
Meeting: Traffic Management Committee
Date: 19 June 2012
Subject: Automatic Number Plate Recognition Cars (ANPR),
Penalty Charge Notice (PCN) Petition from Taxi/Hackney
Carriage Drivers in Dunstable
Report of: Basil Jackson, Assistant Director of Highways and Transport
Summary: The report provides Traffic Management Committee with details relating to the recent petition received by a number of Taxi/Hackney Carriage Drivers within Dunstable and to consider requests made within the petition. The report seeks the approval of The Executive Member for Sustainable Communities – Services to consider the petition and the recommendations of this report.

Contact Officer: David Bowie, Head of Service, Traffic Management
Public/Exempt: Public
Wards Affected: Dunstable
Function of: Highways and Transport

CORPORATE IMPLICATIONS

Council Priorities:

The Council priorities affected by this paper are:

- creating safer communities; and
- managing growth effectively.

Financial:

None as part of this report.

Legal:

Central Bedfordshire Council is the highway and traffic authority for the road network in area of Central Bedfordshire. An important function of the Authority is to manage on and off-street parking. To be legally enforceable, parking services must be compliant with the Traffic Management Act 2004

Risk Management:

Failure to deliver efficient and effective parking enforcement would be detrimental to the safe and expeditious use of the road network and could be damaging to economic growth. Failure to deliver an effective approach to parking may result in reputational damage to the Council.

Staffing (including Trades Unions):

None as part of this report.

Equalities/Human Rights:

Public authorities have a statutory duty to promote equality of opportunity, to eliminate unlawful discrimination and to foster good relations in respect of nine protected characteristics; age disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Creating an attractive and accessible public realm has a part to play in getting people out and about. One objective of enforcing traffic restrictions is to ensure that the most vulnerable members of the community have fair access to the public realm. Disabled people, in particular, place a high priority on the provision and enforcement of disabled parking bays and the provision of dropped kerbs.

An efficiently managed parking system is therefore crucial for allowing equality of opportunity.

Community Development/Safety:

Section 17 of the Crime and Disorder Act 1998 places a statutory duty on the Council: without prejudice to any other obligation imposed on it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Parking enforcement activities can support a reduction in crime and disorder through the use of CEOs to report key pieces of intelligence which can support and assist in the detection/investigation of crime and disorder, ensuring that sufficient, appropriate and safe parking areas are available and that appropriate parking enforcement services are in place.

The Traffic Management Act was introduced in 2004 to tackle congestion and disruption on the road network. The Act places a duty on local traffic authorities to ensure the expeditious movement of traffic on their road network and those networks of surrounding authorities. The Act gives authorities additional tools to better manage parking policies, moving traffic enforcement and the coordination of street works which are all important components of community safety.

Sustainability:

The effective management of parking is a key part of accommodating Central Bedfordshire's growth agenda and ensuring that we are "open for business." A good, well-connected public transport network encourages patronage and provides the alternative to travel locally without using the private car.

RECOMMENDATION:

That, following consideration of the matters raised within the report and petition, the Executive Member for Sustainable Communities – Services, agrees that parking enforcement is to continue on all illegally parked/waiting vehicles.

Background and Information.

1. There is a problem with the taxis in Dunstable and the Council's Highways Department have received complaints from the public and shop keepers in the town centre. During the day the complaints centre on the taxi drivers waiting in loading bays, on double/single yellow lines, bus stops and generally anywhere else available. At times illegally parked/waiting taxis cause both an obstruction and road safety hazard to other road users.
2. There are two taxi ranks in the town centre, one on High Street South near Friars Walk and the other at West Street near St Mary's Gate, and these can accommodate approximately 22 vehicles.
3. As part of the Court Drive improvements a new evening taxi rank opposite the Gary Cooper Public House will be provided. This will increase the number of taxi ranks in the town and ease operation of Court Drive particularly on Friday and Saturday evenings.
4. A petition has been received signed by 90 Taxi/Hackney Carriage drivers saying that Central Bedfordshire Council through its new ANPR enforcement vehicles is penalising genuine drivers whilst they are trying to conduct their business.
5. The current 'waiting' restrictions in Dunstable (where loading/unloading is permitted) allows for pick up and drop off of passengers. However, the restrictions do not provide for unlimited waiting of taxis at any time.
6. The ANPR vehicle makes more than one pass of any given location whilst enforcement is taking place. The vehicle automatically records CCTV footage as it proceeds down a street with parking restrictions. The Civil Enforcement Officers are able to determine from the video evidence recorded whether or not loading/unloading or picking up/dropping off of passengers is occurring. A subsequent pass is then

made with the ANPR vehicle at an appropriate time delay from the first pass in order to verify whether or not the parking offence has taken place. As with the first pass of the vehicle CCTV footage is recorded. A Penalty Charge Notice is issued by post only when the Civil Enforcement Officer is satisfied that the offence has been committed.

7. Taxi drivers along with all other motorists are expected to be aware of the rules and regulations of where they can and cannot stop for trade / pick up and drop off. Sadly, some drivers are abusing these rules and causing obstruction and road safety issues within Dunstable.
8. As a Highway Authority we do not target any particular road user groups for parking enforcement. However, any motorist caught committing an offence by parking / waiting on parking restrictions will be liable for a Penalty Charge Notice.
9. The Council allows anyone who has received a Penalty Charge Notice to appeal if they have evidence which demonstrates that the offence as described did not occur or that there were very good mitigation reasons (i.e. the vehicle had broken down and was awaiting recovery).

Conclusion and Way Forward

10. Only motorist's who clearly commit parking offences are liable for a Penalty Charge Notice. There are sufficient checks in place for the Civil Enforcement Officers to be satisfied that the offence has occurred before the Penalty Charge Notice is issued.
11. There is a process in place to allow anyone who believes they have incorrectly received a Penalty Charge Notice to appeal directly to the Council. Provided satisfactory evidence can be provided that the offence was not committed then the Council will cancel the Penalty Charge Notice.
12. There is no legitimate reason to give dispensation to Hackney Carriage drivers, they can continue operating without fear of receiving a Penalty Charge Notice if they abide by the parking regulations.
13. It is therefore proposed that parking enforcement continues in the usual manner both on foot and by ANPR vehicles.

Appendices:

Appendix A – Petition

Appendix B