

Local Members' Interest
N/A

Prosperous Staffordshire Select Committee – 15th November 2016

On-street Parking Enforcement and Residents Parking Zones

Recommendations

The Committee is asked to:

1. Scrutinise responsibilities for on-street parking enforcement and residents parking zones in Staffordshire.
2. To provide views on proposed changes to the Policy for the Processing of Penalty Charge Notices and the Policy and Guidelines for Residents Parking Zones

Report of Cllr Mark Deaville, Cabinet Member for Highways and Transport

Summary

What is the Select Committee being asked to do and why?

3. Since the decriminalisation of parking enforcement in 2008 enforcement powers had been shared between local authorities and the police. Prior to April 2015 on-street enforcement was carried out on behalf of the County Council by each of the eight district/borough councils. In April 2015 the arrangements changed and the County Council entered into a single arrangement with Stoke-on-Trent City Council for enforcement and back office services.
4. With the exception of dropped kerb crossing points and double parking local authorities can only enforce where parking restrictions exist. Any issues of vehicles parked dangerously or causing an obstruction remains a matter for the police. The police can also address offences of wilful and unnecessary obstruction on the road or pavement, the blocking of pedestrian/disabled crossing points and vehicle access crossings, dangerous parking on chevrons at pedestrian crossings etc., and issues of double parking or parking too close to a junction.
5. This paper provides an update for Members and seeks views on proposed changes to the Policy for the Processing of Penalty Charge Notices and the Policy and Guidelines for Residents Parking Zones.

Report

Background

6. At its meeting on the 13th September 2016, the Committee considered a briefing note about on street parking enforcement and residents parking zones and requested that further consideration be given to the matter at a future meeting.

7. Since the decriminalisation of parking enforcement in 2008 enforcement powers have been shared between local authorities and the police. Prior to April 2015 on-street enforcement was carried out on behalf of the County Council by each of the eight district/borough councils. In April 2015 arrangements changed and the County Council entered into a single arrangement with Stoke-on-Trent City Council for enforcement and back office services.
8. The district/borough councils remain responsible for off-street enforcement in their public car parks with four districts using the services of Stoke-on-Trent City Council for enforcement and all using the back office services of Stoke for processing of penalty charge notices.
9. As part of this change the County Council now deals with all enquiries for on-street parking and enforcement. A new series of parking pages on the County Councils website was introduced in April 2015 including frequently asked questions and payment system for on-street penalty charge notices.

Responsibilities for parking enforcement

10. Staffordshire County Council is able to carry out enforcement where parking restrictions exist. The Council can also issue penalty charge notices to vehicles that are blocking pedestrian/disabled crossing points and vehicle access crossings where other parking restrictions do not exist. Enforcement of vehicle access crossings is only carried out at the request of and, with the property owner's permission. Enforcement can also be carried out where vehicles are double parked i.e. parked more than 50cm from the kerb.
11. Any issues of vehicles parked dangerously or causing an obstruction remains a matter for the police. The police can also address offences of wilful and unnecessary obstruction on the road or pavement, the blocking of pedestrian/disabled crossing points and vehicle access crossings, dangerous parking on chevrons at pedestrian crossings etc., and issues of double parking or parking too close to a junction.
12. With the exception of dropped kerb crossing points and double parking local authorities can only enforce where parking restrictions exist and Staffordshire County Council is therefore able to enforce the following:
 - a. limited waiting bays
 - b. double/single yellow lines
 - c. on street pay and display bays
 - d. resident parking zones
 - e. disabled parking bays
 - f. loading bays
 - g. bus stops/stands
 - h. taxi bays
 - i. school keep clears (where a traffic regulation order is in place)
 - j. clearways
 - k. dropped kerb access (written consent from the property owner is required)
 - l. double parking (vehicles parked too far from the kerb line)
 - m. pedestrian crossings (also police)

13. In addition to the above civil parking offences, the police are responsible for enforcement of the following:
- a. Illegal obstructions and dangerous parking
 - b. double white lines (moving traffic offence to restrict overtaking)
 - c. obstruction – e.g. pavements with no parking restrictions
 - d. dangerous parking where there are no restrictions in place, for example, on bends, brows of hills and junctions
 - e. dropped kerb access (where obstruction is being caused - see also local authority powers)
 - f. double parking (where obstruction is being caused - i.e. vehicles parked obstructively either side of the road – see also local authority powers)
 - g. one-way traffic
 - h. box junctions
 - i. access only
 - j. white-hatched areas
 - k. pedestrian crossings (also local authority)

Pavement Parking

14. Outside London it is not generally an offence for a vehicle to be parked on a footway unless it is causing an obstruction the exceptions being:
- a. Heavy Goods Vehicles (Section 19, Road Traffic Act 1988);
 - b. Cycle Tracks (Section 21, Road Traffic Act 1988);
 - c. Where a Traffic Regulation Order (TRO) exists.
15. As a Civil Parking Authority the County Council does have the power to issue a penalty charge notice where a heavy goods vehicles is parked on a pavement irrespective of whether parking restrictions exist. However there is no automatic authority to enforce other vehicles that may park on park on pavements.
16. Driving on the footway and obstruction of the footway (subject to certain exceptions) remain endorsable offences and may be enforced by the police. Civil enforcement powers can therefore only be used where the parking contravenes a relevant Traffic Regulation Order.
17. Authorities outside London are able to implement pavement parking bans locally by way of a Traffic Regulation Order and such requests would be considered via the Divisional Highway Programme process.
18. In 2015 a private members bill was considered by Parliament on this matter but was withdrawn after its second reading following a commitment from the Parliamentary Under-Secretary of State for Transport (Mr. Robert Goodwill) that the Department for Transport would undertake some work to examine more closely the legal and financial implications of an alternative regime, and the likely impacts on local authorities.
19. Whilst on the face of this, the adoption of existing powers i.e. a local traffic regulation order may appear advantageous, there are a number of issues that would need to be in considered e.g. roads where passing would become difficult or new parking restrictions would be required and a number of complaints and enquiries could arise.

Annual Report

20. Each year the County Council is required to prepare an annual report on civil parking enforcement. The report for the first year of the new arrangement is currently being prepared for publication.
 - a. Public satisfaction with measures to tackle inconsiderate parking continues to improve (annual NHT Public Satisfaction Survey) have slightly improved 44.4% in 2015 compared to 42.6% in 2014.
 - b. The level of Penalty Charge Notices issued in 2015/16 decreased compared to 2014/15 with 19,763 issued compared with 21,261 in 2014/15.
 - c. The percentage of Penalty Charge Notices issued for which payment has been received, has increased (75% in 2015/16 compared to 72% in 2014/15). Over 82% of Penalty Charge Notices payments received are paid for at the discounted rate.
 - d. 26% of Penalty Charge Notices issued receive representations.
21. Of those Penalty Charge Notices that receive representation, 42% are cancelled in accordance with the Policy for the Processing of Penalty Charge Notices. The majority of cancellations are related to failure to correctly display blue badges or paid for parking tickets.
22. Less than 1 in 1,000 tickets are referred to appeal at the Traffic Penalty Tribunal with only 9 cases allowed in the year demonstrating that good policies are in place, good decisions are being made locally by enforcement staff during representations to Stoke-on-Trent City Council Parking service and by County Council officers. Over 261,000 observations/visits were carried out in the year by the enforcement team with over 10,000 enquiries being dealt with by the contact centre in the period July 2015 to March 2016.

Priorities for Enforcement and Policy for the Processing of Penalty Charge Notices (PCN)

23. Enforcement activities and requests for enforcement are prioritised against the key outcomes for clear streets i.e. highway safety, aid to movement, obstruction and nuisance, deliveries and servicing, and parking bays. This hierarchy was originally approved by the Joint Staffordshire Parking Board. Further details are provided in Appendix A.
24. Demand for enforcement remains high with approximately 500 enquiries/requests for enforcement received by the County Councils Clear streets team each month Requests for enforcement outside schools features regularly and the enforcement team works with other stakeholders to encourage more considerate parking by parent/carers as well as with pupils as part of road safety education officer visits to schools.
25. All penalty charge notices are issued and processed in accordance with the Policy for the Processing of Penalty Charge Notices originally approved by the Joint Staffordshire Parking Board.

26. The current Policy has proved very effective in the management of civil parking enforcement with a low number of tickets referred to appeal at the Traffic Penalty Tribunal as noted in paragraph 22 above. However it is felt that a number of changes would be appropriate to consider and the views of the Committee are therefore sought on two matters, observation periods and payment by instalments as outlined below.

Observation periods

27. Prior to a PCN being issued a civil enforcement officer may allow a period of 5 minutes to elapse between first observing the vehicle and the issue of the PCN. This is to satisfy the officer that loading or unloading is not taking place. With certain contraventions, however, this observation time is not appropriate. Furthermore, the Policy reserve the right to reduce or remove the observation time to address local problems.
28. Except on designated clearways and zigzag (schools and pedestrian crossing) restrictions, current policy allows that any vehicle will be allowed a reasonable amount of time to drop-off or pick up passengers irrespective of any waiting or loading restriction in force. It is deemed that two minutes is sufficient allowance for this unless it involves the elderly, disabled persons, young children or large amounts of luggage etc.
29. However, the tolerance on yellow lines is increasingly relied on (particularly outside schools) and drivers are regularly parking on yellow lines for inappropriate reasons and relying on the observation period. This causes obstruction and undermines the existing restrictions and is particularly an issue outside schools.
30. The views of the Committee are therefore sought on removing the observation period for vehicles found parked on single or double yellow lines unless the civil enforcement officer determines that there is a valid reason for parking there. This could help to reduce the amount of inconsiderate parking outside schools.

Instalments

31. As a general rule payment by instalment is not accepted for the payment of penalty charge notices. Exceptions to this are made in cases of demonstrated, genuine financial hardship. The current policy allows for a minimum weekly payment of £10.00 per week and has remained at the same level since 2007.
32. The views of the Committee are sought on an increase in the minimum weekly payment to £20.00 with the ability for a lesser amount to be considered where significant hardship is demonstrated.

Technology

33. Conventional enforcement, using foot patrols, continues to prove time consuming and particularly around schools where demand remains high and drivers frequently drive off before PCN's are issued.
34. The Traffic Management Act 2008 gives parking authorities the power to enforce parking regulations through CCTV and other authorities including for example the City of Stoke-on-Trent have introduced the use of camera cars to improvement enforcement of parking restrictions around schools.

35. The views of the Committee are sought on whether a trial should be carried out with the use of camera car enforcement around schools. This would need to be associated with the proposed change to observation times noted in paragraph 29 above.

Enforcement of Dropped Kerbs and double parking

36. Special enforcement powers provide the ability to enforce when vehicles are parked where the footway has been lowered and where double parking (parking more than 50cm from the edge of the carriageway) occurs. The dropped kerb powers for residential and business access are not intended for use as a matter of course but only when the locally authority is formally requested to take enforcement action against parked vehicles by owners/occupiers of the premises served by the crossing.

37. The Joint Staffordshire Parking Board approved a policy for dropped kerb enforcement and double parking on 13th July 2009 and provided for residents to request the service following completion of the relevant application forms and confirmation of the understanding of terms and conditions. Once householder permission is granted this is deemed to be enforceable at all times during working hours of the officers. The service is not an emergency call out service.

38. Since the introduction of these powers, different approaches have been adopted by other authorities including the ability to receive the permission from the householder at the time of visit following such a request.

39. The views of the Committee are sought on whether the current policy should be extended to allow enforcement of dropped residential access kerbs on request (and where resources allow) provided that the property owner gives permission at the time of visit.

Residents' Parking Zones

40. Before decriminalised parking enforcement (DPE)/civil parking enforcement (CPE) the County Council was unable to introduce Permit Parking Schemes as they required high levels of enforcement that the police were unable to supply. With the introduction of DPE/CPE, the County Council was able to develop a policy to determine the selection, type, operational constraints and terms and conditions for the introduction of these permitted parking schemes and the Policy and Guidelines for Residents Parking was developed for that purpose.

41. The intention of a Residents' Parking Zone (RPZ) is to give residents priority and manage non-residents parking in the zone. The introduction of a scheme does not mean that residents have their own parking spaces, nor does it guarantee every householder a parking space within the zone at all times.

Policy and Guideline for Residents Parking

42. The Policy and Guidelines for Residents Parking was approved by the Joint Staffordshire parking Board in 2008. In 2013 the Joint Staffordshire Parking Board recommended the introduction of additional guidelines for the development of an RPZ focussed on the development of the role of a "Local Champion" who has a key role in demonstrating that there is majority support and acting as a link between the traffic

regulation team and residents and businesses within the zone. This approach supports localism and the Local Champion could, for example be a resident, the local County Councillor or a member of the district, parish or town council.

43. In order for a scheme to progress, the current policy requires majority support for a scheme measured via a postal survey. This requires an 85% response rate and 60% to be in favour of a scheme before it can go ahead (i.e. 51% in support).
44. Whilst schemes are required to be self-funding in terms of their set up and operating costs opportunity is increasingly being sought to secure funding to develop schemes as part of measures to mitigate the impact of developments in town centres or, other significant generators of parking demand such as hospitals.
45. The views of the Committee are sought on an amendment to the existing Policy and Guidelines for Residents Parking to provide a relaxation around the application of this aspect of the policy where a scheme to manage on-street parking has been identified as part of the planning conditions for the site and funding for the establishment of the scheme has been provided by the developer.

Current and proposed Residents Parking Zones

46. There is currently 6 Residents Parking Zone in operation across the county at the following locations. Together over 475 properties are covered by the various zones with 470 permits being issued in a typical year.
 - a. Victoria Street, Cannock (25 Premises)
 - b. Lombard Street, Lichfield (34 Premises)
 - c. Castletown, Stafford (159 Premises)
 - d. Vessey Terrace (and surrounding streets), Newcastle (200 Premises)
 - e. High Green, Brewood, South Staffordshire. (9 Premises)
 - f. Cherry St & Cross St, Tamworth. (48 Premises)
 - g. Since April 2015 the following new zones have been introduced
 - h. Cherry St & Cross St, Tamworth. (48Premises)
47. Based on the priorities previously agreed by the eight district local parking committees the following zones are either currently under development or have not been progressed. This is generally due to either not obtaining the required level of support or other technical issues such as suitability e.g. inadequate number of spaces.

Zones under development:

- a. Victoria Road area, Tamworth (172 premises, estimated date of introduction winter 2016/17)
- b. Queen's Hospital area, Burton upon Trent (663 premises, estimated date of introduction summer 2017)
- c. Forebridge west, Stafford (226 premises, estimated date of introduction winter 2016)
- d. Forebridge east, Stafford (370 premises, estimated date of introduction spring 2017)
- e. Brunswick Terrace, Stafford (47 premises, estimated date of introduction summer 2017)
- f. Dunkirk / Stanier area Newcastle under Lyme (446 premises, estimated date of introduction autumn 2017)

Zones that have not been progressed

a. Newhall Street, Cannock (143 Premises). During the initial design stage of the scheme it became evident that there was a considerable lack of road space available for parking when considering the number of vehicles that the properties who wished to join the scheme owned.

48. Requests for the development of zones remain high with 15 requests received since April 2015. The County Council's highways team is currently resourced to be able to progress a maximum of two schemes in each financial year.

49. Since April 2015 permit types have been simplified and in July 2016 an online application system for permits was introduced making it easier for residents to apply for new or renewed permits and supporting the county councils shift to digitally enabled services. Over 70% of permit applications are now being made online.

Link to Strategic Plan

50. Clear Streets supports the following aspects of the Strategic Plan

The people of Staffordshire will:

- a. Be able to access more good jobs and feel the benefits of economic growth, and
- b. Feel safer, happier and more supported in and by their community.

51. Clear Streets supports this by ensuring that when carried out sensitively, the management of parking on the highway provides an opportunity for local communities to enhance the quality of life for people living in town centres, improve conditions for pedestrians (particularly the elderly and disabled people), ease traffic flow, improve short-term accessibility of town centres, support public transport, make deliveries easier and boost the local economy.

Link to Other Overview and Scrutiny Activity

Cabinet, Keeping Staffordshire Moving - Civil Parking Enforcement, October 2013

Community Impact

A Community Impact Assessment was carried out for the Cabinet Report in October 2013.

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