****

**Carlisle City Council Off Street Parking Annual Report 2019/2020**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Contents**

1. Introduction 3
2. Traffic Management Act 2004 3
3. Traffic Regulation Orders (TRO’S) 3
4. Carlisle City Council Car Parks 4
5. Civil Enforcement Officers 5
6. General Procedure - Penalty Charge Notices 6
7. Off Street Parking Statistics 2019/2020 7
8. Financial Statistics (Income and Expenditure) 2019/2020 8

**Published by - Neighbourhood Enforcement Team,**

**Neighbourhood Services, Carlisle City Council**

**Introduction**

Carlisle City Council produce an annual report to detail key information on off-street parking, within the city council car parks. Enforcement activity is undertaken within these car parks.

This annual report covers the period 1 April 2019 to 31 March 2020.

**Traffic Management Act 2004**

The Traffic Management Act 2004 (TMA) outlines the requirements under which Civic Parking Enforcement is carried out.

Under this act, all local authorities are required to report their parking enforcement activities on an annual basis.

**Traffic Regulation Orders (TRO’s)**

A Traffic Regulation Order (TRO) is a legal document that creates parking rules, regulations and restrictions for motorists to abide by. Signs and information boards inform the motorist of TRO restrictions and terms and conditions of parking.

A TRO also gives a local authority power to enforce any of the rules, regulations and restrictions of issuing Penalty Charge Notices (PCN’s). Not complying with a restriction created by a TRO is known as a ‘contravention’.

The current TRO in place for Carlisle City Council managed parking areas is as follows:

THE COUNCIL OF THE CITY OF CARLISLE (OFF STREET PARKING PLACES) (CONSOLIDATION AND MINOR AMENDENT VARIATION PAY BY TELEPHONE ORDER 2012) and other subsequent variation orders made after 2012.

The 2012 TRO and other subsequent variation may be viewed on the following website: <https://tro.trafficpenaltytribunal.gov.uk/>

**Carlisle City Council Car Parks**

Carlisle City Council managed 12 car parks during 2019/2020. Pay and Display car parks currently managed by Carlisle City Council are listed below:

* Civic Centre
* West Walls
* Bitts Park
* Lowther Street
* Paddy’s Market
* The Sands
* Viaduct
* Swifts Banks
* Caldew Riverside
* Castle
* Talkin
* Marks & Spencer (Carlisle City Council manage this car park on behalf of Marks and Spencer)

Carlisle City Council also manage and operate:

* 4 disc-controlled car parks
* 1 permit holders only car park
* 5 free car parks
* 2 loading areas
* 1 public service area

A comprehensive list of the car parks that the city council manage can be found within the Traffic Regulation Order (TRO) referred to within section 3.

**Civil Enforcement Officers**

Carlisle City Council employ their own Civil Enforcement Officers (CEO’s) to patrol and enforce the off-street parking areas. All CEO’s are trained to nationally recognised standards and form part of the Neighbourhood Enforcement team within the Community Services directorate.

The main role of a CEO is to ensure that parking and compliance is met, and when necessary, to issue PCN’s to vehicles parked in contravention of the TRO.

CEO’s also play a vital role in being the councils ‘eyes and ears’ in relation to identifying and reporting problems such as:

* worn or defective lines and signs,
* lighting and surfacing issues,
* Anti-social behaviour.

The CEO’s also deal with environmental issues such as dog fouling, littering and flytipping.

CEO’s also act as first point of contact for car park customers, giving advice and help when required. They are not given targets or quotas and do no receive financial reward in relation to the number of penalty charge and fixed penalty notices they have issued.

It is the aim of Carlisle City Council to increase parking compliance and deliver transparent, fair and consistent parking enforcement.

**Penalty Charge Notices (PCNs)**

A Penalty Charge Notice (PCN) will be issued to a vehicle when a Civil Enforcement Officer (CEO) believes the Traffic Regulation Order (TRO) has been contravened.

The levels of PCN charges are set by central government; Carlisle City Council has adopted a charge currently of £50 for a lower-level contravention and £70 for a higher-level contravention. If the charge is paid within 14 days a 50% reduction is applied.

Once a PCN has been issued, the driver may submit a challenge. This is known as an informal challenge. The challenge will be considered by Carlisle City Council based on the evidence provided and a decision to either accept or reject the challenge will be made.

When a challenge is made and subsequently rejected, or when no payment is received, the owner of the vehicle will be sent a Notice to Owner (NTO). This is the driver’s opportunity to make a ‘formal representation’ where consideration of these representations is carried out by a panel of officers within Carlisle City Council.

Should the representations be again rejected; the driver then has the opportunity to appeal the decision at the Traffic Penalty Tribunal (TPT). The driver’s case would be heard by an independent adjudicator and the outcome of this hearing is final, the decision is binding on both the City Council and the driver involved.

**Off-street Parking 2019/2020 Statistics**

Carlisle City Council’s statistics for Penalty Charge Notices (PCNs) issued from 01 April 2018 to March 2019 are shown below:

|  |  |
| --- | --- |
| **Total Number of PCNs Issued:** | **1,788** |
| **Higher Level PCNs Issued:** | **119** |
| **Lower Level PCNs Issued:** | **1,669** |
| **Paid at Discount:** | **1,090** |
| **Paid at Full (or above):** | **178** |
| **Number of PCNs paid:** | **1,268** |
| **PCNs against which an informal or formal representation was made:** | **558** |
| **PCNs cancelled as a result of an informal or formal representation:** | **48** |
| **PCNs written off or cancelled for other reasons:** | **102** |
| **Number of appeals at the Traffic Penalty Tribunal (TPT):** | **4** |
| **Number of appeals allowed:** | **1** |
| **Number of appeals dismissed:** | **1** |
| **Number of appeals Not Contested:** | **1** |
| **Number of Appeals Awaiting Decision:** | **1** |

**Financial Statistics 2019/2020**

|  |
| --- |
| **Report on Carlisle City Councils Off Street Parking Account (Kept**  |
| **Under Section 55 of the Road Traffic Act 1984 - as amended) for the**  |
| **financial year ended 31st March 2020** |  |  |
|  |  |  |  |  |
| **OFF STREET** |  |  |  |
|  |  | £ | £ |  |
| **Income** |  |  |  |
|  | Off Street Parking Penalty Charges | (22,974) |  |  |
|  | Recharges | (62,300) |  |  |
|  | Pay & Display Ticket Income | (977,706) |  |  |
|  | Contract Parking Income | (87,905) |  |  |
|  |  |  |  |  |
|  | Total Income |  | (1,150,885) |  |
|  |  |  |  |  |
| **Expenditure** |  |  |  |
|  | Employee Related | 70,507 |  |  |
|  | Premises | 288,542 |  |  |
|  | Transport | 0 |  |  |
|  | Supplies & Services | 138,957 |  |  |
|  | Third Party Payments | 34,344 |  |  |
|  | Support Services | 119,300 |  |  |
|  | Depreciation | 10,049 |  |  |
|  |  |  |  |  |
|  | Total Expenditure |  | 661,699 |  |
|  |  |  |  |  |
| **Net (Surplus)/Deficit** |  | (489,186) |  |
|  |  |  |  |  |

The surplus funds raised through the provision of Off-Street parking facilities are used to offset the costs to Carlisle City Council of providing services to the public.