Somerset County Council

Parking Annual Report 2017-2018





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Foreword

Councillor John Woodman — Cabinet Member for Highways and Transport



Parking is one of those topics where everyone has an opinion; usually that there is not enough or that it is too expensive, but most can see that the provision of parking and the free movement of traffic through uncongested roads is essential for the local economy.

Parking management (enforcement) can be more provocative; it is usually a service that no-one wants to receive. However, we are clear that parking management is essential to keep traffic flowing, reduction in congestion/emissions and to improve road safety.

2017 saw a number of changes to how Parking Services is delivered in Somerset. In June, the back office functions returned to Somerset County Council to provide a more local and cost effective service. The Penalty Charge Notice bags were also changed to a more prominent (and cost effective), environmentally friendly yellow and black design.

Both of these changes were made without comment from the public, which I assume means that they have gone well!

Virtual resident permits were also introduced to enable residents to manage their permit account online 24 hours a day. These changes have been popular as it puts more control in the hands of the residents.

The application process for new resident permit zones was also streamlined to make it easier for residents to seek changes in their area. I anticipate the new process will result in a number of enquiries and requests over the coming months and years

Civil parking enforcement has been delivered by NSL on behalf of Somerset County Council and four of the five district councils in Somerset since 2012.

This report contains information on how parking is managed/enforced across Somerset, along with annual statistics for Somerset County Council's Parking Services.

Whilst the Council overall faces a very challenging financial position, 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

Somerset is a Civil Parking Enforcement (CPE) county, where parking and moving traffic (bus gate) contraventions are controlled 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.

Parking enforcement is used to ensure traffic continues to flow, with consideration for the safety of other road users and pedestrians.

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 West Somerset Railway 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 enforcement within Mendip District Council, Sedgemoor District Council, Taunton Deane Borough Council and West Somerset District Council on their behalf.

Penalties may also served to vehicles obstructing dropped kerbs, such as the tactile 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 2017-18.

	Income	01/04/2017 to 31/03/2018
1	On Street P&D income	-363,603.74
2	Off Street PCN Income	-1,533.00
3	On Street PCN Income	-757,286.05
4	Agency Income	-700,300.49
5	Bus Gate PCN Income	-379,361.24
6	Permit Income	-203,422.55
7	Dispensation/Suspension Income	-23,475.01
		-2,428,982.08

Expenditure	01/04/2017 to 31/03/2018
1 NSL Contract	1,515,934.16
2 IT systems	21647.86
3 Notice Processing – Set up	39,176
4 Bus Gate processing	14,670
3 Traffic Penalty Tribunal	25,119.75
4 Council Officer Costs	258,816.16
5 Printing and posting	32,096.94
6 Travel	-1,805.08
7 Training	5,056.36
8 General Office and Statione	ry 7,444.91
9 Cost of Meetings	472.50
10 Subscriptions	805.2
11 Professional & Legal	3,076.93
12 Traffic Enforcement Centre	20,000.00
13 Premises	30,000.00
14 Misc.	1,581.00
15 Central Services	141,828.78
	2,119,531.62
Surplus	309,828.59

The surplus (£309,828.59) 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.
- All Civil Parking Enforcement must be fair to motorists, and must not be used by Local Authorities as a way to generate income. Any surplus generated is re -invested in transport related initiatives.
- 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 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.
- 26,079 Penalty Charge Notices (PCNs) were served in Somerset for on-street contraventions in 2017/18. The most common penalty code was 01: Parking in a restricted street (usually parking on double or single yellow lines), followed by Code 30: Parking for longer than permitted. Full details can be found in Appendix 1
- 321 Penalty Charge Notices (PCNs) were served in in off-street car parks managed by Somerset County Council in 2017/18.
- Only Somerset County Council is responsible for bus gate penalties and onstreet PCNs. Penalties served in local authority car parks are served on behalf of the relevant District Councils: Mendip, Sedgemoor, Taunton Deane or West Somerset. The council can be identified on the tariff boards. South Somerset District Council has its own car park enforcement team.
- If a penalty is paid, the local authority deems that liability has been accepted and the case is closed.

The Penalty Process

- The civil enforcement of parking is a quasi-judicial process, and has a tightly regulated and 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; the familiar 'ticket envelope under the windscreen wiper'. Penalties may be served by post for bus gate contraventions or if the Civil Enforcement Officer is prevented from placing the penalty on the vehicle or if the penalty is refused by the driver. This does not include penalties that a driver removes from a vehicle after service. If a penalty is served to a vehicle, it is deemed to have been correctly served from that point.
- Civil Enforcement Officers cannot take back a penalty once it has been served. This protects the CEOs from allegations of corruption/extortion or having undue influence placed on them. Once a penalty has been served the recipient must follow the penalty process, whether they pay or challenge.
- Any challenge or representation against a penalty MUST be made in writing/ online. We are unable to take challenges over the phone.
- If a driver makes a challenge, or representation, the clock stops until a decision is made and the driver is notified, at which point the clock is re-set.

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.

Parking Penalties will not just go away.

- From the point of receipt of the PCN, a driver has 14 days to pay the penalty for a 50% discount. After 14 days, the full charge applies.
- For full details of the penalty process, please see <u>www.gov.uk/parking-tickets</u>

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:

http://www.somerset.gov.uk/adult-social-care/transport/apply-for-a-blue-badge/

On-street parking bays are 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. Parking in car parks may be charged. **Drivers are advised to always refer to tariff boards to check details**.

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 and park in a disabled bay, displaying the Blue Badge. A Blue Badge can be displayed when the badge holder is being dropped off, or is about to be picked up.

Blue Badge abuse (using another's Blue Badge, or stolen or forged badges) is a problem nationwide. 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 with 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:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/638526/blue-badge-rights-responsibilities.pdf

^{*} except for the City of London; City of Westminster; Royal Borough of Kensington and Chelsea; and part of the London Borough of Camden

Bus gates (bus only roads)

Bus gates are short bus lanes enforced by approved camera devices, with Penalty Charge Notices served by post to the Registered Keeper of the vehicle. Bus gates, school keep clear zones and red route clearways are currently the only penalties a Local Authority may serve using cameras only. Of these, only bus gates are currently enforced by camera in Somerset. A bus gate penalty charge is £60 (£30 if paid within 14 days).

In the Autumn of 2017, a new bus gate opened on the former A38 (Bridgwater Road), bringing the total number of bus gates in Somerset to three. The new bus gate was introduced following changes to the road layouts and the opening of a new primary school. This new Bus Gate experienced a relatively high volume of penalties (although still less than 2% of the total traffic movements, falling to less than 1% by the end of March).



It is expected that the number of bus gate penalties will fall sharply once the main Sat Nav companies release an update which includes the Bridgwater Road bus gate.

Aside from buses, coaches and bicycles, only emergency services vehicles on emergency calls are permitted to pass through a bus gate without incurring a penalty.

To date, bus gate penalties have the highest rate of payment (over 80%) of any type of penalty. This is probably associated with the photographic and video evidence of the contravention occurring.

The Council will only investigate the introduction of additional bus gates where it would facilitate efficient public transport.

Grace Periods

10 minutes grace periods were introduced in April 2015 to prevent drivers from receiving penalties for being just a few minutes late back to their vehicle. Grace periods only apply to permitted parking spaces, be it in free 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 disabled person's badge, and parking in a space not designated for that class of vehicle requires no grace period or observation period, meaning a penalty can be served instantly.

Observation times (time spent by an officer to verify that a contravention is taking place) for on-street contraventions other than in designated parking spaces vary depending on the contravention and the class of vehicle. Many contraventions (for example, parking in a bus stop or taxi rank) do not require any observation time at all.

For a full list of parking contraventions and observation times in Somerset, please see Appendix 2

Suspensions & Dispensations

Suspensions - Parking bays can be suspended from normal use to allow vehicles to park for an agreed purpose, or to allow access in the case of road works. For example, a large parking bay may be required to allow coaches to drop off, park and pick up for a one-off event. 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 able to remove vehicles.

Dispensations are made to allow a specific vehicle to park in a bay or on a yellow line for a defined period, without the need for a suspension. 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:

http://www.somerset.gov.uk/roads-parking-and-transport/parking/parking-waivers/

Resident Permits

There are resident permit schemes in many urban areas of Somerset (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 either commuters, shoppers or visitors taking over parking in their local area. Most resident permit zones are near town centres where parking is most at a premium. In Taunton, additional resident permit zones were added as commuter parking was displaced to further out unrestricted streets. This is a common phenomenon with resident parking schemes.

In October 2017, a new resident parking policy was introduced: www.somerset.gov.uk/roads-parking-and-transport/parking/request-a-change-to-a-parking-restriction/. This allows residents to initiate the process of introducing resident parking, should there be sufficient local support.

When establishing a resident permit zone, the Council must consider displacement to neighbouring streets. As such, any consultation on proposed new permit zones will include streets likely to be impacted by the proposed scheme. This will allow neighbouring streets to have their say, which may include becoming part of the resident parking zone.

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

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

It is important to note there is no "one size fits all" answer to parking in residential areas. Some areas may require 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 most on-street Penalty Charge Notices (PCNs) were served in 2017/18

Rank	Location	PCN Count
1	East Street, Taunton	544
2	King Street, Frome	444
3	East Reach, Taunton	442
4	Princes Street, Yeovil	322
5	High Street, Yeovil	295
6	High Street, Glastonbury	282
7	High Street, Street	277
8	Fore Street, Chard	276
9	Hammet Street, Taunton	275
10	High Street, Bruton	268
11	High Street, Wells	254
12=	High Street, Shepton Mallet	244
12=	St Mary Street, Bridgwater	244
14	Priory Road, Wells	228
15	Fore Street, Wellington	221
16	Billet Street, Taunton	218
17	The Avenue, Yeovil	214
18	Eastgate Gardens, Taunton	212
19	Palmer Street, Frome	204
20	Belvedere Road, Taunton	192
21	Silver Street, Ilminster	189
22	Union Street, Yeovil	186
23	Albemarle Road, Taunton	184
24	Bond Street, Yeovil	182
25	High Street, Bridgwater	179

Phone and Pay

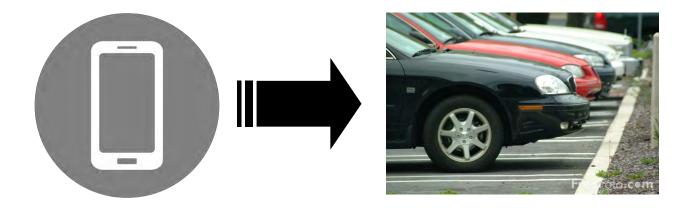
The Phone and Pay system allows drivers to make transactions remotely and removes the need for change. In 2017/18, there were 26,072 transactions through the Phone and Pay system for on-street parking and car parks owned by Somerset County Council. Across the County as whole including the four District Council car parks patrolled by NSL, there was an average of 18,000 transactions per month.

The Phone and Pay service is not free. There is currently a service charge of £0.14 per transaction on top of the usual parking tariff, and users can opt to be sent a confirmation/receipt text message and/or a reminder text message when the paid for parking is about to expire. Each text message costs a further £0.10, so potentially, a driver could pay up to £0.34 above the cash parking tariff for using the Phone and Pay system. Drivers may opt out of the text messages, but not the service charge.

Phone and Pay is operated by a third party provider and is self-funding, so there is no cost to Somerset County Council to offer the service. Only drivers using this additional service are paying for it.

Somerset County Council receives the same payment for parking through Phone and Pay as would be received if a driver paid at the meter.

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 appointed by the joint committee of local authorities which provides the appeals service. All appointments have to be approved by the Lord Chancellor. Adjudicators are all legally qualified and cannot be removed without the recommendation of the joint committee and the consent of the Lord Chancellor.

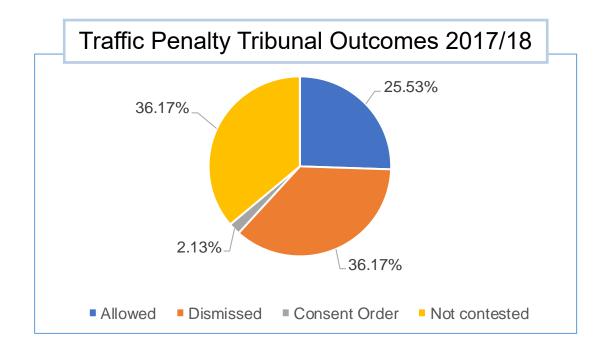
If a case is 'Allowed' following adjudication, the appellant has successfully argued their case and the PCN is cancelled. If an adjudication is 'Dismissed', the penalty remains in force and the local authority is entitled to seek payment.

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.

Further details about the Traffic Penalty Tribunal (TPT) or Parking and Traffic Regulations Outside London 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 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.
- 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 sea:

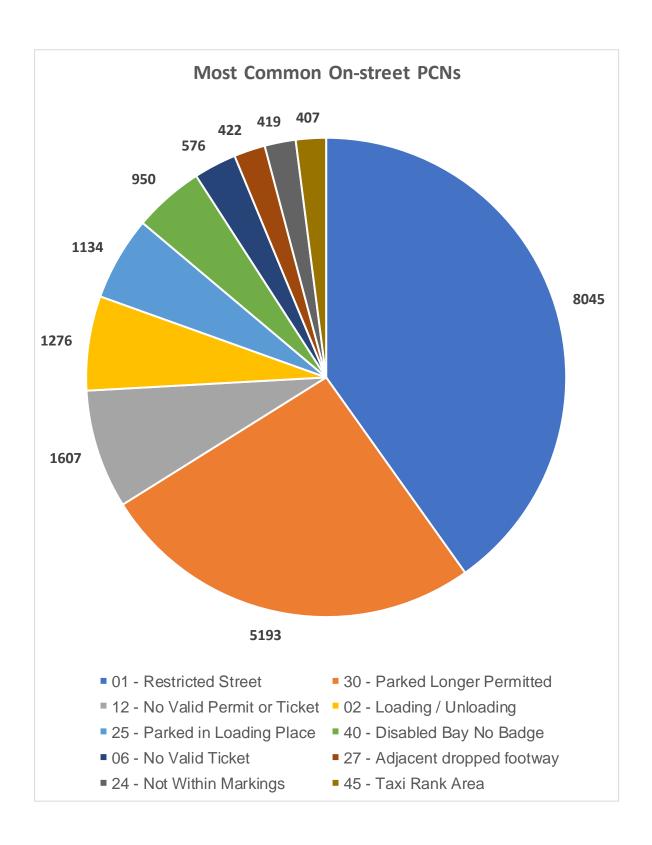
https://www.gov.uk/government/publications/the-blue-badge-scheme-rights-and-responsibilities-in-england

Appendix 1

On-street Penalties 2017-18



Contravention Description	PCN Count
01 - Restricted Street	8045
02 - Loading / Unloading	1276
05 - Paid Time Expired	226
06 - No Valid Ticket	576
10 - Parked without clear display	1
11 - Parked without payment	2
12 - No Valid Permit or Ticket	1607
16 - No Valid Permit	29
19 - Displaying Invalid Permit	302
20 - Parked in loading gap	3
21 - Suspended Bay	338
22 - Re-parked	135
23 - Wrong Class Of Vehicle	36
24 - Not Within Markings	419
25 - Parked in Loading Place	1134
26 - Double parked in a Special enforcement area	22
27 - Adjacent dropped footway	422
30 - Parked Longer Permitted	5193
40 - Disabled Bay No Badge	950
42 - Police Vehicle Area	57
45 - Taxi Rank Area	407
46 - Parked on a clearway	16
47 - Restricted Bus Stop	138
48 - Outside school	18
49 - On cycle track/lane	1
62 - Footpath marking	10
99 - Pedestrian Crossing	153
Somerset County	21,516



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,	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 pro-	0 min
20	Parked in a part of a parking place marked by a yellow	Up to
	line where waiting is prohibited	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	Up to
	without loading	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 desig-	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	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	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	Up to 10 min
22	Re-parked in the same parking place or zone within one	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

Phone and Pay codes for SCC Car Parks

Location	Location name	Area
3940	East Street	Taunton
3941	Billet Street	Taunton
3942	The Crescent	Taunton
3943	Corporation Street	Taunton
3944	St James Street	Taunton
3945	Duke Street	Taunton
3946	Church Square	Taunton
3947	Magdalene Street	Taunton
3948	The Mount	Taunton
3954	Billet St (St George's Church)	Taunton
2129	Shire Hall CP	Taunton
2130	County Hall CP	Taunton
3949	Victoria Gate	Taunton
3950	Wilton Orchard	Taunton
3951	Holway Avenue	Taunton
3952	Penn Hill	Yeovil
3953	Salthouse Lane	Yeovil
3919	Esplanade	Burnham-on-
3938	Quay West, Quay St, Esplanade,	Minehead
3939	WSR Station Car Park (1&2)	Minehead