

# Section K

## ENFORCEMENT

Enforcement

# UNAUTHORISED SIGNS ON THE HIGHWAY

## Key Policies

- Unauthorised signs on the highway will be removed to the Area depots.
- A charge may be made for their release.
- Priority shall be given to removing signs that constitute a hazard.

## 1. **The Problem**

Unauthorised signs constitute an illegal obstruction, nuisance and possibly a danger and may be removed under the Highways Act 1980.

Freestanding A-board's interfere with the uninterrupted passage of pedestrians, particularly those with mobility problems. They may also obstruct visibility and impact on road safety. And, from an amenity point of view the County Council has a civic duty to keep its highways free from an uncontrolled proliferation of signs and other clutter.

## 2. **Removal of Signs**

Unauthorised signs may be removed and taken to the Area depots from where they can be collected during normal working hours. A charge may be levied to cover the expenses incurred by the Council, according to the size of the sign(s). Please refer to Section J (charges for Licences and Services).

A charge may be made for the removal of signs under Section 149, but only where the obstruction (sign) has been moved because it is causing an immediate danger and a Section 149 Notice in these circumstances has not been issued. If a Notice has been issued then application to the Magistrates Court would be necessary for the disposal.

Section 152 gives the authority to remove projections from buildings, which includes signs and showboards erected or placed in front of a building. A fourteen day notice period must be given. After the fourteen day period has elapsed, the highway authority can remove the projection (sign) and recover expenses. A notice under this section should only be issued if the projection is an obstruction to the safe or convenient passage along a street.

Where signs do not pose an immediate danger to the public then a Section 143 Notice of removal is the appropriate procedure. Expenses may be recovered, providing the Notice is issued one calendar month before any further action is taken and therefore before any costs are incurred.

Removal of any items under the General Duty to keep highways obstruction free under Section 130 does not provide for the recovery of costs.

Fact Sheet No 19 also refers (Annex 3).

Refer also to 'Street Furniture and the Street Environment: Draft Code of Practice', in Annex I.

*Some discretion will be exercised by Council officers when determining the extent of a problem that unauthorised signs may be causing; any deemed to cause a hazard will receive priority.*

# DEPOSITS OF MUD AND SOIL ON THE HIGHWAY

## Key Policies

Parties responsible for depositing mud or soil on the highway, so as to cause danger or inconvenience to road users:

- May be served notice under Section 149 : Highways Act 1980.
- May be charged by the County Council for costs incurred.
- May be removed from County Council select tender lists if they are contractors that persistently offend.

## I. **The Problem**

Deposits of mud and soil can cause danger and inconvenience to road users. This can be a problem when vehicles track mud from farmer's fields, landfill or construction sites adjoining the public highway. The deposits can lead to vehicles losing traction, and can lead to debris being thrown into the path of other vehicles or pedestrians.

At sites where there are frequent vehicle movements, and mud is tracked onto the adjoining road network, those responsible should ensure the road surface is regularly and adequately cleaned. Ideally, an off-road wheel-wash facility should be installed, a point that must be stressed to planning authorities by Development Control staff, or to Contractors undertaking works by Area inspectors. Adequate warning signs should be erected and maintained on the approaches to the entrances to such sites.

If the highway authority becomes aware that significant or potentially dangerous amounts of mud or soil have been deposited on a County road or footway, the parties responsible should be contacted and instructed to clean the road immediately. If the problem persists, the Council will itself erect warning signs and serve notice under section 149 of the Highways Act 1980 also notifying the Police. The Council also has a statutory power to remove the nuisance and charge the landowner, site owner or offender for the costs incurred.

*Contractors, or their sub-contractors, may be removed or banned from County Council select tender lists if, in reasonable circumstances, they persistently ignore warnings to keep the road adequately clear of mud or soil.*

July 03

# ENCROACHMENTS

## Key Policies

In the event of an encroachment on highway land, the Highway Authority will:

- Ascertain whether or not the land is highway
- Take measures as necessary to eliminate or minimise any danger to road users
- Ensure the highway is returned to its original line, level and condition, remove any physical barriers and reclaim costs, or
- Enable a stopping-up procedure, if the land is no longer required as highway, and the landowner is prepared to stand all legal and administration costs.

## 1. **The Problem**

Encroachments arise when areas of highway land are enclosed, or built on without authority. Such actions result in the loss of public rights, or the highway being obstructed or undermined. There may be implications for safety, and access to existing apparatus may be affected.

## 2. **Actions**

### a. **Safety**

Appropriate measures must be taken to allay any immediate danger if the safety of the public is likely to be compromised by an encroachment. Signing and guarding may achieve this.

### b. **Procedure**

The Highway Authority must ensure that the land concerned is public highway, and that it is still required.\*

It is possible that the party responsible for encroaching on the land is unaware that they have done so. Generally, the first contact should therefore be a polite letter to the landowner or householder informing them of the situation, and requesting them to remove obstructions, return boundaries to their correct alignment, and restore the highway to its original condition, as appropriate.

Legal action must be taken if there is no progress in this respect. It is essential to ensure that Notices are addressed and served on the individual or individuals named on the electoral register for that property (and to the Secretary or Clerk where notice is served on a corporation). Notice may be served by recorded delivery or by hand, preferably with witnesses present.

The electoral register may not be up to date so care should be taken to ensure that the correct occupier is served. Where notice can be served on either the owner or occupier a search of the records at the HM Land Registry will reveal the owners details (where the land is registered). OCC Legal Services will assist if required.

The Highway Authority has powers to carry out any works that are necessary to return the ground to its original line, level and condition, and can reclaim the costs incurred. If such action has to be taken it must be carried out as a last resort, and preferably with a police presence.

**Section 322 of the Highways Act 1980 describes the full procedure for the Service of Notices. These must be followed implicitly.**

The Land and Records team have the responsibility for resolving issues in respect of encroachments, in dialogue with the Area offices, Chief Executives and Legal unit. The Executive Member for Transport must be informed of any proposals to issue legal proceedings.

Fact Sheet No 19 refers (Annex 3).

\* If the Authority considers the land to be no longer necessary as highway, the issue may be resolved by means of a stopping- up order (Section B).

*July 03*



*Parking Enforcement in Central Oxford (CPS)*

*School Crossing Patrol (RK)*



# PARKING CONTROL

## Key Policies

- To carry out on-street parking enforcement in accordance with the Road Traffic Act 1991, within the Special Parking Areas.
  - To manage and review Residents parking, other permit schemes, and operation of pay-and-display in Oxford, and other areas of the County where they operate.
  - To manage Agency schemes for parking enforcement.
  - To develop parking protocols that are in keeping with overarching transport policy, and sensitive to community needs.
  - To deal with individual requests for parking at special events.
  - To manage the operation of the central Oxford traffic access points as required for the operation of the Oxford Transport Strategy.
  - To make provision for carrying out bus lane enforcement, subject to new government legislation to support and encourage bus use.
  - To manage new Park and Ride sites serving Oxford in ways which maximise their use.
- The Parking Team shall also manage and develop the School Crossing Patrol Service:
- In concert with initiatives such as TravelWise and Better Ways to School.
  - To improve recruitment and retention, whilst keeping within the prescribed age limit of 70 years.

## I. Responsibilities and Practice

All matters of dangerous or obstructive parking shall be dealt with by the Police, unless it occurs on a length of street or across an access which is protected by yellow lines, *and* lies within the area where OCC has a responsibility for on-street parking enforcement (ie the City of Oxford and North Hinksey *only*). Here, we are able to enforce all on-street regulations in respect of time limited parking (including Pay and Display), Residents and Visitor Permit parking schemes, and double yellow lines.



(KRH)

July 03



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# Oxford and North Hinksey

## Information on On-Street Parking Enforcement



January 2003

## Introduction

This leaflet provides up to date information on the parking enforcement practice operating in Oxford and North Hinksey, and explains the circumstances under which you may be liable to receive a Penalty Charge Notice and what you should do if you receive a Notice or have your car towed away.

The enforcement of parking restrictions is essential for safety reasons to assist the aims of the Oxford Transport Strategy and for the efficient regulation of the residents' parking scheme.

## History

In 1997, Oxfordshire County Council took over responsibility for enforcement of yellow lines, and other parking restrictions, from the Thames Valley Police and their traffic wardens throughout the City of Oxford and North Hinksey. This change in enforcement was made possible by the Road Traffic Act 1991.

Control Plus is the Council's appointed contractor for enforcing parking regulations in the City of Oxford. The company operates a helpline on Oxford (01865) 247090 from 8.30am - 7pm. (After that time there is an answering machine giving the telephone contact number for the duty supervisor). This telephone number is also available for penalty charge notice queries between 9am - 5pm Monday to Friday.

### You may be issued a parking ticket if you:

- Park where yellow lines indicate that waiting or loading restrictions are in force.  
*Waiting restrictions normally apply to the entire width of the road (including verges, pavements etc.) so beware of parking in any part of the highway where yellow line restrictions are in place. (see page 79 of the Highway Code)*
- Park in a pay and display space without a valid ticket or without clearly displaying the ticket.
- Park the wrong class of vehicle in a pay and display space. (Details are given on pay and display machines).
- Return to the same parking zone within the time stated on the traffic sign, once you have left the parking space.
- Park for longer than you have paid for or return to a ticket machine and insert extra money i.e. 'meter feeding'.
- Park in a residents' parking space without displaying a valid permit  
*The County Council makes every effort to be sensitive to the needs of the resident permit holders and their visitors, but please remember that enforcement can be taken against anyone illegally parked within controlled areas or on yellow lines.*
- Park in a specially reserved bay, e.g. goods vehicle loading bay, disabled bay, taxi rank or Doctors' bay, unless you are entitled to do so.
- Park at a bus stop or in a bus lane.
- Pay and display tickets are not transferable between areas or vehicles. (Always buy your own ticket from a pay and display machine, do not buy pay and display tickets offered to you by individuals as the tickets are not valid).

**PLEASE NOTE THAT: ANY ILLEGALLY PARKED VEHICLE IS LIABLE TO RECEIVE A PENALTY CHARGE NOTICE AT ANY TIME**

**What you should do if you get a parking ticket**

If you park illegally you will be given a Penalty Charge Notice (PCN). The charge imposed by this notice is £40.00. If, however, you pay within 14 days you will get a 50% discount, only having to pay £20.00. This discount is only available if the notice is paid within 14 days.

**How to appeal**

If you believe that the PCN was issued incorrectly you should contact Control Plus in writing stating your concerns. This must be done within 14 days to take advantage of the discounted rate. Your letter will be considered carefully and you will receive a reply - usually within 7 days. The PCN will be put on hold while Control Plus deal with your letter. The discounted period will not be affected during correspondence.

If payment is not received within 28 days, the **registered owner** of the vehicle will be sent a statutory 'Notice to Owner' allowing them a further 28 days to pay the full £40.00 or to make a formal representation to the County Council on the 'Notice to Owner' form. At this stage the discounted rate is no longer available.

If the County Council rejects your representation, you will be provided with forms enabling you to appeal to the National Parking Adjudication Service (NPAS). The NPAS is a totally independent service staffed by experienced solicitors. Making an appeal is a free service.

**The Adjudicator's decision is final.**

The PCN will be cancelled if the representation or appeal is successful. If it is not, the penalty of £40.00 should be paid immediately.

If the penalty charge is not paid, the fee will be increased in accordance with the penalty charge regulations, by 50% to £60.00. If this is not paid the debt will be registered at the Traffic Enforcement Centre at Northampton County Court. The cost at this stage is increased to £65.00 by the addition of the £5.00 registration fee. This debt is then allocated to bailiffs for collection, who work within regulations governing their actions. Any charges made by the bailiffs are payable by the individual.

**UNDER NO CIRCUMSTANCES SHOULD PCN's BE IGNORED - THEY WILL NOT GO AWAY! IF IN DOUBT TALK TO US BY WRITING, PHONE OR E-MAIL - IN THE MAJORITY OF CASES WE CAN FIND AN ANSWER TO YOUR PROBLEM**

**Your vehicle may be removed if it is:**

- Parked in a position likely to cause danger to other road-users, including at, or near, a junction.
- Parked in a manner which may cause obstruction to emergency services, traffic or pedestrians.
- Parked in a way which causes obstruction of bus lanes, bus stops, suspended parking bays, disabled persons' spaces or access to or from private property.
- Parked on an urban or no-stopping clearway during peak periods.
- Parked during the hours of a loading ban, or at other times on a waiting restriction, without loading or unloading being apparent.

- Persistent evaders (those who do not pay their PCN charges) and persistent offenders (those who pay their PCN charges but regularly commit offences) may also have their vehicles removed if parked illegally (in accordance with Local Authority Circular 1/95, Annex 8.2.: Guidance on Decriminalised Parking Enforcement Outside London).

**The minimum cost of recovery is £105.00, plus £20.00 for the penalty charge notice (If paid within 14 days)**

## What you should do if your vehicle is removed

If your car was parked in an area controlled by parking regulations and has disappeared from where you left it, it may have been removed by Control Plus. You should ring Thames Valley Police Control Room on Oxford (01865) 846000. The Police will check their computer records to see whether the car has been removed on behalf of the County Council because it was parked illegally. If it has, you will need to go to the Payments and Parking Shop (details below). After payment of the outstanding charges, they will tell you where your car is stored. There are arrangements for the car to be returned if the office is closed. These arrangements are explained on the payment machine at the Payments and Parking Shop.

## Payments and parking shop

The Payments and Parking Shop is operated on behalf of the County Council by Oxford City Council. It is at the Carfax end of the High Street on the south side of the road at 140, High Street Oxford OX1 1EN. The shop is open Monday to Friday from 8.30am - 6pm and on Saturdays, between 9am and 6pm.

## How you should pay your penalty charges

Parking charges should be paid by post to Control Plus at P.O. Box 860, Oxford OX4 1FT or at the Payments and Parking Shop or by telephone on 08451 306080.

Full instructions for payments are given on every PCN, including information on different ways to pay.

## Methods of payment

### Payments may be made in the following ways:

Cash (this should only be used if paying in person at the Payments and Parking Shop; it should not be sent through the post).

Other methods of payment are: personal cheque, company cheque, credit and debit card and postal orders (Sterling). All cheques should be made payable to Oxfordshire County Council.

There is also a 24-hour telephone payment system available on: 08451 306080 and can be used for all debit and credit card payments.

## Parking permits, dispensation and suspensions

Oxford City Parking Permits for residents and their visitors are available from the Payments and Parking Shop. These may be collected or posted to you. Extra temporary permits may be available if you have a hire or loan car. Contact the Payments and Parking Shop for details.

Waivers to allow vehicles to park on yellow lines to enable them to be used in connection with

essential works can be obtained from Control Plus by telephone on (01865) 247090.

## Key contacts

**Enforcement, Dispensation & Suspensions** - Helpline: (01865) 247090

**Postal Payments** - Control Plus: P.O. Box 860, Oxford, OX4 1FT

**Personal Payments** - Payments and Parking Shop, 140- High Street, Oxford OX1 4DN. Tel: (01865) 252693

**Telephone payments** offer a 24 hour credit/debit card payment service on 08451 306080

**Residents' & Visitors' permits** - Payments and Parking Shop, 140 High Street, Oxford OX1 1EN

**Removed cars** - Police Control Room (01865) 846000, then Payments and Parking Shop National Parking Appeal Service Web Site - [npas@parking-appeals.gov.uk](mailto:npas@parking-appeals.gov.uk)

**IF YOU HAVE ANY FURTHER QUERIES PLEASE WRITE TO:**

**John Crossley**  
**Parking Manager**  
**Oxfordshire County Council, Speedwell House, Speedwell Street,**  
**Oxford, OX1 1NE**  
e-mail: [john.crossley@oxfordshire.gov.uk](mailto:john.crossley@oxfordshire.gov.uk)