

Three Rivers District Council

Parking Annual Report 2022/23



Contents

Foreword.....	3
Introduction	5
Background	6
The Purpose of Civil Parking Enforcement	7 – 8
The Management of On and Off Street Parking	9
Civil Parking Enforcement in Three Rivers.....	10
Enforcement Activity – On street and Off Street.....	11 – 12
PCN Payment Activity.....	13
PCN Representations, Appeals and Beyond	14 – 16
Financial Aspects of Civil Parking Enforcement.....	17 – 18
Future Plans	19

Foreword

Welcome to Three Rivers District Council's Annual Parking Report covering the period from April 2022 to March 2023.

It is important to ensure that the enforcement of parking restrictions is transparent, consistent, and fair. It is recognised that openness and accountability is critical to gaining public support and by publishing our parking data in an Annual Parking Report, which summarises the parking and traffic enforcement responsibilities conducted by the Council over the last year, we hope that our customers will be aware of the work of the Council to improving the parking regime for residents, businesses, and visitors to the District.

Post pandemic recovery continued during 2022/23 with continued evidence in changes to resident, visitor and commuter behaviour which has impacted on parking demands. Changes to working practices involving a trend to home/remote working have continued placing additional parking pressures on local roads and particularly in our local Permit Zones. This has been accompanied by a continued relaxation of planning permitted development rights in our High Streets which is continuing to affect how our retail centres function with implications for car park usage.

We continue to provide a proactive parking enforcement service. Civil Enforcement Officers have been active around the District and will respond as appropriate to any breaches of parking restrictions.

An annual survey of the condition of all TRDC car parks is carried out every year. This identifies areas that will require attention and works are then instructed on a priority basis as budgets allow. Significant works were undertaken in the Northway Car Park, Rickmansworth in 2022/23 which included improved lighting, refurbishment and the installation of a disabled ramp to enable users to have a safer access to the car park.

The Council's Parking Management Programme, which investigates local parking demand and the effective management of this demand, has continued to be progressed as priorities have been refocused post pandemic. We continue to consult with local residents, business and local stakeholders towards further parking improvements in their area, including a review of the recent area wide Controlled Parking Zone in Croxley Green. Focus will also remain on two other large area schemes in West Rickmansworth and Chorleywood and a variety of smaller schemes across the District.

The Council are committed to providing electric vehicle (EV) charging facilities in our car parks and are continuing to pursue investigations and funding opportunities. This is part of the Council's wider climate change agenda and contributes towards our sustainability objectives.

It is recognised parking is often an emotive subject and that the services provided affect residents, businesses, and visitors to the District. It is important to strike the right balance for all road users, including motorists and pedestrians, and the Parking Service welcomes feedback so that it may continue to improve its services.

We are always keen to hear your views; join the conversation on Facebook: Three Rivers District Council, Twitter@threeriversdc, email us:

parking@threerivers.gov.uk or you can write to me directly at Three Rivers House, Northway, Rickmansworth, WD3 1RL.

Cllr Paul Rainbow

Lead Member for Transport and Economic Development

Introduction

In accordance with the Traffic Management Act 2004, local authorities that carry out civil parking enforcement are expected to be accountable and transparent and as such are required to publish an annual report within 6 months of the end of every financial year. They must also make statistical returns to the Department of Transport on 1st October for the previous financial year, annually.

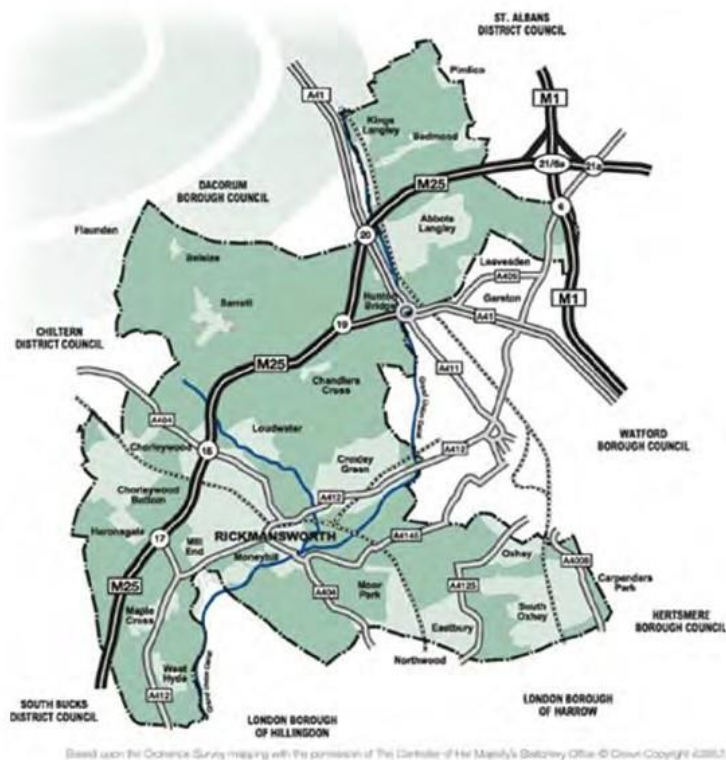
The Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Regulations suggests what local authorities' annual reports might contain. This report includes these items but goes further in terms of explaining the statistics in the context of Three Rivers District Council's overall policy objectives. Where possible, the Council's performance is benchmarked against previous years' figures, national standards, local performance indicators or by reference to figures issued by nearby local authorities with similar demographics.

The annual report for 2022/23 has been provided by the new service provider who took over the service in April 2018.



Background

Three Rivers District Council adopted Decriminalised Parking Enforcement (DPE) powers in July 2001. In respect of on-street parking enforcement, Three Rivers District Council acts on behalf of Hertfordshire County Council (the highway authority) under the terms of a parking agency agreement between the two authorities. As the parking authority Three Rivers District Council is responsible for the enforcement of its own off-street car parks.



From April 2018 the parking enforcement service at Three Rivers District Council has been provided in partnership with Hertsmere Borough Council. Hertsmere Borough Council employ Civil Enforcement Officers who are based at Three Rivers House, but the main back office operation is based at the Hertsmere Borough Council Offices in Borehamwood.

The Purpose of Civil Parking Enforcement

Historically local authorities have been able to enforce their own off-street car parks but on-street parking enforcement was undertaken by police officers or police traffic wardens. However, 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, spread rapidly across the United Kingdom in the following fifteen years. The Secretary of State has now taken reserve powers within the Traffic Management Act 2004 to compel any remaining local authorities to adopt CPE once a 'critical mass' has adopted these powers.

There were three main drivers for decriminalisation:

- Police forces had signalled to central government that they could no longer regard parking enforcement as a priority function given 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. In Three Rivers' case, this was particularly relevant because residents living in the Rickmansworth town centre area were calling for controlled parking zones but the Police would not agree to enforce them – indeed, Hertfordshire Constabulary were one of the first to withdraw the traffic warden service and Three Rivers District Council adopted the relevant enforcement powers in July 2001. The primary purpose of CPE, as identified in statutory guidance, is to support local authorities (county and district) in their delivery of their overall transport objectives in areas such as those detailed below.

- Managing the traffic network to ensure free 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.

These and other objectives that a local authority may seek to meet through its CPE operations are achieved primarily through encouraging compliance with parking restrictions – and it is with this objective in mind that Three Rivers Council enforces parking both on and off-street throughout the district.

It is not always easy to prove that CPE has a positive effect. Driving along a free-flowing road or walking along a footway without being blocked by parked cars is rarely noted or associated with CPE. Likewise, finding space in a clean, safe, well lit car park is taken for granted. It is often noticed, however, when these essential benefits are not available.

Central government is also very 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 may 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. (See Section 8 of this report).

The Management of On and Off Street Parking

In many streets within the Three Rivers District demand for on-street parking exceeds that available and problems associated with the parking of motor vehicles continue to worsen as car ownership continues to increase.

If on street parking were not properly managed then levels of highway safety and amenity would decrease for all road users including motorists, cyclists and pedestrians, children, the disabled and the elderly, and journey times would increase for all vehicles including public transport and emergency vehicles. It is also probable that uncontrolled parking would lead to less parking availability at prime locations like stations and shopping areas and certain residential areas, all of which might become monopolised by long term parked vehicles.

The Council is required to properly manage on-street parking to ensure that dangerous and/or obstructive parking is removed whilst at the same time seeking to maximise its availability for the benefit of all road users. To assist in the accomplishment of this the Council may make Traffic Regulation Orders under the Road Traffic Regulation Act, in consultation with the public in general and those directly affected in particular.



Civil Parking Enforcement in Three Rivers

CPE in Three Rivers in 2022/23 was undertaken by a team of four Civil Enforcement Officers spread around the district. The enforcement function was carried out in partnership by Hertsmere Borough Council according to a Service Level Agreement (SLA) in accordance with policy objectives agreed by both Councils. Subsequent processing of Penalty Charge Notices is also part of the SLA and processed by the Processing Team based at HBC council offices. This is in accordance with the regulations; once issued, all processing of PCN's, including the investigation of challenges, representations and appeals, is dealt with by Council officers, working in accordance with statute, regulations, guidance and Council policy.

Although it has the powers, Three Rivers Council does not clamp or remove vehicles. Clamping is no longer favored as an enforcement tool, as all too often it simply 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 for such a small Council such as Three Rivers.



Enforcement Activity – On Street and Off Street

The primary purpose of CPE is to ensure compliance with parking controls and improve road safety; therefore enforcement of car parks, where road safety considerations are slight, is secondary to enforcement of yellow line restrictions on the highway, which have more evident safety connotations. That said, our towns rely on visitors to local shops, businesses and restaurants and enforcement of car parks is important, both to ensure turnover of vehicles and that car park users correctly pay and display or abide by the regulations and conditions, for instance, not exceeding the maximum stay period.

The number of on and off Street PCN's issued in Three Rivers since 2018/19 is detailed below:

Year	Total PCN's
2018/19	4774
2019/20	3578
2020/21	1732
2021/22	3,384
2022/23	3,056

The proportion of on and off-street PCN's issued in previous years from 2018/19 is given in the table below:

Year	On-Street PCN's	Off-Street PCN's
2018/19	67%	33%
2019/20	69%	31%
2020/21	64%	36%
2021/22	72%	28%
2022/23	73%	27%

With effect from 2008/09, the government introduced differential penalty charges, whereby some parking contraventions attract a higher level penalty charge according to their perceived seriousness. These are typically on-street contraventions.

The number of higher level and lower level PCN's issued by Three Rivers Council under the Traffic Management Act 2004 since 2018/19 is given below.

Year	Higher Level PCN's (£70)	Lower Level PCN's (£50)
2018/19	2771	2003
2019/20	2210	1368
2020/21	989	743
2021/22	2,196	1,187
2022/23	2,077	979

Three Rivers Council will continue to ensure that its enforcement activity is tailored to meet the enforcement and other policy objectives of the authority whilst recognising that flexibility is needed to respond to an environment that can change on an almost daily basis.

PCN Payment Activity

A 50% discount applies to a PCN paid within 14 days of the date of issue (with the date of issue counting as day 1). The number of PCN's issued in previous years and paid at the discounted rate since 2018/19 is as follows:

Year	Number of PCNs Issued	Number PCNs paid at Discounted Amount	%
2018/19	4774	3187	67%
2019/20	3578	2383	67%
2020/21	1732	1168	67%
2021/22	3,384	2,460	73%
2022/23	3,056	2,157	71%

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 charge increases in set steps thereafter. The number of PCN's issued in previous years that were paid at the full rate or higher since 2018/19 is as follows:

Year	Number of PCNs Issued	PCN's Paid at Full Charge or Higher	%
2018/19	4774	534	11%
2019/20	3578	551	15%
2020/21	1732	254	15%
2021/22	3,383	488	14%
2022/23	3,056	355	12%

PCN Representations, Appeals and Beyond

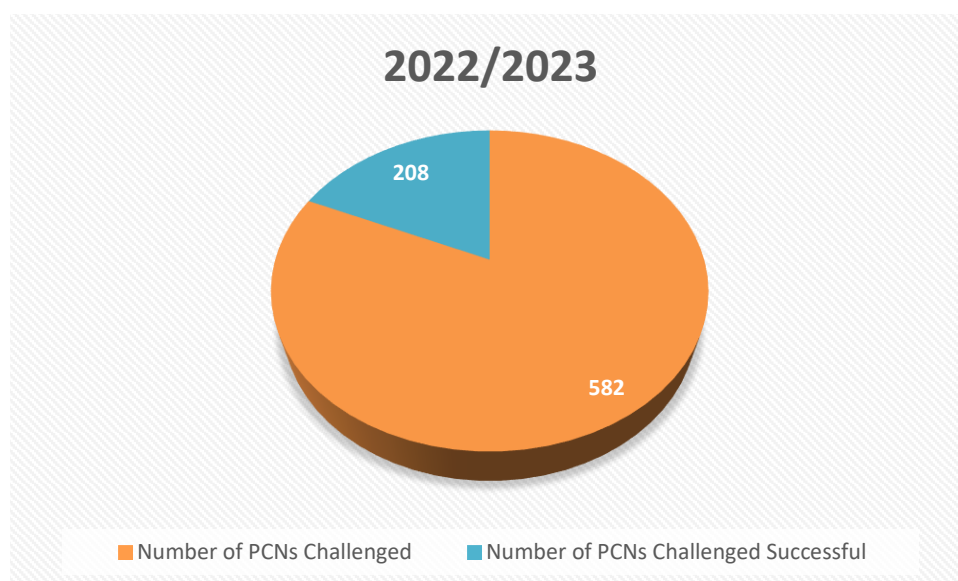
Any motorist who receives a PCN is entitled to challenge its issue. The Traffic Management Act 2004 sets out a number of statutory grounds on which a PCN may be challenged.

In addition to the statutory grounds which, if established, require the Council to cancel liability for a penalty charge, a large number of motorists contact the council offering mitigating circumstances which they hope will lead to cancellation of the penalty charge on discretionary grounds. Three Rivers Council has adopted a set of guidelines to guide its staff in enforcement decisions in a wide range of circumstances. In the spirit of openness and transparency these have been published in an abridged format on the Council's website at <http://www.threerivers.gov.uk/egcl-page/parking-penalties>

No set of guidelines can ever cover the entire range of situations in which motorists find themselves; however these guidelines are invaluable in establishing the spirit of the Council's enforcement practices.

Whilst it is difficult to offer evidence to support the claim, experience suggests that the Council's enforcement guidelines and the philosophy that underpins them are set at the more tolerant end of the spectrum.

In 2022/23 the following number of PCNs challenged either informally or representation stage and number successful:



The top 3 Cancellation Reasons for PCNs issued 2022/23:

Valid P & D Produced	36
Valid Blue Badge Produced (1 st Contravention)	27
Ticket Issue Error	26

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

The independent adjudication process is 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 very helpful to local authorities in their operation of their parking enforcement and back office regimes.

Three Rivers Council have always use this information positively to improve their services and enforcement practices, where practicable

The following table shows Three Rivers District Council's performance at appeal stage in 2022/23:

No. of Appeals	Rate of appeal per PCN	Not contested by council	Allowed by Adjudicator	Refused by Adjudicator (Council Win)	Awaiting decision
4	0.13%	1	1	1	1

Year	No. of Appeals	Rate of appeal per PCN	Not contested by council	Allowed by Adjudicator	Refused by Adjudicator (Council Win)
2018/19	8	0.16%	2	4	2
2019/20	19	0.53%	5	3	11
2020/21	12	0.69%	2	5	5
2021/22	11	0.32%	2	4	5

PCN Write Offs

A number of PCN's are also written off each year, typically because the motorist/owner cannot be traced – either because of an inadequate record at the DVLA or because the motorist/owner is untraceable. Typically around 6 to 20% of PCN's are written off for this reason, depending on local demographics.

The number and percentage of PCN's cancelled in previous years, since 2018/19, either following a challenge or because the motorist is untraceable, is as follows:

Year	PCN's Cancelled	PCN's Written Off
2018/19	352 (7%)	89 (2%)
2019/20	458 (13%)	78 (2%)
2020/21	238 (13%)	212 (12%)
2021/22	179 (5%)	70 (2%)
2022/23	208 (7%)	64 (2%)

Debt Registration and Bailiffs

If a motorist does not pay or successfully challenge a PCN (where an accurate address is held by the DVLA) the notice may be registered as a debt in the County Court (TEC). Only at this stage does a penalty charge become a debt.

In 2022/23 194 PCN's were registered as a debt in the County Court. Failure to pay this debt within the timescale specified will result in the passing of the debt to Enforcement Agents.

In 2022/23 152 cases were referred to the Council's Enforcement Agents and £5,983 had been recovered by the end of March 2023.

Financial Aspects of Civil Parking Enforcement

Under the terms of the Road Traffic Act 1991, which governed Decriminalised Parking Enforcement until April 2008, local authorities were required 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 generated was 'ring fenced' to fund related functions such as passenger transport or car park improvements.

As more and more local authorities took on DPE powers, government increasingly recognised that for many, achieving break-even was simply not possible. Accordingly, the Traffic Management Act 2004 weakened this requirement. From 1 April 2008 local authorities have 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 cost of enforcement (contract cost) and annual income from PCN's issued by Three Rivers District Council is shown below:

On Street

Year	Contract Costs	Staffing , Supplies & other costs	PCN Income	Pay & Display Income On Street	Permit Income	Other Income	(Surplus)/ Deficit
2018/19	282,560	48,650	(102,430)	(14,861)	(59,480)	(14,340)	140,099
2019/20	263,440	75,966	(80,785)	(13,993)	(75,598)	(7,045)	161,985
2020/21	269,974	69,955	(39,255)	(1,999)	(60,563)	(30,025)	205,087
2021/22	280,723	101,985	(70,709)	(7,492)	(75,104)	(28,975)	200,438
2022/23	304,784	91,300	(68,390)	(7,748)	(66,000)	(20,968)	232,978

*Based on figures from previous years as exact percentage split not available (70/30)

Off Street

Year	Contract Costs	Staffing , Supplies & Other costs	Penalty Charges	Pay & Display Income OffStreet	Permit Income	Other Income	(Surplus)/ Deficit
2018/19	121,104	20,855	(43,899)	(223,678)	(25,490)	(6,150)	(157,258)
2019/20	112,903	32,570	(34,622)	(212,144)	(26,509)	Nil	(127,802)
2020/21	115,703	29,981	(16,823)	(61,814)	(25,955)	(14,153)	(26,939)
2021/22	120,310	43,708	(30,304)	(150,907)	(32,187)	(12,418)	(61,798)
2022/23	130,622	39,129	(29,310)	(177,631)	(28,285)	(8,987)	(74,462)

*Based on figures from previous years as exact percentage split not available (70/30)

It is a commonly held belief that parking enforcement is a purely revenue raising exercise; however it will be seen that (in common with many smaller local authorities) Three Rivers Council does not break even on its enforcement activities.

Any deficit is effectively improved from the income from P&D parking and permit charges. The whole operation is expected to be entirely self-funding at no expense to local taxpayers, however, any deficit would be funded from within existing Council budgets. The Council continues to review the service by regular reviews of the business case, charging levels and enforcement regime.

Future Plans

The traffic management objections of civil parking enforcement as identified by Government and listed in the 'Purpose of Civil Parking Enforcement' section of this report will remain at the core of this Council's enforcement service and its practices.

The Council will maintain its ongoing Parking Management Programme for the introduction of new parking management schemes where considered necessary and appropriate. It is anticipated the current larger schemes in West Rickmansworth and Chorleywood will be progressed and implemented.

The continued annual inspections of our car parks will identify any areas needing attention. TRDC owned lighting in our car parks will be upgraded to solar or energy efficient LED lighting from 2023.

The Council will continue to actively pursue the provision of Electric Vehicle Charging Infrastructure in its car parks and work with Hertfordshire County Council to support the investigation of on street EV charging demand and provision.

A review of the Council's Parking Account will be re commenced including initiating a review of the Council's Parking Enforcement service to ensure the service is not placing an undue burden on the taxpayer.