

# Executive

## Integrated Vehicle Parking Strategy

2 March 2009

### Report of Head of Urban and Rural Services

#### PURPOSE OF REPORT

To present progress on a number of key vehicle parking initiatives in the Cherwell District, specifically: Civil Parking Enforcement; the outcomes of a public consultation exercise on the Bicester Residents Parking Scheme; proposals for and public consultation on a Banbury Residents Parking Scheme; implementation of the Council's Vehicle Parks Enforcement Policy; provision of Hackney Carriage ranks in Banbury, Bicester and Kidlington.

This report is public
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#### Recommendations

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The Executive is recommended to:

- (1) For Civil Parking Enforcement
  - a) Approve the proposals and outline timetable for the introduction of Civil Parking Enforcement (CPE) across the Cherwell District.
  - b) Approve negotiations with Oxfordshire County Council (OCC) on the basis of implementing CPE in Cherwell on the basis of no or lowest cost to the Council.
  - c) Approve investigation of a phase two which considers on street paid parking provided that there are benefits to the Council in doing so.
  - d) Report back on progress early in 2009/10.
- (2) Approve the interim and long-term proposals for the Bicester Residents Parking Scheme, and to delegate the confirmation of final scheme details to the Head of Urban and Rural Services in consultation with the Executive Member for Urban and Rural Services.

- (3) Approve the process for considering a Residents Parking Scheme for Banbury, including:
  - a) The scheme principles
  - b) The consultation process
  - c) The outline timescales
  - d) The amendment to the previously agreed evaluation criteria
  - e) That areas consulted that do not wish Residents Parking to be introduced are not re-consulted within a two year time period.
- (4) Note the implementation of the Council's revised Vehicle Parks Enforcement Policy as approved at the October 2008 Executive.
- (5) For Hackney Carriage ranks in Banbury, Bicester and Kidlington
  - a) Note progress on the provision of Hackney Carriage ranks in Banbury, Bicester and Kidlington.
  - b) Approve the delegation of any decision on additional and /or amendments to existing ranks to the Head of Urban and Rural Services in consultation with the Executive Member for Urban and Rural Services.

## **Executive Summary**

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### **Introduction**

- 1.1 A number of issues in connection with the management of vehicle parking across the District were reported to the Executive at its meeting on 13 October 2008. This report brings Members up to date on progress with these matters.

### **Proposals**

- 1.2 Civil Parking Enforcement

Cherwell District Council (CDC) has agreed with OCC that an Expression of Interest be submitted to the Department of Transport for a target date for implementation of April 2010. For progress to be made on CPE, agreement first needs to be reached with OCC on the financial arrangements and risks as well as the detailed management, enforcement and operational arrangements. Discussions with OCC will continue over coming months to try and achieve a satisfactory outcome to these matters.

- 1.3 Bicester Residents Parking

The changes required to the existing Bicester Traffic Regulation Order (TRO) that have been identified from the consultation review process, need to be negotiated with OCC and be considered once their TRO consolidation work has been completed. A revised TRO will then need to be formally advertised and any responses dealt with. It is proposed that changes to the Scheme be introduced from April 2010. The existing Scheme arrangements will run until this date with only minor modification.

#### 1.4 Banbury Residents Parking

Consultants RTA have been working with the Council to develop proposals for a Residents Parking Scheme for Banbury. Initial consultation with residents in proposed permit areas is planned to take place in April/May 2009 with a public consultation exhibition on 29 April in Banbury Town Hall. Implementation of a scheme will be subject to 50% of those that respond supporting a scheme being introduced. Implementation will not be prior to Spring 2010 and after the implementation of CPE.

#### 1.5 Vehicle Parks Enforcement Policy

The new policy came into operation on 31 January 2009, together with the new pay and display parking tariffs and Excess Charge Notice (ECN) levels. The aim of the policy is to ensure an efficient, effective, fair and equitable appeals process that minimises the exposure of the Council to risk.

The new ECN levels bring 'fines' into line with the Government's current approved CPE Penalty Charge Notices levels. A copy of the policy is available on the Council's website together with the newly introduced appeals form.

#### 1.6 Hackney Carriage ranks: Banbury, Bicester and Kidlington

A petition was received at the start of February 2009 from representatives of the Hackney Carriage trade and signed by 65 license holders. Initial consideration is being given to possible location of further Hackney Carriage ranks across the District. Any decision on amendments and/or additions to rank space to be delegated to the Head of Urban and Rural Services in consultation with the Executive Member for Urban and Rural Services.

#### **Conclusion**

1.7 Significant progress has been made on a number of vehicle parking related matters over recent months, but there remains considerable work to be done, particularly in relation to a scheme for residents parking in Banbury, CPE and investigation and provision of Hackney Carriage ranks.

1.8 All these issues, together with finalising the Bicester Residents Parking Scheme, are impacted on by the work being done by OCC in consolidating TRO's in preparation for CPE. This will mean that the Council has to plan its priorities in conjunction with this work as effective implementation is dependent on this work being completed.

## **Background Information**

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### **Civil Parking Enforcement**

- 2.1 In 2005, Government imposed a duty to manage congestion upon the network upon all Local traffic Authorities. Parking on waiting restrictions can be a significant cause of congestion, particularly within the main towns and strategic routes. CPE involves the transfer of the police powers for on street parking offences to district councils via OCC so that Civil Enforcement Officers are able to issue Penalty Charge Notices (PCN's) for any vehicle parking contraventions. The police remain responsible for any moving traffic offences.
- 2.2 Discussions have taken place over several months with OCC and the other Oxfordshire district councils in connection with co-ordinated roll-out of CPE. Implementation stalled in 2008 because final Government guidance was awaited and because the initial financial appraisal undertaken by consultants RTA put the deficit on scheme operation across the County at some £300,000 for the first two years. The Government confirmed its guidance in mid 2008 in the Traffic Management Act and district councils in Oxfordshire have progressed independent discussions with OCC as to how CPE is to be implemented in their district.
- 2.3 Cherwell's discussions with OCC are progressing on this independent basis, with no collective work being done on shared services in view of the different timescales and positions each of the district councils have. CPE remains critical in Cherwell for the long-term success of other initiatives such as residents parking schemes. A watching brief will be maintained with the other districts to identify any beneficial partnering arrangements.
- 2.4 Current dialogue with OCC has targeted April 2010 for the introduction of CPE. This has slipped from Autumn 2009 as OCC are progressing with West Oxfordshire District Council an earlier implementation date and are not able to resource more than one CPE application at this time.
- 2.5 An Expression of Interest has been submitted by OCC to the Department of Transport for Cherwell's CPE on this basis. There is no guarantee that DoT will accept this application and final timetable will be subject to DoT review and planning of other councils that are seeking to implement CPE at this time.
- 2.6 The benefits to Cherwell of CPE include:
1. Integration of parking functions and enforcement at the local level, although there is a clear requirement in the Act to keep separate accounts for off-street and on-street parking. For a number of months the Cherwell district has had limited Traffic Warden enforcement.
  2. Better management of parking to meet the needs of residents and businesses whilst maintaining the safety and free flow of traffic. Examples being: ability to allow passengers to board at bus stops; assist residents being displaced by commuter parking; improve safety at junctions; enable safe passage of fire tenders and refuse vehicles etc in narrow roads.

3. Transfer of powers to enable effective on street enforcement which will be essential in long-term enforcement of Resident Parking Schemes
4. Shared back office resources for both on street and off street parking and integrated systems and processes
5. Integration of inspection functions with off street vehicle park wardens services
6. Ability to manage town centre parking and traffic matters at the local level and secure improved co-ordination.
7. Potential to introduce on street charging through pay and display (although income from on street parking is to the benefit of OCC).
8. Establishes owner liability for parking tickets.
9. As car ownership continues to increase effective parking management will become more and more important to ensure safe highways and reduce impediment to economic activity that can arise from traffic congestion.

2.7 The dis-benefits include:

1. Potential increased cost based on the current very detailed and technical model based on key business drivers: staff costs; effectiveness of ticket issuing; effectiveness of payment administration.
2. A risk to the Council in that there are a range of assumptions which have to be made in relation to the numbers of tickets issued by each attendant per day; the effective payment rate on tickets issued: the cost of back office administration.
3. Additional costs to set up and administer on-street parking.
4. The base model projects annual deficit over Oxfordshire of £296,124 with deficit in Cherwell at £104,296.
5. PCN level set by Section 6 of the Traffic Management Act (TMA). The Council brought its ECN's into line with these rates on 31 January 2009.
6. Additional staffing and accommodation requirements

The base model and assumptions used require detailed review and assessment with sensitivity analysis to look at worst case/best case position before a more developed financial appraisal can be submitted. A series of model assumptions and sensitivities have been run as alternatives to the base model. These need further analysis to consider the operational effectiveness set by each assumption.

- 2.8 The initial 2007 countywide discussions agreed that OCC should fund all start up costs with a view to ongoing surpluses within the scheme paying back the deficit over a period of time. However, with the base model showing a scheme deficit this premise does not appear viable and further discussions are required on the alternative models. It is clear however that OCC will want to minimise any exposure to costs and it is understood that in WODC, the District Council has agreed to take the risk. This could well expose this Council to a county position that is not viable as the Council's position to date has been to implement CPE at no additional cost.
- 2.9 The TMA also sets out other significant changes around staff training; separation of policy and appeals processes; the establishment of a National Adjudication Service, and other matters that will need detailed consideration.
- 2.10 Further detailed analysis of the alternative modelling is required to understand the cost implications and resource requirements to staff and manage CPE in a way that avoids or minimises any additional cost to the Council. These will be subject to further reports in due course. No revenue costs have been included in the Service and Financial Planning work that has so far been undertaken.
- 2.11 A negotiating position of this Council is required before further discussions can take place with OCC. In setting this position, consideration needs to be given to the difficulties caused in enforcing Residents Parking Schemes without the powers to issue PCNs.
- 2.12 Subject to a decision to move forward on the scheme, it is proposed that the initial approach to resourcing is from a minimum capacity basis whilst the scheme is observed and reviewed. This would have to be with the proviso that the back office systems are fully resourced and robust as anything other than this is likely to lead to inefficiencies. Additional office space will also be required to accommodate the new Civil Enforcement Officers that will need to be employed.
- 2.13 A later phase of development could be the investigation of on street paid for parking should this have benefits to the Council.

### **Bicester Residents Parking Scheme**

- 2.14 The Bicester Scheme was introduced in January 2008 through a TRO made by OCC under the 1984 Traffic Management Act. It was felt at the time that the Scheme should be run on an initial 12 month trial basis, with a review prior to considering the future of the Scheme. This item updates following the residents consultation that took place through December and January.
- 2.15 A summary of the consultation feedback is set out in Appendix 1 which has been placed on the Council's website for residents' information. With support for the scheme at over 90%, it can be argued that it has been a success and has achieved what it set out i.e. to offer the opportunity for residents to have parking priority over non-residents.
- 2.16 However, there have been some teething problems. Most significantly, enforcement has been a concern as a consequence of the Council not having the

powers to issue PCNs on vehicles that contravene the Scheme conditions. Enforcement has at best been patchy. Reliance on Thames Valley Police, and through the Vehicle Park Wardens issuing Warning Notices with a view to securing prosecutions, has been a far from satisfactory position. This has led to some abuse of the Residents Permit and Visitor Permit system. More robust enforcement processes and targeted actions in conjunction with the police have been taken since the consultation and we are in process of prosecutions through court process. This is a time consuming activity that would be largely unnecessary if we had powers that will be conferred on the Council by the CPE transfer i.e. the power to issue PCNs and levy the fines that these are linked to.

- 2.17 There have also been issues raised by individual residents that are of specific concern to them but do not reflect adversely on the wider success of the scheme. Some of these have been dealt with; others require amendments to the TRO; some will not be possible to address without a negative effect on the Scheme or on other residents.
- 2.18 In addition, having had the benefit of operating for 12 months, and with the experience of the new team developing proposals for Banbury, a number of amendments to the TRO have been suggested to OCC. The intention is to simplify the process and review mechanisms in the future around costs of permits, eligible properties and permit numbers, so that a formal legal process for 'house keeping' amendments is not required in the future. As things stand at the moment, the TRO, for example, sets the cost of permits at £50 and this cannot be changed without formal advert and Notice, and the consequent time pressures and costs that are associated with advertising formal Notice. This position needs to be negotiated and agreed with OCC.
- 2.19 In terms of moving forward with a scheme from 1 April 2009, there is a need to implement on a further interim basis as a consequence of the amendments required to the TRO as set out above. The moratorium OCC have placed on any new TRO's whilst they complete the TRO consolidation process ahead of CPE means there is not the time to negotiate new scheme details before expiry of the current permits. As a consequence, it is proposed to extend the scheme largely unchanged until 31 March 2010, with a revised TRO negotiated, advertised and agreed for an updated Scheme to run from 1 April 2010, albeit that we will still not have the benefit of the enforcement powers through CPE for a few more weeks (based on current plan).

### **Banbury Residents Parking Scheme**

- 2.20 Consultants RTA have been assisting the Council with researching and developing a Residents Parking Scheme for Banbury. Initial feasibility work has been carried out and report produced on proposed locations for residents schemes to operate. This report and updated recommendations (following further discussions in the project team) are based on traffic counts and analysis of parking patterns in the areas. A copy of the reports has been placed in the Members Room.
- 2.21 Appendix 2 sets out the FAQ's that include the general principles of the scheme. These have been discussed with relevant District Councillors whose wards are

affected by the proposals. Some of the more significant principles that the consultation process will seek to set out and secure views on are:

- Costs of permits at up to £100 (Business permits at £125). Consideration to be given in the longer-term as to Banbury and Bicester costs being the same levels.
- Eligible Properties. Only those with no off street parking (driveway, garage or other parking that is off the highway).
- Number of permits. Limited to one per eligible property.
- Arrangements for Visitors. 24 hour scratch card Visitor Permits, limited to 100 per eligible property. Visitor permits to be available at a cost.
- Blue Badge Holders purchasing residents parking permits.
- Streets that choose not to have a residents parking scheme are not reviewed within a 2 year time period.

2.22 The Executive at its October 2008 meeting proposed an amended recommendation for the evaluation criteria and agreed:

1. Consultation undertaken on a per household basis with one vote per household.
2. A household being defined as a property which is separate for council tax purposes (houses in multiple occupation will be treated as one household).
3. Minimum of 50% of eligible residents, voting on a one vote per household basis, from individual streets responding positively for the introduction of a scheme.

The amendment removed one of suggested criteria being: Where households do not return consultation questionnaires this will be assumed to be a positive response in that they do not object to a scheme.

2.23 Further discussions with the consultants and the project team have identified that this evaluation methodology is not viable. RTA has advised that consultation rarely returns more than 30% response rate. The criteria in point three above is most unlikely to achieve the response rate required and consequently, it is proposed that a revised criteria to replace item 3 above be used: 50% of respondents voting in favour of a scheme in specific areas.

2.24 If these criteria are agreed, it will be important to emphasise to residents in the consultation process the details of the scheme and that, if the outcome of the consultation process is not sufficient support for a scheme, then the Council will not be in a position to reconsider introducing a scheme for at least 2 years. The importance of emphasising this arises from the likely displacement parking that will affect areas that may not currently have a parking problem. Further phases may well need to be considered anyway to take account of this displacement parking into streets that are not currently being considered in this proposal.



- 2.25 Should residents support a scheme, detailed proposals will need to be worked up and discussions with OCC about a TRO. In light of earlier comments about CPE, OCC's review of TRO's, and the issues about enforcement capabilities, it is proposed that target date for scheme introduction is post CPE. May 2010 is a reasonable date to suggest at this stage, assuming CPE is implemented in April 2010.
- 2.26 Progress on a scheme will consider each of the proposed zones with a view to amending the boundaries if specific streets within a zone do not wish to be included. Streets that do not wish to be included need to be aware that they may suffer detriment from displacement parking but will not be reconsidered within a two year period. A plan of the locations is set out at Appendix 3.
- 2.27 To progress with securing residents views, a consultation process is planned in after Easter in April and May and a consultation exhibition is planned to take place on 29 April in Banbury Town Hall. If the consultation indicates support for a scheme, detailed scheme plans will be drawn up and a TRO prepared for consultation in the autumn.

#### **Vehicle Parks Enforcement Policy**

- 2.28 The Executive approved at its October 2008 meeting a revised Vehicle Parks Enforcement Policy and the procedures that underpin it, bringing them up to date following the transfer of functions to Urban and Rural Services. The Policy was brought into operation on 31 January 2009, in line with the new car park tariffs and the revised ECN levels.
- 2.29 The purpose of the revised Policy is to:
- a) Establish more effective management controls in the administration of appeals in line with new Council structures in Urban and Rural Services.
  - b) Ensure transparency and consistency of decision making in respect of enforcing Excess Charge Notices (ECNs) thereby mitigating the Council's exposure to challenge against unfair treatment.
  - c) Begin to put in place the arrangements that will support the implementation of CPE.
- 2.30 A copy of the revised policy together with the appeal form and the new pay and display tariffs have been placed on the Council's website. A further review will be required as part of CPE.

#### **Additional Hackney Carriage Rank Space**

- 2.31 Initial consideration is being given to possible location of further Hackney Carriage ranks across the District. The Trade have previously brought this to the Council's attention and, at the start of February 2009, a petition was received signed by 65 license holders. It has not been possible to address this matter until now.

- 2.32 Initial options for additional ranks have been discussed with representatives of Cherwell Valley Hackney Association and further consideration is being given to these. The approach has been to identify possible sites; being either extension or reconfiguration of existing ranks; new locations; or shared use of existing vehicle parking, for example council owned car parks and disabled parking.
- 2.33 Not all these are feasible nor necessarily desirable for a range of different reasons. Options are in process of being further researched with the trade and will then need negotiation/consultation with relevant parties, including with OCC, with probable revised TRO's and Car Park Orders required for any of the locations that are progressed. The current TRO consolidation exercise in preparation for CPE may delay these discussions.
- 2.34 Proposals for ranks on Council land may be possible to implement more easily but will still require revised TRO advertising if on Council car parks. It is intended to review the proposals that have been put forward; discount those that are impractical or not desirable and then concentrate on the most favoured options of the Council and the Trade. It is proposed that any decisions on amendments and/or additions to rank space to be delegated to the Executive Member for Urban and Rural Services. Funding will need to be identified.

### **Key Issues for Consideration/Reasons for Decision and Options**

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The following options have been identified. The options in italics are the basis of the recommendations in this report and are believed to be the best way forward:

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|---|---|
| <b>Options:<br/>Civil Parking<br/>Enforcement:</b>              | <ol style="list-style-type: none"> <li>1. Not to pursue CPE.</li> <li>2. To pursue only on a co-ordinated basis across the County.</li> <li>3. <i>To pursue independently of the other district councils in Oxfordshire.</i></li> </ol> |
| <b>Options:<br/>Bicester Residents<br/>Parking Scheme</b>       | <ol style="list-style-type: none"> <li>1. Not to continue a Scheme.</li> <li>2. To continue a scheme with no amendments.</li> <li>3. <i>To introduce an amended scheme in conjunction with revised TRO.</i></li> </ol>                  |
| <b>Options:<br/>Banbury Residents<br/>Parking Scheme</b>        | <ol style="list-style-type: none"> <li>1. Not to investigate further the introduction of a Residents Parking scheme.</li> <li>2. <i>To undertake consultation with residents on the introduction of a Scheme.</i></li> </ol>            |
| <b>Options:<br/>Vehicle Parks<br/>Enforcement Policy</b>        | <ol style="list-style-type: none"> <li>1. No alternative options considered.</li> </ol>   |
| <b>Options:<br/>Additional Hackney<br/>Carriage rank space.</b> | <ol style="list-style-type: none"> <li>1. No further rank spaces to be considered.</li> <li>2. <i>Review requirements for additional spaces and identify possible sites.</i></li> </ol>   |

## Consultations

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### **Civil Parking Enforcement**

Discussions have taken place with the other rural districts in Oxfordshire and OCC. An Expression of Interest has been requested by and submitted to DoT.

### **Residents Parking Scheme**

This report sets out proposals for consultation with residents on the Banbury Scheme.

Consultation with Bicester residents took place in December 2008/January 2009.

### **Cherwell Valley Hackney Association**

Initial discussions have taken place on additional Hackney Carriage rank spaces.

A petition from representatives of the trade has been received and response made on the proposed actions as detailed in this report sent.

## Implications

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### **Financial:**

#### **Civil Parking Enforcement (CPE)**

Financial effects relating to CPE are currently being determined as part of a detailed financial modelling process. There are costs associated with implementing the proposals as increased staffing, office accommodation, IT systems and the like will be required. It is intended that these be minimised by planning an integrated approach with the other vehicle parking matters set out in this report.

Once fully researched and identified they will be the subject of future reports to the Executive for the approval of a Supplementary Estimate for the 09/10 Budget should that be required.

As detailed in the main body of the report, initial calculations commissioned by the Oxfordshire Chief Executives group projects annual deficit over Oxfordshire of £296,124 with deficit in Cherwell at £104,296.

#### **Residents Parking Scheme Banbury**

The report seeks approval for a consultation process with Banbury residents. The costs of this consultation process and scheme feasibility are included in the Revenue Estimates.

There are costs associated with implementing the proposals as increased staffing, office accommodation, IT systems and the like will be required. It is intended that

these be minimised by planning an integrated approach with the other vehicle parking matters set out in this report.

**Residents Parking Scheme Bicester**

Any financial implications of the Interim Scheme will be contained in approved revenue estimates. Costs for revised scheme will be subject to formal advertising of the TRO and any objections received.

There are costs associated with implementing the final scheme proposals but it is intended that these be minimised by planning an integrated approach with the other vehicle parking matters set out in this report.

**Vehicle Parks Enforcement Policy**

There are no financial effects arising directly from the recommendations on the revised Vehicle Parks Enforcement Policy, although it is anticipated that efficiencies can be derived that will assist in developing other aspects of Council Vehicle Parking Policy.

**Additional Hackney Carriage rank space**

The report only seeks approval to investigate the feasibility of the provision of additional space. There are no financial effects at this stage, however there will be costs of implementing any additional or new ranks that will need to be considered depending on the nature and extent of the proposals that are brought forward.

Comments checked by Karen Muir, Finance Officer, 01295 221545.

**Legal:**

On Civil Parking Enforcement and Residents Parking there are resource implications because it will mean undertaking prosecutions for unpaid PCN's/ECN's and new parking orders will be required.

Any new parking orders will need to be correctly prepared by the legal department to ensure they are enforceable. The appeals procedure will need to be properly managed to prevent complaints to the Local Government Ombudsman.

Comments checked by Nigel Bell, Assistant Solicitor 01295 221687

**Risk Management:**

There are risks associated with these proposals many of which are interlinked.

The Council's reputation could be affected if schemes are not implemented correctly or the public are not kept fully informed or misunderstand the scheme proposals; or the

Council is not able to carry out effective enforcement.

Enforcement of schemes could give rise to negative press; prosecution of individuals through the courts; and increased workload in administering Penalty Notices.

Comments checked by Rosemary Watts, Risk Management and Insurance Officer, 01295 221566

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**Wards Affected**

**All Wards**

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**Corporate Plan Themes**

**An Accessible Value for Money Council**

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**Executive Portfolio**

**Councillor Nigel Morris**  
**Portfolio Holder for Urban and Rural Services**

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**Document Information**

<b>Appendix No</b>	<b>Title</b>
Appendix 1	Residents feedback on Bicester Residents Parking Scheme
Appendix 2	Banbury Residents Parking Scheme-plans
Appendix 3	Banbury Residents Parking Scheme-FAQ's
<b>Background Papers</b>	
RTA reports on Banbury Residents Parking Vehicle Parks Enforcement Policy Bicester Residents parking consultation response	
<b>Report Author</b>	Chris Rothwell, Head of Urban and Rural Services
<b>Contact Information</b>	01295 221712 chris.rothwell@cherwell-dc.gov.uk

## **Residents Feedback on Bicester Residents Parking Scheme**

### **Introduction**

In December 2008 the Council invited residents that are part of the Bicester Residents Parking Scheme (the Scheme) to provide feedback on the pilot that was introduced in January 2008.

There are currently 85 Permit holders (35 of whom have a second permit). In addition health care agencies have been issued with permits.

A copy of the consultation form, the Frequently Asked Questions (FAQ's) and covering letter are attached.

The FAQ's formed the basis of the Council's proposals for a scheme from 1 April 2009, should residents consultation show support for the scheme.

The closing date for consultation feedback was 9 January 2009. A summary of the consultation feedback is set out below.

### **Consultation Summary**

- 44 responses received.
- 39 of these responses support the Scheme
- 6 did not support the Scheme

Attached is a summary of the comments and issues raised by residents. It does not include every individual comment as some issues highlighted are specific to individuals. It summarises the general views on the scheme and the themes that have emerged from residents as to how the scheme might be improved.

The Council will be considering all these comments and discussing them with the highway authority (Oxfordshire County Council) as part of its determination of proposals for a Scheme from April 2009.

This web page will be updated to take account of the outcomes from these discussions and plans for April. Two of the key issues that have been fed back to the Council are dealt with below.

### **Permit Costs**

The Council's proposal is for permits to cost £52 included for the 12 months from April 2009. In summary:

- 36% felt that the permits should be at a lower cost
- 10% were in agreement with £52
- 26% responded it should be more expensive
- 28% did not have a comment.

## **Enforcement**

The main concern residents have about the scheme is the effectiveness of enforcement. A number of residents raised concerns that cars without valid permits continue to park in the permit holders only areas. There is also concern that the visitor permits are being abused by a small minority of residents.

The Council agrees that enforcement action needs to be improved considerably. Cherwell District Council does not currently have the legal powers to issue fines for 'On Street' parking infringements, and this restricts the effectiveness of our enforcement work.

Thames Valley Police do have the powers to issue Fixed Penalty Notices (FPNs). Police Community Support Officers patrol the Permit Areas and have been issuing FPNs. The Council want to ensure that residents that abide by the Scheme rules benefit from a fair scheme, we are therefore liaising further with the Police and undertaking some more targeted enforcement to ensure this is the case.

The scheme is also enforced by Council Vehicle Park Wardens. Daily patrols are made and Warning Notices issued. Evidence is being gathered against persistent offenders who ignore the Warning Notices and photographic evidence taken of offending vehicles. We have a number of vehicles that we consider are abusing the scheme. Ownership of these is now being collated through the DVLA with a view to prosecution action being taken. To date one action has been taken and a successful prosecution against the offender secured.

Work is also being undertaken to secure the legal powers to enable the Council to issue PCNs. Unfortunately, the legal process to achieve this will take at least a year and is part of a wider initiative that requires work on other parking matters before this could be introduced.

## **Further Information**

This section will be added to as the Scheme proposals develop.

If you have any comments or further queries at this stage please telephone the Parking Services 24 hour hotline on 01295 221993. This is an ansaphone service and we will endeavour to respond within two working days.

Alternatively you can e-mail the Council at [parking.services@cherwell-dc.gov.uk](mailto:parking.services@cherwell-dc.gov.uk)

## **Summary of Consultation Feedback**

### **Residents comments about Support for the Scheme**

93% of eligible properties either support the scheme or have not raised any issues about the scheme.

44 responses received. 39 supported the Scheme. 6 did not support the Scheme

#### **Comments received in support included:**

- The scheme is fantastic.
- It is invaluable to us.
- It is enormously beneficial.
- Love the Scheme.
- Brilliant scheme.
- A1 Scheme.

### **Council Response**

Where households have not responded the Council are assuming that they are broadly happy with the Scheme proposals, hence the 93% set out above.

We will therefore continue to develop the scheme as proposed, taking into account the comments received and issues raised where these can improve the scheme.

However, there are legal processes connected to the Traffic Regulation Order (TRO) that need to be resolved and the agreement of Oxfordshire County Council (OCC) secured, as the Highway Authority.

## **Issues and Suggestions for Improvement**

### **Residents comments about Enforcement of the Scheme**

The following comments were made by residents about enforcement:

- More enforcement required.
- Why can't the Council issue tickets.
- Council should prosecute vehicle owners that abuse the scheme.
- Specific residents that abuse the scheme should be warned.
- Problem is mainly Friday nights and weekends.
- Lots of cars park outside the Methodist Church.
- Provide telephone numbers for inspectors.
- Improve signage.

### **Council's Response**

We need to demonstrate that we are doing more to ensure the Scheme is operating correctly and fairly and is not being abused by a minority of residents, or commuters/visitors.

Unfortunately Cherwell District Council do not have the legal powers to issue Penalty Charge Notices for On Street parking offences. We are looking to achieve this through a process called Civil Parking Enforcement that will see this power transfer from the Police to the Council. The process for this requires legal agreements to be



drawn up and an application to the Secretary of State. It will be Spring 2010 before this is achieved as there are wider parking related matters that have to be organised for the Secretary of State to approve this.

In the meantime, Thames Valley Police are working with us to police the scheme and issue Fixed Penalty Notices where vehicles do not display valid permits. We are aware that there are still instances of cars parking without valid permits so we are planning a targeted enforcement campaign with the police.

In addition, evidence has and will continue to be gathered on persistent offenders so that prosecution action can be brought against them.

Mobile numbers of the inspectors will not be issued but there is a hotline number (01295 221993) and e mail address [parking.services@cherwell-dc.gov.uk](mailto:parking.services@cherwell-dc.gov.uk) on which you can let us have details of any issues/incidents. This will not generate immediate response but allows us to gather intelligence as well as advise Wardens of issues.

Signage will be reviewed if there are any material changes to the scheme, but this may delay introduction of any changes.

#### **Residents feedback on space available for residents parking.**

The following comments were made by residents:

- Permits should only be available to properties that do not have off street parking.
- Space is taken up by inconsiderate parking by residents.
- It might be better to identify parking bays by road markings.
- Residents should only be allowed to park in the streets they live.

#### **Council's Response**

The Order currently states the properties that are eligible for permits. The Council consider that only properties without off street parking (garage, driveway, other parking that is not on the public highway) should be eligible and will be looking into this with OCC.

The current Scheme operates without sub zones to offer the best flexibility for parking by residents. To move to designated zones can be done but would require a new Order and new signage. No decision has yet been taken on this but, in the short term, it is unlikely that OCC would agree to such a change prior to the introduction of Civil Parking Enforcement.

The existing road markings do not designate parking bays as vehicle size can vary. The Council's view is that this approach helps to maximise parking space whereas designated bays would reduce available parking space.

Unfortunately not everyone considers the impact of their parking on others. This should be self policing (as it effects all scheme participants). The Council will enforce the Scheme as set out above but we will not get involved in managing considerate parking and good neighbourliness.

**Residents feedback on Visitor Permits**

The following comments were made by residents:

- Visitor permits should not be issued.
- Visitor permits should be 24 hour and not run out at 2359 hours.
- Should be maximum 3 hour stay only.
- Should be available free to non permit holders.
- Should be free.
- Free to houses with off street parking.
- Same cost for all. Should reduce the number of visitor permits.
- 100 visitor permits is not enough.
- Unused permits should be allowed to be used the following year.

**Council's response**

The reason for introducing the Scheme was to exclude non residents parking to enable home owners to park close to their homes. We recognise however that the Scheme should try and reasonably accommodate visitor parking, albeit that pay and display parking is fairly close to most roads in the Scheme and these car parks are free after 6pm Mon-Sat and 4pm Sun. We envisage Visitor Permits continuing but will look at cost and operation of these.

The Council are concerned that Visitor permits are being abused by a small number of residents. Action is being planned to stamp this out.

We also need to consider the various options with the current scratch cards and consider that there are benefits of 24 hour permits rather than the current arrangement where visitor permits expire at 23.59.

We will be looking at permits costs and will resolve through an allocation of free and/or chargeable visitor permits. This type of approach enables all residents in permit areas to benefit from no cost permits and also have a choice to purchase a further allocation for their visitors. There will need to be a limit.

Unused permits need to have expiry date in order to ensure that demand for parking places can be monitored and consequently there are no plans to move away from end of term expiry.

**Residents feedback on Medical Carers and Family Carers Permit**

The following comments were made by residents:

- A Medical Carers Permit is required for all health professionals.
- Family Carers should use Visitor Permits.
- Family carers should get permit free.

**Council's response**

The Residents Parking Scheme was introduced with the primary aim of making parking more accessible for residents. This principle has to continue to be the basis of the Scheme otherwise the complexities of trying to cover other requirements will make it non viable.

The Council's proposal is to continue to offer Medical Carers Permits but to limit the numbers as there are currently 85 Medical Carers Permits issued to Health Care Agencies.

With the Scheme emphasis on Residents it is felt reasonable to introduce a restriction bearing in mind that there is available parking close to hand in public car parks and that emergency vehicles are exempt from restrictions.

The Council also propose a Family Carers Permit when it can be demonstrated that a resident at an Eligible Property has need for care, this to be demonstrated via letter of support from the residents GP. Permits will cost the same as Residents Permits.

#### **Residents feedback on Blue Badge Holders**

The following comments were made by residents:

- Not happy that Blue Badge Holders should be able to park free.
- Blue Badge Holders should not have to pay.

#### **Council's response**

The Council's current thinking is:

- Blue Badge Holders that are not permit holders should be allowed to park in residents parking areas subject to the Blue Badge Scheme conditions i.e. maximum stay restrictions and provided Blue Badge and clock are displayed.
- Blue Badge Holders that are Eligible Residents and wish to benefit from Residents Parking be required to purchase a Residents Parking Permit. There may be eligibility to apply to OCC for disabled parking bay.

#### **Residents feedback about second permit**

35 respondents agreed with the limit of 2 permits. 4 respondents did not agree.

The following comments were made by residents:

- Scrap the second permit.
- Issue one permit to every eligible resident that applies.
- Happy with 2 permits.
- More than 2 permits should be available.
- Second permit should be at same cost as first.
- Second permit should be at higher cost.
- Second permit should be at lower cost.

#### **Council's response**

Currently there are 35 second permits in the Bicester scheme at 50% of the price of a first permit. It is possible that demand will expand over time and so this needs to be kept under review.

Most scheme participants have no problems with finding parking spaces close to their homes so it is likely that the limit to 2 permits will remain.

There are two or three small areas where specific issues are causing concern to a

few residents. Some of these issues can be overcome by better enforcement, others by moving to a position where Eligible Properties do not have off street parking. We also have to recognise that there may be some issues that cannot be resolved without negative impact of greater number of residents. In these circumstances we have to be pragmatic. This may take the form of changes being made.

Our current thinking is that a maximum of 2 permits continue to be made available but that this is kept under review. Costs are currently proposed at the same level as first permits to ensure fairness in scheme costs.

#### **Residents feedback on other monitoring.**

The following comments were made by residents:

- Provide CCTV.
- Provide 24 hour monitoring.
- Install speed ramps.

#### **Council's response**

It is not proposed that these suggestions be considered further due to costs. If they were, permit costs would have to increase considerably and it is not considered that the current scheme requires these to operate effectively.

#### **Residents feedback on Permitted Vehicles**

The only concerns raised are on height of vehicles being restricted to 2.0m

#### **Council's response**

The Order specifies the requirements to be classed as a Permitted Vehicle. Camper Vans are currently exempt from any restriction. This may be too vague and the Council will review this with OCC.

#### **Residents feedback on Eligible Properties**

There are concerns about properties with off street parking and a specific concern about which properties are eligible to park in which areas.

#### **Council's response**

The Order sets out Eligible Properties. We will review the situation on properties that have off street parking, and we have raised with OCC the issue of drop curbs and white lines in front of property access'.

There are no legal powers to designate on street parking to specific properties so there will be no change to this. Where there are no restrictions in place, drivers are free to park where they choose provided vehicles are not parked dangerously or so as to cause an obstruction or hazard.

Zoning could be considered but this would have cost implications as is unlikely to solve the specific matters raised. This has been raised with OCC and it is unlikely to be supported.

**Residents feedback on North Road issues and the Chinese Take Away/F&C shop**

These businesses have many short term stop offs to their premises which restricts parking to Eligible Residents.

**Council's response**

We acknowledge that this is occurring. Presumably, prior to introduction of the Residents parking scheme, similar activity was taking place.

This is possibly a situation where a pragmatic view has to be taken. The business existed before the introduction of the Scheme and in these times of economic uncertainty, it is important to support local business.

On balance, as Residents Parking has decreased the amount of commuter parking that existed before the Scheme was introduced, with consequent benefits to residents, the Council are not planning any changes.

## **Frequently Asked Questions Banbury Residents/Business Parking Schemes**

**These FAQ's have been put together to assist in setting out how the Council envisage a Residents'/Business' Parking Permit Scheme (The Scheme) operating in Banbury.**

### **What is a Residents'/Business Parking Scheme?**

The Scheme provides for permit only parking in designated streets. It aims to provide protected parking for eligible residents/properties/business' without their own off-street parking facilities, that experience pressure from commuter/visitor parking, generally in streets close to the town centres. It does NOT provide dedicated parking places outside properties, nor does it guarantee parking at any time.

### **What is 'Off-Street' Parking?**

For the purpose of the Scheme this means residential or business properties that have their own garage, driveway or other dedicated parking that is not on the Highway.

### **How is the Scheme introduced?**

The Council will first consult with residents/local business' and identify support for specific areas. Subject to support for the Scheme, the Council have to apply through legal process for a Traffic Regulation Order (TRO) that enables restrictions on parking to be introduced on designated streets. Once a TRO is approved and the Scheme introduced, the Council are able to enforce the Scheme.

### **When will the Scheme be introduced?**

At this stage the Council is consulting to gauge the level of support. If a Scheme is supported by residents/business' then the Council will need to establish a legal Order. The timing of this can not at this stage be determined, but is likely to be early 2010.

### **How do I apply for a residents/Business parking permit?**

You will receive an application form and information, in plenty of time for the start of the Scheme, advising you how to apply for a permit.

### **How will you stop non-residents getting permits?**

Permits will only be issued to eligible residents/business' who can prove that they live or have a business within one of the permit parking zones and that they can prove that they own/lease a vehicle or are eligible for the other forms of permits covered by the Scheme.

### **Where are the proposed Residents/Business parking zones?**

These are set out on the plans in the information pack. When a Scheme is introduced, Zones are established consisting of designated streets which are indicated by signage and road markings. Individual parking bays are not identified by road markings.

### **Who is eligible for a permit?**

To qualify for a permit you must be an Eligible Resident whose principle place of residence is at an Eligible Property, or be an Eligible Business. As defined below.

In addition visitors, carers and contractors may be eligible for special permits to park in Residents Parking Zones. A permit will be valid in one Zone only.

### **Eligible Resident?**

Is a person whose principal place of residence is at an Eligible Property.

### **Eligible Property?**

To be an Eligible Property, the property must:

- a) Be an address within a street covered by the Traffic Regulation Order
- b) Be registered separately for council tax purposes
- c) NOT have Off Street Parking.

### **Eligible Business?**

To be an Eligible Business, the property must

- a) Be an address within a street covered by the Traffic Regulation Order
- b) Be a non-residential property
- c) Be registered separately for and paying Business Rates
- d) NOT have Off Street Parking.

### **I live in rented accommodation. Am I eligible for a Residents Permit?**

Rented accommodation and houses in multiple occupancy will be treated in the same way as other residential property. The same restrictions will apply.

### **Why do I have to buy a permit to park?**

The road outside your home/business (unless you live on a Private road – where the Council could not introduce parking controls), is a public highway and that means that any driver has an equal right to park, providing they are not in breach of any existing restriction or causing an obstruction. Effectively, your permit allows you to park, space permitting, during the prescribed hours of the zone and non-permit holders are excluded.

### **Will I be guaranteed a parking space outside my house?**

No. It must be emphasised that there is no guarantee of parking either in your street or any other street in the zone.

### **What times of day/night will the Scheme operate?**

This has yet to be decided. Options include:

- 24 hours per day, 7 days per week
- 0800-1800 hrs, 7 days a week
- 0800-2000 hrs, 7 days per week.

The outcome of the consultation will guide decisions and will be set out in the advertised Order.

The Council may consider introducing on street public pay parking as part of the Scheme and some limited waiting for non permit holders.

### **How do non residents know it is a Residents'/Business' only parking zone?**

All areas where parking is restricted to permit holders will have signs erected on the pavement informing everyone that parking in that area is designated for specific use such as "permit holders only".

### **Can I apply for more than one permit?**

It depends on the demand (remembering that demand can change over time and either result in more or less pressure for parking spaces). At this stage it is anticipated that one permit only will be available to each Eligible Property.

### **Is it just one car per permit?**

Yes. Each permit will have the vehicle registration number printed on it and can only be used for that vehicle. Second permits may be available subject to demand. Special Carers Permits may be permitted two registration numbers per permit.

### **What is the cost of a Permit?**

The Council has yet to finalise the annual permit fees but permits are likely to cost £100,, including the application fee, for the first twelve months.

### **What happens if I lose my permit or require a replacement?**

You will need to reapply to the Council and this will be subject to an administration charge. This charge is likely to be £16.

### **Why is there an Application/Administration charge?**

This is to cover the costs of processing permit applications and to keep Scheme costs down so that only residents requiring changes to permits have an additional fee to pay.

### **How long does a permit last?**

The Council's scheme will have specified commencement and expiry dates. A full permit will be valid for 12 months. If a Scheme is decided on, the Council may phase this in over a number of months to assist in administering permit renewals at the end of the 12 month period.

### **What if I move house? Do I get a refund?**

If you move you may be entitled to a refund of unexpired complete months less the application fee.

### **What if I change my vehicle?**

You must inform the Council. Your old permit should be submitted with a copy of your new vehicle details registered at your address. There will be an administrative charge of £16.

### **Can I give my permit to a visitor?**

No. Residents/Business permits are for specified vehicles only, but each property registered for Council Tax within the streets covered by the TRO will be eligible to apply for visitors' permits. Unauthorised use of permits could result in a Penalty Charge and or criminal proceedings against the permit holder.

### **Will workmen/deliveries to my house have to pay?**

Special arrangements will apply for workmen, normally by way of a weekly cost, on application to the Council.

Loading and unloading of goods are permitted – vehicles making deliveries will not need a permit.



### **What about gas, electricity, water supply company vehicles, emergency vehicles and funeral hearses?**

All will be permitted to park in Residents Parking Zones to undertake their legitimate business.

### **Where will my doctor, carer, district nurse etc park?**

Carers Permits will be available to Medical Practices whose staff need to visit patients living within the residents parking zones. These will be arranged with the Primary Care Trust/health practice. There will be no charge for Carers Permits issued to Medical Practices, but the number issued to each practice will be limited and operate on a 'pool' basis. Charges will apply for replacements.

### **Family Carers**

The Council's proposal includes for Family Carers permits. This may be applied for if a resident within one of the eligible properties requires home care by a family member. If this is introduced, a letter of support will be required from the residents GP. One permit only will be issued for up to a maximum of two vehicle registrations. The cost will be the same as a Residents Permit.

The permit would be kept by the resident and be displayed by the Family Carer in the vehicle when required. Permits may only be given to those calling at the residents address and would only be valid only in the Zone in which the resident requiring care lives. It would be the householders' responsibility to ensure that their permit is retrieved from the vehicle at the end of the vehicle's stay.

### **Do I need a permit for a motorbike?**

Yes, if the motorbike is to be parked on the public highway in a Permit Only Parking Zone. These need to be applied for in the same way as a Residents Permit and will cost the same.

### **I operate a business in one of the zones – am I eligible for a permit?**

Owners or tenants of eligible business' within the Residents'/Business' parking permit zones will be eligible to apply for a resident's/business parking permit. The fee proposed is £124 per permit and will be limited to 2 permits on a 'pool' basis. The pool basis allows a business to register up to 2 vehicles per permit with the Council.

### **I live in one of the parking permit zones, but usually park my car/s in my garage or on my driveway – Am I eligible for a Residents Permit?**

No. If you have your own garage, driveway or off street parking you will not be eligible for a permit. You will however be eligible to apply for Visitor Permits. You will need to fill out an application form and give proof of residence. You can apply for up to four books of 25 permits. Each book of 25 will cost £10.

### **What arrangements are being made for Visitors?**

Visitors will be able to park in Residents/Business Parking Zones but only if they display a Visitors Permit.

Permits for visitors will be made available through the issue of single use scratch cards which will be valid for one day only ... 24 hour period.

All eligible households/Business' are able to apply for Visitors Permits which are available in books of 25. Residents/Business Permit Holders will be entitled to 4 books of 25/annum at no cost provided that they are applied for at the same time as the Residents'/Business Permit. This may be reviewed for future years.

There will be a pro rata reduction in permits issued to applicants for Residents Permits that are not full 12 month permits.

**If I don't have a car can I still get permits for visitors?**

Yes, there is an annual entitlement of 100 visitors' permits per eligible household. You will need to fill out an application form and give proof of residence. You can apply for books of 25 permits. Each book of 25 will cost £10.

**I am planning to buy a car – can I apply later in the year?**

Yes. Complete the application form and send in with documents and payment when you purchase your car.

**My car is a company car/lease car so I do not have my own V5 (vehicle registration document). Can I still apply for a permit?**

Yes, but we shall require a declaration from the owner of the vehicle that you are the registered user.

**Can I get a permit for my childminder?**

Not unless the person is an eligible resident.

**What arrangements are there for Blue Badge holders.?**

Blue badge holders will be exempt from the Residents Parking restrictions, however,,all terms and conditions of the Blue Badge Scheme will apply.

If you are a Blue Badge holder and you are an eligible resident living at an eligible property, and you wish to access the full benefits of the Scheme you will need to apply for a Residents Permit. All Scheme conditions apply.

**Do Senior Citizens get a discount?**

We do not offer discounts on permits.

**What happens to the personal documents which are copied to you as part of the permit application?**

We will retain the documents for a 12 month period and then they will be shredded. We will not use the document for any purpose other than in connection with the administration of the Scheme

**How will the Council enforce the Scheme?**

The Council and the Police will patrol the areas, this may result in Penalty Charge Notices being issued or prosecution action been taken.

**How much is the fine?**

These will be published on the Council's website. It is likely to be of the order of £70 per contravention.

**What arrangements are there for large vehicles?**

The Traffic Regulation Order will specify the types of vehicles which will be eligible for permits. It is envisaged that permits will be available for powered two wheelers, cars and vehicles not exceeding 2.25 tonnes gross vehicle weight. A height restriction of 2.0m will apply and a maximum length of 5.0m and width of 2.0m. Caravans and trailers will not be permitted.

**My vehicle is over the approved size.**

Vehicles that are not of the permitted dimensions will not be eligible to park in Residents/Business Parking Zones.

**Where should I make enquiries if I still have any queries?**

We would like you to complete the enclosed questionnaire to assist the Council in this consultation process.

Should you have further queries you can e mail us at [Parking.Services@cherwell-dc.gov.uk](mailto:Parking.Services@cherwell-dc.gov.uk) or telephone our hotline on 01295 221993 with your enquiry and we will get back to you within 2 working days.

We will also make available information on the Council's website at [www.cherwell.gov.uk](http://www.cherwell.gov.uk)



Appendix 3

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