


<b>Report for:</b>	Full Council - 18 March 2013	<b>Item number</b>	
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<b>Title:</b>	London Local Authorities and Transport for London Act 2008 – Appointed Day for adoption of powers under Part 5 – Non payment of Penalty Charge Notices.
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<b>Report authorised by :</b>	Lyn Garner, Director of Places and Sustainability 
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<b>Lead Officer:</b>	Ann Cunningham , Head of Traffic Management
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<b>Ward(s) affected:</b> Specify ward(s) All	<b>Report for Non Key Decision:</b>
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**1. Describe the issue under consideration**

To gain Council resolution to fix a new 'Appointed Day' for bringing the powers provided in part 5 of the London Local Authorities and Transport for London Act 2008 into operation.

**2. Recommendations**

That Council resolve that the appointed day for which Part 5 of the London Local Authorities and Transport for London Act 2008 shall come into operation on public highways for which London Borough of Haringey is the Highways Authority shall be 1st May 2013.

**3. Other options considered**

There are no other options for consideration.

**4. Background information**

The Council agreed at the meeting of the Full Council on 21 November 2011 to adopt the new powers in part 5 of the London Local Authorities



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and Transport for London Act 2008. Part 5 of the Act allows London Authorities to enforce against vehicles that have 3 or more outstanding penalty charge notices (PCNs).

The Council resolved an 'appointed day' of 1 March 2012, for those new powers to come into operation on public highways for which London Borough of Haringey is the Highways Authority.

This Act allows the clamping and removal of those vehicles, even in cases where the vehicle is legally parked. Those vehicles are commonly referred to as persistent evaders. A persistent evader is defined as a vehicle that has three or more outstanding PCNs that are not being challenged through the statutory appeals process.

In adopting those new powers, the Act requires London Authorities to make a resolution fixing an 'appointed day' from which the authority will begin to bring into operation the powers under Part 5 of the Act. This must be advertised in local papers and in the London Gazette. The 'appointed day' must not be earlier than the expiration of one month from the publication of the notice in the London Gazette.

The 'Appointed Day' of 1 March 2012 lapsed due to delays in implementing the necessary IT infrastructure. The parking IT upgrade prioritised the development and implementation of a range of new online and self service access channels for parking services. Those are now complete enabling the service to progress this new project.

### **5. Comments of the Chief Financial Officer and Financial Implications**

The costs associated with implementing the new powers will be met from existing budgets and the project should help support parking income levels longer term.

### **6. Head of Legal Services and Legal Implications**

The provisions of Part 5 of the Act have been accurately identified in the body of this report. It should however be mentioned that the Act with the exception of Part 5 came into effect 2 months after it was passed but Part 5 was expressly held by the Act as instigated in an area of a borough council by resolution of a borough council. Following any resolution or decision there are procedural requirements to be observed in terms of publishing in a newspaper circulating in the borough council's area and the London Gazette notice of the passing of any resolution or the taking of any decision in reference to Part 5 and of the date fixed by the resolution or decision and a description of the general effects of Part 5 coming into force.



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## **7. Equalities and Community Cohesion Comments**

There are no specific equalities issues arising from proposals in this report. Parking controls and enforcement benefit the community as a whole by improving road safety, and traffic flow in and around the borough.

## **8. Policy Implications**

There are no specific policy issues arising from this report. Statutory Guidance and borough policy in general make it clear that removals should be targeted at persistent evaders, particularly those where there are no recorded keeper details.

## **9. Use of Appendices**

### **10. Local Government (Access to Information) Act 1985**

- Persistent Evader report to full Council 11 November 2011
- London Local Authority and Transport for London Act 2008.
- London Councils – Advisory documents and memorandums

