

Record of individual Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Decision made by	Cllr David Rouane
Key decision?	Yes, as impact on communities across the council
Date of decision (same as date form signed)	4 September 2021
Name and job title of officer requesting the decision	John Backley Technical Services Manager
Officer contact details	Tel: 07917 088317 Email: john.backley@southandvale.gov.uk
Decision	<ol style="list-style-type: none"> 1. To authorise the head of Legal and Democratic services to prepare and publish new draft orders under the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004 to reflect the changes to operate civil parking enforcement in car parks operated by the South Oxfordshire District Council. 2. To allow the head of Housing and Environment to oversee necessary statutory consultations in accordance with the requirements of the Act and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Responses will be reported back to cabinet after the end of the consultation period. 3. To agree that the level of Penalty Charge Notices (PCNs) in the new orders are set at Band 2. (Appendix A)
Reasons for decision	<p>In December 2020, South Oxfordshire District Council approved the Cabinet report for the introduction of Civil Parking Enforcement by agreeing to support an application by Oxfordshire County Council (OCC) to the Department for Transport (DfT) for the introduction Civil Parking Enforcement (CPE) across Oxfordshire.</p> <p>This application for Oxfordshire was approved by the DfT.</p> <p>OCC will begin implementing CPE on street from 1 November</p>

	<p>2021.</p> <p>As part of the approval of this application the district council is required to change its off-street car parking orders to introduce and follow the requirements of the Traffic Management Act 2004 legislation that will be operating across Oxfordshire.</p> <p>This decision is to approve the new draft order for consultation and agree the level of penalty charges as part of the draft order.</p>
<p>Alternative options rejected</p>	<p>It is not possible to continue to operate the off-street car parks under the current car parking orders as the application to operate CPE in the district council's area has been agreed by DfT. Off-street car park enforcement must follow the same regulations as the on-street parking enforcement which is managed and enforced by OCC.</p>
<p>Climate and ecological implications</p>	<p>The effective management of off-street parking restrictions in our car parks will encourage correct, sensible and safe parking. In conjunction with OCC carrying out the enforcement of on-street parking, the district councils off street enforcement will:</p> <ul style="list-style-type: none"> - help the emergency services access emergencies - reduce congestion on the roads - improve air quality, health and the general environment make it safer for drivers and pedestrians - keep Oxfordshire moving
<p>Draft New Order - Summary</p>	<p>In order to carry out the enforcement of the council's off-street car parking the existing orders need to be updated to reflect the Civil Parking Enforcement in the Traffic Management Act 2004.</p> <p>The new order needs to contain the following elements:</p> <ol style="list-style-type: none"> 1. the introduction of the Traffic Management Act 2004 as well as references to the Road Traffic Regulation Act 1984 2. publication of the new band of charges - An enforcement authority may set penalty charges in accordance with different bands. Officers recommend the level of PCNs is set at Band 2 which is the same as the existing level of Excess Charge Notice (ECN) currently issued. <p>Under CPE there is no difference in the penalty charge amount if you stay for less than an hour or more than an hour as there is currently.</p> <p>The two bands are set out in Appendix A.</p> <ol style="list-style-type: none"> 3. the charges associated with the two levels of contravention are set in the Traffic Management Act 2004 for outside Greater London. The council must apply different parking

	<p>penalties to different contraventions</p> <p>Example: Parking in a place where it is always prohibited (for example in a disabled bay without displaying a valid badge) is considered more serious and therefore commands a higher penalty than overstaying.</p> <p>A full list of contraventions is listed in Appendix B</p> <p>A complete comparison of charges is listed in Appendix C.</p> <ol style="list-style-type: none"> 4. All wording associated with Excess Charge Notice (ECNs) needs to be updated to Penalty Charge Notices (PCNs). 5. All wording associated with car park inspectors needs to be replaced with Civil Enforcement Officers (CEOs).
Legal implications	<p>Part IV of the Road Traffic Act 1984 grants power to local authorities to provide parking places and the provisions as to the use of those parking places.</p> <p>The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 provides the procedure to be followed in making, varying or modifying Orders which set out the provisions of use of parking places.</p> <p>The Traffic Management Act 2004 was introduced to tackle congestion and disruption on the road network and places a duty on local authorities to make sure traffic moves freely and quickly on their roads and gives councils more tools to manage parking policies and introduce a new framework for the enforcement of parking.</p> <p>Legal will be required to review the current off-street car park orders and amend them to allow enforcement of the parking contraventions using updated legislation which is in line with CPE.</p> <p>If the new order is not implemented the council will not legally be permitted to enforce parking contraventions.</p> <p>The legislation requires the council to publish a draft car parking order and consult formally with the highways agency and other statutory consultees (such as haulage association and emergency services).</p> <p>Officers will collate any formal representations and ask cabinet to consider these before making the final orders.</p>
Financial implications	<p>Legislation dictates that:</p> <ul style="list-style-type: none"> - The surplus income from any penalty charge payments

	<p>received (whether for on-street or off-street enforcement) must only be used as specified under section 55 (as amended) of the Road Traffic Regulation Act 1984. The purposes for the district council are limited to meeting all reasonable cost of the provision of the off-street service and highway, car park, road or environmental improvements.</p> <ul style="list-style-type: none"> - Enforcement authorities should run their enforcement operations both on-and-off-street efficiently, effectively and economically. - Raising revenue should not be an objective of civil parking enforcement, nor should authorities set targets for revenue or the number of Penalty Charge Notices (PCNs) they issue <p>To evidence compliance with the legislation in relation to the district council car parking income and expenditure, officers will prepare a ring-fenced account to be able to show that any surpluses are being spent on transport/highway related projects.</p> <p>There may be a loss of income from PCNs compared to ECNs as the enforcement charges will be reduced although there is a new charge for the issue of a charge certificate.</p> <p>Total income from ECNS in 2019/20 was £91,456. Officers estimate the income from PCNs issued under CPE for the comparable year would have been about the same.</p> <p>Officers expect that improved enforcement of on-street traffic regulations by OCC under CPE will result in the displacement of road users into the council's off-street car parks resulting in increased income from fees which will make up for the reduced income from some ECNs and therefore will be met from existing budgets.</p> <p>There are costs associated with the implementation of this new order such as advertisement costs which will be met from the budget below.</p> <p>Approved capital budget of £60,000 to contribute to OCC's implementation costs and a revenue budget of £30,000 in the 20/21 budget as approved by cabinet in December 2020.</p>
<p>Other implications</p>	<p>Communications</p> <p>The council is required to publish and promote its car parking orders in the car park, social media and in the local press so that the public knows what is changing and what charge levels have been set.</p> <p>A link will be provided to an email where the public have the</p>

	opportunity to object or make representation to the introduction of the new orders.			
Background papers considered	Joint report to cabinet on Civil Parking Enforcement, South 3 December and Vale 4 December 2020			
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?				
List consultees		Name	Outcome	Date
	Legal	Vivien Williams	Approved as amended	26 August 2021
	Finance	Richard Spraggett	No comments	24 August 2021
	Diversity and equality	Lynne Mitchell	Please can we communicate this new tariff as soon as possible, not only relying on social media but with signage in and around the areas concerned. It will also be very important that we reassure disabled badge holders that they will still be able to park for free if displaying a valid badge and parked correctly	20 August 2021
	Climate and biodiversity	Elizabeth Kingdom	No comments	20 August 2021
	Environmental Health		Nil return	
	Risk and Insurance	Allison Holliday	Reputational Risk around lack of comms ahead of changes appear to have been considered. Other risks outlined are commensurate with the project as stated.	23 August 2021
	Health and Safety		Nil return	
	Licensing	Diane	No comments	23 August

		Foster		2021
	Communications	Gavin Walton	Agreed	25 August 2021
	Insight and policy	Christopher Wheeler	Comments included in report	20 August 2021
	Property	Catrin Mathias	No Comments	25 August 2021
	Senior Management Team			
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee chairman?				
Has this been discussed by Cabinet members?				
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature: Cllr David Rouane (by email) Date: 4 September 2021			

ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.

For Democratic Services office use only		
Form received	Date: 8 September 2021	Time: 15:45
Date published to all councillors	Date: 9 September 2021	
Call-in deadline	Date: 16 September 2021	Time: 17:00

Appendix A

In line with government guidelines as below:

<https://www.gov.uk/government/publications/civil-enforcement-of-parking-contraventions/guidance-for-local-authorities-on-enforcing-parking-restrictions>

An enforcement authority may set penalty charges in accordance with different bands in the table in different parts of its area, provided that all the charges in each part of its area are set in accordance with the same band.

Table 1 Penalty charges for parking contraventions – band 1 and 2.

The council will adopt Band 2.

(1) Band	(2) Higher level penalty charge	(3) Lower level penalty charge	(4) Higher level penalty charge paid early	(5) Lower level penalty charge paid early (within 21 days)	(6) Higher level penalty charge paid after service of charge certificate	(7) Lower level penalty charge paid after service of charge certificate
1.	£60	£40	£30	£20	£90	£60
2.	£70	£50	£35	£25	£105	£75

Appendix B – Parking Contraventions

Off-Street

70		Parked in a loading place or bay during restricted hours without loading	Higher	Off-street loading areas
71		Parked in an electric vehicles' charging place during restricted hours without charging	Higher	Off-street car parks
73	u	Parked without payment of the parking charge	Lower	Off-street car parks
74	prs	Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited	Higher	Off-street car parks
77		--- RESERVED FOR DVLA USE ---	n/a	
80	u	Parked for longer than permitted	Lower	Off-street car parks
81	o	Parked in a restricted area in a car park	Higher	Off-street car parks
82	puv	Parked after the expiry of paid for time	Lower	Off-street car parks
83		Parked in a car park without clearly displaying a valid pay & display ticket or voucher or parking clock	Lower	Off-street car parks
84	u	Parked with payment made to extend the stay beyond initial time	Lower	Off-street car parks
85	btrwyz45	Parked without clearly displaying a valid permit where required	Higher	Off-street car parks
86	prs	Not parked correctly within the markings of a bay or space	Lower	Off-street car parks
87		Parked in a designated disabled person's parking place without displaying a valid disabled person's badge in the prescribed manner	Higher	Off-street car parks
89		Vehicle parked exceeds maximum weight or height or length permitted	Higher	Off-street car parks
90	psuv	Re-parked in the same car park within one hour after leaving	Lower	Off-street car parks. "one hour" may be varied to another time period or "the prescribed time period"
91	cg	Parked in a car park or area not designated for that class of vehicle	Higher	Off-street car parks
92	o	Parked causing an obstruction	Higher	Off-street car parks
93		Parked in car park when closed	Lower	Off-street car parks
94	p	Parked in a pay & display car park without clearly displaying two valid pay and display tickets when required	Lower	Off-street car parks. "two" may be varied to another number or "multiple"
95		Parked in a parking place for a purpose other than that designated	Lower	Off-street car parks
96	c	Parked with engine running where prohibited	Lower	Off-street car parks – occurs in certain bus bays.

Suffixes

General suffixes:–

- a) temporary traffic order
- e) car club bay
- i) wrong type of voucher
- m) parking meter
- q) market traders' bay
- u) electronic payment
- y) obscured / illegible permit
- 2) goods vehicle loading bays
- 6) hotel bay

- b) business bay
- f) free parking bay
- j) camera enforcement
- n) red route
- r) residents' bay
- v) voucher
- z) out of date permit
- 3) bicycle bay

- c) buses only
- g) motor cycle bay
- k) ambulance bay
- o) blue badge holder
- s) shared use bay
- w) wrong parking zone
- 0) local buses / trams only
- 4) virtual permit

- d) doctor's bay
- h) hospital bay
- l) loading place
- p) pay & display
- t) voucher/P&D ticket used in permit bay
- x) incorrect VRM
- 1) electric vehicles bay
- 5) dedicated disabled bay

APPENDIX C - Comparison of charges

	(2) Higher level penalty charge	(3) Lower level penalty charge	(4) Higher level penalty charge paid early	(5) Lower level penalty charge paid early (within 21 days)	(6) Higher level penalty charge paid after service of charge certificate	(7) Lower level penalty charge paid after service of charge certificate
Equivalent current charges, Overstay less than an hour	£50	N/A	£25	N/A	N/A	N/A
Equivalent current charges, overstay more than an hour	£70	N/A	£35	N/A	N/A	N/A
New charges	£70	£50	£35	£25	£105	£75