



# PARKING SERVICES ANNUAL REPORT 2023/24

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## 1. Introduction

Welcome to Cumberland Council's 1<sup>st</sup> Parking Services Annual Report for 2023/24. This report provides information on the activities of the Service across Cumberland between 01 April 2023 and 31 March 2024.

Cumberland Council is responsible for the enforcement of on and off-street parking across the county. Parking management and enforcement are an important part of our daily lives. Proper parking helps reduce congestion, improve road safety, assists the local economy, and encourages residents to use sustainable methods of transport. Our aim is to provide a service and consistent approach to all elements of parking management that will support the local community, while proving beneficial to residents, tourists, and businesses.

Cumberland is one of the best places to visit, boasting two world heritage sites, an area of outstanding natural beauty and world class attractions that draw in millions of visitors. Enforcement is carried out by the Council's in-house Parking Services team to ensure that the finite number of parking spaces are shared fairly between residents, businesses, and visitors.

The Council is also responsible for issuing a variety of parking restriction exemption permits or certificates in certain areas of the county. The Service fulfils an essential role in supporting and delivering Moving Cumbria Forward: Cumbria Transport Plan Strategy 2011-2026.

The Council is required to produce and publish a Parking Account on an annual basis in accordance with part 6 of the Traffic Management Act 2004.

This will detail a variety of Penalty Charge Notice statistics for the off-street and on-street parking areas under the Council's control and financial information including income, gross expenditure and net expenditure.

The income and expenditure of local authorities in connection with their on-street charging and their on-street and off-street enforcement activities are governed by section 55 (as amended) of the Road Traffic Regulation Act 1984. The Act specifies the purposes to which any surplus arising from the management and operation of parking can be applied. These purposes include reimbursement to the general fund for expenditure connected with the car park in the 4 years previously, meeting the costs of providing and maintaining the car park, or contributions towards the cost of providing car parks incurred by other local authorities or persons.

This is consistent with current best practice and aims to provide clarity, consistency and transparency within the enforcement process and compliance with the aspirations of the Traffic Penalty Tribunal and Local Government Ombudsman.

The council aims to manage and promote safe and fair parking practices and to discourage anti-social and illegal parking, creating a safer kerbside environment in line with the Local Transport Plan and the Traffic Management Act.

The service is delivered through our Parking Services Team and collectively they undertake the following:

- Enforce and administer all on and off-street parking regulations as defined by the Traffic Management Act 2004 (as amended).
- Enforce and administer all on-street and off-street pay and display parking.
- Regulate, enforce, and administer residential parking schemes.
- Issue and manage a wide range of permits.
- Investigate and issue parking dispensations and bay suspensions where and when appropriate.
- Operate and maintain the computerised hand-held penalty charge system.
- Process penalty charge notices (PCNs) from the point of issue, including investigation, resolution, and preparation of papers to be passed to the Traffic Penalty Tribunal.
- Produce statistics and reports on all aspects of the service.
- Liaise with our property and highway services teams on maintenance of off-street car parks, street furniture issues, including surface repairs, lining, signs, and maintenance of ticket machines.
- Liaise with the police, police community safety officers, and the council's internal colleagues regarding school safety.
- Liaise with other internal and external bodies regarding the use of car parks for events.
- Support internal services including cash collection as and when required.
- Report issues with blue badges.

The Parking Services Team also provide expert advice on all parking related matters to the public and elected members. The team seeks to present a courteous, equitable and approachable face to stakeholders, carry out duties in an efficient manner and demonstrate value for money.

## **2. Parking enforcement background**

The legislative framework for local authorities to carry out parking enforcement changed on 31 March 2008 when Part 6 of the Traffic Management Act 2004, replaced parts of the Road Traffic Act 1991.

Parking restrictions are introduced through a legal order known as a 'Traffic Regulation Order' (TRO). Road markings and signs provide information to motorists of the restrictions. Where a vehicle is parked in breach of a restriction a Penalty Charge Notice can be issued by a Civil Enforcement Officer, this officer is employed by the local authority. Not complying with a restriction created by a TRO is known as a 'contravention'.

Both on and off-street locations will be regularly patrolled by Civil Enforcement Officers from the Council's Parking Services Team. Penalty Charge Notices will be issued in accordance with the Service's policies, which can be found on our website. It should be remembered that this list is not exhaustive of the action that could be taken, it should be seen as guidance.

### 3. Civil Enforcement Officers

Cumberland Council employ their own Civic Enforcement Officers (CEO's) to patrol and enforce the on and off-street parking areas. All CEOs are trained to nationally recognised standards and form part of the Parking Services team within the Place, Sustainable Growth & Transport 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, any environmental issues such as dog fouling, littering and anti-social behaviour.

It is imperative that the Parking Service deals with parking contraventions in a fair and consistent manner. CEOs are ambassadors for Cumberland Council who not only enforce parking restrictions but also act as a visible presence in Cumbria's urban and rural areas. During a typical shift officers will provide directions to local services and places of interest, report crimes and assist other agencies including the emergency services. The Council has developed a suite of internal policies and procedures which will assist in providing a uniform and transparent approach to service delivery while at the same time having regard to the individual needs of Cumbria's diverse communities.

They are not given targets or quotas and do not receive financial reward in relation to the number of PCN's they have issued.

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

All Parking Service staff are trained to the same standards via in-house training and external courses. The Council recognises that training is fundamental to delivering a consistent service and as such both CEOs and office-based staff receive personal development opportunities.

The CEOs were deployed across the borough to deliver both proactive and reactive enforcement patrols, ensuring parking restrictions were monitored and, where required, robust and effective enforcement delivered in support of the parking objectives.

All CEOs wear high visibility uniform and are clearly identifiable in line with best practice and legislative requirements. Officers are issued with handheld computers with functionality to log offending vehicle details, print and issue Penalty Charge Notices (PCNs) and obtain photographic and written evidence. In addition, they are issued with body worn video cameras, phones and lone working equipment for health and safety purposes.

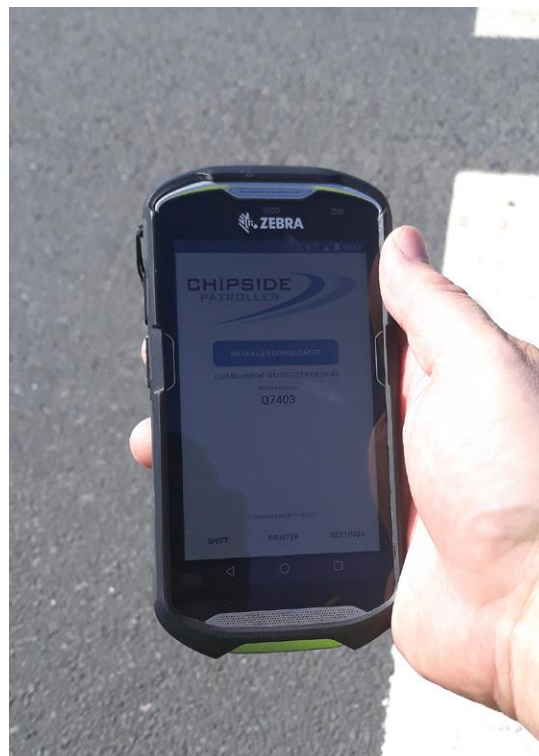
The Parking Team provides enforcement from 7am till 7pm, Monday to Sunday, as part of their standard core hours. Additional ad hoc enforcement patrols were conducted outside of these core hours in response to operational needs and

priorities. The Officers worked every day of the year, including public holidays, with the exception of Christmas Day, Boxing Day and New Year's Day.

The Council receives feedback from residents, businesses, visitors, partners and stakeholders which can be used to enhance service delivery. Complaints are investigated in accordance with the Council's procedures and any learning outcomes are discussed with relevant team members and integrated into operational activities as appropriate.

### **Civil Enforcement Officer's operational equipment**

All Civil Enforcement Officers are equipped with a Samsung smartphone, enabling them to receive calls and e-mails while on patrol. This has assisted in improving the response time to complaints and queries as the office-based staff can e-mail photographs and details of complaints directly to the Officer. The phones also incorporate a Peoplesafe lone worker application for the user's health and safety and work on a variety of mobile phone service provider networks. This can be used to call for emergency assistance and escalate to a manager should a member of staff require any further help.



## CCTV

Body-worn cameras have been shown to improve interactions between Civil Enforcement Officers and members of the public, lowering complaints, reducing the risk of violence, and providing support by acting as an impartial and independent witness. These units have a front-facing screen that allows customers to see their own interactions with Civil Enforcement Officers, and research has shown this has a proven calming effect on those being recorded and maximises transparency with the public.



## Training and development

A variety of internal and external training courses have been delivered to staff, including information security and governance, safeguarding, conflict management, parking enforcement legislation, Penalty Charge Notice appeals, and first aid. Front line and office-based staff receive regular 1:1 meetings and supervision sessions with their respective line managers. In addition, managers undertake monthly internal audits of front-line and office-based staff activities, which assists in delivering a transparent and consistent service.

### 4. Aims and objectives.

In common with other areas of the United Kingdom. Cumberland has experienced an increase in the number of vehicles using the county's highways network. Certain areas of Cumberland suffer from congestion and there are seasonal increases in visitors in some localities due to the county's tourist-based economy along with a limited number of parking spaces for all road users. The management of parking is therefore an important function for Cumberland Council.

The Council has a duty under the Traffic Management Act 2004 to secure the expeditious movement of traffic on the highway network; this power is vested through the appointment of a Traffic Manager.

The Council has a Cumbria Transport Infrastructure Plan that sets out its aspirations to achieve this. Parking is a key management tool for addressing causes of obstruction resulting in congestion, safety issues and accessibility.

The aims of Cumberland Council's Parking Services team are to:

- Contribute to making Cumberland a great place to live, work and visit in line with the Council plan.
- Support the free movement and thereby the quality and accessibility of public transport.
- Actively support the needs of vulnerable and disabled people, in using the highway network to promote accessibility.
- Target enforcement measures to secure efficient use of the highway network.
- Actively discourage activities that have an adverse effect on health and safety or cause obstruction to highway users including public transport, vehicular traffic, pedestrians, cyclists, and disabled people.
- Cover the costs of parking enforcement, including parking restriction signs and lines, from Penalty Charge Notice (PCN) income.
- Provide a better understood Parking Service and improved public facing role for Civil Enforcement Officers who will act as ambassadors on behalf of the Council.
- Ensure that Civil Enforcement Officers (CEOs) issue Penalty Charge Notice Notices (PCN's) in accordance with the Traffic Management Act 2004. It should be noted that Cumberland Council does not set targets in relation to the number of Notices issued and therefore no incentivised payments to CEOs are made.

The management of parking contributes to achieving the aims of the Local Transport Plan and specifically supports the delivery of the Council Plan 2023-2027 priorities.

The Council's vision is **“Cumberland Council takes a fresh approach to the delivery of inclusive services that are shaped by our residents and communities. By enabling positive outcomes for health and wellbeing, prosperity and the environment we will fulfil the potential of our people and our area”**.





We believe passionately in the delivery of excellent public services. To do that we need to be clear about the values and behaviours that we need to drive change and achieve our high standards. In everything we do we aim to:

**Be compassionate, Be innovative, Be empowering, Be ambitious, Be collaborative**

In delivering these aims and objectives the Service works with the Lake District National Park Authority, neighbouring authorities and other partners who manage both on and off-street parking facilities around the county. The above organisations also work with Cumberland Council in their capacities as planning authorities to consider new developments and associated parking provisions and travel options.

We also have a number of policies/guidance documents which are available to view on our website, including the Parking Enforcement Policy which outlines the Enforcement action. The Council's parking policies are available at [www.cumberland.gov.uk/parking](http://www.cumberland.gov.uk/parking)

The Service also has a number of internal policies including an Operations Manual for Civil Enforcement Officers, the above document, accompanied by regular internal monitoring, assist in ensuring that the Council delivers a fair, transparent and consistent Parking Service

## **5. Customer Service Standards**

Cumberland Council is committed to providing a high-quality service for all customers and feedback is essential to this. The Council welcomes all compliments, comments and complaints which help to review and improve services to provide the best possible product for all users.

Compliments are an important way for the Council to celebrate and publicise its successes. On occasions the Parking Service receives positive feedback regarding the conduct of team members and in such cases, comments are relayed to the team member concerned and brought to the attention of the appropriate manager. In addition, the Parking Manager will make contact with the correspondent to acknowledge their comments.

Not all customers who have useful feedback wish to make a complaint. Upon receipt comments will be acknowledged and referred to the appropriate team member for action or for information. Comments and suggestions from service users and stakeholders may be used to reshape service standards and delivery.

## **6. Partnership Working**

Although the Service's Civil Enforcement Officers issue Penalty Charge Notices they undertake many other tasks during the course of their working day. During their patrols Officers regularly identify vehicles which appear to be abandoned, untaxed or

uninsured. These vehicles can cause frustration as they take up valuable parking spaces as well as presenting a potential danger to the local community. As part of their routine duties the Officers will note the details of any vehicles presenting a cause for concern, carry out some basic open-source checks on their return to base and, as appropriate, report the issue to the relevant enforcement agency. This initiative results in regular referrals being made to our internal colleagues, Cumbria Constabulary and the Driver and Vehicle Licensing Agency.

The Team also regularly receives reports regarding inconsiderate parking outside schools which creates potential safety issues for children and other road users. Civil Enforcement Officers in partnership with the Police have visited a number of areas across the county to carry out enforcement and educational patrols which have been well received by schools, parents and the wider community. By encouraging responsible and legal parking these patrols and partnership working helps to ensure a safe passage to and from school for the thousands of pupils across Cumbria.

The Council's Parking Manager attends several multi-agency meetings hosted to improve the parking offers to customers. These include the meetings with representatives from the Lake District National Park Authority, Local Focus Hubs, and the National Trust.

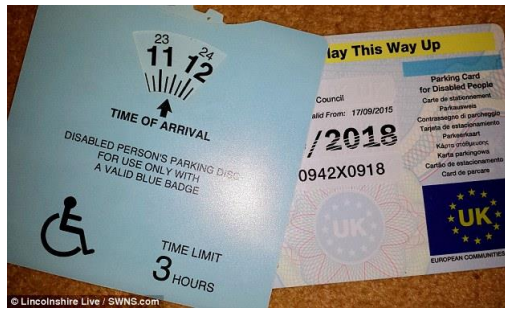
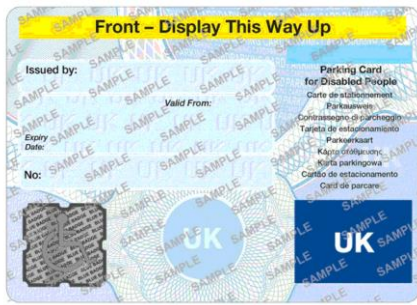
The Parking Manager also attends the meetings of the Northwest Parking Forum, which is comprised of local council parking enforcement representatives in the Northwest of England.

The Council is a member of the British Parking Association, the largest professional association representing parking and traffic management in Europe.

The Association provides an extensive range of membership services to support parking professionals and organisations in their day-to-day work.

## **7. Blue badge service**

The Blue Badge scheme provides a range of national on street parking concessions for people with severe mobility problems, helping them park closer to their destination. There are over 2.7m Blue Badge holders with 7443 issued by Cumberland Council and valid on 31st March 2023. In August 2019 the Blue Badge scheme was amended to include certain hidden illnesses into the approved criteria. Although the scheme is administered and applications are ultimately approved by local authorities, much of the eligibility criteria is set out by Central Government (Department for Transport) to ensure a degree of consistency in terms of how cases are considered and approved. The scheme examines qualification within two sets of criteria being automatic and nonautomatic.



## Blue Badge abuse

The Team continues to issue Penalty Charge Notices relating to the misuse of Blue Badges and reports instances of abuse of the process to the Council's Blue Badge Team. Civil Enforcement Officers have identified some motorist's mis-using Blue Badges.

## 8. Overview of parking provision and strategy

The council provides public parking facilities to assist with traffic management and environmental improvements. On-street facilities (typically those located by the kerbside) and off-street facilities within car parks are distributed across the area. The facilities are paid for completely by the users. Maximum length of stay restrictions are generally structured to promote short-term parking and a high turnover of spaces in town centres, but a degree of long-term parking is permitted in the outer areas and our car parks to meet the needs of different motorists, such as commuters.

### Principles of parking provision

The structured use of parking management is an essential tool in helping to balance competing demands for kerb space, restraining non-essential traffic, and in encouraging a shift towards more sustainable modes of travel.

The council's objectives for introducing and enforcing on-street waiting and loading restrictions are as follows:

- To improve the safety of road users.
- To assist the free flow of traffic and reduce congestion.
- To assist and improve bus movement.
- To assist in providing a choice of travel mode.
- To ensure effective loading/unloading for local businesses.
- To provide a turnover of available parking spaces in areas of high demand.
- To assist users with special requirements, such as disabled drivers.
- To promote and enhance the health of the local economy.

## Off-street parking

Off-street parking also contributes to many of these objectives, particularly where it is co-ordinated with on-street provision. We have a number of available spaces in car parks around our district. We would encourage where possible to make use of the car parking spaces, we have available, this will free up the highway and enable residents to park on street. For example, offering longer stays than is possible to offer on street, and by providing more capacity than is available at the kerbside.

For more information on these car parks please visit our website, you will find additional details including locations and charges.

<https://www.cumberland.gov.uk/parking-roads-and-transport/parking/find-car-park-near-you>

Appendix 1 shows a list of current Cumberland Car Parks.

## 9. Performance audits

The Service receives regular audits by the Driver and Vehicle Licensing Agency. In instances where the recipient of a Penalty Charge Notice does not pay or challenges the notice, the Council applies to the DVLA for details of the registered keeper of the vehicle. These audits are conducted to ensure that authorities are accessing and using vehicle keeper details in a correct and lawful manner and have appropriate information security measures in place. The Service has been audited by the DVLA on 7 separate occasions since March 2017 and on each occasion, the highest possible rating of green was achieved.

The Service's Parking Manager and Parking Team Leaders conduct regular internal audits of team members to provide assurance that the Council's policies and procedures and civil parking enforcement legislation are being adhered to. As part of this process, the quality of Penalty Charge Notices issued by the Civil Enforcement Officers are examined in addition to the decision-making process by the Service's processing team when handling appeals and challenges.

## 10. On and Off-street Parking 2023/2024 Statistics

Each local authority has a duty to supply figures to various government departments on different types of enforcement and where PCNs were issued. The Department for Transport requires a breakdown of on and off-street PCNs issued by each authority. On-street is recognised as disc parking bays and yellow line restrictions etc. Off-street is defined essentially as car parks.

**The following table shows the number of Penalty Charge Notices and permits issued.**

<b>Statistical Information</b>	<b>2023/24</b>
On street penalty charge notices issued	23,402
Off street penalty charge notices issued	3908
Total on and off street penalty charge notices issued	27,310
Resident permits issued	13,812

The table below provides a month-by-month number of PCN enforcement on-street and off street for 2023/24.

Month	On street	Off street
April	2312	444
May	2471	384
June	1993	410
July	2091	248
August	2119	229
September	1882	286
October	1906	415
November	2003	320
December	1552	179
January	1856	216
February	1587	395
March	1630	382
Total	23,402	3908

**Performance and information regarding Penalty Charge Notice (PCNs) issued.**

Specialist software is used to process appeals and technology is used to issue PCNs. We aim to be responsive and provide ample information to assist motorists with their appeals, which we acknowledge can sometimes be stressful and frustrating. We are always looking to improve, so if you have any suggestions or ideas, please do not hesitate to contact us.

**The table below, provides details of the top 10 parking contraventions enforced in 2023/24**

Rank	Contravention Code	Description of Offence	Totals
1	35	Disc without clearly display	11,585
2	01	Parked in a restricted street	5778
3	83	Parked without clear display	2788
4	02	Loading in a restricted street	1494
5	23	Wrong class of vehicle	1211
6	16	Parked in a permit space	757
7	25	Parked in a loading place	687
8	40	Disabled persons parking	608
9	27	Dropped footway in a SEA	340
10	86	Parked beyond the bay markings	288

The table below, provides details of the top 20 parking locations that received the highest PCN's.

Rank	Location	Totals
1	C2057 Portinscale To Grange Road, Keswick	1291
2	Castle St, Carlisle	708
3	Station Road, Keswick	545
4	Bell Close Car Park, Keswick	464
5	Lowther St, Whitehaven	455
6	Main Street, Cockermouth	455
7	Portinscale To Grange-In-Borrowdale Road, Borrowdale	453
8	Borrowdale Road, Keswick	419
9	Cecil Street, Carlisle	411
10	Rickergate, Carlisle	396
11	B5289,	394
12	Strand St, Whitehaven	368
13	Lakeside Car Park, Keswick	373
14	Aglionby St, Carlisle	357
15	Main St, Egremont	313
16	Senhouse Street, Maryport	248
17	Tithebarn Street, Car Park, Keswick	234
18	Gray Street, Workington	233
19	Warwick Street, Carlisle	233
20	Murray Road, Workington	211

### Summary of total PCNs issued.

A total of 27,310 PCNs were issued for the period 1 April 2023 to 31 March 2024. These were issued using traditional parking enforcement methods where a civil enforcement officer issued the PCN.

## 11. Challenges and representations received.

Individuals may challenge the issue of a PCN prior to a notice to owner (NtO) being sent. Once an NtO has been issued, representations can be made and should these be rejected, the case can then be referred to the Traffic Penalty Tribunal, which will independently adjudicate.

The table below shows the total numbers of challenges and representations received between 1 April 2023 and 31 March 2024

Total Number of PCNs Issued:	27,310
Higher Level PCNs Issued:	12,036
Lower Level PCNs Issued:	15,273
Paid at Discount:	18,653
Paid at Full (or above):	2,439
Number of PCNs paid:	21,715
PCNs against which an informal or formal representation was made:	4705
PCNs cancelled as a result of an informal or formal representation:	1091
Number of appeals at the Traffic Penalty Tribunal (TPT):	11
Number of appeals allowed:	1
Number of appeals dismissed:	8
Number of appeals Not Contested:	2
Number of Appeals Awaiting Decision:	0

## 12. Financial report

The Government requires accounts to be published setting out income and expenditure from on street parking. The Traffic Management Act requires that Income from on street parking charges and on and off-street Penalty Charge Notices must be used to meet the cost of the provision and maintenance of the service. The legislation prescribes how the Council can use income from on street parking after covering the costs of:

- 1) Operating and maintaining on street and off-street parking facilities
- 2) Maintaining any on street and off-street restrictions
- 3) Operating on street and off-street enforcement activities
- 4) Operating and controlling any Controlled Parking Zones and parking permit, dispensation or waiver scheme
- 5) Providing any additional on street or off-street parking facilities
- 6) Repaying any initial costs of establishing Civil Parking Enforcement.

The use of any surplus arising after the cost of operating and enforcing on street parking and off-street enforcement is restricted to a number of uses:

- 1) Providing and maintaining parking facilities
- 2) Public transport schemes
- 3) Highway and transport improvements
- 4) Environmental improvements.
- 5) Make good deficits met by the General Fund in the preceding four years

Such restrictions on the use of any surplus do not however apply to surplus income from off street parking. Any surplus income from off-street car parks, after deducting any expenditure or income associated with running costs and enforcement can be used for corporate purposes. This is because the net income from car parks is deemed to be a commercial operation where the land could be used for alternative development. For transparency the Off-Street Parking account is analysed between enforcement and other off street parking activity.

All parking charges including pay and display tariffs have been set and approved by Elected Members. The amount of charge within the Penalty Charge Notice is set as part of the statute legislation. Such charges are therefore consistent with all local authorities operating Civil Parking Enforcement.



## On Street Parking Account for Cumberland Council 2023/24

	£
<b>Income</b>	
Fees & Charges Contractors Waivers	(14,444)
Penalty Charge Notices	(541,178)
<b>Total Income</b>	<b>(555,621)</b>
<b>Expenditure</b>	
Employees	641,149
Premises & Transport	16,044
Supplies & Services	91,761
<b>Total Expenditure</b>	<b>748,953</b>
<b>Net Expenditure</b>	<b>193,332</b>

### Notes

There are no comparative figures for 2022/23 as 2023/24 was the first year of Cumberland Council.

These accounts are provisional as they are subject to external audit of the 2023/24 Annual Report and Accounts for Cumberland Council.

As set out in the Road Traffic Act the On Street Parking Account deficit for the year 2023/24 will be met from the General Fund. Any surplus for the On Street Parking Account in the following four years may be used to make good the On Street Parking Account deficit 2023/24 met from the General Fund.

At the 1 April 2023 there was an opening reserve of (£179,300) being the proportion of accumulated surplus in the On Street Parking Account for Cumbria Council at 31 March 2023 attributable to the Cumberland area. There was no application of the reserves during 2023/24 and, there being a deficit on the account for 2023/24 no addition to the reserves. The reserve balance of (£179,300) as at 31 March 2024 is carried forward to 2024/25.

## Off Street Parking Account for Cumberland Council 2023/24

	Parking £	Enforcement £	Total £
<b>Income</b>			
Pay and Display Charges	(5,063,910)	(0)	(5,063,910)
Penalty Charge Notices	(0)	(88,457)	(88,457)
<b>Total Income</b>	<b>(5,063,910)</b>	<b>(88,457)</b>	<b>(5,162,367)</b>
<b>Expenditure</b>			
Employees	304,021	289,718	593,739
Premises & Transport	1,443,313	94	1,443,407
Supplies & Services	951,078	7,385	958,463
<b>Total Expenditure</b>	<b>2,698,412</b>	<b>297,197</b>	<b>2,995,609</b>
<b>Net (Income) or Expenditure</b>	<b>(2,365,498)</b>	<b>208,740</b>	<b>(2,156,758)</b>

### Note

There are no comparative figures for 2022/23 as 2023/24 was the first year of Cumberland Council.

As set out in the Road Traffic Act the Off Street Parking Enforcement deficit for the year 2023/24 will be met from the General Fund. However, this is significantly more than offset by the surplus on Off Street Parking activities which are added to the General Fund Balance

These accounts are provisional as they are subject to external audit of the 2023/24 Annual Report and Accounts for Cumberland Council.

## Appendix 1

### Cumberland Car Parks

- Allerdale House Car Park, Workington
- Beacon car park, Whitehaven
- Beck Green car park, Egremont
- Bell Close short stay car park, Keswick
- Bitterbeck long stay car park, Cockermouth.
- Bitts Park car park, Carlisle
- Brow Top long stay car park, Workington
- Caldew Riverside car park, Carlisle
- Castle car park, Carlisle
- Cecil Street Car Park, Carlisle
- Central car park, Keswick
- Central Station long stay car park, Workington
- Chapel Street car park, Egremont
- Citadel car park, Carlisle
- Civic Centre car park, Carlisle
- Civic Hall permit only car park, Whitehaven.
- Copeland Centre car park, Whitehaven- weekends only
- County Councils office permit only car park, Carlisle
- Elizabeth Street long stay car park, Workington
- Fairfield short stay car park, Cockermouth
- Jacktrees Road car park, Cleator Moor
- Ladies Walk short stay car park, Workington.
- Lakeside long stay car park, Keswick
- Lancashire Road car park, Millom
- Lord Street car park - free parking
- Lowther Street car park, Carlisle
- Main Street, Haverigg car park - free parking
- Memorial Gardens long stay car park, Cockermouth
- Moorhead car park, Eskdale
- North Shore car park, Whitehaven
- Otley Road long stay car park, Keswick
- Paddy's Market car park, Carlisle
- Riverside long stay car park, Cockermouth
- School House Lane car park, Whitehaven
- Senhouse Street car park, Whitehaven
- Smithy Brow car park, Eskdale.
- Sport Centre car park, Mirehouse, Whitehaven
- St Bees Foreshore car park, St Bees
- Sullart Street long stay car park, Cockermouth
- Swifts Bank car park, Carlisle
- Talkin Tarn car park

- The Ginns car park - weekend only free parking
- The Sands car park, Carlisle
- The Square car park, Cleator Moor
- Uldale Street short stay car park, Workington
- Viaduct car park, Carlisle
- Water Street long stay car park, Wigton
- West Walls car park, Carlisle
- Workington Multi Storey car park

## Appendix 2 **General procedures, advice and the appeal process**

### **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; Cumberland 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 Cumberland 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 trained officers within Cumberland 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 Council and the driver involved.

### **General advice and the appeals process**

General advice to avoid receiving a Penalty Charge Notice (PCN)

Before parking your vehicle, it is essential that you make sure you are legally parked. Here are some helpful hints you may wish to consider before parking your vehicle.

#### **DOs**

- ✓ Always check the signs, lines, and road markings before you park your vehicle.
- ✓ If you are displaying a Blue Badge or any eligible permit, ensure it is facing upwards, showing the full details of the permit and the wheelchair symbol if displaying a Blue Badge. It should be clearly placed on the dashboard or fascia panel. If you also have to show a parking clock, this should be displayed on the dashboard with the clock clearly showing.
- ✓ Always ensure that any pay and display ticket is clearly shown.
- ✓ Always make sure that the ticket has not been dislodged by wind or the car door once you leave the vehicle.
- ✓ Be aware that as the owner of the vehicle (registered with the DVLA), you are liable for any contravention.
- ✓ Always tell the DVLA if you no longer own a vehicle and ensure that you send off the relevant paperwork.

✓ Always keep delivery notes if loading or unloading; this may help in any future appeal.

## **DON'Ts**

X Do not give yourself the benefit of the doubt when unsure over signs, lines, or road markings.

X Do not presume your pay and display ticket is in the place you put it when you closed the car door. Always check it is clearly displayed once you have left the vehicle.

X Do not leave your vehicle to go for change. This is not grounds for appeal. It may be that you wish to consider the pay by phone option if you do not have the correct change.

X Do not lend other people your vehicle if you do not want to be liable for their contraventions.

X If you sell your vehicle, do not rely on someone else to fill out the DVLA documentation, do it yourself.

X Do not send original documentation if appealing against a penalty charge.

## **The appeals process.**

Where a parking contravention occurs, it is the 'owner' of the vehicle involved who is legally obliged to pay the penalty charge. The 'owner' means the person by whom the vehicle is kept, which, in the case of a vehicle registered under the Vehicle Excise and Registration Act 1994 (c.22), is presumed (unless the contrary is proved) to be the person in whose name the vehicle is registered (at the DVLA). It is, therefore, essential that any changes of vehicle ownership are immediately notified to the DVLA.

When allowing other persons to use their vehicles, vehicle owners should bear in mind that it is still they, the vehicle's owner and not the vehicle's driver, who will be liable to pay any penalty charges incurred in respect of parking contraventions. The only exception to this is where the vehicle was hired from a firm under a hiring agreement and the person hiring it had signed a statement of liability in respect of any penalty charge notice served in respect of the vehicle during the currency of the agreement.

Online hearings and telephone hearings have now been available for a long time. The new tribunal online case management system (known as FOAM) has effectively replaced the previous postal decision process, but still allows cases to be decided without a hearing. Vehicle owners may dispute the issuing of a PCN at three stages:

- They can make an informal 'challenge' or 'representation' before the council issues a notice to owner (NtO). As a challenge at this stage will be made by

the person who has received the PCN, it may be that the person submitting the challenge was the driver of the vehicle, rather than the vehicle's owner.

- Once an NtO has been served, a formal representation against the NtO can be made (this can still be done if an informal challenge has previously been made and rejected). The legislation sets out specific grounds on which formal representations against the NtO may be made (these will be specified upon the notice). However, whether those grounds apply, representations may also be made on the basis that, in the circumstances of the case, there are compelling reasons for the cancellation of the penalty charge.
- If the formal representation is rejected, the council will issue a notice of rejection. The appellant then has the right to appeal within 28 days of the date of issue of the notice of rejection to an adjudicator of the Traffic Penalty Tribunal. The adjudicators have a judicial position. They are appointed with the agreement of the Lord Chancellor, and they are independent. Their decisions are final (subject to their own power to review a decision) and they have the power to award costs against either party. No further challenges can be made, other than on a point of law through an application to the High Court for judicial review. Appellants may choose to appear before the adjudicator at a personal hearing, or they may elect for the adjudicator to reach a decision based upon the written evidence supplied by both parties.