>It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.</p> |
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| <p>It is considered that this report contains exempt information within the meaning of paragraph ... of Schedule 12A of the Local Government Act 1972, as amended. It is further considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because</p> |
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| No of Annexes: | 1 |
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