

CABINET DECISIONS – 21 OCTOBER 2014

Changes to Parking Policy

Report by Deputy Director - Commercial

Introduction

1. The purpose of this paper is to approve the County Councils amendments to the Councils Parking Policy to ensure that the Councils Vehicle Removal Policy (Annex 2) reflects current good practice and to amend the Civil Parking Enforcement Procedures (Annex 1) to enable all Councils operating Civil Parking Enforcement within the County to undertake vehicle removals.
2. Should approval be given to the change in policy then approval is sought to delegate powers to remove vehicles to West Oxfordshire District Council.
3. Should approval be given to the amendments within the policy approval is sought for endorsement of the nominated authorised officers.

Background

4. The County Council approved its current policy on 24 November 2009.
5. In 2010 the County Council received approval from the Secretary of State to undertake Civil Parking Enforcement within West Oxfordshire. The County Council delegated powers to enforce parking contraventions to West Oxfordshire District Council by virtue of an Agency Agreement of 25 September 2009.
6. When the powers were delegated it was agreed that removal of vehicles would be dependent on special consent from the County Council to be sought separately.
7. On 27 June 2014 West Oxfordshire District Council applied to the County Council to formally request that the power to remove vehicles from the public highway be delegated to the District Council.
8. The delegation of powers would bring West Oxfordshire in line with the City of Oxford where the County Council currently undertake removals under Civil Parking Enforcement.
9. The agency agreement with West Oxfordshire District Council requires the District Council to comply with the County Councils policy for parking enforcement. At the time of the Agency Agreement the policy did not encompass the removal or immobilisation of vehicles.

Proposal

10. It is proposed that Oxfordshire County Council agree to the request to extend delegate powers for the removal of vehicles to West Oxfordshire District Council.
11. A new policy for the removal of vehicles (Annex 2) has been developed to ensure that the County reflects best practice and is compliant with legislation and statutory and operational guidance. If approved this document will form Appendix 14 of the Councils overarching Parking Policy.
12. A minor amendment is also proposed to be made to paragraph 5.16 of Appendix 13 of the overarching Parking Policy (Civil Parking Enforcement Procedures) (Annex 1). This amendment replaces a sentence which stated *“However, it is not the intention, at this time, to carry out clamping or removal in Oxfordshire although this decision may be reviewed in the future”* with *“However, it is not the intention to carry out clamping within Oxfordshire.”*
13. No other changes have been made to the current County Council Parking Policy.
14. The draft removal policy (Annex 2) has been consulted upon with Thames Valley Police, in accordance with the statutory guidance for parking enforcement, and received no objections.
15. Paragraph 12 of the draft removal policy (Annex 2) proposes that *“Where there is a parking contravention but the vehicle is not creating a danger, serious obstruction or persistent evasion/ offending, then the vehicle will only be removed following the receipt of a complaint and the approval of a nominated Senior Manager or more senior line manager who considers that removal will give clear traffic management benefits (as well as the approval of an appropriately trained CEO) . A vehicle should not be removed by contractors unless a suitably trained CEO is present to confirm that the contravention falls within the policy.”*
16. It is proposed that the nominated Officer for Oxfordshire County Council be the statutory post of Traffic Manager. The designated Traffic Manager for Oxfordshire County Council at the current time is the Service Manager – Highway Network and Asset Management.
17. District Councils will be asked to formally identify a nominated officer as and when they adopt powers of removal.

Equalities Implications

18. This proposal ensures equality in the way that enforcement is undertaken within Oxford and West Oxfordshire.
19. The proposal will provide greater powers for vehicles that are obstructing disabled bays, without the display of a blue badge or fraudulently using a blue badge or committing parking contraventions was unlawfully using a blue

badge to be removed and therefore providing greater access to those facilities for those who require them.

20. A Social and Community Impact Assessment has been undertaken and is included in Annex 3.

RECOMMENDATIONS

21. **The Cabinet is RECOMMENDED to approve:**
- (a) use by West Oxfordshire District Council of delegated powers to remove vehicles;**
 - (b) the amended parking policy and adopt it as the Oxfordshire Parking Policy;**
 - (c) the authority for the Civil Enforcement Manager to approve removal of vehicles as described in paragraph 12 of this paper;**
 - (d) the nomination of the post of Traffic Manager to approve the removal of vehicles as described in paragraph 14 of this paper.**

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