

**Parking Services
Annual Report 2015/16**

FOREWORD BY COUNCILLOR MALCOLM BRAIN PORTFOLIO HOLDER FOR ENVIRONMENT AND TRANSPORT

Welcome to Gateshead Council's Annual Parking Report for 2015/16. We aim to ensure issues covered in the report are both informative and relevant to those who read it. As in previous years, it provides information to residents and other stakeholders about how Gateshead Council seeks to deliver parking provision and enforcement, as well as other associated services across the borough. In doing so, it places 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 legal duty to keep traffic moving as freely as we reasonably can on our roads.

The council realises that people have different parking needs and expectations. Levels of car ownership continue to rise and the resulting 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 Development, Transport and Public Protection service within Communities and Environment, 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. They include:

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

In common with all areas of council services, Parking Services will need to consider what efficiency savings can be made in future due to reductions in Government grant funding.

I do understand that parking enforcement is not always popular, particularly if you have received a parking ticket. Equally, however, motorists who do park correctly expect robust action to be taken against those who do not, especially in busy areas. The Traffic Management Act 2004 places a duty on local authorities to effectively manage their network to reduce disruption and congestion. To conclude, 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.

OVERVIEW BY ANNELIESE HUTCHINSON

SERVICE DIRECTOR – DEVELOPMENT, TRANSPORT AND PUBLIC PROTECTION

The council tries to use this Annual Parking Report to provide the sort of information that many people find useful, as well as meeting our statutory obligations. We have made some further changes this year so that it better reflects the type of information which the Parking Services team is most frequently asked to provide. Unless indicated otherwise, the information contained in this report relates to the year from 1st April 2015 to 31st March 2016.

It is more important than ever that the limited resources available are spent to best effect. It is also important that the various teams within the service work together to ensure that the most effective solutions to traffic issues are identified and delivered and that, where possible, we can anticipate future issues by looking beyond the horizon. To support the commitment in the revised Tyne and Wear Local Transport Plan, we will work to ensure effective management of car parking within the NewcastleGateshead area, working more closely with neighbouring authorities to achieve this.

Like all authorities in Tyne and Wear, Civil Parking Enforcement (CPE) operates throughout the Borough of Gateshead (with the exception of a few significant routes such as the A1, the A184 and certain sections of the A167). This means that the council is responsible for the enforcement of parking restrictions rather than the police, although they continue to be responsible for the roads not subject to CPE and for all obstruction offences. The council does not have the power to deal with vehicles which are causing an obstruction of the highway (in this sense, “highway” includes footpaths as well as roads). Obstruction offences of this nature are dealt with by the Police, and Gateshead Area Command can be contacted on 03456 043043 or via the [Northumbria Police website](#).

Throughout the 2015/16 period there were eight Civil Enforcement Officers (CEOs) plus two senior CEOs employed to enforce parking restrictions. This number has fluctuated during the year.

When dealing with formal appeals against parking tickets, I expect my officers to take full account of council policies and to adopt as consistent an approach as possible when considering each case. However, they will also take account of any mitigating evidence presented to them which they believe is relevant to that particular case before reaching a decision on the appeal.

We have continued to refine the decisions we take when considering appeals against parking tickets in the light of decisions of the independent Traffic Penalty Tribunal.

Where broader issues are identified through the appeals process, guidance is issued to the enforcement team so that any appropriate changes in the enforcement of certain parking restrictions are implemented as soon as it becomes clear that they are necessary.

One of the main reasons people contact us is to tell us about difficulties they have whilst getting parked in residential streets and asking whether there is anything the council can do about this. This is not an easy problem to resolve, particularly as there are more and more vehicles using the same amount of road. My officers will continue to monitor this.

Conversely, my officers also receive queries from residents about a permit parking scheme for their street and each case is considered on its merits. Any requests for new parking restrictions (or the removal or amendment of existing ones) should, in the first instance, be directed to our Traffic Solutions team for initial consideration. They can be contacted either by telephone on 0191 433 3108 or by email at TrafficManagement@Gateshead.Gov.UK. However, various constraints will have a bearing on both the speed with which issues can be investigated and the decision reached. Please also note that, at the time this report is being prepared, there is a moratorium on new residents' parking schemes until the council's future position on these is decided.

The Parking Services team are also responsible for administering the Disabled Persons Blue Badge scheme. Blue Badge applications and appeals are dealt with in accordance with the protocol published at www.gateshead.gov.uk/bluebadge. The criteria against which these are assessed are set nationally by the government and councils have no control over these. Our role is to determine whether or not applications meet those criteria.

Following a restructure of teams within my service, the Parking Services team have also acquired the Street Works co-ordination function. In brief, they are responsible for applying the provisions of the New Roads & Street Works Act 1991 (NRSWA) in relation to the co-ordination of highways works by utility companies and the council's own operations. They are required to grant licences for such works to other contractors, inspecting reinstatements following completion of those works and directing rectification work where required. This includes levying statutory fees for inspecting street works operations and issuing fixed penalty notices for non-compliance with NRSWA. The team must also ensure that all works carried out on the carriageway which are likely to impact on traffic flow are shown on the national street works website at <http://roadworks.org>. If you think there has been a poor road repair carried out by a utility company, then please contact the utility company to report it in the first instance. If you are unaware who carried out the work, then please contact the Street Works team on 0191 433 3092 for assistance.

Thank you for reading our Annual Report and I hope you find it of interest. If you have any further questions after reading this report or have any comments, the council's Parking Services team will gladly try to answer them:

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1.0 Purpose of this report

Statutory guidance issued by the Secretary of State for Transport under section 87 of the Traffic Management Act 2004 encourages local authorities operating Civil Parking Enforcement to publish an annual report on their enforcement activities.

This annual report is also intended to outline to the people who use our services how parking 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, but not off-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 income 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, all of the information in this report relates to the financial year from 1st April 2015 to 31st March 2016.

2.0 PARKING CONTROL OBJECTIVES

2.1 Background

The Traffic Management Act 2004 imposes a statutory duty on all local traffic authorities, of which Gateshead is one, 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 and effective enforcement regime to combat inconsiderate parking, particularly where it impacts on traffic flow, is seen as an essential element in fulfilling this duty.

The Road Traffic Act 1991 originally allowed 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-related traffic 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 Northumbria Police. These might include offences such as dangerous parking or obstruction, as well as all 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” or just “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.

2.2 Policy context

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 Tyne and Wear Local Transport Plan (LTP) 2011-2021. This seeks to develop a fully integrated and sustainable transport system ensuring:

Everyone has the opportunity to achieve their full potential and have a high quality of life.

The LTP recognises the importance of a range of different factors, including:

- The bearing that the level and condition of parking can have on the competitiveness of town, district or shopping centres;
- The cost, intrusion and land take of car parks;
- The pressures on parking supply which can arise in residential areas;
- The problems caused by parking on pavements.

In particular, 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 as well as other commercial and voluntary 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 people visiting and working in 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;
- Improve accessibility for people with mobility difficulties;
- Regulate and control parking both on and off street.

Parking operations will contribute towards these objectives by providing or facilitating:

- On street parking enforcement, by patrolling restricted areas with a particular focus on main bus routes and other busy transport corridors where parking issues are apparent

- Enforcement of the council's off street car parks and parking places to ensure effective use of limited spaces and to protect the Council's revenue by issuing PCNs for any contraventions observed;
- Management and administration of suspensions and dispensations;
- Checking of Pay and Display machines and meters to identify faults;
- Permit parking schemes;
- Reviewing strategic enforcement and deployment and amending them as necessary from time to time.

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;
- Deployment of a camera-equipped vehicle to enforce restrictions at schools and bus stops and in the future, bus lanes.
- Reporting inadequacies of and/or damage to signs and markings
- Suspension procedures for Pay and Display machines and parking bays.

2.3 Our Parking Charter

Our approach to parking enforcement is to be fair but firm and our parking charter outlines how we intend to deliver the best possible service to motorists.

Fair

- We will explain and communicate the parking rules
- Where possible, we will photograph parking contraventions to support the issue of a penalty charge notice
- We will regularly monitor traffic signs and road markings to help motorists parking throughout the borough
- We will review our parking services regularly to see how they can be improved, whilst also taking account of resource constraints

Firm

- We will take consistent enforcement action to deter inconsiderate parking
- We will pursue people who try and evade penalty charges to recover debt owed to the council
- We will work with the police to prevent crime and anti-social behaviour and to protect our civil enforcement officers from abuse and violence

Best possible service

- We will reply as quickly as possible to representations against penalty charge notices, whilst properly investigating motorists' comments
- We will aim to get penalty charge notices right first time using accurate hand-held technology
- We will take every opportunity to develop on-line services to improve customer access to information
- We will develop the on-street parking service to include: Blue Badge enforcement, school patrols, advice and information and assistance at special events

Civil Enforcement Officers will adopt a helpful attitude and a consistent approach to enforcement in order to encourage lawful and considerate parking. Our customer promise is that we will always:

- Be professional, fair and courteous
- Be polite, calm and understanding
- Be open and honest
- Offer advice on the appeals procedure if requested

Objectives of Parking Control

The council's parking control objectives are to:

- Minimise the use of vehicles in the busiest and congested areas at what experience and research shows to be the most appropriate times;
- At the same time provide sufficient short-stay parking facilities to support shops/commercial organisations and leisure activities, thereby underpinning social and economic life;
- Reduce the risk of accidents;
- Safeguard the needs and requirements of residents, visitors, businesses and other organisations;
- Improve traffic conditions;
- 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.

3.0 GATESHEAD PARKING PROFILE

3.1 Car Parks

The council operates several public car parks throughout the borough. These car parks tend to be concentrated in the areas of greatest demand, such as around Gateshead Quays or in Gateshead town centre, but there is also significant provision elsewhere.

The conditions of use vary depending on where the car park is situated. Those which apply in each car park are indicated on notice boards situated at each location, including when the car park may be used and which vehicles may park there. The conditions and charges can change from time to time, so it is important that all drivers check the boards each time they visit. Where charges apply, the location of the Pay and Display machine is usually indicated by the presence of a “Pay Here” cone or similar signage. As well as paying with cash and displaying a ticket in the traditional way, for a small administration fee it is also possible to pay the parking charge electronically in most of our car parks, using the Pay By Phone app.

We are currently in the process of trying to secure significant financial resources in order to upgrade the condition of some of our car parks in the borough, in particular, Heworth North and Regent Court.





Pay and display car parks

Car Park	No. of spaces	Charges apply	Blue badge holder bays	Electric vehicle charging	Pay by Phone
Back Regent/Walker Terrace	59	8am-6pm every day	No	Not currently available	Yes
Charles Street	27	8am-6pm every day	No	Not currently available	Yes
Church Street	50	8am-9pm every day	Yes	Not currently available	Yes
Civic Centre	187	9am-5pm every day	Yes	Not currently available	Yes
Cross Keys Lane	91	9am-5.30pm Monday to Saturday	Yes	Not currently available	No
Felling Metro	24	7am-8pm every day	Yes	Not currently available	Yes
Garden Street	17	8am-9pm everyday	Yes	Not currently available	Yes
Heworth South (short stay)	64	7am-8pm every day	Yes	Not currently available	Yes
Heworth North (long stay)	393	7am-8pm every day	Yes	Not currently available	Yes
Lowery's Lane	105	9am-5.30pm Monday to Saturday	Yes	Not currently available	No
Mill Road	278	8am-11pm every day	Yes	Not currently available	Yes
Pipewellgate	28	8am-6pm every day	Yes	Not currently available	Yes
Regent Court	110	8am-6pm everyday	Yes	Not currently available	Yes
Sunderland Road (Tynegate)	34	8am-6pm every day	No	Not currently available	Yes
Swinburne Street	57	8am-6pm everyday	Yes	2 EV charging points	Yes
Town Hall	53	8am-6pm everyday	Yes	Not currently available	Yes
Whickham Shopping Precinct East (short stay)	94	9am-5.30pm Monday to Saturday	Yes	Not currently available	No
Whickham Shopping Precinct West (long stay)	105	9am-5.30pm Monday to Saturday	No	2 EV charging points	No

3.2 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 (ACPO). 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 crime and the fear of crime. To be awarded a “Park Mark”, car parks must be independently judged to have achieved these standards. Owners and operators must meet a stringent set of standards, including good design and management and provide an effective level of security and lighting.



Over 5,000 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 and car park management, Gateshead Council currently holds eleven of these prestigious awards.

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

- Church Street car park,
- Swinburn Street Car Park, Gateshead town centre
- Heworth North (Long Stay) car park
- Civic Centre car park
- Cross keys car park
- Lowreys lane car park
- Mill Road car park
- South Shore Road car park
- Whickham Long Stay car park
- Whickham Short Stay car park

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.

3.3 On Street Parking Bays

We operate a number of on street parking bays throughout the borough. Charges apply in some of these, but some of them are free. Those locations where charges are applied are shown below. These charges will normally be higher than the equivalent rate in any neighbouring off street car parks. Areas which are designed to have a higher turnover of vehicles may expect to have a higher level of enforcement to encourage this.

	Charges apply	Pay by Phone
Church Street	8am-6pm every day	No
Ely Street	9am-6pm Monday to Friday	No
High Street	8am-6pm everyday	No
Hopper Street	8am-6pm everyday	No
Hudson Street	9am-6pm everyday	No
Mulgrave Terrace	8am-6pm Monday to Saturday	No
Peterborough Close	9am-6pm Monday to Friday	No
Queen Elizabeth Avenue	9am-6pm Monday to Friday	No
Swinburne Street	8am-6pm everyday	No
Walker Terrace	8am-6pm everyday	No
Warwick Street	8am-6pm everyday	No
Wellington Street	9am-6pm Monday to Friday	No
Worcester Green access road	9am-6pm Monday to Friday	No

3.4 On Street Disabled Bays

In areas of high demand, or in response to acute local need, the council operates a number of dedicated on street disabled bays within the borough. These bays may only be used by vehicles which are clearly and correctly displaying a valid Blue Badge which is being used in accordance with the rules of the Blue Badge Scheme.



If the vehicle is not being driven by the badge holder, the journey must be for the badge holder's purposes (i.e. to drop the badge holder off or pick them up). It cannot, for example, be used by someone other than the badge holder to pick up a prescription or go shopping for the badge holder; they must be personally present during the journey.

In some busier areas, where space is limited, it is necessary for blue badge holders and goods vehicles to share the bays by allowing each group access at different times. The signs there will show who can use the bays at what times.

Vehicles clearly and correctly displaying a valid Blue Badge and a correctly set time clock can also park on double or single yellow lines, provided that they are not causing an obstruction and that no other parking restriction prevents them from doing so. For example, blue badges cannot be used where a loading ban is in force, or in bays reserved for other types of vehicle (such as goods vehicles, bus stops, residents, etc). Fuller information on where blue badges may and may not be used is provided in the guidance booklet issued by the Government and sent out with each blue badge.



Gateshead currently issue around 14,000 blue badges per annum.

3.5 "Police Vehicles Only" Bays

These bays are in operation adjacent to the police station in Warwick Street, Gateshead, and are in operation at all times on all days. They may ONLY be used by operational police vehicles. They may not be used by people visiting the police station or working for the police, whether contractors or employees using their own vehicles.

3.6 Permit Parking Zones

The council operates a number of residents' parking schemes in the borough. There is a general presumption that a vehicle legally on the road may park on any unrestricted public road, provided no obstruction is being caused. Permit parking schemes are therefore only introduced where the council considers that there is an exceptional commuter parking issue in connection with a significant "parking generator", such as concentrations of high employment or in areas surrounding hospitals, transport hubs and sporting arenas or other attractions.



When restrictions within a residents' parking zone are in force, any vehicle parking within the zone which is not exempt (such as an operational emergency services vehicle) must display a valid permit in order to park within the zone. Failure to do so may result in the issue of a Penalty Charge Notice. Please note that blue (disabled) badges are *not* valid for use in these circumstances. The following types of permit are valid for use in residents' parking zones:

- A resident or business permit showing that it is valid for use in that zone;
- A visitor scratchcard, with the date/time correctly showing, valid in that zone;
- A red visitor disc, with the date/time correctly set, valid in that zone.

The days and times when restrictions apply can vary from zone to zone, although most of them tend to operate on weekdays between 9.00am and 6.00pm to deal with commuter-related parking issues. The permit's conditions of use are set out on the application form and accompanying notes. ***Please note that restrictions apply on Bank Holiday Mondays or other public holidays, unless the signs within each zone show otherwise.***



3.7 Car Club Pool Cars (Common Wheels) and Electric Vehicles

Gateshead Council now has over 550 drivers registered with Co-Wheels. This is saving the Council money in mileage claims and helping reduce carbon emissions across the borough.

Our fleet currently comprises of 15 Aygos which are based at the Civic Centre and two Yaris' located at Shearlegs Road, all of which have guaranteed parking spaces.

Pool cars can be used to travel to meetings or sites that are not easily accessible on foot or by public transport. The use of the pool cars helps us reduce our overall travel costs and in turn contribute to budgetary savings across the council.

For those pool cars which are electric vehicles, there are currently four types of charging post located at the Civic Centre. All of the electric vehicles have both 3-pin and male/female charging cables. In addition to this, the charging canopy can be utilised if the charging posts are in use.



4.0 PARKING ENFORCEMENT

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 and Display and resident parking schemes.

The success of CPE depends to a very large extent on the dedication and quality of both the front line and back office staff who actually 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 City & Guilds qualification for Parking Enforcement Officers, or equivalent. Staff involved in back office CPE operations 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.

4.1 The role of the Civil Enforcement Officer (CEO) and back office staff

The main aim of a Civil Enforcement Officer is to enforce parking restrictions and to ensure this is done in fair, accurate and consistent matter. When a CEO believes that a contravention has taken place a PCN will be issued. This can be done by either handing it to the driver or affixing it to the windscreen. A PCN may also be served by post if for some reason the issuing CEO has been prevented from serving it (due to threats of violence for example) or the contravention was recorded by the camera enforcement vehicle.

Given the unpopular nature of Civil Parking Enforcement, our CEO's now wear body cameras which records footage whilst they are on duty.

Once the PCN has been served the decision as to whether the PCN is cancelled upon appeal rests with back office staff. It is important to note that just as the Council has the authority to decide whether or not to issue a PCN, it also has the authority to decide whether or not to pursue payment of that Notice.

4.2 Enforcement Protocol

The council is committed to being as transparent as we can be about our parking and enforcement activities. We have therefore produced a range of documents which are free to read or download on the [Parking pages](#) of the council's website, including:

Gateshead Parking Strategy: The current Gateshead Parking Strategy is now some years old. Whilst it remains in force, it is intended to refresh this document once the North East Combined Authority has published the new Local Transport Plan.

Gateshead Enforcement Guidance: This is a dynamic reference document, produced predominantly for the back office parking teams who deal routinely with CPE. It covers the majority of circumstances that regularly occur in letters, representations or appeals to the independent parking Adjudicator. It is not intended to be a detailed 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 in regular 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 processes 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 setting out Gateshead Council's clear commitment to provide an effective yet safe and friendly parking service.

4.3 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

Deployment of the CEOs is done on a rotating shift pattern and individual patrol areas. A deployment strategy has been established to maximize the coverage available whilst patrolling the restrictions and parking places which are enforceable.

CEOs are on duty throughout the main controlled hours which apply in the various zones within the borough, as well as additional hours outside those normal hours as needs dictate. The enforcement officers routinely work a shift pattern that provides a presence on all days of the week, however there are fewer on duty outside of the core times, which are 0800 – 1800hrs.

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

During the course of 2015-16, the council has continued to focus enforcement activities towards on-street contraventions as opposed to those in its car parks, particularly during quieter times of the day. This has helped to reinforce our main enforcement priority of supporting the council's transport objectives.

Although photographic evidence is not a legal requirement, it is desirable. The evidence they provide is very helpful both when considering individual cases and when looking at them in a wider context. Additionally, all of our CEOs normally wear body-worn video cameras when on patrol. The council will not tolerate abuse or violence against its staff and these cameras both have a deterrent effect and provide additional evidence for the council or the police to use if necessary.

4.4 CCTV enforcement

In September 2013, the council introduced a camera equipped vehicle. It is used to enforce specific restrictions, namely school restrictions and bus stops. This vehicle is operated by the enforcement staff, and any Penalty Charge Notices generated by this vehicle are sent by post to the registered keeper of the vehicle. In time, CCTV enforcement will be expanded to cover some moving traffic offences such as bus lanes using both mobile and static cameras. It is envisaged that this will begin in early 2017.

4.5 Appeals process

PCNs will normally only be cancelled in response to a challenge or appeal, although some may be cancelled if the council realises straight away 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 later that circumstances existed when 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

All PCNs issued have a right of appeal attached. Any such challenge or appeal must be submitted in writing (letter or email). 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) against 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 grounds 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.

By definition, CPE operates under civil law, not criminal law. Cases are therefore decided “*on the balance of probabilities*” based on the available evidence (as opposed to “beyond reasonable doubt”, which is the standard of evidence in criminal cases).

In all cases where the Traffic Penalty Tribunal has ruled against the council (and sometimes when their decisions are in our favour) a review is conducted to see what lessons can be learned from the decision. We are particularly keen to learn whether the decisions were

specific to the case concerned or whether they have wider implications for the council (such as lines or signs at a particular location needing to be changed).

The Parking Adjudicators who decide appeals are qualified lawyers 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 various reports and statistics, can be found on the Tribunal's website: www.trafficpenaltytribunal.gov.uk.

There are over 103km of waiting restrictions in the authority's area. On-street enforcement may take place in all areas where restrictions apply.

5.0 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 to suit their transport policies and other local needs with that national framework.

5.1 Parking Revenue Budget

The table at Appendix E is published in accordance with s.55 of the Road Traffic Regulation Act 1984 (as amended), which specifies the data which is to be provided. **The figures listed 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 in the table,

however, there was no surplus in Gateshead during any of the three financial years listed, with the deficit being made good from the general fund.

5.2 Penalty Charge Notices issued

The council issued a total of 15,020 PCN's across the Borough during the year in review, which was an increase of 6.6% on the previous year. Of those, 10,917 (72.7%) were issued for on-street contraventions with 4,103 (27.3%) issued for off-street contraventions (a contravention is essentially the civil law equivalent of an offence).

Under national regulations, the value of a PCN is £70 (higher level) or £50 (lower level) depending on the contravention. 9275 of our PCNs (61.7%) were for higher level contraventions and 5745 (38.3%) for lower level ones. The regulations also provide discounts for early payments and surcharges for late payments.

Appendix D lists number of PCNs issued under each contravention code. Appendix B shows the number of PCNs issued by type each month. Appendix C shows where the greatest number of PCNs were issued.

5.3 Challenges, Representations and Appeals

During the year, over 6,700 pieces of written correspondence were recorded as having been received in connection with 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.

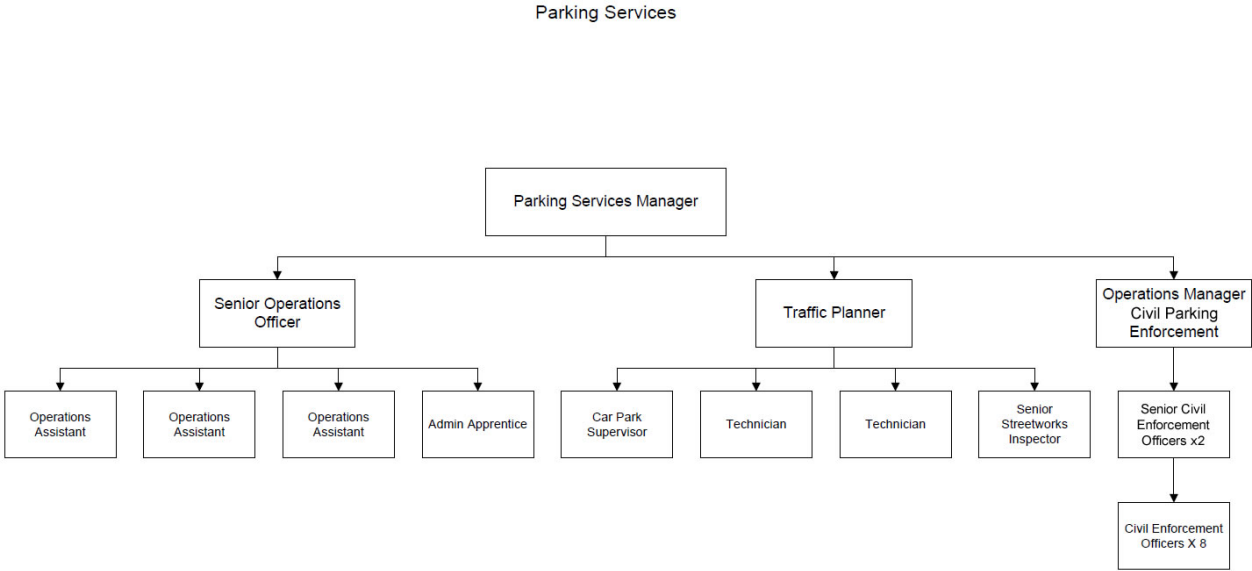
Of the 15,020 PCNs issued in 2015-16, 14.06% were cancelled, compared with 12.0% cancelled the previous year. Where the reason is recorded, by far the largest number of cancellations (499) was because a valid Pay & Display ticket was subsequently produced where none was clearly visible in the vehicle at the time. A further 102 PCNs were cancelled because a valid blue (disabled) badge was produced which was not clearly visible at the time.

By contrast, 77 PCNs were cancelled because of faulty Pay & Display machines and 132 PCNs were cancelled because of errors on the part of the council.

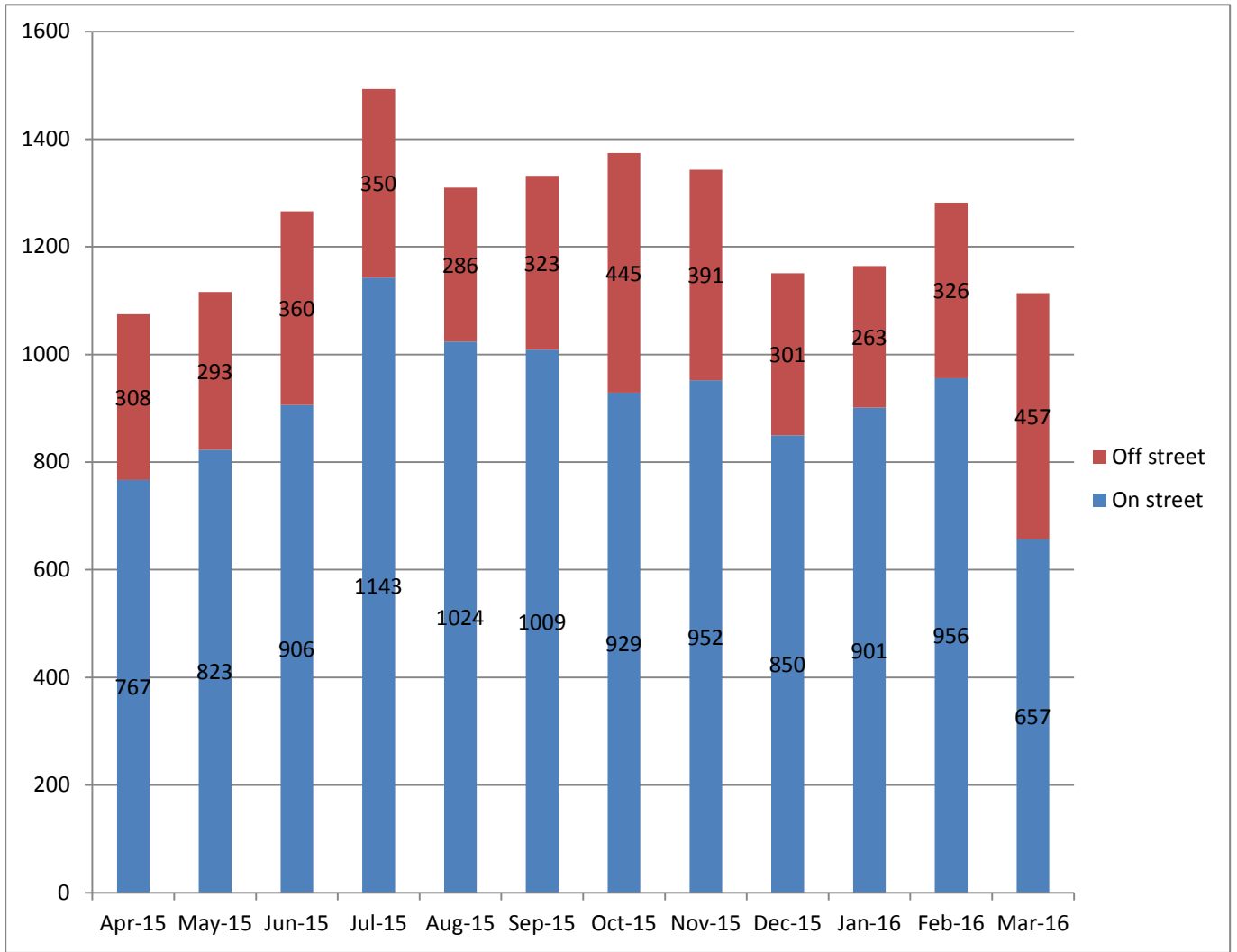
Headline information regarding the number and outcome appeals submitted to the Traffic Penalty Tribunal during 2015-16 either is, or is scheduled to be, published on the [tribunal's website](#).

Appendix A

Staff Structure within the Parking Service team



Appendix B – Number of PCNs issued by type each month



Appendix C

Top 10 On Street and Off Street Locations for PCNs Issued

ON STREET

High Street, Gateshead	1,333
Durham Road, Low Fell	992
South Shore Road	509
West Street, Gateshead (inside RPZ)	375
Walker Terrace	349
Shadon Way, Birtley	319
Queen Elizabeth Avenue	296
Leeming Gardens	232
Coatsworth Road	198
Jackson Street	193

ON STREET

Civic Centre Car Park	1,130
Mill Road Car Park	688
South Shore Road Car Park	498
Regent Court Car Park	168
Church Street Car Park	163
Whickham Shopping Precinct (East)	158
Cross Keys Lane	156
Heworth Metro North Car Park	146
Gateshead Leisure Centre Car Park	139
Prince Consort Road Car Park	90

Appendix D - Contravention codes and what they mean

Code	Code description	Code contravention	Penalty amount	PCN's Issued 2015/16
01	Parked in a restricted street during prescribed hours	This contravention occurs when a vehicle waits during the prescribed hours in a restricted street (i.e. yellow lines)	£70	2,543
02	Parked or loading/unloading in a restricted street where waiting and loading/unloading restrictions are in force	This contravention occurs when a vehicle waits or loads/unloads during prescribed hours in a street where there are loading/unloading restrictions as well as waiting restrictions	£70	1,027
05	Parked after expiry of time paid for	This contravention occurs when a vehicle waits in a parking bay during controlled hours and the purchased time has run out	£50	476
06	Parked without clearly displaying a valid pay and display ticket	This contravention occurs when a vehicle waits in a pay and display bay during controlled hours and a valid pay and display ticket has not been displayed within the vehicle	£50	928
12	Parked in a residents' or shared use parking place or zone without either displaying a valid permit or pay and display ticket issued for that place, or without payment of the parking charge	This contravention occurs when a vehicle waits in a residents' or shared use parking bay during the prescribed hours and either fails to display a valid permit or pay and display ticket or fails to pay the appropriate charge for that parking place	£70	1,344
19	Parked in a residents' or shared use parking place or zone without either displaying an invalid permit or pay and display ticket or after the expiry of paid for time	This contravention occurs when a vehicle waits in a residents' or shared use parking place or zone displaying an invalid permit or pay and display ticket that would have been valid for that parking place at some time or after the expiry of paid for time	£50	222
21	Parked wholly or partly in a suspended bay or space	This contravention occurs when a vehicle waits in a suspended parking place or in a suspended part of a parking place	£70	79
22	Re-parked in the same parking place or zone within the 'no return' period	The contravention occurs either when a vehicle departs from a parking place and subsequently returns to any bay or space in the same parking place, or moves to another bay or space within the same parking place, within the time specified on the signs.	£50	7
23	Parked in a parking place not designated for that class of vehicle	This contravention occurs when a vehicle which is not of the class authorised to wait in the parking place or area is observed doing so during controlled hours	£70	738
24	Not parked correctly within the markings of the bay or space	This contravention occurs when a vehicle waits with part of it outside the markings of a parking bay or space	£50	298
25	Parked in a loading place during restricted hours without loading	This contravention occurs when a vehicle waits in a parking place designated as an on street loading bay during restricted hours without loading or unloading taking place	£70	164
26	Parked in a special enforcement area more than 50cm from the	This contravention occurs when a vehicle waits more than the specified distance from the edge of	£70	93

	edge of the carriageway and not within a designated parking place	the carriageway and not within a designated parking place		
27	Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway	This contravention occurs when a vehicle waits on the carriageway, adjacent to the footway where the footway, cycle track or verge has been lowered to meet the level of the carriageway	£70	428
30	Parked for longer than permitted	This contravention covers a number of circumstances in which a vehicle waits for longer than the permitted period	£50	525
40	Parked in a designated disabled person's place without displaying a valid person's badge in the prescribed manner	This contravention occurs when a vehicle waits in a disabled person's parking place without displaying a valid person's parking badge	£70	964
42	Parked in a parking place designated for police vehicles	This contravention occurs when a vehicle which is not an official police vehicle waits in a parking place marked 'POLICE'	£70	18
45	Parked in a taxi rank	This contravention occurs when a vehicle that is not a licensed taxi with a licence plate on the rear waits on a taxi rank marked 'TAXIS'	£70	0
46	Stopped where prohibited (in a clearway)	This contravention occurs when a vehicle waits during prescribed hours on the carriageway of a clearway indicated by 'No Stopping' signs	£70	5
47	Stopped in a restricted bus stop or stand	This contravention occurs when a vehicle other than a public service vehicle operating a scheduled service waits during prescribed hours on a restricted bus stop or bus stop clearway marked by yellow markings and the words BUS STOP and BUS STAND	£70	981
48	Stopped in a restricted area outside a school when prohibited	This contravention occurs when a vehicle waits during prescribed hours on a section of carriageway outside a school with 'SCHOOL KEEP CLEAR' written on the road with accompanying zigzag markings and a sign describing times of control	£70	142
49	Parked wholly or partly on a cycle track or lane	This contravention occurs when a vehicle waits on a cycle track or lane	£70	2
99	Stopped on a pedestrian crossing or crossing marked by zigzags	This contravention occurs when a vehicle waits on a pedestrian crossing marked by zigzags	£70	82
73	Parked without payment of the parking charge	This contravention occurs when a vehicle is parked in a car park where 'Pay By Phone' is available and where payment is required, but no pay and display ticket is on display and there is no record of a telephone payment having been made	£50	0
80	Parked for longer than the maximum permitted period	This contravention covers a number of circumstances in which a vehicle waits for longer than the permitted period in the car park	£50	8
81	Parked in a restricted area	This contravention occurs when a vehicle is parked in an restricted area marked by white or yellow hatch markings or the words 'No Parking'	£70	13
82	Pay and display ticket expired	This contravention occurs when a vehicle has on display an <i>expired</i> pay and display ticket	£50	915
83	Parked in a car park without	This contravention occurs when a vehicle waits in a	£50	2,018

	clearly displaying a valid pay and display ticket or voucher or parking clock	pay and display bay during controlled hours and a valid pay and display ticket has not been clearly displayed in the vehicle		
85	Parked in a permit bay without clearly displaying a valid permit	This contravention occurs when a vehicle waits in a permit bay during controlled hours and a valid permit has not been clearly displayed within the vehicle	£70	521
86	Not parked fully within a marked bay	This contravention occurs when a vehicle waits with part of it outside the markings of a parking bay or space	£50	407
87	Parked in a designated disabled persons parking space without displaying a valid disabled persons badge in the prescribed manner	This contravention occurs when a vehicle waits in a disabled person's parking place without displaying a valid person's parking badge	£50	182
89	Vehicle exceeds the published height and/or weight limit	This contravention occurs when a vehicle exceeds the published height or weight limit within a car park	£50	18
90	Re-parked in the same car park within time permitted	This contravention occurs when a vehicle departs from the car park and subsequently returns to any bay or space in the same car park, or moves to another bay or space within the same car park, within the time specified on the signs	£50	1
91	Parked in a car park or area not designated for that class of vehicle	This contravention occurs when a vehicle which is not of the class authorised to wait in the parking place or area is observed doing so during controlled hours	£70	85
92	Parked causing an obstruction	This contravention occurs when a vehicle parked in such a manner as to prevent access to a bay or other part of the car park or a vehicular or pedestrian entrance or exit, otherwise than in circumstances that would be covered by code 81	£70	1
93	Parked in a car park when it is closed	This contravention occurs when a vehicle is parked within a car park during its published hours of closure	£50	0
95	Parked in a parking place for a purpose other than the designated purpose for the parking place	This contravention occurs when a vehicle is parked within a car park other than for the purpose of parking the vehicle	£50	1

Appendix E – Borough of Gateshead Parking Account

This contains the data required by s.55 Road Traffic Regulation Act 1984 (as amended)

	<u>2013/14</u>	<u>2014/15</u>	<u>2015/16</u>
	Actual	Actual	Actual
Income			
Penalty Charges (On-Street)	265,660	289,046	338,178
Penalty Charges (Off-Street)	66,945	79,179	86,863
Pay & Display / Meters (On Street Only)	89,700	93,388	108,288
Residents & Visitors Permits	13,861	22,991	27,025
Other non - PCN Income	0	0	0
Total Income	436,166	484,604	560,354
Expenditure			
Traffic Penalty Tribunal	8,303	7,442	7,676
TEC (Northampton County Court)	0	0	0
CPE Salary Costs	403,065	426,749	440,926
CEO uniforms and equipment	7,501	8,021	1,860
Transportation	15,134	15,095	15,269
Security / Cas Collection (Contractor)	87,184	89,073	87,349
Consultants Fees	9,823	16,831	21,059
DVLA Fees	1,081	1,101	1,027
Total Expenditure	532,091	564,312	575,166
Surplus / Deficit	-95,925	-79,708	-14,812

