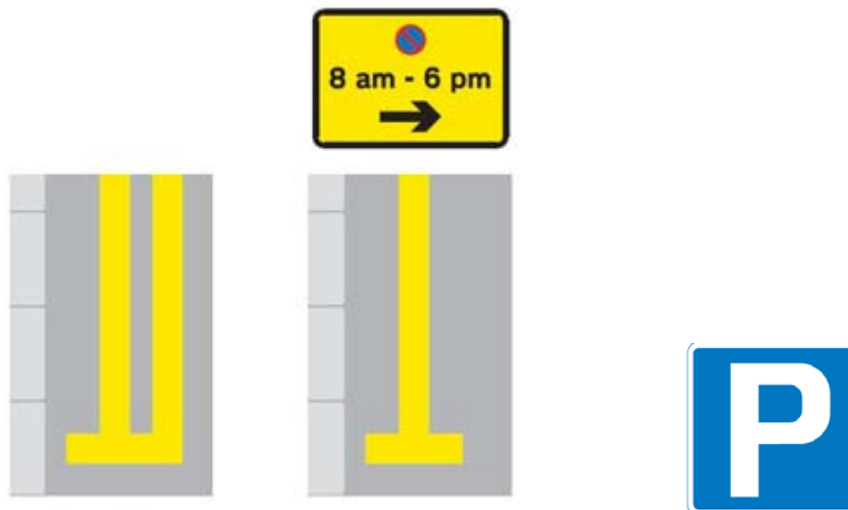


Annual Parking Report

covering the period
1st April 2009 to 31st March 2010



FOREWORD BY COUNCILLOR JOHN McELROY CABINET LEAD MEMBER FOR TRANSPORT

This document seeks to provide information to residents and other stakeholders about how Gateshead Council delivers parking enforcement and other associated services across the borough. In doing so, it sets those activities in the context of other policies, including our contribution to the council's vision for the economic and environmental sustainability of the borough and our statutory duty to keep traffic moving on our roads as freely as is reasonably possible.

The council fully understands that different groups and individuals across the borough have different parking needs and expectations. However, demand for parking places, particularly on-street, far outstrips the availability of kerb space in most urban areas, including Gateshead. The council's Parking Services team, part of the Transport Strategy service, seeks to balance and manage the competing needs of a range of different road users, including car, bus and delivery drivers, cyclists, and pedestrians.

To help achieve the above goals and contribute to our commitments in respect of the Tyne and Wear Local Transport Plan, Parking Services manages a wide range of the borough's parking-related functions and these will be referred to in this report. These functions include:

- Council operated public car parks (off street)
- On-street public parking bays
- Residents parking schemes and permits
- The Blue Badge scheme
- Traffic Regulation Orders
- Civil Parking Enforcement strategy and appeals

I recognise that parking enforcement is not always popular, particular if you have received a parking ticket. However, I hope that the contents of this report will help to explain what some of the objectives of parking enforcement are and why enforcement activity is necessary to help meet those objectives.

If you have any further questions after reading this report, the council's Parking Services team will be happy to help to answer them:

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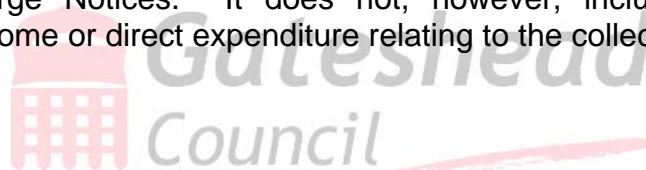
PURPOSE OF THIS REPORT

Statutory guidance issued by the Secretary of State for Transport under section 87 of the Traffic Management Act 2004 requires local authorities operating Civil Parking Enforcement to publish an annual report on their enforcement activities within six months of the end of the financial year under review. This is Gateshead Council's report for the 2009-10 financial year pursuant to that requirement.

This annual report is also intended to explain to members of the public and other stakeholders how the service is managed in Gateshead and to provide information regarding some of the services we provide. Reporting is an important part of accountability, as the transparency given by regular and consistent reporting helps people to understand and accept the imposition and enforcement of parking regulations.

Under section 55 of the Road Traffic Regulation Act 1984, as amended by the Traffic Management Act 2004, all English local authorities are required to keep an account of all income and expenditure in designated (i.e. on-street) parking spaces which are in a Civil Enforcement Area, and of their income and expenditure related to their functions as an enforcement authority.

In respect of off-street parking places (i.e. car parks), national regulations and guidance confirm that "income and expenditure as enforcement authorities" includes that related to the issue of Penalty Charge Notices. It does not, however, include pay and display or permit/season ticket income or direct expenditure relating to the collection of that income.



Please note: unless otherwise indicated, the information in this report relates to the year 1st April 2009 – 31st March 2010.

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1.0 PARKING CONTROL OBJECTIVES

1.1 Background

The Traffic Management Act 2004 imposes a duty on all local traffic authorities to manage their highway network so as to achieve, as far as reasonably practicable and taking into account their other duties and responsibilities, the expeditious movement of traffic (both vehicular and pedestrian) on their highways. An efficient, proactive enforcement regime to combat inconsiderate parking is seen as an essential element in fulfilling this duty.

The Road Traffic Act 1991 originally provided for local authorities to seek powers to decriminalise parking offences. These powers allowed local authorities to assume responsibility for enforcing parking restrictions from the Police and to retain the income received from the penalties to fund their enforcement activities. Under this legislation, offences were decriminalised so that a Penalty Charge Notice (PCN) is a civil charge payable to the Council, not a fine payable to the Police or a Magistrates Court. Other highway offences, whether or not they are endorsable (where points may be added to the licence) remain a criminal offence and continue to be enforced by the Police. These might include offences such as dangerous parking or obstruction, as well as moving traffic offences.

The Traffic Management Act 2004 has now superseded the Road Traffic Act 1991 in respect of decriminalised parking enforcement, which is now called “civil parking enforcement”, usually shortened to “CPE”.

The main advantages of local authority enforcement of regulations are as follows:

- More effective implementation of parking policies seeking improved traffic flow, better management of

traffic levels, fewer accidents, a fairer distribution of parking spaces and more pleasant streets

- Better monitoring of the effectiveness and value of regulations
- The ability for local authorities to use revenue from charges to fund parking enforcement with any surplus used for improving off-street parking or other transport related measures.

1.2 Policy Context

The Gateshead District Annex of the Tyne and Wear Local Transport Plan (LTP) states, with respect to parking, that:

Gateshead Council will control on- and off-street parking to support the economic viability of the Borough, regeneration initiatives and reduce the adverse environmental impacts of car travel.

The introduction of Civil Parking Enforcement (CPE) is in line with the vision for transport as outlined in the Gateshead Community Strategy and Vision 2030 and embodied in the Gateshead Transport Strategy Statement. The council wants to develop a system where:

Local people and businesses have easy access to integrated, safe and affordable transport which supports economic growth and balances the needs of all users in a responsible way.

The Gateshead Transport Strategy Statement brings together the main themes of the LTP together with other transport related strategies in a single summary document for Gateshead. This recognises the importance of:

- Resolving localised parking problems, particularly where demand for parking is greater than supply due to

commuter parking or high levels of car ownership;

- Identifying ways of reducing the problems of parked vehicles obstructing pavements;
- Effective management of car parking, including appropriate levels of charging in Gateshead town centre and other important locations throughout the Borough

The council's policy acknowledges that parking contributes significantly to many of the problems it seeks to address, such as delays to public transport, junction safety and safety around schools.

Our parking control objectives seek to:

- Minimise the use of vehicles in the most congested areas, during what experience and research shows to be the most appropriate times;
- Provide sufficient short-stay parking facilities to support shops and other commercial organisations and leisure activities, thereby underpinning social and economic life across the borough;
- Reduce the risk of accidents;
- Safeguard the needs of all sections of the community, including visitors to the area;
- Improve traffic conditions;
- Encourage public transport use;

- Preserve and improve the infrastructure and the general environment;
- Increase and improve pedestrian and cyclist mobility;
- Regulate and control parking both on and off street.

Parking operations will contribute towards these objectives by providing:

- On and off street enforcement, by patrolling restricted areas along with the Council's off street car parks and parking places and issuing PCNs for any contraventions observed;
- Management and administration of suspensions and dispensations;
- Ongoing checking of Pay & Display machines and meters (P&Ds) to identify faults;
- Permit parking schemes.

Such operations will embrace the following activities:

- The issue and serving by Civil Enforcement Officers (CEOs) of PCNs where vehicles are observed to be parking in contravention of the regulations – both on and off street;
- Reporting inadequacies of and/or damage to signs and markings;
- Suspension procedures for Pay & Display machines and parking bays.

2.0 GATESHEAD'S PARKING PROFILE

2.1 Off Street Car Parks

Car Park	Charging /Parking Information	Annual permits available?	Car park has marked bays?	Designated bays in this car park
Back Durham Road, Birtley	FREE	×	✓	Disabled bays
Back Harraton Terrace, Birtley	FREE	×	×	NONE

Back High Street / Back Jackson Street, Gateshead	Permit Holders Only 8.00am-6.00pm	✓	✓	NONE
Back Walker Terrace/Regent Street	Permit Holders Only 8:00am to 6:00pm, Monday to Friday Charges apply on Sat & Sun	✓	✓	NONE
BALTIC Car Park, (managed by BALTIC but enforced by Gateshead Council)	Charges apply on all days between 8.00am-9.00pm. Maximum stay: 4 hours.	×	✓	Disabled bays
Blaydon Shopping Precinct, Blaydon	FREE	×	✓	Disabled bays
Charles Street, Gateshead	Charges apply on all days between 8.00am-6.00pm	×	✓	NONE
Church Street, Gateshead	Charges apply on all days between 8.00am-9.00pm.	✓	✓	Disables & Motorcycle bays
Claremont Street Gateshead	FREE	×	✓	NONE
Coach Park, Gateshead	Charges apply on all days between 8.00am-9.00pm	×	✓	Only Coaches may use this coach park
Cromwell Place, Winlaton	FREE	×	×	Disabled bays
Cross Keys Lane, Low Fell	FREE	×	✓	Disabled bays
Felling Metro, Felling	Charges apply on all days between 7.00am-8.00pm	×	✓	Disabled bays
Felling Shopping Precinct, Victoria Square, Felling	FREE	×	✓	Disabled bays
Fewster Square, Meresyde, Leam Lane	FREE	×	✓	Disabled bays
Fewster Square, Whinbrooke, Leam Lane	FREE	×	✓	Disabled bays
Garden Street, Gateshead	Charges apply on all days between 8.00am-9.00pm	✓	✓	Disabled bays
Gateshead Leisure Centre, Gateshead	FREE	×	✓	Disabled bays
Heworth North, Heworth	Charges apply on all days between 7.00am-8.00pm.	✓	✓	Disabled bays
Heworth South, Heworth	Charges apply on all days between 7.00am-8.00pm.	×	✓	Disabled bays
High Street, Felling	FREE	×	×	NONE
Lowrey's Lane, Low Fell	FREE	×	✓	Disabled bays

Mill Road, Gateshead	Charges apply on all days between 8.00am-11.00pm.	✓	✓	Disabled bays
Pipewellgate, Gateshead	Charges apply on all days between 8.00am-9.00pm.	✓	✓	Disabled bays
Prince Consort Road	FREE	✗	✓	Disabled & Motorcycle bays
Ravensworth Road	FREE	✗	✓	NONE
Regent Court	Charges apply on all days between 8.00am-6.00pm.	✓	✓	Disabled bays
Ryton RFC	FREE	✗	✓	NONE
South Shore Road	Charges apply on all days between 8.00am-9.00pm.	✓	✓	Disabled & Motorcycle bays
Sunderland Road (Peartree)	FREE	✗	✗	NONE
Sunderland Road (Tynegate)	FREE	✗	✓	NONE
Swalwell Bank	FREE	✗	✗	NONE
Swinburne Street	Charges apply on all days between 8.00am-6.00pm.	✓	✓	Disabled bays
Town Hall	Charges apply on all days between 8.00am-6.00pm.	✓	✓	Disabled bays
Whickham Shopping Precinct (East)	FREE	✗	✓	Disabled & Motorcycle bays
Whickham Shopping Precinct (West)	FREE	✗	✓	NONE
Winlaton Central Area	FREE	✗	✓	NONE
Wrekenton Centre	FREE	✗	✓	Disabled bays

Please note that the terms and conditions applicable in each car park (including charging rates and time limits) do change from time to time. In the event of a conflict between the information contained above and that published at each location, the terms and conditions shown on the car park tariff board at the time of parking shall prevail.

2.2 The Safer Parking Scheme

The Safer Parking (or “Park Mark”) Scheme is managed by the British Parking Association in conjunction with the Association of Chief Police Officers. The scheme was introduced by the Government in order to promote more safe and secure parking facilities all over the country. Higher security standards reduce both crime and the fear of crime.

To be awarded a “Park Mark”, car parks must be independently judged to have achieved high standards of security. Owners and operators must meet a stringent set of standards, including good design and management and provide an effective level of security, good lighting and help points.

Over 4,500 car parks in the UK currently hold Park Mark status and both operators and

users have seen the benefits of increased security within car parks. In recognition of our investment in security, Gateshead Council proudly holds seven of these prestigious awards.

- Heworth North (Long Stay) Car Park
- Back Durham Road (North) Car Park, Birtley
- Wrekenton Centre Car Park

The public car parks in the borough that have attained the Park Mark Award are:

- Baltic Car Park, Gateshead Quays
- Church Street Car Park, Gateshead Quays
- Swinburne Street Car Park, Gateshead Town Centre

Gateshead Civic Centre car park, which is private, has also attained the Park Mark Award. Subject to cost pressures, which are particularly great at present, the Council will continue to strive to ensure that all public car parks under its control are brought up to the standards set out in the Park Mark scheme.

2.3 On Street Metered Parking Bays

The following bays are in operation on the following streets within the borough:

Location of Metered Parking Bay	Day(s) & Time(s) of Operation
Bensham Road, Gateshead	Monday to Saturday between 9.00am & 5.00pm
Ely Street, Gateshead	Monday to Friday between 8.00am & 6.00pm
High Street, Gateshead	All days between 8.00am & 6.00pm
Hopper Street, Gateshead	Monday to Saturday between 8.00am & 6.00pm
Hudson Street, Gateshead	Monday to Friday between 8.00am & 6.00pm
Lambton Street, Gateshead	All days between 8.00am & 6.00pm
Mulgrave Terrace, Gateshead	Monday to Friday between 8.30am & 5.30pm
Nelson Street, Gateshead	All days between 8.00am & 6.00pm
Peterborough Close, Gateshead	Monday to Friday between 8.00am & 6.00pm
Queen Elizabeth Avenue, Windy Nook	Monday to Friday between 9.00am & 6.00pm
Swinburne Place, Gateshead	All days between 8.00am & 6.00pm
Swinburne Street, Gateshead	All days between 8.00am & 6.00pm
Walker Terrace, Gateshead	All days between 8.00am & 6.00pm
Warwick Street, Gateshead	All days between 8.00am & 6.00pm
Wellington Street, Gateshead	Monday to Friday between 9.00am & 6.00pm
Worcester Green, Gateshead	Monday to Friday between 8.00am & 6.00pm

Please note that the terms and conditions of parking applicable at each of the above locations (including charging rates and time limits) do change from time to time. In the event of any conflict between the information contained above and that published at each location, the terms and conditions shown on signs at the parking bays at the time of parking shall prevail.

2.4 On Street Dedicated Disabled Bays

These bays are in operation on the following streets within the borough:

Durham Road, Low Fell	All of the bays at these locations are operational 24/7. Vehicles which use these bays without clearly displaying a valid blue badge may be issued with a Penalty Charge Notice.
Ellison Street, Gateshead	
Front Street, Whickham	
Galloping Green Road, Wrekenton	
Gladstone Terrace, Gateshead	
Jackson Street, Gateshead	
Longrigg Lane, Leam Lane	
Performance Square, Gateshead (access road)	
Service areas to the west of Leam Lane	
South Shore Road, Gateshead	
St Mary's Square, Gateshead (loop road)	
Stirling Lane, Rowlands Gill	
West Street, Gateshead	
Worcester Green, Gateshead (access road)	

The above is not a definitive list, as additional bays will be added in the future in accordance with the Council's parking strategy.

2.5 On Street "Police Vehicles Only" Bays

These bays are in operation in Warwick Street, Gateshead, at all times on all days. They may ONLY be used by operational police vehicles.

2.6 Permit Parking Zones are in operation on the following streets within the borough:

Permit Parking Zone	Hours of Operation	Street(s) included in the scheme
Zone 'A'	All days	<ul style="list-style-type: none"> • Church Chare, Whickham
Zone 'B'	All days	<ul style="list-style-type: none"> • Duckpool Lane
Zone 'C'	Monday to Friday 9.00am – 6.00pm	<ul style="list-style-type: none"> • Charnwood Gardens • Windy Nook Road • Queen Elizabeth Avenue • Southend Road • Southend Terrace • Bywell Gardens • Causeway • Aged Minors Cottages • Leeming Gardens
Zone 'D'	Monday to Friday 9.00am – 10.00am AND 2.00pm – 3.00pm	<ul style="list-style-type: none"> • Bewick Road (West)
Zone 'E'	Monday to Friday 9.00am – 6.00pm	<ul style="list-style-type: none"> • Coburg Street
Zone 'F'	Monday to Friday 9.00am – 6.00pm	<ul style="list-style-type: none"> • Denmark Street

Zone 'G'	Monday to Friday 9.00am – 6.00pm	<ul style="list-style-type: none"> • Outside of 26 Denmark Street ONLY. There is only one permit issued for this zone.
Zone 'H'	Monday to Friday 9.00am – 6.00pm	<ul style="list-style-type: none"> • Ely Street
Zone 'J'	Monday to Friday 9.00am – 6.00pm	<ul style="list-style-type: none"> • Worcester Green • Peterborough Close • Chichester Close • Havelock Terrace • Alexandra Road • Claremont North Avenue • Affleck Street
Zone 'K'	Monday to Friday 9.00am – 6.00pm	<ul style="list-style-type: none"> • Alexandra Road • St Albans Terrace
Zone 'L'	Monday to Friday 9.00am – 6.00pm	<ul style="list-style-type: none"> • Villa Place
Zone 'M'	Monday to Friday 9.00am – 6.00pm	<ul style="list-style-type: none"> • Low Heworth Lane • Netherfarm Road
Zone 'N'	Monday to Friday 9.00am – 6.00pm	<ul style="list-style-type: none"> • Ridley Terrace • Stowell Terrace • The Bungalows • St Mary's Terrace
Zone 'O'	Monday to Friday 9.00am – 6.00pm	<ul style="list-style-type: none"> • Sunderland Road Villas • Vicarage Court
Zone 'P'	Monday to Friday 9.00am – 6.00pm	<ul style="list-style-type: none"> • The Drive, Heworth
Zone 'Q'	Monday to Friday 9.00am – 6.00pm	<ul style="list-style-type: none"> • Kirkwood Gardens • Keir Hardie Avenue • Broadoak
Zone 'R'	Monday to Friday 9.00am – 6.00pm	<ul style="list-style-type: none"> • Clement Street • Ainthorpe Gardens
Zone 'S'	Monday to Friday 9.00am – 6.00pm	<ul style="list-style-type: none"> • Croxdale Terrace • Fisherwell Road
Zone 'T'	Monday to Friday 9.00am – 6.00pm	<ul style="list-style-type: none"> • Stephenson Terrace
Zone 'U'	Monday to Friday 9.00am – 6.00pm	<ul style="list-style-type: none"> • Beaconsfield Road
Zone 'V'	Monday to Saturday 9.00am – 5.00pm	<ul style="list-style-type: none"> • Bensham Road • Mulgrave Villas
Zone 'W'	Monday to Saturday 9.00am – 6.00pm	<ul style="list-style-type: none"> • School Lane, Whickham
Zone 'X'	Monday to Friday 9.00am – 6.00pm	<ul style="list-style-type: none"> • Kells Lane (implemented April 2010)

Zone 'Y'	Monday to Friday 9.00am – 6.00pm	<ul style="list-style-type: none"> Bewick Road (East) (implemented August 2010)
Zone 'D1'	All days, all times	<ul style="list-style-type: none"> Outside of back 5 Tyndal Gardens ONLY. There is only one permit issued for this zone.
Zone 'D2'	All days, all times	<ul style="list-style-type: none"> Outside of 118 Bewick Road ONLY. There is only one permit issued for this zone.

*The above list contains details of the schemes in existence at the time this document was prepared. However, zones may be added or amended in the future in accordance with the council's parking strategy and changing circumstances and demand. **Motorists should note that the above parking restrictions apply on public holidays unless signs at the location indicate otherwise.***

There are over 103km of waiting restrictions in the authority's area. On-street enforcement is carried out in all areas where Traffic Regulation Orders (TROs) exist, with a particular emphasis on major public transport routes.

3.0 PARKING ENFORCEMENT

The enforcement of parking regulations is carried out by Civil Enforcement Officers (CEOs) who are part of the Neighbourhood Warden Service of Local Environmental Services. Key operational support to parking enforcement is provided by the service's Operations Centre at Shearlegs Road depot, which operates 24 hours, 7 days a week. This facility also offers potential for future traffic enforcement using CCTV systems.

On average, 12 CEOs were employed by the council during 2009-10. These were directly supervised by two Senior CEOs who were in turn managed by an Operations Officer.

The Parking Services Team is jointly funded from monies generated by CPE and existing funding generated by charged off-street car parks, on-street Pay & Display and resident parking schemes.

The success of CPE depends to a very large extent on the dedication and quality of the staff (both front line and back office) who deliver the service. It is essential to give staff at all levels the skills and training to do their jobs effectively if the service is to command public confidence and respect.

Prior to commencing independent enforcement patrols, all CEOs undertake training and are required to attain the NVQ Level 2 Qualification in Parking Enforcement, or equivalent. Staff involved in the Notice Processing (back office) operation also complete the same course as a matter of good practice. Further training takes place on an ongoing basis as required to improve the efficiency and effectiveness of the operation and the level of service we offer to our customers and service users.

3.1 Enforcement Protocol

The Council is committed to being transparent about its parking and

enforcement activity, for which it is accountable. It has therefore produced the following documents which are free to read or download on the Council website: www.gateshead.gov.uk.

Gateshead Parking Strategy: This outlines the policy framework for the operation of CPE and defines the role of parking in the overall transport and regeneration strategies of the Council.

Parking Services Procedures: This manual provides a detailed but 'user-friendly' guide describing the daily tasks needed by the Council to administer all the activities associated with operating a CPE regime.

Gateshead Enforcement Guidance: This is a dynamic reference document, produced predominantly for the Notice Processing team within Parking Services and covering the majority of circumstances that regularly occur in letters, representations or appeals to the independent parking Adjudicator. It is not intended to be a guide to processing PCNs, nor to replace knowledge of the regulations and Council's policies and practices, but to provide a reference manual for common situations that arise in letters, representations and appeals. For ease of use, categories have been listed in alphabetical order.

Gateshead Council is currently in discussion with other Local Authorities in Tyne and Wear and across the wider North East Region to try and develop regional policies with respect to how their enforcement duties are undertaken. This is intended to promote consistency of process as well as clarity and transparency as all councils will work to an agreed set of policy and operational guidelines. This approach will result in greater public understanding of and confidence in the enforcement processes. It will also move towards compliance with the aspirations of both the Traffic Penalty

Tribunal and the Local Government Ombudsman.

Parking Charter: This is a public declaration of Gateshead Council's commitment to provide an effective, safe and friendly parking service.

3.2 Deployment Strategy

Because Civil Parking Enforcement is primarily intended to support the authority's transport policies, strategic decisions regarding deployment are taken within the council's Transport Strategy Service, with day to day operational deployment decisions taken by line management within the Neighbourhood Warden Service. In practice, however, the services necessarily work closely together to maximize the effectiveness of the operation and to make the best use of limited resources.

Deployment is undertaken using a system of shifts and "beats" to cover areas where enforcement is carried out. A deployment strategy has been established to maximize the coverage available whilst patrolling the restrictions and parking places that are enforceable.

CEOs are on duty throughout the controlled hours that are applied to the various zones within the borough, as well as additional hours outside of the normal controlled hours as needs dictate. As at 31st March 2010, the routine hours of the enforcement operation were Monday to Friday between 7:30am and 10:30pm. Normal Saturday hours are 8.00am to 10.30pm. Sunday hours are normally 8.00am to 6.20pm. There is generally less need for cover after 6.00pm or on Sundays because many restrictions do not apply then.

These hours of operation are regularly monitored and adjusted as appropriate to provide an effective, proactive enforcement strategy for both on-street and off-street operations.

During the course of 2009-10, the council took steps to increase the amount of attention paid to on-street contraventions as opposed to those in its car parks. This helped to reinforce our main enforcement objective: to support the council's transport objectives.

We also began the enforcement of two new types of parking violation: parking next to dropped footways and parking more than 50cm from the kerb. Because no lines or signs are needed for enforcement to be carried out, the council did not begin enforcement as soon as we were able, in June 2009, but waited until September. This allowed time for the enforcement staff to be trained on these new contraventions and also for the council to advertise its intentions.

A further innovation during the year was the creation of a more focused and intelligence-led approach to enforcing parking restrictions around schools, particularly those with the greatest parking or road safety issues.

3.3 Appeals process

PCNs will normally only be cancelled in response to a challenge or appeal, although some may be cancelled if the council notices that they were wrongly issued. The reasons for cancelling PCNs fall into three broad categories:

- those which were incorrectly issued in the first place;
- those where evidence has come to light after the event to confirm that circumstances existed at the time the PCN was issued which were entirely beyond the driver's control and which forced them to park where they did; or
- those where the council is satisfied, based on satisfactory evidence provided by the

person making the appeal, that there were mitigating circumstances sufficient to justify the cancellation of the PCN, even though it was correctly issued

There are effectively three opportunities to challenge a PCN:

- an informal challenge, prior to the issue of a "Notice to Owner";
- a formal challenge (or "Representations") after the issue of a Notice to Owner;
- an appeal to the Traffic Penalty Tribunal (TPT) in response to a "Notice of Rejection of Representations" issued by the council.

The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 set out the grounds upon which the council must cancel a PCN where it is satisfied that one or more of the ground applies. Where such grounds are referred to in an appeal, the council will normally require the person making the appeal to submit acceptable documentary evidence in support.

A summary of those grounds follows, but it necessarily does not contain all of the information set out in the law. For the actual legal grounds, please consult the regulations:

- The alleged contravention did not occur;
- You were not the owner of the vehicle in question at the time;
- The vehicle had been taken and parked there without your consent;
- You are a vehicle-hire firm and the hirer acknowledged liability for any Penalty Charge Notice issued during the hiring period;
- The penalty charge exceeded the amount applicable in the circumstances;

- There has been a procedural impropriety by Gateshead Council;
- The Traffic Regulation Order was invalid;
- The penalty charge due has already been paid:

In addition, the council will consider any other compelling reasons submitted to it in support of an appeal. Once again, however, we would normally require sight of acceptable documentary evidence in support of such reasons.

Whilst Representations to the council and Appeals to the Traffic Penalty Tribunal are statutory processes, informal challenges are not. The council introduced informal challenges to deal more speedily with PCNs which we agree were obviously incorrectly issued, or where we accept that there were circumstances entirely beyond the driver's control. However, the informal challenge process is not intended to deal with special circumstances or arguments involving mitigation; these are intended to be dealt with during formal Representations or Appeals.

In all cases where the Traffic Penalty Tribunal has ruled against the council, a review is conducted to determine what lessons can be learned from the decision. The council is always particularly keen to learn whether the decisions were specific to the case concerned or whether they have wider implications (such as that the lines or signs at a particular location need to be changed).

The Parking Adjudicators who decide appeals are appointed by the Lord Chancellor and are totally independent of local authorities.

Further information about the work of the Traffic Penalty Tribunal, including the appeals process, example cases and

statistics, can be found at www.trafficpenaltytribunal.gov.uk.

4.0 FINANCE AND STATISTICS

The financial operation of a CPE system is broken down into two distinct elements, namely **costs** (expenditure) and **income** (revenue). The balance between these two elements indicates whether the scheme is likely to be sustainable over the longer term.

Costs are broken down into three areas:

- Capital Expenditure – Fixed elements irrespective of their size and design. These include scheme design (Civil Enforcement Area, contractors, etc), media campaign, street works.
- Revenue Expenditure – Fixed elements irrespective of size and design, including enforcement software maintenance, printing, tribunal costs, DVLA tracing charges.
- Revenue Expenditure – Variable elements depending on the size and design, including Notice Processing and Enforcement Officer costs.

Part 6 of the Traffic Management Act 2004 introduced Civil Parking Enforcement to create a more reasonable, transparent and proportionate system of parking enforcement. It also sets out to improve consistency across England, whilst allowing local councils which operate CPE to tailor their specific operations and policies to suit their transport policies and other local needs with that national framework.

4.1 Parking Revenue Budget

In accordance with s.55 Road Traffic Regulation Act 1984 (as amended), **the figures listed below do not include “pay and display” or season ticket income from the council’s off-street car parks.** Where parking operations covered by this

legislation produce a surplus, the legislation specifies the order in which that surplus must be applied. As indicated below, however, there was no surplus in

Gateshead during either of the years listed, with the deficit being made good from the general fund.

Gateshead Parking Account pursuant to s.55 Road Traffic Regulation Act 1984 (as amended)

	2008/09	2009/10
	Actual	Actual
	£	£
<u>Income</u>		
Penalty Charges (On-street)	256,197	256,260
Penalty Charges (Off-street)	161,491	130,106
Pay & Display / Meters (On-street only)	72,486	92,178
Residents' & Visitors' Permits	25,675	28,447
Other non-PCN income	0	0
Total Income	<u>515,849</u>	<u>506,991</u>
<u>Expenditure</u>		
Traffic Penalty Tribunal	8,695	11,414
TEC (Northampton County Court)	0	0
CPE Salary Costs	460,094	469,547
CEO uniforms and equipment	12,364	26,616
Transportation	21,350	16,524
Security/Cash Collection (contractor)	49,380	73,308
Consultants' fees	0	1,276
DVLA fees	685	1,172
Total expenditure	<u>552,568</u>	<u>599,857</u>
Surplus / (Deficit)	<u>(36,719)</u>	<u>(92,866)</u>

(includes a contribution from the NHS)

4.2 Penalty Charge Notices issued

The council issued a total of 15,389 PCN's across the Borough, both on-street and in car parks, between 1st April 2009 and 31st March 2010. Of those, 9,247 (60%) were issued for on-street contraventions with 6,142 (40%) issued for off-street contraventions (a contravention is essentially the civil law equivalent of an offence).

Under national regulations, the full value of a PCN is either £70.00 (higher level) or £50.00 (lower level) depending on the contravention, although the same regulations also provide discounts for early payments as well as surcharges for late payments. 7,928 of Gateshead's PCNs (51.5%) were issued for higher level contraventions and 7,461 (48.5%) were issued for lower level ones.

Appendix A lists the meaning of each contravention code for which we issued PCNs during the year and shows whether they are higher level or lower level. It also shows the number of PCNs issued under each contravention code along with a summary of the meaning of that code.

Appendix B shows the number of PCNs issued by month throughout the borough.

Appendix D shows what proportion of PCNs were paid at what stage.

4.3 Challenges, Representations and Appeals

During the year, just over 5,000 pieces of written correspondence were recorded as

having been received in connection with appeals against PCNs. The council endeavours to record the principal reasons for the cancellation of PCNs. This enables us to make any changes or improvements necessary to reduce the probability of the same problems occurring again.

Of the 15,389 PCNs issued during 2009-10, 2,620, or 17%, were cancelled. By far the largest number of cancellations (855) was because a valid Pay & Display ticket was subsequently produced where none was clearly visible in the vehicle at the time. 531 PCNs were cancelled because a disabled badge was produced which was not clearly visible at the time.

The number of cases cancelled for discretionary reasons, perhaps because evidence was subsequently produced showing there were mitigating circumstances, was 598.

By contrast, 203 PCNs were cancelled because of faulty Pay & Display machines in our car parks and 122 PCNs were cancelled because of errors on the part of the council.

The number of appeals submitted to the Traffic Penalty Tribunal during the year was 52, which represents 0.34% of all PCNs. The council decided not to contest 24 of those appeals because further evidence had come to light since the Representations were considered. Of the remaining 28 cases, 11 (40%) were allowed by the Tribunal and 17 (60%) were rejected.

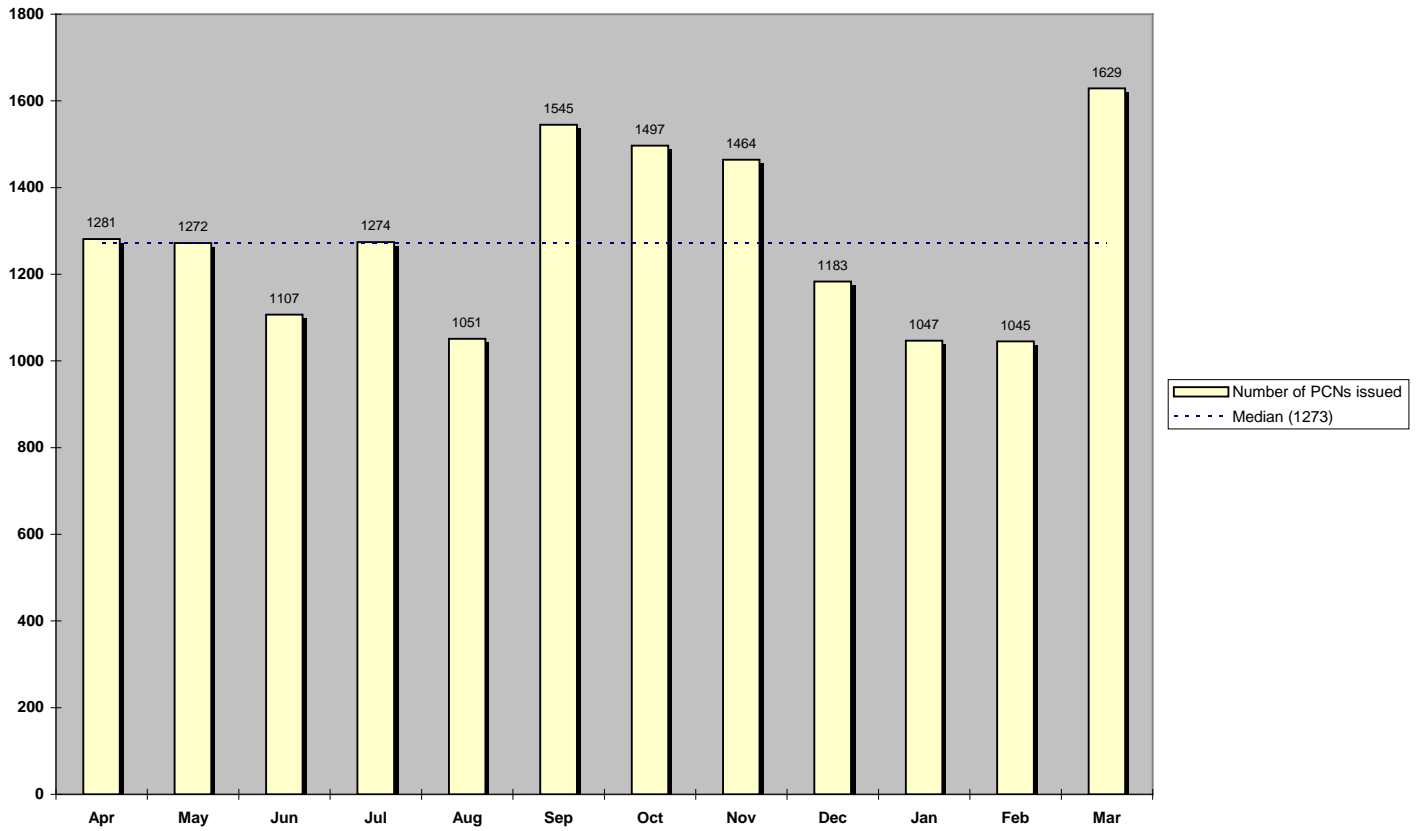
Appendix C shows the proportion of PCNs cancelled for each contravention code.

Appendix A – Number of PCNs issued by type and reason

Note: Codes 01 to 49, as well as 99, relate to **on-street** contraventions. Codes 81 to 95 relate to **off-street** contraventions. The descriptions are for ease of reference and may not be the same as the formal definition.

HIGHER LEVEL (£70) PCNs		LOWER LEVEL (£50) PCNs	
01	Double or single yellow lines	3642	
02	Loading ban	60	
12	Resident or shared place, no permit	1405	
23	Wrong class of vehicle	637	
25	In a loading bay, no loading observed	47	
26	Parked more than 50cm from kerb	40	
27	Parked next to a dropped footway	398	
40	In disabled bay, no blue badge visible	538	
42	Parked in police bay	32	
45	Parked in taxi rank	4	
46	Parked in clearway	1	
47	Stopped in a bus stop	142	
48	Stopped on school clear markings	24	
49	Parked on a cycle track	6	
81	Parked in a restricted area	14	
85	Parked in a permit bay	117	
87	In disabled bay, no blue badge visible	668	
91	Wrong class of vehicle	133	
99	Parked on a pedestrian crossing	20	
		7928	
		51.5%	
05	Pay & Display ticket expired	507	
06	No valid Pay & Display ticket	1144	
19	Invalid permit displayed	76	
22	Returning before the time allowed	21	
24	Incorrectly parked	135	
30	Parked for longer than allowed	368	
82	Overstaying Pay & Display ticket	1764	
83	No valid Pay & Display ticket	2685	
86	Not parked within marked bay	734	
89	Height/weight limit exceeded	1	
93	Parked in car park when closed	25	
95	In space designated for other vehicles	1	
			7461
			48.5%

Appendix B – Number of PCNs issued by month



Appendix C – Proportion of PCNs cancelled for each contravention code

NOTE: Codes 01 to 49, as well as 99, relate to **on-street** contraventions. Codes 81 to 95 relate to **off-street** contraventions. Codes where fewer than 5 PCNs were issued have not been included in this graph. The descriptions provided here are for ease of reference in the space available



Appendix D – Proportion of PCNs paid at each payment stage

