

27 March 2024**Agenda Item:**

REPORT OF THE CABINET MEMBER – TRANSPORT AND ENVIRONMENT

RESIDENTS' PARKING SCHEMES: CURRENT POLICY AND PROCESSES

Purpose of the Report

1. To detail to Place Select Committee the current policy and processes that govern the introduction and modification of Residents' Parking Schemes in Nottinghamshire.
2. To consider amendments to the processes that will provide further efficiencies to the delivery of future schemes.

Background

3. Residents' Parking schemes are controlled parking zones where parking is only permitted for vehicles displaying a valid resident or visitors permit that is issued by the County Council. They will typically be used where demand for on-street parking exceeds the road space available and this excess demand is caused by the vehicles of non-residents or their visitors. On streets where the residents mostly have access to off-street parking, or where the parking demand does not exceed parking capacity, they are not considered appropriate as the residents' access to their homes is not unreasonably affected by the parking. In situations where there is a proliferation of on-street parking and the residents have off-street parking, other controls can be considered such as double or single yellow lines where parking is causing road safety or environmental issues associated with high levels of parking. Full details of the Council's current policy on Residents' Parking Schemes from the Highway Network Management Plan are attached as **Appendix A**.
4. As residents' parking schemes are currently funded through Integrated Transport Block (DfT) funding they are introduced in locations where they will help deliver local transport and corporate objectives relating to increasing active and low carbon travel (i.e., walking, cycling, and public transport), reducing local congestion, and to improve the vitality of local centres. There are 130 residents parking schemes currently in the County covering a total of 474 streets. These schemes are typically in or near town centres where the cost and availability of parking otherwise displaces vehicles into nearby residential areas. There are a few schemes near other notable traffic generators such as factories or colleges and some, such as the area-wide scheme in West Bridgford off Albert Road, were introduced following being required by the Local Planning Authority as part of the planning process.
5. With the introduction of charging for permits in June 2010 there were a significant number

of requests for historical schemes to be either modified or removed, particularly in those areas where the original cause of the problem is no longer in existence. The need for a charge for permits for more recent schemes is now generally publicly acknowledged and in the 24/25 financial year will rise to £40 for an annual permit.

6. During the two financial years 2022/23 and 2023/34 the County Council received 157 requests for the introduction of new Residents' Parking Schemes (eight of which were petitions). Of these requests, most were not taken forward for delivery as they did not meet the existing delivery criteria. It should be noted, however, that during the last five years 36% of the requests that met the criteria still did not proceed to delivery due to not receiving local public support when the subsequent formal consultation on the schemes was undertaken. The number of new schemes has been relatively small in recent years as the most pressured streets will either have a scheme already in place, or they will have had the opportunity to have one but no majority consensus among residents was reached.
7. The remainder of this paper lays out the processes that are followed in the introduction of a scheme or for the modification of a scheme and is prompted by concerns being expressed by some Members about the length of time taken to consider and implement residents' parking scheme requests and this paper sets out how the applications are currently managed and outlines some potential amendments to the process upon which the views of Place Select Committee are sought.

The introduction of new schemes

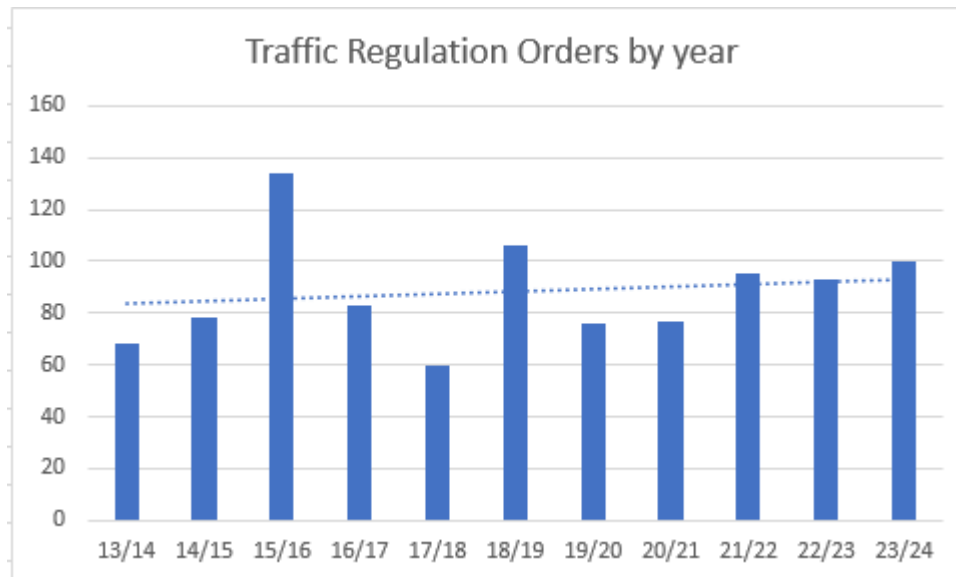
8. Residents' parking schemes are made using a Traffic Regulation Order (TRO). TROs are made by the Highway Authority using powers provided by the Road Traffic Regulation Act 1984 with the legislative procedure detailed within the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (LATOR).
9. The process can be lengthy as it requires several stages of public consultation followed by the consideration of, and if possible, resolution of objections. It is generally accepted that even relatively straightforward TROs such as double yellow lines around a junction can take around 6 months to complete and more complex ones such as Residents' Parking Schemes can take significantly longer. The Department for Transport has recognised this and has recently consulted on a proposal to simplify and speed up the time it takes by amending the legislation and removing current barriers. These proposals include amongst others the digitising of all TROs into a nationally agreed format with standard publishing regulations, the publication of maximum response times on TROs paid for by third parties and the removal of the need for consent from the Secretary of State for multiple closures on the same section of road. The DfT indicated (on 15th January 2024) that it plans to proceed with amendments to this process when Parliamentary time is available.
10. The County Council currently follows a slightly more convoluted process because legal restrictions relating to the making of TROs mean that certain functions cannot, by law, be delegated to Via East Midlands Ltd., and so the County Council must itself approve the programming of the scheme after the initial feasibility work and if necessary, it must also consider any objections that Via have been unable to resolve through discussions with stakeholders. At present, the consultations on the scheme and ultimately the physical works are undertaken by Via. **Appendix B** contains a flowchart detailing the processes

from the initial request to inception.

11. All requests for a residents' parking scheme are initially subject to a desk-based assessment against the base criterion: the request must be from a street or streets where most of the residents do not have access to off-street parking. If that is not the case, other TROs may be appropriate following more detailed site investigation.
12. The next key requirement is to collect evidence of significant and frequent unnecessary non-resident parking that supports identification of a road safety / environmental issue that may be addressed by a residents' parking scheme. This requires detailed parking surveys at different times of the day and on different days of the week (dependent on the location).
13. If the surveys support the initial request and meet the policy requirements around severity and frequency, the proposal to formally explore the making of a residents' parking scheme will then be included in the annual capital highways programme budgetary report. This programme currently provides financial approval twice a year so dependent upon the timing of the request, there may be a considerable delay at this stage before the scheme can receive formal approval to commence.
14. When the annual capital highways programme budgetary report is approved, a task order is then issued to Via who then take responsibility for the public engagement and formal consultation required by legislation. At this point, Via seeks to ascertain if there is sufficient support for the scheme to meet the policy detailed in Appendix A. In brief, at least 35% of residents must return the questionnaire and of those, at least 65% need to be in favour for the scheme to progress further. This part of the process is discussed later under proposed changes.
15. Via then follow the legislative stages and will initially consult with stakeholders such as the emergency services, public transport operatives, the local Member and freight haulage representatives to gauge if there are any significant reasons why the scheme should not progress to formal advertisement.
16. The formal advertisement period must be at least 3 weeks (although the Council does offer 4 weeks as standard). Notices are required in local newspapers and on site as well as letters to frontages which in the case of a residents' parking scheme will be all properties.
17. Objections must be made in writing and can come from any source. If they cannot be resolved by Via through discussion with stakeholders then, at this stage, the proposal must return to the County Council for consideration as Via cannot legally have the powers to determine objections to TROs. At present, an existing delegation means that a report is required to be taken to the Cabinet Member (Transport & Environment) for consideration, unless there are 3 or less objections in which case the Cabinet Member has delegated the decision to the Group Manager (Transport & Highways).
18. If there are no objections or if the objections disclose grounds that are either not relevant or not of sufficient weight such that the Council could properly conclude that the TRO ought not be made, Via will arrange for the installation of the signs and lines required and the Councils Central Processing Unit will issue permits to eligible residents and the

scheme can commence.

19. The graph below shows the number of all TROs processed by year over the last 10 years and it demonstrates that the output is increasing. The number of new Residents' Parking Schemes introduced in the last 5 years is 13.



The modification or removal of existing schemes

20. Where residents' parking schemes have been installed and residents no longer consider them appropriate, the Highway Network Management Plan states that they will be considered for review in the following circumstances:
- There must be clear evidence of dissatisfaction with the existing scheme, including high levels of complaints from residents, and
 - The circumstances regarding the initial implementation of the scheme need to have changed, e.g. closure / relocation of a factory.
21. As residents' parking schemes are introduced to support corporate objectives, removal of a scheme will also only be undertaken when it is not considered to be detrimental to the vitality of the local centre or other local transport objective.
22. As with the introduction of new schemes, a detailed review of a scheme will usually only be progressed where preliminary consultation with the directly affected residents has resulted in at least 35% of the households returning the survey and, of those, 65% of the households' state that they are in favour of a change to scheme.

Potential process amendments

23. The introduction of Residents' Parking Schemes can be complex and time-consuming as, unlike many TROs, we are considering a restriction that will impact upon all residents within a specific area and there is always the likelihood that some will not agree with restricting

parking.

24. The processes that are outlined above are all necessary to meet our legislative requirements. However, there is the potential to alter some parts of our processes around those and one suggested change is around the initial consultation letter that Via currently send to residents to ascertain support. Due to the time that can be taken with necessary parking surveys and the submission to the Capital Programme undertaken by the County Council, there may be merit in this part of the process being carried out at a much earlier stage prior to the works order being issued to Via. This would then create a clearer distinction between preparatory investigative work done by the Council to ascertain whether the base criteria are met and the formal consultative advertisement stage and subsequent works undertaken by Via on behalf of the Council. By front-loading the process to seek an indication of the level of residents' support early on, it would also reduce the amount of abortive work as a significant proportion of proposed schemes fail to achieve the necessary local support.
25. In addition, consideration could be given to increasing the frequency of updating the annual Capital Highways Programme budgetary report.
26. Furthermore, as a consequence of the Highway Services Review, the County Council now has a relatively new Network Management team reporting to the Group Manager (Transport & Highways). The interaction of this team with Via is still being developed but consideration can be given to an investigative and evaluative role in considering such schemes being placed within that team, thus assisting Via with focusing on the delivery of the Council's projects.

Other Options Considered

27. The option of doing nothing to appraise the current process has been considered though this would not address Members' concerns that some residents' parking scheme proposals take 'too long' from the initial request to installation. As indicated, much of the process is governed by legislation (and the Council welcomes the current review of that by Government) but there may be parts of the process around that that could be redesigned to streamline the process and to enable it to be expedited more efficiently.

Reason/s for Recommendation/s

28. The suggested amendments to the processing of TRO requests should help reduce delays arising from the proposals moving between the Council and Via as well as potentially providing some additional capacity when necessary and making the Council more responsive to requests.

Statutory and Policy Implications

29. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability, and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Equalities Implications

30. The implications of this report relating to equality issues have been considered and it has been concluded that no protected group will be adversely affected.

RECOMMENDATION

- 1) That the Place Select Committee considers the report and current processes alongside the potential proposals detailed in paragraphs 24-26 and any other suggestions for improvement that may arise from such consideration.

Councillor Neil Clarke MBE
Cabinet Member for Transport and Environment

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Constitutional Comments (SJE – 14/03/2024)

31. The responsibility for the exercise of the Authority's functions relating to parking provision is within the portfolio of the Cabinet Member (Transport & Environment). The exercise of traffic regulation, road safety and parking provision functions is within the remit of the Place Department. Responsibility for scrutiny and review of any matters within the remit of the Authority's Place Department has been delegated to the Place Select Committee.

Financial Comments (PA 23/02/2024)

32. There are no specific financial implications arising directly from this report.

Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None.

Electoral Division(s) and Member(s) Affected

All