



Annual parking and enforcement report 2013

October 2013



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

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Glossary

This glossary provides the full title to common acronyms and definitions of technical terms used through the document.

Annual Report	This is the abbreviated name for this document, the <i>Annual Parking and Enforcement Report</i> .
CC	Charge certificate
CEO	Civil Enforcement Officer. Following the enactment of Part 6 of the <i>Traffic Management Act 2004</i> on 31 March 2008 with respect to civil parking enforcement, 'Parking Attendants' are now referred to as CEOs.
CPZ	Controlled Parking Zone. All public highways in the Royal Borough of Kensington and Chelsea are covered by a CPZ.
Contravention	This refers to a breach of parking regulations. This was formerly referred to as an 'offence' when regulations were enforced by the police.
Enforcement	In this document 'enforcement' activity by the Council covers that of parking controls
KPI	Key performance indicator
London Councils	This body represents the interests of the 33 London Local Authorities in London. London Councils' Transport and Environment Committee, which is made up of nominated representatives from each London local authority, carries out statutory functions, such as setting the level of Penalty Charge Level for parking contraventions in London. It is responsible for the parking adjudication service, PATAS, and administration of the London Lorry Control Scheme.
NTO	Notice to owner
PATAS	Parking and Traffic Appeals Service
PCN	Penalty charge notice
Recovery rate	The percentage of PCNs issued that have been paid. Non payment of PCNs may be due to those receiving the PCN or as a consequence of the council not being able to obtain the keeper details from the DVLA (Driver and Vehicle Licensing Agency).
TEC	London Councils' Transport and Environment Committee
TfL	Transport for London, one of the bodies the GLA and the Mayor of London is responsible for.
TMA	Traffic Management Act 2004
TMO	Traffic Management Order. TMO is used as a generic term in this report to cover any traffic management or traffic regulation orders that are used to designate parking and traffic controls.

Introduction and context

Overview

The legislative framework for local authorities to carry out parking enforcement changed on 31 March 2008 when Part Six of the Traffic Management Act 2004 (TMA), replaced parts of the Road Traffic Act 1991. The Department of Transport (DfT) introduced the TMA to improve public perceptions of parking enforcement by providing greater consistency of nationwide parking regulations and providing a fairer and more transparent system.

The TMA required a number of changes to parking enforcement practice, which covered the terminology and documentation used, and the processing of Penalty Charge Notices (PCNs). It also placed additional responsibilities on authorities to publish information regarding parking enforcement, including an annual report.

This is the Royal Borough of Kensington and Chelsea's Annual Parking and Enforcement Report 2013. Four broad areas are covered in the report:

- Introduction and context
- What's new since our last Annual Report
- In the future
- Reviews and monitoring

More information on parking in the Royal Borough is available on the Council's website at:

<http://www.rbkc.gov.uk/environmentandtransport/parking.aspx>

The purpose of parking regulations and why they are enforced

This annual report sets out the important facts and figures of the Royal Borough's parking and enforcement activity but it is important also to bear in mind why the Council needs to manage parking in the first place. Our parking policy principles are summarised as:

Parking controls play an important part in the Council's transport strategy by regulating the amount of traffic within the Royal Borough and encouraging the use of public transport.

We believe that parking issues affect everyone who uses our streets, not only car users.

Demand for parking in Kensington and Chelsea far outweighs the supply of kerb space available and the Council seeks to maintain a balance between the different demands – from residents, businesses and visitors, whilst ensuring there is good access for pedestrians, bicyclists, buses and other vehicles. Our general policy is to provide the maximum number of car parking spaces while allowing the satisfactory and safe movement of traffic and the maintenance of a good quality residential environment.

The Council constantly monitors and reviews its parking policies to ensure that they meet the needs of the local community and reflect the Council's transport policy objectives.

The purpose of this document

This document focuses on parking and enforcement issues and the new schemes and processes that we believe will offer a better service to our customers.

The Council is committed to making its parking operation open and transparent. This parking and enforcement report will be published each year to keep the local community and other interested parties abreast of the changes the Council has made and the ones it is considering for the future.

Parking in the Royal Borough of Kensington and Chelsea

All roads controlled by the Royal Borough of Kensington and Chelsea are part of a Controlled Parking Zone (with a few exceptions of private roads) and all kerbside space is therefore dedicated as a parking space or has a yellow line waiting restriction.

On-street parking bays are reserved for use by certain users:-

- residents
- disabled badge holders
- motorcycles
- doctors
- diplomatic vehicles
- pay and display
- car clubs
- taxis
- bicycles
- Mayor of London's Bicycle Hire Scheme
- Buses
- Police vehicles

Information concerning parking and examples of road markings and signage can be found in the *Highway Code* and in the Department for Transport's *Know Your Traffic Signs* booklet and in the *Traffic Signs Regulations and General Directions 2002*. These publications and other useful information related to parking can be found on the Department for Transport's website www.dft.gov.uk.

Residents' parking

There has been pressure on parking in Kensington and Chelsea for many years. The Council's CPZ covers the entire borough and, with approximately 28,000 permit holders' parking bays and around 36,000 parking permits issued, competition for parking space is high. Our borough-wide CPZ allows residents to use their permits to park in any residents' parking bay across the borough.

In the past few years the number of residents' parking permits has been gradually falling. This can be attributed, in part, to the Council's commitment to promoting car clubs and greener travel.

We want to ensure that only genuine Royal Borough residents have parking permits so we take fraudulent permit applications very seriously. In the past year, our investigation team have:

- received 1779 referrals concerning possible permit misuse
- withdrawn and cancelled 665 permits that people are no longer entitled to
- physically recovered 381 of these permits
- taken legal action against three permit holders for making fraudulent applications. This resulted in one prosecution and one formal caution
- issued bans to 21 permit holders for permit abuse or misuse

- referred 84 permit applications to the Benefit Claims Investigations team, as their declared residency on their application was not compatible with the declared residency made in order to obtain benefit entitlements

Disabled Parking

Due to the severe pressure on parking space, the National Disabled Persons' Parking Badge Scheme (Blue Badge Scheme) does not apply in the Royal Borough of Kensington and Chelsea, the City of London, the City of Westminster, and part of the London Borough of Camden. When the scheme was introduced in 1971, these areas were exempted from the legislation. Although this means that the on-street parking concessions available under the Blue Badge scheme do not apply in the Royal Borough, we provide Blue Badge bays as well as offering restricted concessions for non-resident Blue Badge holders.

The Royal Borough administers its own Purple Badge Scheme for people with disabilities who live, work or study in the borough and full time students. These badges allow the holders to park without payment or time limit in any residents' or pay and display parking bay throughout the borough. There are currently 2,309 purple badge holders.

We take fraudulent use of disabled badges very seriously and employ dedicated officers to investigate and prosecute offenders. Between 1 April 2012 and 31 March 2013 we successfully apprehended 16 offenders who have had appropriate sanctions applied and carried out seven seizures, five cautions and four prosecutions (a further five prosecution cases are currently pending).

The four central London boroughs maintain a website (www.bluebadgelondon.org.uk) to help Blue Badge holders wishing to park in the exempted area. The website includes an explanation of where Blue Badge holders can and cannot park and an interactive search facility to find a suitable Blue Badge bay. Users of the website can also report fraudulent use of Blue Badges and suggest locations for new bays.

Motorcycle parking

In the Royal Borough there are:

- 106 resident motorcycle permit bays, providing a total of around 730 motorcycle spaces
- 188 visitor motorcycle bays, providing a total of around 1610 motorcycle spaces

We offer resident motorcyclists three choices when parking on-street; a paid for permit (currently £96 per annum) that allows them to park in any residents' bay alongside other vehicles, a free permit for the residents' motorcycle bays or they can park for free in the visitors' motorcycle bays.

We want to encourage resident motorcyclists to park in motorcycle bays rather than between cars in residents' bays where they are vulnerable to being damaged and do not always make best use of kerbside space. We have located residents'

motorcycle permit bays so that all residents are only a few minutes' walk from their nearest bay and most of the bays are fitted with locking anchors so they can secure their motorcycles.

We have undertaken a survey of the usage of our resident motorcycle bays and as a result have converted 28 of them to visitor motorcycle bays. We will continue with this approach on an ad-hoc basis if we become aware that the resident permit motorcycle bays are not being used.

Car clubs

The Council is an enthusiastic supporter of car clubs, and believes that they offer great potential to reduce both traffic congestion and on-street parking stress. Car clubs are an alternative to car ownership that gives members of the club access to vehicles when needed. They have been described as a pay as you go form of car ownership, whereby you pay only when you are using the car.

We currently have 170 on-street car club locations, managed by two operators.

Our charges for permits for car club operators are priced to encourage the use of environmentally friendly vehicles and we do not allow car club operators to use diesel vehicles with emissions higher than 120g/km.

Bicycle parking

The provision of secure bicycle parking is important in encouraging greater bicycle use. We have an established programme of providing bicycle parking at main attractions, shopping areas and in response to individual requests. We have just over 4,000 publicly available bicycle parking spaces in the borough with the vast majority of these located on pavements. We are in the process of retrofitting bicycle hoops onto our sign posts in those streets where the pavements are too narrow for traditional bicycle parking, thereby creating over 1,100 bicycle parking spaces on our sign posts. These bicycle hoops are more secure for cyclists to attach their bicycles to than simply attaching their bicycles to our sign posts, and make it far less likely for the bicycles to fall over and cause an obstruction to pedestrians.

The Council insists that all new residential developments must have safe and secure cycle parking in line with the requirements of the London Plan 2011 and the Councils Core Strategy Policy CT1 and the Transport SPD. At least one bicycle parking space is required for each smaller residential unit of one or two bedrooms. Large dwellings of three or more bedroom require a minimum of two spaces each.

We support residents on housing estates around the borough to park their bicycles in secure locations, and have installed 436 secure spaces since the beginning of April 2102.

Boundary streets parking agreements

The Royal Borough has an agreement with the City of Westminster that allows resident permit holders to park on either side of some boundary roads.

Inter-borough co-operation

The Royal Borough maintains regular contacts with its neighbouring boroughs to ensure co-ordination in parking matters. This includes co-operation on permit fraud, discussions on operational and enforcement issues and parking policies.

The merging of the parking services from the Royal Borough and Hammersmith & Fulham into a joint bi-borough service will extend and strengthen the way we work with our neighbours.

Parking enforcement

The Royal Borough decriminalised parking enforcement in July 1994. From this time the Council has contracted its own parking attendants, now known as Civil Enforcement Officers (CEOs), to enforce all parking restrictions including yellow line restrictions. The current on-street enforcement contract with NSL Services Ltd, formerly National Car Parks plc, commenced on 4 July 2006 and with two break points for consideration of contract extensions, the maximum contract period is ten years.

The Council expects CEOs to act in a consistent and professional manner and to treat all motorists equally, without showing favour, bias or prejudice.

When finding a vehicle is parked in contravention of a parking restriction, it is the duty of a CEO to issue a PCN to that vehicle and they have no powers to subsequently cancel or withdraw those notices.

In addition to parking enforcement, CEOs provide advice and guidance to the public, inform the police of suspected criminal activity and report suspected abandoned vehicles, untaxed vehicles, faults with parking equipment and missing/faded road markings and missing/damaged signs. They act as the Council's 'eyes and ears' on the street and their high profile, uniformed patrols help to deter antisocial behaviour.

The appeals process

When a PCN is issued the owner of the vehicle is legally obliged to pay the penalty charge. 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).
- Once an NtO has been served, they can make a formal representation against the NtO (this can still be done if an informal challenge has previously been made and rejected). The legislation sets out specific grounds for formal representations against the NtO. However, whether or not those grounds apply, representations may also be made on the basis that, in the particular circumstances of the case, there are mitigating reasons for the cancellation of the penalty charge.

- The Council will issue a Notice of Rejection if the formal representation is rejected. The owner then has the right to appeal within 28 days to an adjudicator of the Parking and Traffic Appeals Service (PATAS). The adjudicators have a judicial status: they are appointed with the agreement of the Lord Chancellor and they are wholly independent. Their decisions are final and they have the power to award costs against either party.

After this, no further challenges can be made, other than on a point of law through an application to the High Court for Judicial Review.

Full details of the adjudication service and of the appeals process can be found on their website

<http://www.parkingandtrafficappeals.gov.uk/>

What's new since our last Annual Parking Report

Minor changes to parking arrangements

In a busy area like Kensington and Chelsea, parking demands and priorities are constantly changing. To cope with these we carry out numerous small scale adjustments to parking arrangements each year.

During 2012/13 we have:

- introduced three new Blue Badge disabled bays
- created 28 extra residents parking spaces
- created three new motorcycle bays and converted 28 residents' motorcycle bays to visitor motorcycle bays
- converted 33 pay and display bays to other uses
- introduced four new mandatory school keep clear markings
- converted 900 metres (984 yards) of single yellow line to double yellow lines

Our policy is to put back whatever parking restriction existed when removing parking for specific purposes, which are no longer required, for example, when removing vehicle crossovers, personalised disabled bays, diplomatic bays, car club bays etc.

Reviewing parking permit charges

The Council operates a graduated pricing structure for residents' parking permits. There are seven bands based on CO₂ emissions and two bands for vehicles registered before March 2001. Permit prices are based on the principle that vehicles with high CO₂ emissions pay higher permit fees than those with low emissions. We also apply a surcharge for diesel fuelled vehicles that do not meet the Euro 5 emissions standard and a supplementary charge for second and subsequent permits in a household

We review the cost of residents' permits each year.

In April 2013, we increased the charge for most residents' permits by 2.6 per cent, which was recorded as being the annual rate of Retail Price Index (RPI). In order to strengthen our policy to encourage a shift away from high emission vehicles, we increased the differential between the price of permits in Band 7, the highest emissions band, and those in Band 6, from 17 per cent to 33 per cent.

Parking Appeals

The 2012/13 statistics from the Parking and Traffic Appeals Service (PATAS) show that the Council won 61 per cent of appeals which is the same result as the previous year.

This is regarded as one of the best independent measures of the overall quality of a council's parking service in which the Royal Borough is one of the highest scoring in London.

Electric vehicles

In April 2013, we introduced two on-street electric vehicle charging points, one in Seville Street and one in Talbot Road. Both charging points are in pay and display bays and are available to all members of the Source London scheme. Drivers must pay to park during the controlled hours but we do not charge for electricity.

There are also Source London charging points in Sainsbury's car park in Cromwell Road and Tesco's car park in Warwick Road.

Electric vehicle users pay less for parking in the Town Hall car park while they charge their cars at the six charging points.

The Mayor of London's bicycle hire scheme

We currently have 63 docking stations with a capacity to handle 1,455 bicycles. We have recently begun construction on 23 new docking stations in south and west of the Borough that are due to open by the end of 2013.

Shared parking services

During 2012/13, the Parking Services of the Royal Borough of Kensington and Chelsea and the London Borough of Hammersmith and Fulham began working towards a shared parking service.

Bringing together the back office functions of both boroughs will:

- reduce operating costs
- achieve savings from aggregated procurement
- provide a stronger platform for receiving devolved responsibilities
- provide opportunities for comparing and lead to better informed decisions
- focus more on commissioning activities and less on direct provision
- contribute to economic growth by working together

Over the year, Bi-Borough working has broken new ground and delivered real benefits, and as the work continues to progress, new and innovative ways of developing what we do will emerge. As a result of the progress made during this year a shared parking service will be in place in early 2014.

Web chat

The Borough has introduced a web chat facility on the Council's website to support parking enquiries. Web chat will provide intelligence which will enable us to identify opportunities to improve the navigation and content of our web pages, increasing the quality of our online offer.

The intention is to use web chat to change and challenge customers' behaviours and attitudes regarding using the Council's website as a transactional channel, instilling confidence amongst uncertain users so they feel confident transacting online in the future. This will increase online take up of our services in the long term.

In the future

Changes to permit administration

In the coming year we will make a number of changes to the way we administer the permit system including:

- we will no longer issue permits to residents with foreign registered vehicles as this goes against legislation governing vehicle licensing requirements
- we will introduce a width restriction for new vehicles joining the residents' parking permit scheme
- we will withdraw the Weekend Only residents' permit

We will also revise our traffic management order articles and consolidate our map-based orders so that they come into effect at the same time as the new, easier to understand application forms and booklet.

We are developing a web-based service to enable customers to both reserve and pay for parking bay suspensions online.

Statistics, financial information, reviews and monitoring

Financial statistics

Within the Council's budgeting processes and procedures the parking account is a 'memorandum account', which is set up and collated from the Council's accounts. It is necessary to set up the parking account in this way since any surplus generated can only be spent on certain allowable transport, parking, and highways related activities, as specified by law, and accounted for separately in the Council's accounts to show transparency.

Parking income and expenditure

Income from the on-street operation in 2012/13 totalled £42.6 million, and the expenditure to provide the on-street service was £13 million. The surplus of £29.6 million was transferred to the Council's Car Parking Reserve and used mostly to fund off-street parking, public transport and other transport and highways related improvements.

Although the level of permit and pay and display charges are set by the Council, the level of penalty charge notices, clamping, and removal fees are set by London Councils' TEC. The highest proportion of income is from visitor parking reflecting the demand for these facilities.

Application of surplus

The Council has discretion on how to spend any surplus that may arise, within the allowable uses set by Section 55 of the Road Traffic Regulation Act 1984. Under current legislation the application of any surplus is limited to meeting the cost of providing and maintaining parking facilities, highways improvement schemes, highway maintenance, public passenger transport services and certain other categories.

On-street Account			
	£'000	£'000	£'000
Income	2012/13	2011/12	2010/11
Pay And Display	18,603	18,780	15,777
Residents Permits	5,750	5,584	5,280
Parking Suspension Income	6,491	5,336	3,667
PCN Income	9,770	9,365	8,300
Clamping and Removals Income	1,883	1,858	1,850
Other Income	143	42	61
Total Income	42,640	40,965	34,935
Expenditure	2012/13	2011/12	2010/11
In House Staff	2,364	2,712	3,400
Premises Related Costs	240	230	245
Transport Related Costs	42	30	23
Pay and Display and Carriageway Markings	808	762	908
Adjudication and Court Registration	334	322	316
Parking Enforcement Contracted Services	5,579	5,625	5,633
Central and Departmental Support	3,028	3,521	3,625
Other Costs	645	657	579
Total Expenditure	13,040	13,859	14,729
Surplus	29,600	27,106	20,206

Off-street Account			
	£'000	£'000	£'000
	2012/13	2011/12	2010/11
PCN Income	16	24	22
Total Income	16	24	22
Expenditure	6	8	7
Total Expenditure	6	8	7
Surplus	10	16	15

Total On and Off-street Accounts			
	£'000	£'000	£'000
	2012/13	2011/12	2010/11
Income	42,656	40,989	34,957
Expenditure	13,046	13,867	14,736
Surplus	29,610	27,122	20,221

Clamping and removal sub account			
	£'000	£'000	£'000
	2012/13	2011/12	2010/11
ON-STREET			
Income			
Clamping Income	521	575	572
Removals Income	1,362	1,283	1,278
Total Income	1,883	1,858	1,850
Expenditure			
In House Staff	257	285	324
Premises Related Costs	212	201	206
Transport Related Costs	0	0	0
Adjudication and Court Registration	85	97	102
Parking Enforcement Contracted Services	1,386	1,348	1,323
Central and Departmental Support	163	188	198
Other Costs	68	68	76
Total Expenditure	2,171	2,187	2,229
Deficit	288	329	379

*PCN income from clamping and removals is accounted for in PCN income

Application of parking surplus			
	£'000	£'000	£'000
	2012/13	2011/12	2010/11
Surplus (Deficit)	-29,600	-27,106	-20,206
Brought Forward	-24,220	-30,118	-31,824
Concessionary fares	8,600	8,099	6,153
Taxicard	500	487	783
Welfare transport	913	985	949
School permits	16	22	49
Special needs and youth transport	1,920	1,860	2,045
Off Street parking costs	993	981	1,070
Lighting, traffic signs, pedestrian crossings	2,177	2,073	2,160
Carriageway and footways, street trees, traffic management, safety and transportation	7,827	14,648	8,661
Parks, open spaces and street cleansing	7,228	3,849	42
Carried forward	-23,646	-24,220	-30,118

Penalty charges

The amount a council may charge for a PCN is set by London Councils TEC, agreed by the Mayor of London and ratified by the Secretary of State. This is reviewed every four years.

As the demand for road space and parking is more intense towards the centre of London, PCN charges are generally higher in Central and Inner London. The whole of Kensington and Chelsea is in the highest parking charge band, Band A.

On 15 April 2011 the Band A penalty charges were set at:

- Higher rate - £130 reduced to £65 if paid within 14 days
- Lower rate - £80 reduced to £40 if paid within 14 days

Payment of PCNs

If a vehicle owner pays a PCN within 14 days of the date of issue, a 50 per cent discount applies. Representations that we receive within the initial 14 day period can result in us cancelling a PCN, but if we decide not to cancel the PCN we allow a further 14 days from the decision date for payment to be made at the reduced rate.

PCN recovery rate

Recovery Rate is calculated as the number of PCNs paid (in part or in full) as a percentage of PCNs issued. The Royal Borough's recovery rates are consistently high: 74 per cent in 2010/11, 76 per cent in 2011/12 and 76 per cent in 2012/13.

PCNs issued On-street			
	2012/13	2011/12	2010/11
No. Higher level Issued	110,433	109,924	101,817
No. Lower level Issued	67,978	70,337	65,971
Total number of PCNs paid	142,951	142,149	135,363
No. of PCNs paid at discount	105,733	104,280	102,841
No. of PCNs paid at face value	32,409	31,566	33,217
No. of PCNs paid at Charge Certificate	1,982	2,840	3,003
No. of PCNs where a representation was made	43,853	43,391	38,645
No. of PCNs cancelled as a result of representation (mitigation)	16,703	13,699	11,703
No. of PCNs cancelled for other reasons	3,012	4,134	3,638
No. of representations that are rejected	24,138	25,558	17,378
No. of vehicles clamped	7,965	8,685	8,661
No. of vehicles removed	6,504	6,299	6,316

PCNs issued Off-street			
	2012/13	2011/12	2010/11
No. Higher level Issued	30	52	44
No. Lower level Issued	354	640	552
Total number of PCNs paid	262	498	437
No. of PCNs paid at discount	214	376	355
No. of PCNs paid at face value	38	86	80
No. of PCNs paid at Charge Certificate	4	9	13
No. of PCNs where a representation was made	71	154	134
No. of PCNs cancelled as a result of representation (mitigation)	27	32	37
No. of PCNs cancelled for other reasons	13	20	19
No. of representations that are rejected	31	102	36
No. of vehicles immobilised	27	53	58
No. of vehicles removed	2	0	7

Appeals and Adjudication			
	2012/13	2011/12	2010/11
No. of Appeals Received	1,492	1,454	2,094
Ratio of appeals to PCNs issued	0.8%	0.8%	1.25%
Appeals not contested	160	213	273
Appeals allowed by Adjudicator	519	569	871
Appeals refused by Adjudicator	801	924	1,223

Note: figures reflect activity throughout the year

Performance statistics

The Council uses a number of key performance indicators (KPIs) to monitor the performance of its enforcement contractor.

	2011/12/13	2011/12	2010/11
KPI : Staff retention	98.73%	96.3%	97.4%
KPI : Street visit percentage	220%	285%	292%
KPI : CEO errors percentage	0.4%	0.4%	1.6%
KPI : Complaint handling	100%	100%	113%
KPI : Crime awareness incidents	26	54	52
KPI : PCNs issued with photos	99%	98%	98%

Annual statistics on civil enforcement officers' safety

Unfortunately, CEOs are subject to high levels of abuse and assault, both verbal and physical, whilst carrying out their duties. In order to provide support to CEOs our contractor has implemented an alarm system that can be sent by personal radio to their control room.

- Code Yellow is sent by a CEO when he or she is being subjected to an intense verbal assault that could become physical. CEOs are encouraged to distance themselves from the person who is abusing them at this point
- Code Red is sent when a CEO has been subjected to a physical assault or feels that it is imminent. If a Code Red is broadcast all CEOs and mobile units in the area will move to provide support to the threatened CEO

	2012/13	2011/12	2010/11
Code Red	23	48	41
Code Yellow	3	6	11