

Cherwell District Council's Car Park Information and Enforcement Policy 01 October 2019

1. Introduction

Cherwell District Council (**CDC**) provides car parks with short and long stay parking spaces in Banbury, Bicester and Kidlington.

CDC has contracted APCOA Parking (UK) Limited (company no. 2572947) of Wellington House, 4-10 Cowley Road, Uxbridge, Middlesex, UB8 2XW (**APCOA Parking**) to undertake daily management of CDC's car parks, including monitoring and enforcement activities.

This policy sets out:

1. how CDC, via APCOA Parking, manage and regulate car parking activity within its car parks; and
2. the enforcement activity which APCOA Parking is authorised by CDC to take in order to regulate the use of CDC's car parks.

2. Payment Methods

CDC operates Pay & Display, and Pay by Phone at all of its car parks. Pay on Exit is gradually being introduced into car parks where this can be accommodated.

Current car parking tariffs, including excess charges for non-compliance with car park regulations made by CDC, are set out on the ticket machines in each car park.

Vehicle owners and/or drivers (together **Customers**) using CDC's car parks are advised to check the Information Boards prior to parking in one of CDC's car parks and familiarise themselves with the terms on which their vehicle may be parked.

Payment for parking in any of CDC's car parks must be made by Customers in accordance with the tariffs set out on the ticket machine inserts in each car park.

The Pay & Display machines are checked daily by wardens for APCOA Parking to ensure they remain in good working order.

Wardens for APCOA Parking also check vehicles which are parked in CDC's car parks to ensure that the car park regulations are complied with, and that correct payment has been made for each vehicle, or bay occupied.

3. Tariffs and Periods when Charges Apply

Information on the current tariffs, charging periods and other restrictions that apply to particular car parks are displayed on the Information Boards and ticket machines within each of CDC's car parks. These are reviewed annually by CDC and are subject to change.

For more information please visit CDC's website www.cherwell.gov.uk/parking

4. Season Tickets

A range of season tickets are available for use in CDC's long stay car parks for periods of either 5 days (Monday to Friday, or 7 days a week.

Season tickets can be purchased for periods of one, three or twelve months.

For more information and to apply online please visit www.cherwell.gov.uk/parking

5. Blue Badge Holders

Blue Badges must be correctly displayed at all times and the 'time of arrival clock' must be accurately set.

Parking for Blue Badge holders is free of charge in all pay and display, and designated blue badge bays in CDC's car parks **up to the maximum period of stay for that car park, an additional hours parking is permitted** (please refer to the Information Boards in each car park).

6. Use of Additional Spaces (Applicable to all vehicles)

If a vehicle is not parked fully within a single space, additional payment must be made for each additional space wholly, or partially occupied by a vehicle to cover the full period of stay.

7. Payment into next Daytime Period

Customers can pay to park their vehicle in CDC's car parks overnight and into the following day by using the Pay by Phone service.

Details of the tariff to park overnight are displayed on the Information Boards in each car park.

8. Payment for Multiple Days' Parking in long stay Car Parks

Multiple days' parking can be purchased in long stay car parks by using the Pay by Phone service or, at the Cattle Market car park in Bicester, by using the pay on exit barrier.

9. Methods of Payment

CDC's car parks offer a range of methods to pay for car parking, including:

1. cashless payments by credit/debit card;
2. APCOA Connect Pay by Phone application; or
3. cash payments.

For more information please visit www.cherwell.gov.uk/parking

10. Parking Regulations

Regulations covering CDC's car parks have been made in accordance with the Road Traffic Regulation Act 1984. These are criminal, rather than civil, regulations, meaning that in the event a vehicle owner does not park in accordance with the regulations which CDC has made, this could result in a criminal conviction.

The regulations which govern enforcement of parking in CDC's car parks are made in the form of Off-Street Parking Places Orders. These are legal documents that set out what is and is not permitted in CDC's car parks.

The current Off-Street Parking Places Order (**Order**) applicable to CDC's car parks is available for inspection by appointment at CDC's main office at Bodicote House, Banbury, or through CDC's website at www.cherwell.gov.uk/parking.

Enforcement of the Order is achieved through the issue Excess Charge Notices (ECNs) and by prosecution in the Magistrates Court in the event of non-payment of an issued ECN.

Wardens for APCOA Parking issue ECNs for CDC when vehicles are parked in contravention of the Order.

Please note: When payment for parking is made, you are agreeing to abide by the terms and conditions set out in the car park where the vehicle is left.

11. Excess Charge Notices (ECNs)

What is an ECN and what does it mean?

Where a vehicle is parked in contravention of the Order an ECN will be placed on the vehicle by a warden for APCOA Parking which will require the payment of an additional fee, over and above that which would have been required to lawfully park the vehicle.

If an ECN is issued and not paid, the non-payment of the ECN could result in criminal proceedings being issued against the Customer owner and, if convicted:

1. a criminal conviction will be recorded against the Customer;
2. the Magistrates' Court could issue a fine of up to £1000 on conviction for an offence under the Road Traffic Regulation Act 1984; and
3. the Customer could be ordered to pay CDC's costs incurred in prosecuting the offence.

APCOA Parking will accordingly write to Customers once the date for payment of the ECN has passed to remind them of the outstanding ECN and to give them further opportunity to pay (see section 16) before criminal proceedings are commenced.

Why are ECNs issued?

ECNs will be issued where:

1. no valid parking ticket or permit is displayed on the vehicle windscreen/dashboard or paid for online, or by phone.
2. payment for parking has not been made.

3. the parking ticket/Blue Badge/permit was not correctly displayed, or the date and expiry time were not clearly visible.
4. the vehicle was parked for longer than the maximum period paid for or permitted.
5. the vehicle was not parked fully within a designated parking space(s) and payment has not been made for the additional parking space(s).
6. the vehicle was parked in a space designated for disabled persons but was not displaying a valid Blue Badge.
7. the vehicle was parked in a space which is reserved for a particular class (e.g. in a space designated solely for taxis, doctors' vehicles, coaches, buses or vehicles exceeding the designated weight limit).

What fee is payable for an ECN?

CDC operates a tiered system of excess charges. The current tiers of excess charge are:

Reason for issue of ECN	Early payment		Payment on time (i.e. within 28 days)	Late payment (i.e. after 28 days)
Overstay (i.e. staying longer than period paid for or permitted maximum stay)	£10.00 if paid within 24 hours of ECN being issued	£30.00 if paid after 24 hours but within 14 days of ECN being issued	£60.00	£100.00
All other breaches of the Order	£40.00 if paid within 14 days of ECN being issued		£80.00	£100.00

12. Payment of Excess Charges

Customers can pay ECNs in the following ways:-

By Phone: (Mobile charges to be confirmed as per comment)

Debit and Credit Card payments can be made by telephoning APCOA Parking on 0345 319 9635.

Lines are open:

1. Monday – Friday 8:00am to 8:00pm;
2. Saturday 9:00am to 5:00pm; and
3. Sunday - Closed.

In order to pay by phone customers should ensure they have all their details ready including the ECN number.

Online:

Online payment portal address via APCOA Parking's website:
<https://pcnpayments.apcoa.co.uk>

By Post:

Payment can be made by post using cheques or postal orders which should be made payable to APCOA PARKING (UK) Ltd, crossed A/C Payee Only.

Customers should write the ECN number together with their name and address on the back of the cheque or postal order, and send the cheque or postal order together with the completed payment slip to:

APCOA Parking (UK) Limited
PO BOX 1010
Middlesex
UB8 9NT

If paying by post, Customers are advised to allow time for the postal service to deliver the payment. Discounts on early payment of ECNs are only allowed in the event payment is received within the discount periods set out in the table at section 11.

13. Can an ECN be cancelled?

An ECN might be cancelled:

1. In the case of personal illness that results in an overstay – the ECN may be cancelled on the production of a Doctor's certificate or other evidence from a medical professional.
2. In the case of a vehicle breakdown – the ECN may be cancelled on production of a certificate or invoice from a vehicle recovery or repair company.
3. If the Customer has purchased a ticket and if it is clear that the Customer has inadvertently failed to correctly display the ticket – the ECN may be cancelled if it is the Customer's first and only such contravention.

An ECN will not be cancelled if:

1. A ticket had been purchased but the Customer forgot to display the ticket at all, or did not display it correctly for any reason, and the Customer has previously failed to correctly display a ticket;
2. The Customer did not realise they had to pay for parking;
3. The Customer did not realise that they were parked in a restricted parking space;
4. The Customer was only partially occupying another parking space;
5. The Customer was only parked for a few minutes;
6. The Customer cannot afford to pay the ECN;
7. Other vehicles were parked in the same manner and did not receive an ECN;

8. The Customer did not realise the Order had changed; or
9. In the case of an expired ticket; the Customer inadvertently pressed the ticket issue button before all the coins had registered (i.e. enough money was paid for the duration of the stay in the car park but due to the Customer's error this was not captured on the ticket which was issued).

14. Cancelling an ECN

If a Customer considers an ECN should be cancelled then they can submit a request to APCOA Parking to have the ECN reviewed within **28 days** of the date on which the ECN is issued. Any request to review an ECN received after this period has expired will not be considered.

Customers are advised not to pay the excess charge prior to requesting such a review as the payment may not be refunded once paid.

Requests for ECN reviews must be made:

1. Online via(<https://pcnpayments.apcoa.co.uk> CDC's website at www.cherwell.gov.uk/parking; or
2. by post to: APCOA Parking Ltd, PO Box 1010, Middlesex, UB8 9NT.

Any request to review an ECN will not be accepted in person, or by telephone.

ECN review requests will be considered by APCOA Parking who will, having regard to section 13 and the circumstances in which ECNs can or cannot be cancelled, either:

1. cancel the ECN in which case no payment will be required; or
2. uphold the ECN in which case APCOA Parking will provide the Customer with details of the timescales within which payment of the excess charge must be made.

Provided APCOA Parking have received a request for a review of an ECN within 14 days of the date on which the ECN was issued then an allowance will be made to enable the excess charge to be paid at the discounted amount following a review where the ECN is upheld.

15. Complaints

APCOA Parking operates a complaints procedure for Customers dissatisfied with the standard of service, actions or lack of action by APCOA Parking or its staff.

Complaints should be directed to www.apcoa.co.uk/contact via the 'On line' chat facility.

This is not, however, a route to request a review of an ECN when a Customer thinks that it should be cancelled. The process for seeking cancellation of specific ECNs is set out in section 14. Accordingly, any complaint received that seeks to challenge, appeal or otherwise review an ECN through the 'On line' chat facility will be dismissed.

16. Non-Payment of an ECN

If payment for an ECN is not received within 28 days from the date on which the ECN was issued then APCOA Parking will contact the DVLA to request details of the registered keeper of the vehicle which was issued the ECN.

Once in receipt of the registered keeper's details APCOA Parking will write to the registered keeper to request payment of the ECN or, if the registered keeper was not in charge of the vehicle when the ECN was issued, the details of the person who was in charge of it (the **First Reminder**).

If the registered keeper informs APCOA Parking that another person was using their vehicle on the date that the ECN was issued, and provides APCOA Parking with their details, then APCOA Parking will send a First Reminder to that person seeking payment of the ECN from them instead.

In the event that payment of the excess charge is not received within **14 days** of the First Reminder to the registered keeper, or vehicle driver as appropriate, then APCOA Parking will send another reminder (the **Last Reminder**) to that registered keeper or vehicle driver that the ECN remains outstanding, and if payment for the ECN is still not made within **14 days** of the date of the Last Reminder then APCOA Parking will refer the outstanding ECN to CDC to consider criminal proceedings in the Magistrate's Court (see section 17).

17. Criminal Proceedings in the Magistrates' Court

If payment for an ECN has not been received following APCOA Parking's First and Last Reminders in relation to non-payment of an ECN then the unpaid ECN will be referred back to CDC, who will then consider whether it is in the public interest to prosecute the offence of non-payment of the ECN under section 35A of the Road Traffic Regulation Act 1984.

If a registered keeper has refused to provide APCOA Parking with the details of the person who was in control of the vehicle at the time that the ECN was issued then CDC will further consider whether it is in the public interest to prosecute that refusal under section 112 of the Road Traffic Regulation Act 1984.

In the event that CDC determines that it is in the public interest to prosecute an offence for either the unpaid ECN, or refusing to provide driver information, then it will issue proceedings in the local Magistrates' Court.

If CDC does issue such proceedings then the registered keeper, or vehicle driver as appropriate, will be summonsed to the Magistrates' Court where they will have an opportunity to formally defend themselves by challenging the validity of the ECN.

Customers should note that the offences under either section 35A or section 112 of the Road Traffic Regulation Act 1984 are 'summary only' offences meaning that it is possible for CDC to secure a conviction against the registered keeper, or vehicle driver as appropriate, even if they do not attend the Court hearing.

Any person convicted of the offences referred to in this section 17 will receive:

1. a criminal conviction, which may appear on criminal record checks;
2. a fine of up to £1000.00; and

3. a claim to recover all of the costs incurred by CDC in connection with the Court proceedings.

18. Data Protection and use of Personal Data

When undertaking enforcement action in connection with the use of CDC's car parks both CDC and APCOA Parking will process personal data belonging to their Customers, which can include, but is not limited to:

1. Registration numbers of vehicles (including CCTV images and photographs of vehicles taken by wardens);
2. Names and addresses of Customers; and
3. Financial information (such as credit cards or bank account details taken when payment is made).

Full details of the processing of Personal Data undertaken in connection with this policy can be found at [\[insert link to privacy policies\]](#).

19. Miscellaneous

Wardens for APCOA Parking monitor safety and security at CDC's car parks and report any incidents or potential problems to CDC.

Many of CDC's car parks are also covered by CCTV, which is monitored by Thames Valley Police.

Customers are made aware, however, that CDC does not accept any liability for the use of its car parks and vehicles are left in the car parks at the Customers' sole risk.