

**To:** City Executive Board

**Date:** 3 July 2014

**Report of:** Head of Housing and Property

**Title of Report:** Resident Parking on Council owned housing land

## Summary and Recommendations

**Purpose of report:** The report sets out the options for management of the Council's small parking areas that are sited on housing land held in the Council's housing revenue account (HRA), including un-adopted highway.

**Key decision:** Yes (all Wards)

**Executive Lead Member:** Councillor Scott Seamons, Board Member for Housing and Estate Regeneration

**Policy Framework:** Housing and Regeneration

### Recommendations:

That the City Executive Board agree:

- That the preferred model for the enforcement of the Resident Parking Permit Scheme (RPPS) on HRA land is through an external contractor
- That consultation arrangements for new Resident Parking Permit Areas on HRA land are as set out in this report
- That delegated authority is given to the Head of Housing and Property to introduce new Resident Parking Permit Areas on HRA land.
- The eligibility criteria for the Resident Parking Permit scheme as set out in this report
- That permits under the Resident Parking Permit Scheme continue to be provided without charge to residents, their visitors and carers

## **Appendices to report**

Appendix 1 - Residents' Parking Permit Scheme and Locations

Appendix 2 – Locations of Existing Resident Parking Permit Schemes

Appendix 3 - Current Resident Parking Permit Scheme (RPPS) Policy Summary

Appendix 4 - Proposed New Resident Parking Permit Policy

Appendix 5 – Enforcement Options on HRA Land

Appendix 6– Current Enforcement Contractor

Appendix 7 – Feasibility of In-house Enforcement

Appendix 8– Risk Register

## **Background**

1. The significant pressure on parking across the City is widely recorded. Tourists and commuters add to the already acute difficulties faced by residential vehicle owners wanting to park near to their homes.
2. This report relates to parking and parking enforcement on Housing Revenue Account (HRA) land, including small car-parks, off-street parking bays and non-adopted Highway on housing estates.
3. Other parking areas in the City, such as Pay to Park car-parks, private land and Highway adopted by the County Council, including Controlled Parking Zones, are outside of the scope of this report.

### **Residents' Parking Permit Scheme (RPPS) –Current Provision**

4. Oxford City Council's Tenancy Management Team currently operates an RPPS in a number of locations across Oxford. The schemes are in place to prevent non-resident parking in areas adjacent to tower blocks, sheltered housing blocks, courtyard car parks, off-street parking bays and un-adopted highway. The restrictions are enforced using a private contractor.
5. Further details of the existing RPPS are set out in Appendix 1.
6. The locations of the existing RPPS are set out in Appendix 2.

### **Residents' Parking Permit Scheme (RPPS) –Permit Criteria**

7. In general current eligibility to apply for a permit is restricted to specific neighbouring properties around the scheme.
8. The permit scheme is free of charge to residents.
9. Officers have discovered that a number of residents sell their visitors permits to commuters, particularly in city centre locations.
10. Details of the current Permits and Criteria are set out in Appendix 3

11. Details of the proposed Permits and Criteria are set out in Appendix 4

### **Enforcement Options on HRA Land**

12. The enforcement of parking contraventions on HRA sites can only operate in the same way as any private land-owner i.e. under trespass law.

13. Contract Penalty Charge Notices (CPCN) can be issued to offenders under trespass law and unpaid CPCNs can be pursued as a debt through a Civil Action at the Small Claims Court.

14. Further details of the Enforcement Options on HRA land can be found in Appendix 5

### **Choice of Enforcement Contractor**

15. The current contractor engaged to provide enforcement of RPPS on HRA land provides the service at no cost to the Council. Their services include installation of signage, patrols, issuing of CPCNs, complaints and appeals. The contractor's income is dependent on recovery of penalty charges.

16. Further details of the service provided by the existing contractor can be found in Appendix 6

17. Officers have investigated the feasibility of operating the same model through the Council's Car Park Service which operates in Council car parks across the city (e.g. Westgate, Park & Ride etc).

18. Officers have concluded that there is a risk that that revenue expenditure would exceed income and that the effectiveness and reputation of the Car Parks Team which carries out enforcement in the Council's Controlled Car Parks could be negatively affected. This would mean that either a budget provision would need to be identified or charges levied to cover potential costs.

19. Further details of the feasibility study on the operation of the service in-house can be found in Appendix 7

### **Alternative to the current enforcement model - No enforcement**

- a. The principal benefits of this are that residents would have freedom of parking and that there would be no cost to administrate a permit scheme.
- b. However there are also disadvantages to this:
  - Residents will continue to find it difficult to park in their own area.
  - Reduction in available parking spaces as they are taken up by commuters or tourists.
  - Commuters will continue to use their cars rather than alternative means of transport thereby increasing congestion and pollution

- Congestion will continue to occur as commuters or visitors look for parking spaces especially in the centre areas or those with access to public transport into the city centre. This will give rise to further pollution and continue to reduce the quality of life for residents within these areas.
- Access for emergency and other service vehicles will, in some areas, continue to be a growing problem.

### **Consultation Proposals for new locations**

20. Requests to implement a RPPS are generally triggered by complaints by residents or the local Ward member.
21. It is proposed that before residents are consulted, the Local Ward Members and the Housing Portfolio Holder are consulted for their views.
22. Consultations will involve writing to all residents in the area proposed for their views. Majority and minority views will be considered before a decision is reached. If the decision is made to put an RPPS in place residents are advised and arrangements are made to issue the appropriate permits.

### **Climate change / environmental impact**

23. The Resident Permit Parking Scheme in itself has no direct impact however the development of parking areas through the Great Estates Programme will contribute positively to the Council's objectives set out in the Housing Strategy and HRA Business Plan to maintain and improve the condition of the city's housing stock:
  - Improved quality of life for residents by addressing local parking capacity
  - Increased safety and access for residents, for example by tackling pavement parking
  - Increased use of public transport and park and ride
  - Increased take up of alternative modes of travel
  - Reduced congestion and pollution
  - Improved access for both emergency and service vehicles
  - Improving the wellbeing and the satisfaction of residents in areas where they live.

### **Equalities Impact Assessment – Initial Screen**

24. There are no adverse equalities impacts through this scheme. The scheme provides improvements to quality of life in the following ways:
  - Residents' parking schemes include measures to ensure those who need to be able to park close to their homes can do so
  - All parking in the area will be controlled including pavement and verge parking thereby, for example, reducing the number of barriers for wheelchair and pushchair users

- Equalities will also be improved by encouraging the use of public and other alternative modes of transport thereby making them more viable
- Safeguarding may be improved because support agencies, carers and family visitors are able to park nearer the homes and streets become more traversable.

### **Legal Implications**

25. There are no specific legal implications in connection with this report:

- The enforcement of contract parking contraventions are dealt with through the licence granted to the contractor
- The parking areas are not controlled parking under regulations, are located on Council owned land and are not on land affected by highway regulations.

### **Financial Implications**

26. There are no specific financial implications in connection with this report as all proposed administration, signage, enforcement and income associated with the parking scheme will continue to be paid for and received by the external provider, as it is undertaken currently.

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**List of background papers:** None

## **Appendix 1 - Residents' Parking Permit Scheme and Locations**

1. Where there is a problem and residents approach the Council regarding the issue, if the area is suitable for a RPPS, consultation is carried out with all affected residents before a decision is made. Generally residents are very much in favour of the problem being managed.
2. The purpose of these schemes is:
  - To make it easier for residents and their visitors and carers to park near their homes,
  - To improve residential amenity by reducing the number of vehicles touring an area looking for a parking place,
  - To reduce congestion caused by inconsiderate and inappropriate parking
  - To provide or improve access for people with disabilities
3. Residents apply to the Tenancy Management Team for permits that entitle the holder, their visitors and carers to park within marked bays within the scheme area. The permit does not guarantee that spaces will be available – it is usually a case of 'first come first served'. Parking bays are not designated to individual properties although there are disabled bays in some locations.
4. The small parking areas covered by the current schemes are shown below. The areas provide 260 parking spaces. The areas of land are owned and maintained by the Housing Revenue Account.
5. There is evidence of misuse of Visitor Permits in some areas with permits being sold to commuters, making the parking situation worse.

## Appendix 2 – Locations of Existing Resident Parking Permit Schemes

Name of Scheme	No. of bays	Name of Scheme	No. of bays
<b>City Centre</b>		<b>Headington North</b>	
Albert House	6	Birch Court Headington	15
Butterwyke place	11	Colemans Hill	8
Paradise Square	5	<b>Headington/Northway</b>	
Preachers Lane/Friars Wharf	72	Headley House	4
South Bridge Row	14	<b>East Oxford</b>	
<b>Abingdon Road and Grandpont</b>		Cosin Close	4
Lake Street	6	<b>Botley/Osney</b>	
White House Road and Salter	14	Ferry Hinksey Road	8
Stewart Street (Gordon Street)	3	Daisy Bank & Purs Lane	34
<b>Blackbird Leys</b>		<b>Littlemore</b>	
Andromeda Close BBL	10	Cardinal House	8
Angelica Close BBL	8	<b>Jericho</b>	
Field Avenue BBL	8	Russell Street	6
<b>North Oxford</b>		School Court & Great Clarendon Street	15
Banbury Road Flats	25	<b>Total Spaces</b>	<b>260</b>

### **Appendix 3 - Current Resident Parking Permit Scheme (RPPS) Policy Summary**

1. The eligibility to apply for a permit is restricted to specific neighbouring properties around the scheme. There are three types of permit available:
  - Resident Permits
  - Visitors All Day Permits
  - Carers Permits
2. Resident Permits are available to Council tenants and leaseholders who must live in the property as their principal home.
3. The Tenancy Management Team verifies vehicle ownership, resident identity and home address before issuing permits. A maximum of two Resident Permits are generally issued.
4. Where off-street parking has been created, such as with Great Estates improvements, permits are also offered to owner-occupiers as well as tenants & leaseholders.
5. Visitor Permits are issued to Residents where there is generally sufficient parking to do so but not in all locations. Where they are issued, there is a maximum of two Visitor Permits per household. Each Visitor Permit can be used on 21 separate occasions for a whole day and visitors are required to complete the vehicle registration and date of use. Once the permit is filled, residents can apply for replacement.
6. Visitors Permits are also issued to carers but these are often used up quickly, requiring frequent re-issue.
7. Officers have found numerous cases where residents have sold their visitors permits to commuters, particularly in city centre locations.



## **Appendix 4 - Proposed New Resident Parking Permit Policy**

1. Resident Permits are available to Council tenants and leaseholders who must live in the property as their principal home. Where the parking locations extend to mixed tenure areas, owner occupiers and private rental tenants will also be eligible for permits as required.
2. The Tenancy Management Team verifies vehicle ownership, resident identity and home address before issuing permits. A maximum of two Resident Permits are generally issued.
3. New categories of visitor permits make it more convenient for residents, their genuine visitors and carers but less convenient for those wishing to misuse the scheme.
4. Additional permits in all categories may be issued in exceptional circumstances.
5. The Council will not charge residents for Parking Permits under this scheme
6. If a permit holder is found to be abusing the process and selling or otherwise lending any permit, whether for profit or not, to another vehicle owner who is not a genuine resident, visitor or carer, the permit may be cancelled and the resident will be liable for an administration fee of £90.

### **Short Stay Permits:**

- Only where there is generally sufficient available parking.
- Maximum time limit of 3 hours.
- Maximum two Short Stay Visitor Permits per household.
- Each Short Stay Visitor Permit can be used on 21 separate occasions
- Visitors are required to complete the vehicle registration, date of use and time of parking. Permits should be clearly displayed on the dashboard.
- Once the permit is filled, residents can apply for replacement.

### **Overnight Visitor Permits:**

- Available to residents where there is generally sufficient available parking.
- To be used between 3:00 pm and 10:00 am the following day.
- Maximum of two Overnight Visitor Permits will be provided to each household.
- For use on 10 separate occasions and visitors are required to complete the vehicle registration, date of use and time of parking. Permits should be clearly displayed on the dashboard.
- Once the permit is filled, residents can apply for replacement.

### **Carers Permits**

- Available to Registered Care Providers, who will need to provide details of the resident they are caring for, the carer's details and vehicle registration number. Carers Permits can be used at any time, day or night.

### **Holiday Permits**

- On application and available to residents where there is generally sufficient available parking.

- For visitors staying with a resident for a longer period and for use at any time, day or night but not exceeding ten days.
- The permit will display the Vehicle Registration and visiting period. Permits should be clearly displayed on the dashboard.

## **Appendix 5 – Enforcement Options on HRA Land**

1. The enforcement of parking contraventions on HRA sites can only operate in the same way as any private land-owner under trespass law.
2. The enforcement relies on the premise that anybody parking a vehicle in the bays does so in the knowledge that they accept the terms of a contract with the Council. The contract being that if they do not display an appropriate permit they are deemed to be in contravention of the contract and therefore are liable to pay the stated penalty.
3. The enforcement can be carried out by either the land-owner directly or a contractor who is granted a non-exclusive right to use the land and enforce the contract terms.
4. The land-owner or contractor issue penalty notices - Contract Penalty Charge Notices (CPCN) to offenders under trespass law. Unpaid CPCNs can be pursued as a debt through a Civil Action at the Small Claims Court.
5. Officers have explored whether these sites could be considered as a regulated car park effected by a Parking Places Order and enforced in the same way as the City Council's public pay & display car parks or Controlled Parking Zones.
6. Legal advice is that the HRA sites cannot be considered for a Parking Places Order and enforcement should continue to be through civil action.

## **Appendix 6 – Current Enforcement Contractor**

1. Enforcement of the Resident Permit Parking Scheme (RPPS) is currently carried out by a contractor, Excel Parking Services.
2. Areas are patrolled regularly and a paper ticket system is used to issue penalty notices - Contract Penalty Charge Notice (CPCN).
3. Excel Parking Services is industry compliant and recognised by The British Parking Association. Clamping on private land was made illegal in 2012 under the Protection of Freedoms Act 2012.
4. The contractor also responds to reports of contraventions that are in RPPS parking areas where the Council or residents notify them directly.
5. We have granted Excel parking a non-exclusive licence to use the car parks and parking bays for enforcement purposes. This is standard practice used by other private land owners.
6. When a vehicle enters an area of privately owned land it is deemed to enter into a contract with the landowner and in this case, Excel as the licensee.
7. It is the Landowner's (Licensee's) responsibility to clearly display the terms of the contract on notices around the area. Excel Parking Services has placed notices at each of the existing parking areas.
8. The contractor provides and erects the signage for the scheme at their expense and they operate the enquiry, complaint and appeals-handling processes where penalty notices have been issued.
9. The Council makes no payment to the contractor. The contractor's income is entirely dependent on their ability to recover the penalty charge. In the period Feb-April 2014, 107 CPCNs were paid, representing an income range between £5,350 to £21,400 per year.
10. The current contract expires in October 2014 and will either be renewed or re-procured depending on consideration of what will deliver a sustained arrangement going forward.
11. The Council does not charge for the administration of the permits, which includes verifying tenant and resident details, issuing permits and dealing with general enquiries.
12. There is no income to the Council.

## **Appendix 7 – Feasibility of In-house Enforcement**

1. There are two options for delivery of the RPPS enforcement service in-house.
2. The first would be to provide the service using existing resources within the Council's Car Parking Team. This would take enforcement officers/vehicles away from the already established parking locations such as Westgate, Park & Ride and other Pay & Display car parks in the city.
3. The second option would be to provide an additional resource which did not impact on the existing Council service. This would involve a capital outlay on an additional vehicle and associated Automatic Number Plate Recognition (ANPR) equipment of £60k. A part-time operative would also need to be recruited to carry out the enforcement as an on-going revenue cost of approximately £30k per year.
4. Each option would also involve administration costs in dealing with enquiries, appeals, and legal fees and charges involved in pursuing unpaid penalty notices through the Small Claims Court, plus the cost of replacement signage in each location.
5. The annual income to the current contractor from paid CPNCs is less than £22k per year.
6. There is currently no budget within the HRA to fund the set up costs or the on-going revenue loss that would occur if the service was brought in-house.
7. Officers have concluded that to provide the service within the existing resources of the Council's Car Par Team and divert staff away from the major car parks would pose a risk of damage to the Council's reputation and effectiveness on enforcement.
8. Officers have also concluded that to provide additional resources from the HRA to deliver the service would result in an on-going revenue expenditure which would not represent good value for money.

## Appendix 8 – Risk Register

Title	Risk description	Opp/ threat	Cause	Consequence	Date Raised	Owner	Gross		Current		Residual		Comments	Controls	
							I	P	I	P	I	P		Control description	Action Owner
New Resident Parking Permit Scheme is rejected by CEB	CEB reject the proposals in the report	T	Failure to provide sufficient information to enable CEB to agree the scheme	The current scheme continues and does not include new areas being introduced and the current abuse of permits continues without remedial action being available. Parking Issues continue or become worse. Complaints to the Council increase.	22.05.14	Bill Graves	4	3	4	3	3	1	Worked closely with Lead Member to ascertain support for scheme.	Continual consultation with stakeholders and research to develop robust scheme that meets with best practice and Council priorities.	Bill Graves
Damage to Council reputation	Failure to respond to complaints from residents	T	The Council is not seen as responding to complaints from residents	Residents do not trust the Council to resolve community or estate based issues.	22.05.14	Bill Graves	4	3	4	3	3	1	Development of the Great Estates programme in consultation with Councillors, Officers and residents has improved resident perception of the Council and their communities.	Continual stakeholder consultation and feedback to ensure that evidence for proposals under Great Estates is robust	Bill Graves
Damage to Council reputation	The reputation of the Council is at risk if implementation of the scheme is not handled sensitively and expeditiously, or causes unexpected consequence	T	The Council fails to enforce the new scheme and the parking issues continue or worsen.	Residents do not trust the Council to resolve community or estate based issues.	22.05.14	Bill Graves	4	1	4	1	3	1	The current scheme is adequate for existing parking areas and has been a significant deterrent to unauthorised vehicles.	Carry out robust consultation with residents in areas where the scheme will be introduced in the future. Develop implementation protocols and policies to mitigate.	Bill Graves
Parking problems move to new areas	Displaced parking moves into different areas adding to congestion in those areas as a 'ripple effect'.	T	The Council fails to predict ripple effect caused by restricting parking to residents.	Parking problems occur in next street or neighbourhood	22.05.14	Bill Graves	4	1	4	1	3	1	Research shows that this occurs in areas where commuters and visitors take up resident parking. This issue is addressed through the wider County Traffic Management	Work closely with residents to monitor parking problems. Link in with the Great Estates programme, Neighbourhood Planning and County Council.	Bill Graves