

ABERDEEN CITY COUNCIL

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COMMITTEE: **Enterprise, Planning and Infrastructure**  
DATE: **19 March 2013**  
DIRECTOR: **Gordon McIntosh**  
TITLE OF REPORT: **Permit Misuse Policy**  
REPORT NUMBER: **EPI/12/224**

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1. PURPOSE OF REPORT

To update the Committee on the monitoring of permit misuse which has been undertaken by officers to inform the development of a formal policy for dealing with misuse of all parking permits within the city.

2. RECOMMENDATION(S)

That the committee notes the levels and type of permit misuse and instructs officers to deal with such misuse by adopting the policy detailed in Appendix A.

3. FINANCIAL IMPLICATIONS

It is anticipated that the cost of staff time to monitor and deal with permit misuse can be absorbed within current staffing levels. However, should the levels of misuse increase, the creation of a specific enforcement team dealing with permit misuse may be required and a further report would be submitted to Committee at that time.

4. OTHER IMPLICATIONS

None

5. BACKGROUND / MAIN ISSUES

5.1 Background

5.1.1 An initial report on permit misuse was submitted to the EP&I Committee on 11 September 2012. The report outlined proposals to carry out a monitoring period from July to September 2012, to ascertain the levels of permit misuse, including misuse of Blue Badges and residential permits.

5.1.2 A further report was submitted to the EP&I Committee on 6 November 2012, requesting that monitoring of residential permit misuse continue for a further period.

## 5.2 Misuse of residents' parking permits

5.3.1 There has been an increasing number of complaints from the public regarding perceived misuse of Residents' Parking Permits and comments were received after the initial report to Committee, to the effect that the public were supportive of the Council's attempt to tackle this issue.

5.3.2 Further search on the web-site 'Gumtree' has shown two relatively recent adverts either offering a residents' permit for sale, or asking for a resident to purchase one on behalf of a commuter with the cost of the permit funded by the commuter, the advert also stating that a one-off payment is also available to the resident for undertaking this purchase.

5.3.3 There are also a number of other adverts seeking a parking space to rent, rather than a permit. While this could be construed as someone seeking to rent a space in someone's driveway or in a private car park, the locations sought such as "close to Union Street" and "in Rosemount area" and the types of properties in these areas would appear to indicate that it is in fact a parking permit which is sought.

5.3.4 It has however, proved more difficult to obtain evidence of misuse of residents' parking permits etc than it did for Blue Badge misuse. This appears to be because the residents' permits are being used by commuters, and therefore the City Wardens have to be on site at exactly the time the driver is parking or driving away, which can be over the course of a couple of hours in the morning and again in the evening.

5.3.5 In the case of Blue Badges, drivers are parking at various times of day which coincides with the Wardens carrying out their patrols and this misuse was therefore easier to confirm.

5.3.6 With misuse of residents' permits, it is dependent on the working hours of the driver when they park. Wardens may have to wait for an extended period of time in order to confirm misuse. There have therefore only been four instances which the Wardens have been able to fully investigate and confirm as misuse.

5.3.7 In two of these instances, the Wardens waited for a considerable period of time on site, in order to speak to the driver. Both instances were misuse of a flexible parking permit, where a resident had purchased this permit and sold it to a colleague. In both cases, the Warden asked that the permit be surrendered and the driver did so.

5.3.8 The permit holders have been written to and reminded that the conditions of issue state that the permit may be withdrawn if it is been misused.

5.3.9 The flexible permit system is one that causes enforcement difficulties, as it can be used on different vehicles. It is therefore extremely difficult to confirm that the permit is indeed being misused, and is not simply being used by a visitor to a residential property within a zone.

5.3.10 In order to confirm misuse of a flexible permit, the City Wardens therefore have to:

- take account of such factors as the general parking arrangements in the street and the likelihood of a flexible permit being used at that location
- note the location of any vehicles which arouse suspicion about permit validity and note the time vehicles were seen parked
- note the permit number and registration number of the vehicle (if necessary)
- check with the Customer Service Centre at the end of their patrol to determine the address to which the permit has been issued
- check if the property to which the permit is registered is not convenient for the location where the permit was being used and if so, revisit the location to see if the vehicle is still parked there or parked there on a regular basis, in order to confirm it is being misused

5.3.11 Where only a residents' permit is available, then obviously the resident would require this for their own parking needs, assuming they have a vehicle. However, it would appear that some residents do not require the use of a flexible permit, or feel that it is acceptable for them to sell this to commuters.

5.3.12 Residents' permits cost £80 annually, with the 2<sup>nd</sup> or flexible permit costing £120 annually. Monthly car parking permits cost £200 per calendar month i.e. £2400 annually. It is therefore financially advantageous for commuters to seek to purchase residential permits.

5.3.13 In two further instances, permits were discovered which had been altered or forged.

5.3.14 A residents' permit had been altered to change the expiry year from 2011 to 2012, but this was a noticeable attempt and was picked up by a City Warden during their routine patrol. The resident was contacted and asked to surrender the altered permit, which they did.

5.3.15 A voucher parking permit was also forged by cutting up several different vouchers and sticking them together. The quality of this was so poor that it was easily seen by the City Warden and a PCN was issued.

5.3.16 It is acknowledged, that permit misuse does take place, as confirmed by the adverts found on Gumtree, and by anecdotal evidence given by members of the public, such as reporting flyers seeking permits for sale.

5.3.17 However, given the low numbers of permit misuse which could be confirmed during the monitoring period, it is recommended that enforcement continue with the present staffing levels, but that if the

levels of confirmed misuse increase significantly, that a further report is submitted to Committee at that time.

5.3.18 At present, there is no policy in place with regard to the circumstances under which the Council would seek to withdraw a permit, and whether it would wish to pursue a conviction for fraud before doing so.

5.3.19 It is also recommended that a formal policy be adopted as outlined in Appendix A, and that the guidance notes and application forms for Parking Permit applications be updated accordingly.

### 5.3 Conclusion

5.4.1 Officers feel that a formal policy is required, and a clearer statement regarding what action will be taken in the event of misuse or fraud is required to be included with the applications. If action is taken to withdraw permits and refuse the issue of subsequent permits then this should dissuade further instances of misuse.

## 6. IMPACT

Within the Community Plan, protecting and enhancing the built and natural environment is identified as a strategic priority, and underpinning the Community Plan is an aim to deliver Local & Regional Transport Strategy commitments by, among other means, using enforcement.

## 7. BACKGROUND PAPERS

Outstanding Business statement of Enterprise Planning and Infrastructure Committee meeting on 31 May 2012, the allocation of Business Permits to Offices Report submitted to the Controlled Parking Area Working Group meeting on 5 April 2012, the Permit Misuse Policy report no EPI/12/151, submitted to the EP&I Committee on 11 September 2012 and the Permit Misuse Policy report no EPI/12/224, submitted to the EP&I Committee on 6 November 2012.

## 8. REPORT AUTHOR DETAILS

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## **Appendix A**

### **Enforcement of Parking Permits**

Note: This is intended to cover the various types of parking permits issued by Aberdeen City Council.

- Officers are aware of adverts on web-sites such as 'Gumtree' etc offering Residents' Permits for sale, and also aware of businesses putting up street notices/flyers offering to buy permits
- Where officers are aware of Residents' Permits advertised for sale, they follow up on the advertisement and remind the resident that permits will be withdrawn if conditions of use are contravened, such as selling the permit
- Where a resident ignores the reminder and sells the permit anyway, the permit will be invalidated, confiscated and any vehicle found wrongly using a permit prior to confiscation will receive a Penalty Charge Notice (PCN). The Resident will not be issued with any further Parking Permits for 1 year, subject to further review at that time
- Where a resident allows a permit to be used by someone else in contravention of the conditions of use e.g. for commuter parking, the Council will write to them and remind the resident that permits will be withdrawn if conditions of use are contravened, such as allowing a non-resident to use the permit for purposes other than visiting the resident's property
- Where a resident ignores the reminder and allows continued misuse of the permit, it will be invalidated, confiscated and any vehicle found wrongly using a permit prior to confiscation will receive a Penalty Charge Notice (PCN). The Resident will not be issued with any further Parking Permits for 1 year, subject to further review at that time
- Where officers are aware that a business has advertised that they wish to purchase permits, areas around the premises will be targeted for enforcement action and enforcement officers will invalidate and confiscate any permits found to be used by those other than the rightful permit holders, also issuing a PCN to those vehicles where the permit has been improperly used. The Council will refuse to issue any further Business Permits to these businesses for 1 year, subject to further review at that time
- Where vehicles displaying Business Permits are consistently found not to have moved during the day, a letter will be issued to the applicant reminding them that these permits are for the use of staff who require to be out of the office at various times of the day and are not for commuter use or regular parking
- Where vehicles continue to display the permits but are clearly not being moved during the day and are therefore not correctly using the Business Permits, the permits will be invalidated, withdrawn and future permits will not be issued for 1 year, subject to further review at that time
- Where a Contractor is parked and not displaying a valid Contractors' Permit, a PCN will be issued
- Where a Contractor has allowed a permit to be used in contravention of the conditions of use, the Council will write to the Contractor and remind them of the conditions of use and the vehicle will be issued with a PCN

- Where a Contractor continues to allow a permit to be misused, the permit will be invalidated and confiscated and the Council will refuse to issue any further Contractors' permits to that Contractor for 1 year, subject to further review at that time