

Somerset County Council

Annual Parking Report

2018-19



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Foreword

Cllr. John Woodman — Cabinet Member for Highways and Transport



Last year, we returned the delivery of the back office and IT services to be provided by Local Authority staff. This created more jobs in Somerset and enabled us to be more responsive to challenges by drivers through the benefit of local knowledge.

Overall the benefits have been as expected, with over 99% of all challenges responded to within 10 working days—an improvement on the previous service and well within the statutory deadlines. We have also been able to work directly with our new IT system to improve access to online services, particularly the application and management of residential permits.

A number of parking reviews looking at the introduction of new resident parking areas have commenced as a result of resident petitions. Any changes will only happen if the majority of residents in a street are supportive of the proposal.

Civil Parking Enforcement has been delivered by NSL on behalf of Somerset County Council and three of the (now) four district councils in Somerset since 2012. During the period of this report we will be negotiating with NSL regarding a potential extension to the summer of 2022. This will provide an opportunity to ensure the service we and the residents/visitors and businesses receive is efficient, responsive and meets our requirements whilst providing value for money.

This report contains information on how parking is managed across Somerset, how the income from parking is spent, and general information about Somerset County Council's Parking Services.

Whilst the council overall continues to face a challenging financial position and national uncertainty over Brexit, I am determined that services within my area of responsibility remain accountable to the residents of Somerset and continue to deliver a first rate service.

Parking Services

Our Responsibilities

Parking management is there to ensure traffic continues to flow safely and with consideration for other road users and pedestrians.

Somerset is a Civil Parking Enforcement (CPE) county, where parking and moving traffic (bus gate) contraventions are carried out under the Traffic Management Act 2004 and the Transport Act 2000. This means that parking contraventions are not criminal offences in Somerset; however penalties are legally enforceable.

Somerset County Council (SCC) is directly responsible for all parking Penalty Charge Notices (PCNs) served on all highways in Somerset, including bus gate penalties, and penalties in its three car parks: County Hall and Shire Hall in Taunton, and the Station Car Park in Minehead. We also patrol two car parks in Axbridge on behalf of the town council.

SCC is responsible for the enforcement of all on-street parking restrictions, such as yellow lines, resident permit zones, bus stops, taxi ranks, on-street disabled parking areas and limited waiting areas. SCC also undertakes car park patrols within Mendip District Council, Sedgemoor District Council and Somerset West and Taunton Council on their behalf.

Penalties will also be served to vehicles obstructing dropped kerbs, such as



tactile dropped paving intended to help people with mobility issues to cross the road safely, or cars parked more than 50cm from the kerb. The authority for this comes under the Special Enforcement Areas legislation.

Financial Statement

Surplus income from Civil Parking Enforcement must be spent on Transport related activities. Income from other parking activities, such as car park income, is not restricted in this way.

The following shows the income and expenditure for Parking Services in 2018-19.

Income	01/04/2018 to 31/03/2019
1 On Street P&D income	-368,283.44
2 Off Street PCN Income	0.00
3 On Street PCN Income	-748,392.86
4 Agency Income	-734,860.03
5 Bus Gate PCN Income	-557,585.94
6 Permit Income	-234,809.36
7 Dispensation/Suspension Income	-25,580.00
8 Misc.	-38,525.83
	-2,708,037.46

Expenditure	01/04/2018 to 31/03/2019
1 NSL Contract	1,519,548.94
2 Cashless Parking Contract	8,619.82
3 Traffic Penalty Tribunal	25,790.55
4 Notice Processing	348,514.38
3 Council Officer Costs	291,858.22
4 Advertising for staff	0.00
5 Travel	1,030.36
6 Training	0.00
7 General Office and Stationery	47,811.37
8 Cost of Meetings	131.49
9 Subscriptions	661.00
10 Professional & Legal	1,732.34
11 Maintenance	120.00
12 Traffic Enforcement Centre	20,000.00
15 Central Services	332,998.03
	2,598,816.50
Surplus	-109,220.96

The surplus (£109,220.96) was transferred to the Traffic Management budget to contribute towards improvements to the road network across Somerset.

Did you know...

- The **REGISTERED KEEPER** (as held by the DVLA) is ultimately liable for the penalty *regardless of who was driving*. The Registered Keeper can be a different person to the legal owner of the vehicle.
- Civil Enforcement Officers DO NOT have targets on the number of penalties they serve. It is **illegal** to set penalty targets. CEOs are not on commission.
- Every highway in Somerset is within a Special Enforcement Area, save the M5, the A303 and private roads. A Special Enforcement Area means that double parking (parking more than 50cm from the kerb) and parking over dropped footways can be enforced on any public highway without the need for signs, lines or an additional Traffic Regulation Order (TRO).
- Yellow line restrictions apply from the centre of the road to the building or property line, so parking on the pavement beside a yellow line is the same as parking on the physical yellow line.
- 24,589 Penalty Charge Notices (PCNs) were served in Somerset for on-street contraventions in 2018/19. The most common penalty code was 01: Parking in a restricted street (usually parking on double or single yellow lines). Full details can be found in Appendix 1
- 170 Penalty Charge Notices (PCNs) were served in off-street car parks managed by Somerset County Council in 2018/19.
- Only Somerset County Council is responsible for bus gate penalties and on-street PCNs. The council responsible for a car park can be identified by the tariff board.
- **If a penalty is paid, the local authority deems that liability has been accepted and the case is closed.**

The Penalty Process

Drivers are strongly urged to deal with a parking Penalty Charge Notice AS SOON AS POSSIBLE, whether they decide to pay or make a challenge.

Failure to take action WILL result in the amount payable increasing with time in line with the statutory process.

Penalty Charge Notices are legally enforceable and will not go away.

- The civil enforcement of parking is a quasi-judicial process, and has a tightly regulated, prescriptive process. All cases are treated as unique, and are evaluated on their own merits. All decisions are based on evidence.
- Parking Penalty Charge Notices (PCNs) are usually served to the contravening vehicle directly. Penalties may be served by post for bus gate contraventions or if the Civil Enforcement Officer (CEO) is prevented from placing the penalty on the vehicle, or the penalty is refused by the driver. If a penalty is attached to a vehicle, it is deemed to have been served from that point onwards.
- Civil Enforcement Officers **cannot** take back a penalty once it has been served. This protects the CEOs from allegations of corruption or extortion. Once a penalty has been served, the recipient must follow the penalty process as described on the rear of the penalty notice, whether they pay or challenge.
- Any challenge or representation against a penalty **MUST** be made in writing, whether typed, handwritten or by email. A challenge made by telephone cannot be accepted.
- If a driver makes a challenge, or representation, the case will not progress until a decision is made and the driver is notified, at which point the time for that stage is re-set.
- From the point of receipt of the PCN, a driver has 14 days to pay the penalty with a 50% discount. After 14 days, the full charge applies.
- For full details of the penalty process, see www.gov.uk/parking-tickets

Blue Badges

The Disabled Parking Scheme is a national* parking scheme which allows holders of a blue disabled drivers badge (known as Blue Badges) to park or be parked closer to their destination. The Blue Badge scheme allows parking in many otherwise restricted areas, such as double and single yellow lines and disabled parking bays.



For full details on eligibility for Somerset residents see:

<https://www.somerset.gov.uk/roads-and-transport/blue-badges/>

On-street parking is always free if a Blue Badge is displayed, though there are some restrictions. Blue Badge holders should not park where there are loading restrictions, indicated by yellow painted kerb markings, on pedestrian crossings, over dropped kerbs, on bus stops, or school 'keep clear' markings.

The Blue Badge holder does not need to be the driver, but the badge holder must be present when a vehicle is parked and a Blue Badge is displayed. For example, if a Blue Badge holder is dropped outside a shop, the driver should not then drive off, park, and then display the Blue Badge. A Blue Badge may be displayed when the badge holder is being dropped off (at the drop-off point), or is about to be picked up.

Blue Badge abuse (using another person's Blue Badge, or stolen or forged badges) is a national problem. Fraudulent use of Blue Badges is a criminal offense, and may result in the badge being seized and the driver prosecuted. This may result in a criminal record and fines of up to £1,000, plus any parking penalty incurred.

For more information on using a Blue Badge, please see the Department for Transport guidance:

On-street Parking

Somerset County Council is responsible for all on-street parking places in Somerset and three off-street car parks (County Hall, Shire Hall and the Station Car Park in Minehead). SCC also patrols two car parks in Axbridge on behalf of the town council.

On-street parking comes in a number of categories:

- Unrestricted (no controls, save not causing an obstruction and Special Enforcement Area contraventions)
- Limited Waiting (where there is a sign indicating a time limit and a period in which a vehicle may not return)
- Pay and Display (where a period of parking is paid for and a ticket showing the expiry time of paid for parking is shown in clear view)
- Resident parking (where a valid resident parking permit must be either held electronically or displayed in clear view)
- Disabled drivers parking bays (where only holders of a disabled driver's Blue Badge are permitted to park)

Some spaces are a mix of the two, such as limited waiting bays that are also Resident permit bays; where anyone can park for the limited time, but resident permit holders can park with no time restriction. Signage must make clear who is permitted to park.

Type	Number of spaces in Somerset*
Limited wait	2932
Pay and Display	623
Resident parking	3050
Disabled driver**	108

* Based on an estimated 5.5m length per space

** Disabled driver only spaces

Grace Periods

10 minutes grace periods were introduced in April 2015 so that drivers would not receive penalties for being just a few minutes late back to their vehicle. Grace periods only apply to marked parking spaces, be it limited waiting spaces or paid for parking spaces.

Parking out of the bay markings, or in restricted parts of a car park, parking in a disabled person's parking space without a valid blue badge, or parking in a space not designated for that class of vehicle requires no observation or grace period, meaning a penalty can be served instantly.

See Appendix 2 for a full list of parking contraventions and observation times in Somerset.

Suspensions & Dispensations

Suspensions - Parking bays can be suspended from normal use to allow vehicles to park for an agreed purpose, or to facilitate access in the case of road works. Vehicles parked in contravention of a suspension (that is, not the vehicles for which the suspension was put in place) may be served a Penalty Charge Notice (PCN), but SCC are not required to remove vehicles.

Dispensations are made to allow a specific vehicle to park in a restricted area for a defined period. An example of this could be a glazier's van that needs to park on a single yellow line to install new windows. Dispensations will not normally be granted where there are loading restrictions or on clearways.

Fees are chargeable for suspensions and dispensations.

For more details see: <https://www.somerset.gov.uk/roads-and-transport/parking-waivers-suspensions-and-dispensations/>

Resident Permits

There are resident permit schemes in Taunton, Yeovil, Bridgwater, Wells, Street and Minehead.

Resident parking schemes were introduced in response to residents concerns that they were unable to park outside their own homes due to commuters, shoppers or visitors taking over parking in their local area. Most resident permit zones are near town centres where parking is at a premium.

Information on how to apply for a new resident parking area can be found at <https://www.somerset.gov.uk/roads-and-transport/parking-permits/>

When establishing a resident permit zone, the Council must consider displacement to neighbouring streets. Any consultation on a proposed new permit zone will include streets likely to be impacted by the proposal. This will allow neighbouring streets to say whether they wish to become part of the new zone.

Before any change is introduced, it must be established through consultation that:

- a) there is a genuine perception of a problem by the majority of residents, and
- b) that the majority of residents are in favour of any proposed change(s).

It is important to note there is no "one size fits all" answer to parking in residential areas. Some areas may also require some prohibition of parking (single or double yellow lines, loading bans, verge and footway parking bans, or school keep clear areas), and some schemes may allow only certain types of parking (resident permits, pay and display, loading bays, disabled bays, limited waiting bays), or a mixture of elements may be required.

Highway safety issues will always be paramount.

Most Penalties (On-street)

The following table shows the locations where the most on-street Penalty

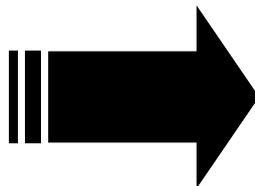
Rank	Location	PCN Count
1	East Reach, Taunton	442
2	East Street, Taunton	356
3	High Street, Wells	352
4	High Street, Glastonbury	341
5	High Street, Yeovil	288
6	High Street, Street	268
7	High Street, Bruton	254
8	St Mary Street, Bridgwater	253
9	Middle Street, Yeovil	236
10	Princes Street, Yeovil	235
11	Priory Road, Wells	234
12	Fore Street, Chard	232
13	High Street, Bridgwater	202
14	Belvedere Road, Taunton	198
15	Binford Place, Bridgwater	186
16	Ashley Road, Taunton	185
17	Fore Street, Wellington	183
18	Chamberlain Street, Wells	181
19	Holyrood Street, Chard	180
20	Billet Street, Taunton	179
21	Stone Down Lane, Glastonbury	177
22	Bond Street, Yeovil	175
23	Silver Street , Ilminster	175
24	Abbey Close, Taunton	162
25	Westminster Street, Yeovil	157

Cashless Parking

The phone and pay system allows drivers to make transactions remotely and removes the need for change. In 2018/19, there were 31,209 transactions through the Phone and Pay system for on-street parking and car parks owned by Somerset County Council. Across the County as whole including the four District Council car parks patrolled by NSL, there was an average of 18,000 transactions per month.

At the end of March 2019, we changed cashless provider from Bemrose Mobile to Pay By Phone. The new provider has no service charge and does not charge users for reminders which means customers pay no more for cashless parking than they would putting money into the machines.

The codes for SCC's on-street machines can be found in **Appendix 3**.



Traffic Penalty Tribunal

The Traffic Penalty Tribunal (TPT) is the independent adjudication service, which considers appeals against Penalty Charge Notices (PCN) if a formal representation has been rejected by the Council. Adjudicators are all legally qualified and cannot be removed without the recommendation of the joint committee and the consent of the Lord Chancellor, who also appoints them.

If a case is 'Allowed' following adjudication, the appellant has successfully argued their case and the PCN is cancelled. If an adjudication is 'Dismissed', the penalty remains in force and the local authority is entitled to seek payment.

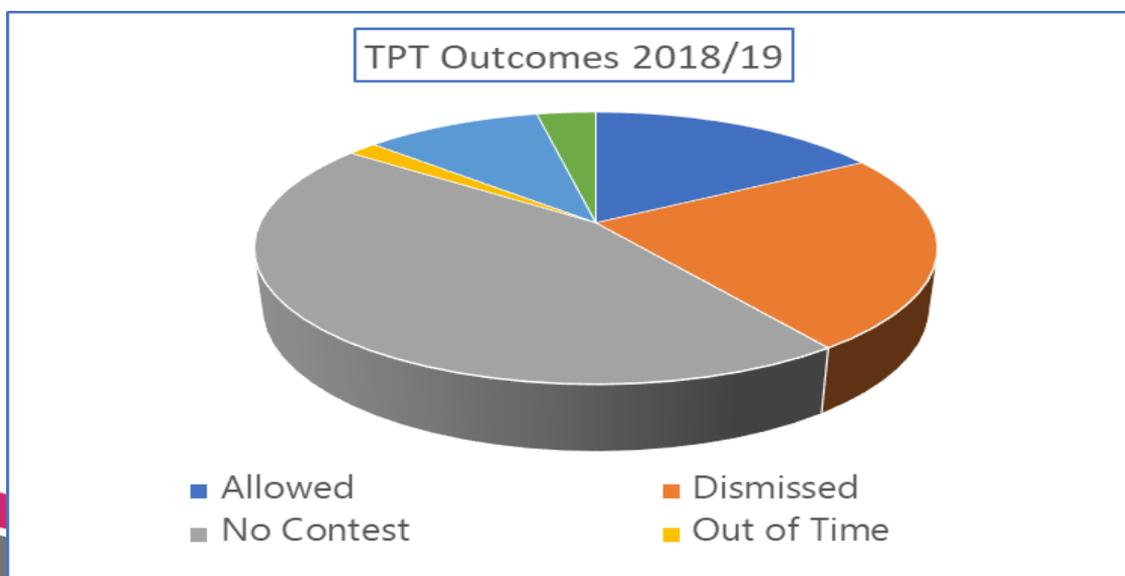
A local authority may choose not to contest an adjudication. This is usually because an additional, critical piece of evidence has been made available in the appeal statement for the first time. Usually, this evidence has been requested at an earlier stage but the case has progressed because it was not provided.

TPT is free to the appellant, and is funded through a contribution from all Local Authorities outside London for every penalty served.

Further details about the Traffic Penalty Tribunal (TPT) or Parking and Traffic Regulations Outside London [PATROL] are available at the following links.

www.trafficpenaltytribunal.gov.uk

www.patrol-uk.info



Cancellations

Parking penalties may be cancelled if it was deemed that the penalty was served incorrectly or in error, or if the circumstances warrant the use of discretion.

- Every case is (must be) considered impartially and on its own merits.
- CEOs are human beings and occasionally make mistakes, such as recording a vehicle as being in the wrong street, or a serving a penalty under an incorrect contravention code. These penalties are cancelled as they are unenforceable, even if the vehicle was parked in contravention.
- CEOs cannot take back or cancel penalty notices once they have been served, but can note any relevant additional information that may become available. This may support a challenge to a penalty.
- Cancellation decisions are based on evidence. For example, a penalty may be cancelled on medical grounds if evidence/confirmation, such as hospital admission paperwork, can be produced; or as a result of a breakdown if evidence such as a garage or tow truck receipt is provided. Any information provided is held in strict confidence.
- Not displaying a Blue Badge correctly, or not displaying it at all, was the most common reason for cancellation of on-street parking penalties. A Blue Badge is the parking card for people with disabilities which permits parking in many otherwise restricted areas and disabled parking bays. In these cases, if it can be proved that the driver or passenger had a valid badge, but forgot to display it, a discretionary cancellation may be made for the first contravention. For details on the rights and responsibilities of Blue Badge holder, please see:

<https://www.gov.uk/government/publications/the-blue-badge-scheme-rights-and-responsibilities-in-england>

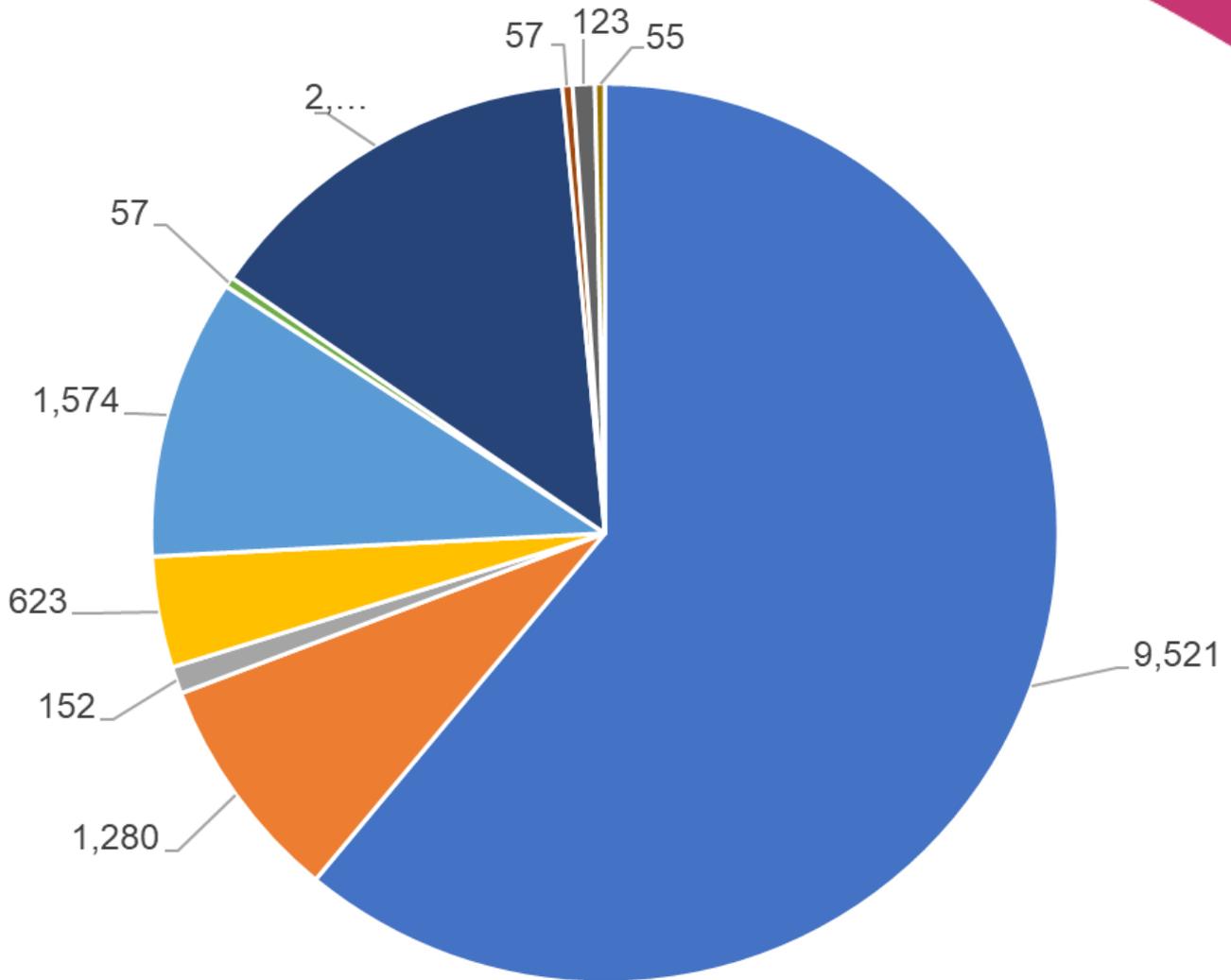
Appendix 1

On-street Penalties 2018-19



Contravention Description	PCN Count
01 - Restricted Street	9,521
02 - Loading / Unloading	1,280
05 - Paid Time Expired	152
06 - No Valid Ticket	623
12 - No Valid Permit or Ticket	1,574
16 - No Valid Permit	57
19 - Displaying Invalid Permit	2,164
21 - Suspended Bay	57
22 - Re-parked	123
23 - Wrong Class Of Vehicle	55
24 - Not Within Markings	473
25 - Parked in Loading Place	1,295
26 - Double parked in a Special enforcement area	28
27 - Adjacent dropped footway	546
30 - Parked Longer Permitted	6,704
36 - Parked in a disc parking place for longer than permitted	3
40 - Disabled Bay No Badge	1,001
42 - Police Vehicle Area	62
45 - Taxi Rank Area	418
47 - Restricted Bus Stop	165
48 - Outside school	13
49 - On cycle track/lane	111
62 - Footpath marking	2
99 - Pedestrian Crossing	202
Somerset County	26,629

Most Common On-Street PCNs



- 01 - Restricted Street
- 02 - Loading / Unloading
- 05 - Paid Time Expired
- 06 - No Valid Ticket
- 12 - No Valid Permit or Ticket
- 16 - No Valid Permit
- 19 - Displaying Invalid Permit
- 21 - Suspended Bay
- 22 - Re-parked
- 23 - Wrong Class Of Vehicle



Appendix 2

Standard Contravention Codes and Observation Times

Higher level contraventions: On Street

Code	Description	Observation Time
01	Parked in a restricted street during prescribed hours	Up to CV 10 min PMC 5 min
02	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	0 min
12	Parked in a residents' or shared use parking place or zone without either clearly displaying a valid permit or voucher or pay and display ticket served for that place, or without payment of the parking charge	Up to 10 min
14	Parked in an electric vehicles' charging place during restricted hours without charging	Up to 5 min
16	Parked in a permit space or zone without clearly displaying a valid permit	0 min
18	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	0 min
20	Parked in a part of a parking place marked by a yellow line where waiting is prohibited	Up to CV 10 min PMC 5 min
21	Parked wholly or partly in a suspended bay or space	0 min
23	Parked in a parking place or area not designated for that class of vehicle	0 min
25	Parked in a loading place or bay during restricted hours without loading	Up to CV 10 min PMC 5 min
26	Parked in a special enforcement area more than 50 cm from the edge of the carriageway and not within a designated parking place	Up to 5 min
27	Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway	0 min
28	Parked in a special enforcement area on part of the carriageway raised to meet the level of a footway, cycle track or verge	0 min
40	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	0 min

41	Stopped in a parking place designated for diplomatic vehicles	0 min
42	Parked in a parking place designated for police vehicles	0 min
45	Stopped on a taxi rank	0 min
46	Stopped where prohibited (on a red route or clearway)	0 min
47	Stopped on a restricted bus stop or stand	0 min
48	Stopped in a restricted area outside a school, a hospital or a fire, police or ambulance station when prohibited	0 min
49	Parked wholly or partly on a cycle track or lane	0 min
55	A commercial vehicle parked in a restricted street in contravention of the Overnight Waiting Ban	0 min
56	Parked in contravention of a commercial vehicle waiting restriction	0 min
57	Parked in contravention of a bus ban	0 min
61	A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways	0 min
62	Parked with one or more wheels on or over a footpath or any part of a road other than a carriageway	0 min
99	Stopped on a pedestrian crossing or crossing area marked by zigzags	0 min

Higher level contraventions: Off Street (car parks)

Code	Description	Observation Time
70	Parked in a loading place or bay during restricted hours without loading	10 min
74	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when pro-	0 min
81	Parked in a restricted area in a car park	0 min
85	Parked without clearly displaying a valid permit where required	0 min
87	Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the	0 min
89	Vehicle parked exceeds maximum weight or height or length permitted	0 min
91	Parked in a car park or area not designated for that class of vehicle	0 min
92	Parked causing an obstruction	0 min

Lower level contraventions: On Street

Code	Description	Observation Time
04	Parked in a meter bay when penalty time is indicated	Up to 10 min
05	Parked after the expiry of paid for time	Up to 10 min
06	Parked without clearly displaying a valid pay and display ticket or voucher	Up to 5 min
07	Parked with payment made to extend the stay beyond initial time	0 min
08	Parked at an out-of-order meter during controlled hours	0 min
09	Parked displaying multiple pay and display tickets where prohibited	0 min
10	Parked without clearly displaying two** valid pay and display tickets when required	Up to 5 min
11	Parked without payment of the parking charge	0 min
19	Parked in a residents' or shared use parking place or zone either displaying an invalid permit or voucher or pay and display ticket, or after the expiry of paid for time	Up to 10 min
22	Re-parked in the same parking place or zone within one hour* after leaving	0 min
24	Not parked correctly within the markings of the bay or space	0 min
30	Parked for longer than permitted	Up to 10 min
35	Parked in a disc parking place without clearly displaying a valid disc	0 min
63	Parked with engine running where prohibited	0 min

Lower level contraventions: Off Street (car parks)

Code	Description	Observation Time
73	Parked without payment of the parking charge	10 min
80	Parked for longer than permitted	10 min
82	Parked after the expiry of paid for time	0 min*
83	Parked in a car park without clearly displaying a valid pay and display ticket or voucher or parking clock	10 min
84	Parked with payment made to extend the stay beyond initial time	0 min
86	Not parked correctly within the markings of a bay or space	0 min
90	Re-parked in the same car park within one hour* after leaving	0 min
93	Parked in car park when closed	0 min
94	Parked in a pay and display car park without clearly displaying two valid pay and display tickets when required	10 min
95	Parked in a parking place for a purpose other than that designated	0 min
96	Parked with engine running where prohibited	0 min

Bus Lane/Bus Gate contraventions

Code	Description	Observation Time
34	Being in a bus lane	0 min

Note – Most observation times are not a statutory requirement and the times shown above are subject to regular review. There may be individual situations where no observation time is given, for example, where a vehicle is parked dangerously.

* = or other specified time ** = or other number

CV = Commercial Vehicle

PMC = Private Motor Car

Appendix 3

Pay By Phone codes for SCC Parking

Location number	Location name	Area
801882	East Street	Taunton
801883	Billet Street	Taunton
801884	The Crescent	Taunton
801885	Corporation Street	Taunton
801886	St James Street	Taunton
801887	Duke Street	Taunton
801888	Church Square	Taunton
801889	Magdalene Street	Taunton
801890	The Mount	Taunton
801893	Billet St (St George's Church)	Taunton
801894	Shire Hall CP	Taunton
801895	County Hall CP	Taunton
801896	Victoria Gate	Taunton
801897	Wilton Orchard	Taunton
801898	Holway Avenue	Taunton

801891	Penn Hill	Yeovil
801892	Salthouse Lane	Yeovil

801899	Esplanade	Burnham-on-Sea
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801900	Quay West, Quay St, Esplanade, Warren Rd	Minehead
801901	WSR Station Car Park (1&2)	Minehead