

# **Cherwell District Council**

## **Executive**

**1 November 2021**

## **Civil Parking Enforcement**

### **Report of Assistant Director Environment Services**

This report is public

#### **Purpose of report**

The purpose of this report is to seek approval for the Council to enter into arrangements for the adjudication of Civil Parking Enforcement via a joint committee established for the purpose pursuant to sections 101(5) and 102(1)(b) of the Local Government Act 1972, and to delegate authority to the Corporate Director Environment and Place to negotiate and agree the terms of that participation under a Memorandum of Agreement with Parking and Traffic Regulations Outside London (PATROL)

#### **1.0 Recommendations**

The meeting is recommended:

- 1.1 To note the progress on the implementation of Civil Parking Enforcement (CPE).
- 1.2 To approve the Council entering into arrangements for the adjudication of Civil Parking Enforcement via a joint committee to be known as the Parking and Traffic Regulations Outside London Adjudication Joint Committee ("PATROLAJC") pursuant to section 101(5) of the Local Government Act 1972, section 20 of the Local Government Act 2000, sections 9EA and 9EB of the Local Government Act 2000 and associated regulations.
- 1.3 To delegate to the Corporate Director Environment and Place the power to agree the terms of participation in PATROLAJC under a Memorandum of Agreement with PATROL.

#### **2.0 Introduction**

- 2.1 In December 2020 this Council approved the plan to move to Civil Parking Enforcement (CPE) with the implementation planned in November 2021.
- 2.2 The introduction of Civil Parking Enforcement (CPE) is a joint project with Oxfordshire County Council, South Oxfordshire District Council and Vale of White Horse District Council.

- 2.3 Before November 2021 the only body who could carry out enforcement of on street parking offences is the Police. However, this is an area of low priority for Thames Valley Police and in all three urban centres vehicles regularly ignore parking restrictions as enforcement levels have been low.
- 2.4 Introducing CPE moves car parking offences (both on street and off street) to being a civil offence. As part of the Civil Parking Enforcement process appeals by motorists appealing against a parking ticket ultimately can end up at a Traffic Parking Tribunal. This is a tribunal of independent and impartial people to consider appeals against Penalty Charge Notices (PCN). By moving to CPE this Council needs to join the Parking and Traffic Regulations Outside London Adjudication Joint Committee (PATROLAJC) and to sign up by accepting the Memorandum of Participation. The PATROLAJC agreement is set out in Appendix 1 and the Memorandum of Participation is set out in Appendix 2

### **3.0 Report Details**

- 3.1 This Council approved the plan to move to CPE in December 2020.
- 3.2 CPE is a joint project with Oxfordshire County Council (OCC), South Oxfordshire District Council (SODC) and Vale of White Horse District Council (VoWH). This Council area along with SODC & VoWH were the last areas in the Thames Valley Police area where Civil Parking Enforcement hadn't been implemented.
- 3.3 CPE implementation commences in November 2021. To help implementation an elected member group with representatives from each authority commenced meeting, the first meeting was on 04 October 2021, with further monthly planned meetings.
- 3.4 For enforcement in this Council's car parks a number of changes have had to be made including a different uniform for APCOA staff, new handheld equipment and a need to change from Excess Charge Notices (ECN) to Penalty Charge Notices (PCN).
- 3.5 The process for appeals against Penalty Charge Notices (PCN) is different to the current process. Motorists who wish to appeal against a PCN issued in the Council's car parks will be considered by Apcoa in conjunction with our Car Parking Manager. However, motorists will not always be satisfied with the response so it is likely that a very small number of appeals can eventually end up with the Traffic Parking Tribunal (TPT).
- 3.6 The Traffic Parking Tribunal has been set up by PATROLAJC and is made up of independent and impartial members to consider any appeals. The document to join PATROLAJC is set out in Appendix 1, the Memorandum of Participation is attached in Appendix 2.

### **4.0 Conclusion and Reasons for Recommendations**

- 4.1 The Council has agreed to the implementation of CPE and there is a requirement to become a member of PATROLAJC and to participate in a Traffic Parking Tribunal as part of the appeals process.

## 5.0 Consultation

Public Consultation took place regarding the Parking Strategy in 2019

## 6.0 Alternative Options and Reasons for Rejection

6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To adopt the recommendations.

Option 2: To reject the recommendations and not adopt Civil Parking Enforcement

## 7.0 Implications

### 7.1 Financial and Resource Implications

There are no direct financial implications. There is a very small element of each Penalty Charge Notice (£0.30) to cover the costs of PATROL. These costs will be managed within the overall budget of the service

Comments checked by:

Michael Furness, Assistant Director of Finance 01295 221845  
michael.furness@cherwell-dc.gov.uk

### Legal Implications

7.2 Local authorities who undertake Civil Parking Enforcement are required by the Traffic Management Act 2004 and Regulations under it to make provision for independent adjudication. PATROLAJC has accordingly been established by local authorities outside London to fulfil this function.

7.3 Section 101(5) of the Local Government Act 1972 and other enabling powers permit 2 or more local authorities to discharge any of their functions by a joint committee where arrangements are in force for them to do so.

7.4 The council is accordingly authorised to discharge the adjudication of parking appeals via PATROLAJC as the Traffic Management Act 2004 and associated Regulations demand.

Comments checked by:

Richard Hawtin, Team Leader: Non-contentious, Email: [richard.hawtin@cherwell-dc.gov.uk](mailto:richard.hawtin@cherwell-dc.gov.uk), Telephone: 01295 221695

### Risk Implications

7.5 Car Parking can be an area of significant comment from users and businesses. It is important a balance exists between the different stakeholders. The risks are managed as part of the services operational risk register and escalated to the leadership risk register as and when necessary.

Comments checked by:  
Louise Tustian, Head of Insight and Corporate Programmes, 01295 221786,  
Louise.Tustian@cherwell-dc.gov.uk

### **Equalities & Climate Implications**

- 7.6 An equalities and climate impact assessment has previously been carried out on the CPE changes. The changes have no negative impacts but positively supports those with mobility disabilities by reducing the number of cars parked in areas where they may block footways

Comments checked by:  
Emily Schofield Acting Head of Strategy  
07881 311707 emily.schofield@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**

An enterprising economy with strong & vibrant local centres

### **Lead Councillor**

Councillor Dan Sames Lead Member for Clean & Green

## **Document Information**

### **Appendix number and title**

- Appendix 1 - Parking and Traffic Regulations Outside London Adjudication Joint Committee (PATROLAJC) agreement
- Appendix 2 - Memorandum of Participation in Traffic Parking Tribunal (TPT)

### **Background papers**

None

### **Report Author and contact details**

Ed Potter Assistant Director Environmental Services  
Tel: 0300 003 0105, ed.potter@cherwell-dc.gov.uk