**[[1]](#footnote-1)The Council of the City of Newcastle upon Tyne (“The Council”)**

## Differential Charging Policy for contraventions which took place on, or after, 31 May 2022

# Statement of Purpose

This document outlines the reasoning behind the choice of band 2 charges adopted in Newcastle-upon-Tyne; outlines what the charges are and gives information on the classification of contraventions to be applied for higher and lower level charges.

# Background

Part 6 of the Traffic Management Act 2004 makes provision for differential charging for civil parking contraventions. For contraventions which took place on, or after, 31 May 2022, Schedule 3 to the Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 makes provision for:

* Higher/lower penalty charges depending on the type and seriousness of the contravention.

Local Authorities were given the choice of 2 bands. Each Council may only use one band within the local authority area and there is no scope to use a dual band system across areas of the city.

The Council has adopted **Band 2** penalty charges (as below). This will subsequently help to:

* Discourage parking on yellow lines and thereby alleviate congestion, improve road safety and contribute towards the expeditious movement of traffic across the City;
* Protect parking for key road users such as blue badge holders, HGV’s and residents permit holders;
* Protect dropped kerbs for those persons with mobility problems and parents pushing prams etc.
* Be consistent with the majority of regional partners following consultation and discussion with LTP partners and members of the North East Parking Forum.

# Penalty Charge

The band of the higher/lower level of penalties is as follows:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | (2)Higher level penalty charge | (3)Lower level penalty charge  | (4)Higher level penalty charge paid early | (5)Lower level penalty charge paid early | (6)Higher level penalty charge paid after service of charge certificate | (7)Lower level penalty charge paid after service of charge certificate |
|  | **£70** | **£50** | **£35** | **£25** | **£105** | **£75** |

**Higher level parking contraventions (where “OGL” means “Outside Greater London”):**

1. an OGL parking contravention involving the commission of an offence of the kind referred to in paragraph 4(2)(b) of Schedule 7 to the TMA 2004 (contravention of waiting, loading or unloading restrictions or prohibitions);
2. an OGL parking contravention involving the leaving of a vehicle in an on-street parking place otherwise than as authorised by or under any order relating to the parking place in any of the following cases –
	1. without displaying a permit, voucher or pay and display ticket;
	2. in a place where parking has been suspended;
	3. where the vehicle is used in connection with the sale of goods or the offering or exposure of goods for sale;
	4. where the vehicle does not fall within the class of vehicle permitted to park there;
3. a contravention of the prohibition imposed by section 85 of the TMA 2004 (double parking etc.);
4. a contravention of the prohibition imposed by section 86 of the TMA 2004 (dropped footways);
5. an OGL parking contravention consisting of an offence referred to in paragraph 4(2)(ba) of Schedule 7 to the TMA 2004 (pedestrian crossing contraventions);
6. an OGL parking contravention involving an offence of the kind referred to in paragraph 4(2)(d) of Schedule 7 to the TMA 2004 (offence in connection with parking places) relating to an off-street parking place and consisting of any of the following where prohibited by an order relating to the parking place—
	1. using a vehicle in connection with the sale of goods or the offering or exposure of goods for sale;
	2. parking in a restricted area;
	3. parking in a permit bay without displaying a permit;
	4. parking in a disabled person’s parking place without correctly displaying a valid disabled person’s badge;
	5. parking a vehicle in a place where the vehicle does not fall within the class of vehicle permitted to park in that place;
7. an OGL parking contravention consisting of an offence of the kind referred to in paragraph 4(2)(e) of Schedule 7 to the TMA 2004 (parking in loading areas);
8. an OGL parking contravention consisting of an offence of the kind referred to in paragraph 4(2)(g) of Schedule 7 to the TMA 2004 (parking of HGVs on verges, central reservations or footways);
9. an OGL parking contravention consisting of the commission of an offence of the kind referred to in paragraph 4(2)(h) of Schedule 7 to the TMA 2004 (offences relating to cycle tracks);
10. an OGL parking contravention consisting of an offence of the kind referred to in paragraph 4(2)(ha) of Schedule 7 to the TMA 2004 (bus stop or bus stand markings);

All other contraventions are classed as lower level contraventions.

(Contraventions relating to bus lane enforcement and enforcement of moving traffic contraventions have not been replicated in this list.)

Please note that the contravention codes and descriptions shown above are only those contraventions which are applicable to Civil Parking Enforcement in Newcastle-upon-Tyne.

There are other contraventions and codes which exist but are not applicable in Newcastle as the particular type of bay is not available in Newcastle.

For the full list of higher level contraventions, please consult Schedule 3 of The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.

1. Appendix C – 31 May 2022 [↑](#footnote-ref-1)