

Cherwell District Council

Executive

7 October 2019

Car Parking Enforcement Policy

Report of Assistant Director: Environmental Services

This report is public

Purpose of report

To present to Executive a proposal to change the car parking enforcement process and overarching Policy, having regard to comments and findings by the Local Government Ombudsman regarding the conduct of car parking enforcement, and also the length of time that has elapsed since the Policy was last reviewed.

1.0 Recommendations

The Executive is recommended:

- 1.1 To note the report and the recommendations of the Local Government Ombudsman and the action plan to address those recommendations in so far as the same concern the enforcement of excess charges.
- 1.2 To approve the revised Car Parking Enforcement Policy at Appendix 2.

2.0 Introduction

- 2.1 Following the referral of a parking complaint to the Local Government Ombudsman (LGO), the LGO made a number of recommendations in the way, amongst other things, payment of excess charges was recovered by APCOA on the Council's behalf. The Council is responsible for APCOA through its car parking contract.
- 2.2 The LGO's report is attached at Appendix 1 as is the Action Plan to address the recommendations.
- 2.3 As a consequence of the LGO's report, and given the length of time that has elapsed since the car parking enforcement policy was last reviewed in 2011, the enforcement process has been thoroughly reviewed by APCOA and the Council's officers and the recommendations made by the LGO, as well as other improvements to the enforcement process, are now reflected in the new Car Parking Enforcement Policy proposed for adoption by the Council (at Appendix 2), as recommended to members in this report.

3.0 Report Details

- 3.1 The Council operates a number of car parks in Banbury, Bicester and in Kidlington.
- 3.2 In June 2017 the operation of those car parks was outsourced to APCOA for an initial period of five years.
- 3.3 Through the issue of Excess Charge Notices (ECNs) by APCOA, the Council enforces a number of car parking contraventions, including not displaying a ticket, over staying beyond the time purchased and not parking within designated bays.
- 3.4 In July the Council received a report from the LGO following a complaint referred to it by a customer dissatisfied by APCOA's response to enquiries connected with APCOA's conduct of car parking enforcement.
- 3.5 The Council's officers and APCOA have considered the LGO's findings (at Appendix 1) and have set about addressing the recommendations made therein, resulting in the new Car Parking Enforcement Policy proposed for adoption by the Council in this report.
- 3.6 The new Policy reflects the revised enforcement process. It is now proposed to implement a revised process in accordance with the findings of the LGO and its concern that payment for ECNs should be pursued via a prosecution in the magistrates court rather than handed over to a debt collection company.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The recommendations in this report address the LGO's comments and concerns regarding the Council's car parking enforcement process. In particular it simplifies the approach to parking enforcement by removing from the process at the earliest opportunity the involvement of Bristow and Suter as enforcement agents chasing payment on Apcoa's behalf. Apcoa will now remind customers of outstanding excess charges before referring the matter directly to the Council, who will then decide upon prosecuting that customer in the magistrate's court for the unpaid ECN.
- 4.2 The proposed new Policy at Appendix 2 takes account of the process proposed.

5.0 Consultation

LGO
APCOA
Legal team

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative option has been identified:

To reject the new Car Parking Enforcement Policy and ask officers to reconsider the same having regard to the report from the LGO at Appendix 1.

7.0 Implications

Financial and Resource Implications

- 7.1 Car Parking is a significant source of income to the Council. Income from enforcement is one element of this income. The proposed change should have little impact on the overall car parking income.

Comments checked by:

Kelly Wheeler Business Partner, 01295 221570, kelly.wheeler@cherwell-dc.gov.uk

Legal Implications

- 7.2 The legal team have been apprised of the findings of the LGO and have assisted in reviewing and revising the Car Parking Enforcement Policy to satisfy the LGOs concerns.

Comments checked by:

Richard Hawtin, Team Leader: Non-contentious, richard.hawtin@cherwell-dc.gov.uk, 01295 221695

Risk Implications

- 7.3 Car Parking can be an area of significant comment from users and businesses. It is important the enforcement process is clear and fair for all users. This is managed as part of the services operational risk registers and will be escalated to the Leadership Risk Register as and when necessary

Comments checked by:

Louise Tustian, Acting Performance and Communications Manager, 01295 221786, Louise.Tustian@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met No

Community Impact Threshold Met No

Wards Affected

All

Links to Corporate Plan and Policy Framework

Cherwell: Protected, Clean and Green
District of Opportunity and Growth
Thriving Communities and Wellbeing

Lead Councillor

Councillor Dan Sames, Lead Member for Clean and Green

Document Information

Appendix No	Title
1	LGO Report and Action Plan
2	Car Parking Enforcement Policy
Background Papers	
None	
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