

TITLE OF REPORT: Council approach to roads and highways – evidence gathering session – Civil Parking Enforcement

REPORT OF: Paul Dowling, Strategic Director, Communities and Environment

SUMMARY

This evidence session will consider the legal and operational background to Civil Parking Enforcement (CPE) In Gateshead. The Committee will also receive an update on the operations current areas of focus and an update on the decision to undertake Civil Bus Lane Enforcement (CBLE) within Gateshead.

Background

1. Vision 2030 sets out the 6 Big Ideas for Gateshead. Transport relates closely to the themes of “City of Gateshead”, “Sustainable Gateshead” and “Active and Healthy Gateshead”.
2. The Tyne and Wear Local Transport Plan, which sets out the transport policy framework for Gateshead, identifies three main challenges for the transport network:
 - Supporting economic development and regeneration;
 - Addressing climate change;
 - Supporting safe and sustainable communities.
3. Policy CS13 of the Gateshead/Newcastle Core Strategy seeks the enhancement and delivery of an integrated transport network to support sustainable development and economic growth through:
 - Improving equality of access to transport for everyone;
 - Protecting and enhancing pedestrian routes , cycle networks and Rights of Way;
 - Ensuring new development is located and designed to promote sustainable travel choices, minimise unnecessary car trips, and connect safely to the network.

Statutory Basis of CPE in Gateshead

Gateshead Council assumed responsibility for what was then called Decriminalised Parking Enforcement on 2nd July 2007, pursuant to an Order of the Secretary of State for Transport, approved by Parliament, under the Road Traffic Act 1991.

The legal basis was changed throughout England on 31st March 2008 by the Traffic Management Act 2004 (“TMA”) and it is under that Act, and Regulations issued pursuant to it, that CPE now operates in Gateshead and elsewhere in England.

The legislation governing CPE covers the whole process, including:

- The type of contraventions covered by CPE
- The issuing of Penalty Charge Notices (“PCNs”) for contraventions
- The amount of the penalty charge and any discounts available
- The process for dealing with representations and appeals

In addition, s.87 of TMA empowers the Secretary of State for Transport to issue guidance (“Statutory Guidance”) to local authorities as to the exercise of their powers under the Act. Local authorities *must* have regard to that guidance. Under Schedule 8 to TMA, all metropolitan district councils undertake enforcement of parking restrictions in their capacity as the local highway authority.

Purpose of session

4. This evidence session is the last in a series of four looking at the role of the Council and its partners in roads and highways, and considers issues associated with civil parking enforcement and the reasons behind the focus of enforcement activities. The session will also outline the Councils intention to commence civil bus lane enforcement. The format of the session will be an initial presentation followed by an opportunity to ask questions and express views on the evidence presented. Council officers from the Development, Transport and Public Protection will be present.
5. Key lines of enquiry to consider include:
 - CPE – a summary of the national and local picture. How the picture has changed over recent years, in terms of contravention levels, the nature of enforcement and appeal handling and outcomes.
 - CBLE – the intended roll out of phase one of the civil bus lane enforcement initiative. The intended course of action in relation to subsequent phases.
 - The benefits accruing from CPE and CBLE. The Council, as the Highway Authority, has a legal obligation to keep the highways free moving, safe and available to all users. The Council has a strategic aim to support and improve the public transport offer and to promote behavioural change.
6. The Council seek to support and complement Northumbria Police/ PCC highway enforcement strategies.

Recommendations

7. The Overview and Scrutiny Committee is asked to
 - Provide their views on the evidence presented.

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