

18 September 2024

Agenda Item 6

REPORT OF THE CHAIRMAN OF PLACE SELECT COMMITTEE

OUTCOMES OF THE SCRUTINY REVIEW OF RESIDENTS' PARKING

Purpose of the Report

1. To share findings from the scrutiny task and finish review of Residents' Parking Schemes by members of Place Select Committee.
2. To seek Place Select Committee's endorsement for the review's recommendations to be submitted to Cabinet for consideration.

Background

3. Place Select Committee considered an agenda item on 27 March 2024 in respect of residents' parking schemes. This included consideration of the various stages of the applications process as well as process for removal of schemes that are no longer needed. During the scrutiny discussion of this item, Members discussed streamlining the application process, taking a broad strategic approach that gives consideration to the indirect impacts of potential schemes, and ensuring schemes are enforced effectively and fairly.
4. As a result of the discussion at the meeting, members agreed that the issue would benefit from further detailed scrutiny work being undertaken through the establishment of a task and finish group that would enable members to fully consider in detail a range of possible amendments around residents' parking schemes. It was also agreed that, in consultation with officers, the Chair and Vice Chair of Place Select Committee would develop a scope, or detailed work plan, for the review.
5. Areas of consideration that members agreed would benefit from further activity included:
 - How support for new schemes is gauged.
 - How the application process works, and how the process might be sped up.
 - How the status and progress of applications is communicated to applicants.
 - How implementation in town centres or neighbourhoods affects surrounding areas.
 - How the Council ensures schemes are effectively and fairly enforced.

Scoping the Review

5. The above areas members identified for further scrutiny were added to a draft document that set out the scope for the review. The scope was then circulated in draft form to all members of Place Select Committee. All members of the committee were invited to express their interest in taking part in the review group or to nominate another member of their Group to take their place.
6. The scope identified two main objectives of the review:
 - To examine the process for setting up a residents' parking scheme in Nottinghamshire with a view to making this process clearer and more efficient for residents.
 - To consider the impacts of schemes on enforcement, and within surrounding areas.
7. The scope also outlined key lines of enquiry exploring three areas:

Potential improvements to residents' experience of the process.

- Any barriers encountered by residents who seek to set up a new scheme or remove an existing scheme.
- How best to incorporate additional supporting materials into the consultation process.
- Timescales for the full process and potential improvements that might speed the process.
- Communication with residents regarding a proposed scheme that is being progressed.

The decision-making process for implementing or removing a scheme.

- The County Council's policy on Residents Parking Schemes and its powers to introduce and enforce residents' parking schemes.
- Circumstances that often motivate residents to apply for a new scheme.
- Guidance available to residents around the application process to set up or remove a scheme.
- The consultation processes in place and steps taken to reach all residents who may be affected by a prospective scheme.

How the Council ensures a fair and consistent approach is taken to administering permits and enforcing schemes that have been implemented.

The Nottinghamshire Plan 2021-2031

8. Scrutiny works as a check and challenge to help ensure the Council is achieving its strategic vision and providing the best possible services to Nottinghamshire residents. The Nottinghamshire Plan 2021-31 sets out ten Ambitions to achieve 'a healthy, prosperous and greener future for everyone' in Nottinghamshire. This review supports three Ambitions within the Plan by taking a close look at one of the Council's policies, the Residents' Parking Policy. Whilst this policy guides only a small part of the Council's overall activity, this policy intersects with three significant Ambitions within the Plan. The objective of the review, to make

recommendations for a clearer and more efficient approach to Residents Parking, contributes to each of the following Ambitions:

Ambition 6: Making Nottinghamshire somewhere people love to live, work, and visit

As part of Ambition 6 of the Plan, the Council aims to make Nottinghamshire somewhere people love to live, work and visit by considering how access to local areas benefits residents and businesses.

Ambition 8: Improving transport and digital connections

As part of Ambition 8, the Council pledges to improve transport connectivity by strengthening enforcement of parking restrictions to help reduce congestion and make roads safer.

Ambition 10: A forward-looking and resilient Council.

As part of Ambition 10, the Council aspires to embrace new technologies and ways of working that improve outcomes for residents.

The Review Group

9. The members of the review group were:

- Councillor Mike Adams (Chair)
- Councillor Penny Gowland
- Councillor Mrs. Sue Saddington

Evidence Gathering Session

10. On 12 June 2024 the review group received a presentation from the Council's Traffic Manager, Gareth Johnson who has responsibility for enforcement of residents' parking schemes, who was joined by Mark Walker, Interim Service Director of Place and Communities and Gary Wood, the Highways and Transport Group Manager. Members considered relevant policy and requirements, maps and case studies relating to residents' parking schemes in Nottinghamshire and nearby areas. The following issues were discussed during the evidence gathering session.

Purpose of residents' parking schemes

11. Residents' parking schemes are controlled parking zones where parking is only permitted for vehicles displaying a valid resident or visitor's permit that is issued by the County Council. Schemes are typically 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. With a valid permit, residents can park within the restricted area. Drivers without a permit can pick up and drop off passengers and make deliveries but cannot leave their cars within the zones.

12. Currently, residents' parking schemes are initially funded through Department for Transport (DfT) Integrated Transport Block 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 improving the vitality of local centres. There are thirty 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 would displace vehicles into nearby residential areas.

13. The Council's Traffic Management team oversees the decision-making process around initiating and implementing new residents' parking schemes and, where appropriate, the removal of existing schemes. This process is guided by the Council's policy that is derived from requirements outlined in the Road Traffic Regulation Act 1984 (the Act), which gives the Council powers to take appropriate action to resolve traffic issues. Although most of the process around the introduction of schemes are defined by the Act, the Council has added some additional features to the Nottinghamshire policy.
14. Resident's parking schemes are unique Traffic Regulation Orders because their purpose is to meet the parking needs of residents rather than to improve road safety. On streets where residents generally have access to off-street parking or where there is plenty of space to park, residents' parking schemes are not considered appropriate. This is because where there is off-street parking, the parked cars do not prevent residents from accessing their homes. In situations where residents have off-street parking but where there are too many cars being parked on the street, schemes such as single or double yellow lines may be used. These schemes which are different to residents' parking schemes can be used where too many parked cars are causing road safety or environmental issues.
15. Residents' parking schemes are implemented to address concerns voiced by residents and to aid in traffic management. Schemes can be put in place only where there is a significant local demand for them. Where there is not wide support, a scheme will not be introduced. Achieving community-wide support can take time because of the engagement with residents that is required to ensure their good will toward a proposed scheme. Officers and elected councillors support the engagement process and respect the views of residents. The engagement process helps to ensure that a scheme is not implemented that does not have the support of a majority of local residents.
16. Schemes can also be changed or removed if the conditions for modification or removal of a scheme are met. The first scheme in Nottinghamshire was implemented in 1977 in response to a parking problem around a factory. The factory employed thousands of people and was located within a residential area. Many workers parked within the local residential area if they did not commute by train. After the factory closed, very few people parked there. The scheme was removed in 2010 because the residents no longer wanted the scheme. Following charges for permits being brought in from 2010, the local residents did not wish to pay for permits when there was no longer a parking problem.
17. Currently, very few areas near town centres in Nottinghamshire do not have a residents' parking scheme. Where schemes are not in place close to a town centre, this is usually because a proposed scheme was opposed by residents. This leaves fewer opportunities to implement new schemes in areas where there are sustained parking issues.

The NCC Residents' Parking Policy

18. The Council's Residents' Parking Policy is published on the Council's website as part of the Highway Network Management Plan, which the Council is currently redeveloping. According

to the Policy, the Council administers permits to residents, enabling them to park within a designated parking zone for residents who live in the specific streets within the zone. It is important to remember, as noted previously, that without a permit, loading, unloading, and waiting are still allowed; however, drivers without a permit are expected not to leave their cars unattended for any longer than is strictly necessary to load/unload, etc.

19. The Service is designed to assist residents in finding opportunities to park near where they live at a neutral cost to the Council. Much like neighbouring County Councils, Nottinghamshire likewise has implemented a permit fee to make it possible to run the service at a neutral cost to the Council. A permit costs £40 annually for a resident's permit. Each property is also entitled to purchase a visitor's permit for £40. Permits are free for blue badge holders, and free for residents over age 75. A health worker's permit is also available to allow carers and social workers an hour of free parking in any residential area in Nottinghamshire. There are also permits available for tradespeople.

Assessing a parking problem

20. In line with the Council's Policy, if a complaint is received about a parking problem in an area, the Council undertakes a consistent, iterative process to assess and address the problem. The Council works with its partner organisation, Via East Midlands Ltd, to find out if a new residents' parking scheme is appropriate, and if so, how best to implement it.
21. The process for initiating a new scheme begins when a complaint is received that there is a parking problem in a residential area. The Service assesses the complaint to understand the situation and determine the appropriate action. This assessment considers whether the resident has access to off-street parking. If off-street parking is available, the resident may be asking for the vehicles to be removed off the street for safety reasons. This could be due to congestion or visibility problems, for example. If this is the case, other solutions are explored, such as single yellow lines for daytime or double yellow lines where a 24-hour solution is required. In these cases, a residents' parking zone would not offer the best solution because the residents already have access to parking opportunities. Consequently, there is very little uptake of permits in places where there is off-street parking.
22. The assessment also considers whether the intrusive parking is sustained. In areas near schools, for example, there may be an issue during only two short periods in the morning and afternoon on school days. Where this is the case, a residents' parking scheme would not prevent parents from dropping off their children and picking them up later, because drivers are allowed to pick up and drop off passengers within residents' parking zones. However, if the area is near a town centre, there may be people who are shopping or working for several hours at a time, creating a sustained parking issue.

Seeking permission from the Cabinet Member

23. If there is evidence of a parking problem, details of the area are submitted in a report to the Cabinet Member for Transport and Environment. This report is considered by the Cabinet Member twice yearly. Once the Cabinet Member has approved the initial request for a new scheme the Service is then able to undertake the rest of the implementation process as set out in the Council's Policy.

24. The Service must then consider what will happen if the scheme were to be implemented in the areas where the problem is severe. The scheme's potential effects on the surrounding areas also influences how far the scheme should extend. The implementation process starts with an informal initial consultation phase to test the proposed boundaries of the scheme.

Informal consultation phase

25. This informal consultation phase was added to the Policy due to the risk that a new scheme could cause displacement of the parking problem. Displacement moves a parking problem to just outside the boundaries of a scheme. This happens because cars will park on the closest street that does not have a parking restriction. For this reason the team informally consults with residents who live in the area experiencing the problem and in the peripheral areas where more cars would likely begin parking if the scheme were to be implemented.

26. The informal consultation process consists of a questionnaire that is sent out to residents who live in the relevant areas. The Council's Highway Network Management Plan requires the consultation to generate a minimum 35% response rate with at least 65% of these responses being in favour of the scheme. Many schemes fail at this phase of the process because they do not generate enough support from residents.

27. The informal consultation process offers an opportunity to expand schemes before they come into force if this is desired by residents. At the informal consultation phase any feedback from residents can be used to adjust the scheme before the process moves into the formal consultation phase. Proposed schemes often change significantly as a result of the feedback received in the initial consultation phase.

28. Even though the Service consults with residents in the wider area about the risk of displacement, residents in areas not experiencing the problem are less supportive of a scheme which will have a financial cost to them. The Council does not impose a scheme where this is not wanted by residents. If displacement does occur later and a new scheme is then desired in the nearby area, the process of assessment, signoff and consultation will start again.

Formal consultation phase

29. If the informal consultation stage gathers enough support for a proposed scheme, the formal consultation begins. The formal consultation is a statutory process required by the Road Traffic Regulation Act 1984 and described in detail in the Local Authorities' Traffic Order (Procedure) (England and Wales) Regulations 1996. The formal consultation involves advertising the proposed scheme. The Act requires a two-stage process with the statutory consultees such as emergency services, public transport operatives and local stakeholders, to be consulted initially for a minimum of 21 days. The stakeholder consultation is followed by a full public consultation also for a minimum of 21 days. The NCC consultation periods for both is four weeks, to extend the opportunity for responding and reduce the risk of complaints further into the process.

30. During the formal consultation, if objections to the proposed scheme are received that cannot be resolved, a report of the objections goes to the Service lead and to the Cabinet Member for Transport and Environment for consideration. If the objections are significant and cannot be resolved, the proposed scheme will not be implemented. If the objections result in changes being made to the proposed scheme, the scheme would be delayed for further consultation to

be done on the redesigned scheme. The Service undertakes the informal consultation prior to the formal, statutory consultation to minimise the likelihood of significant objections by ensuring a proposed scheme meets the needs of residents.

Implementing a new scheme

31. Following a successful formal consultation, and if necessary, a Cabinet Member decision on any objections, the scheme is passed on to Via partners to implement. Usually, implementing the scheme is done by installing entry and reminder signs rather than by marking lines or bays in roads. Once signs have been installed and checked, the Order is made active with enforcement in place. Approximately five schemes are implemented each year with thirty schemes currently active across Nottinghamshire.
32. The review group agreed that the resources on the Council's website could be clearer regarding implementation timescales. The review group agreed that where a local resident has proposed a new scheme, they should be able to receive status updates regarding the progress of their proposal.

Developer-led residents' parking schemes

33. As opposed to schemes initiated when requested by residents, some schemes are requested by developers. When a development such as a supermarket or a sports arena is built in a residential area a planning condition can be put in place to address any issues with parking that may arise. This can lead to a plan to establish a new scheme to protect resident parking nearby. In line with the Policy a scheme can be implemented only if there is support from residents following the consultation process.

Administering permits

34. The Council's permit process is designed to be as easy as possible for residents and visitors to use. A vehicle becomes exempt immediately upon completion of the application over the phone when the fee is paid. The Council sends out the physical permit in the post. Before the permit is received, enforcement officers can reference all valid permits instantly using a handheld device. The permit does not have to be physically located in the car. For ease of enforcement and to prevent any complaints from other residents, permit holders are encouraged to display their permits within their vehicles.
35. Vehicles of tradespeople that are parked without a permit are prompted to go online to get the trade permit that is available to confirmed tradespeople. Warnings are issued to advise residents to contact the Council in the early days of an active scheme if they have not already done so. Then, prior to renewal, letters are sent in the post reminding residents to renew online.
36. Some misconceptions about fees have emerged since the fees were introduced in 2010. Some residents thought that the Council administers permits as a profit driver for the Council, or that paying a fee should enable a higher standard of enforcement. These are misconceptions because permits contribute to paying only for the cost of administering the schemes. This allows schemes to be run at a neutral cost to the Council. Services that are cost-neutral to the Council are considered self-funding services. The permit charges enable the Council to run the schemes in a financially sustainable way.

37. The review group noted that, where appropriate, information on the Council's website could be clearer around how the charges for permits contribute to running the scheme in a financially sustainable way, making it possible for the Council to establish and enforce schemes that assist residents in finding parking opportunities close to where they live. An example of clear communication around the financial sustainability of schemes can be seen on the Derbyshire County Council website, which describes the criteria for a proposed scheme to be financially viable to implement. This helps ensure residents understand the importance of fees to running cost-neutral schemes within the challenging financial context in which the Council continues to operate.

Enforcing a scheme

38. Some residents who live in a resident's parking zone have expressed disappointment that even with enforcement in place vehicles sometimes continue to park in contravention of the restrictions. This is because it is not possible to place officers on duty on every street at all times. The presence of a civil enforcement officer in uniform does deter parking in contravention of a scheme; however, vehicles often will not be parked in contravention where there are officers present. For this reason, sometimes parking behaviour observed by residents may be different when enforcement officers are on duty.

39. Residents can also find at times that they still have difficulty parking on their street after a parking scheme has been implemented. This can happen if schemes become oversubscribed, for example, on terraced streets that may have many households which have multiple cars. The scheme improves this situation because otherwise there would be the additional cars of non-residents in the mix.

Ways to improve the process

40. Having established the process around the implementation of residents' parking schemes, members of the review group considered whether there were any parts of the process within the control of the Council where potential changes could be made that would improve the experience of residents who seek to set up a scheme. The Council is always looking for ways to improve and has refined the Residents' Parking Policy through experience over many years. Although the initial desk-based assessment of a parking problem is usually completed within a week of the complaint being received, the other phases of the process can incur delays. The most significant risk of delay occurs if changes to a scheme are needed after the formal consultation phase has begun. Therefore, the informal consultation phase was added to the Council's policy to help ensure feedback could be received and adjustments made to the scheme at this earlier phase. The Review Group considered how each phase affects the overall timeline of introducing a scheme to identify where it would be possible to speed up the process.

Increasing the reporting frequency

41. Following the full consultation and consideration process proposed schemes that receive final approval by the Cabinet Member for Transport and Environment are added into the Highways Capital Programme which is reported twice each year. As only around five proposals are requested each year members of the review group agreed that schemes that are recommended for approval by the Cabinet Member for Transport and Environment following

consultation and consideration could be inserted into the Highways Capital Programme at the time of Cabinet Member approval rather than waiting for the bi-annual Highways Capital Programme reports. This could save up to six months from the overall implementation timescale.

Working with residents during the informal consultation phase

42. The informal consultation phase included in the Council's policy is not required in the Act but improves the process for residents. This adds value for residents in three significant ways by providing an opportunity to:
- gauge support for a scheme so that any scheme carried forward has robust support from residents.
 - engage with residents who may not yet understand the full impact and potential displacement of a scheme.
 - flexibly adapt a scheme based on feedback received.
43. As such the value added by the informal consultation phase makes it an indispensable part of the Council's process of implementing new schemes. This process saves time and resources and also works to promote good will between the Council and residents. The resulting benefits of conducting an informal consultation in advance of a formal consultation far outweighs the reduced timescale that could be achieved by removing this stage. Members agreed that removing this step could mean that many schemes could be rejected by residents during the formal consultation. If this happened, schemes would have to be redesigned, and the consultation process would have to be repeated, making the process even longer.
44. This approach does not preclude the Council from partnering with proactive residents who are enthusiastic about ensuring that a proposed scheme succeeds. Local residents are well placed to assist the Council in getting the word out that a scheme is being considered, and to encourage residents to respond to the initial consultation questionnaire with their feedback.
45. Residents who wish to gather support for a scheme to ensure its success can be provided with clear guidance that is easy to access on the Council's website. Members of the review group agreed that the Council's guidance should welcome additional information that residents may provide in support of a scheme, such as photographs, videos, petitions, and statements of other kinds that could help demonstrate widespread support for a scheme. A positive example of this is seen in the webpages of West Northamptonshire Council. Guidance should encourage residents to engage with their neighbours in the immediate area and in the peripheral areas who could be affected by displacement. Residents should also be advised to engage with the appropriate local councillor who can provide further guidance.
46. To remove ambiguity and prevent confusion, members of the review group agreed that the guidance should make clear that materials submitted in support of a scheme usually initiate rather than replace the informal consultation process. The reasons for this should be provided, emphasising the importance of targeted consultation with residents who live in the relevant areas only. Furthermore, costs and displacement risk must be clearly communicated so that constructive feedback can inform boundary development. Only when residents have all the

facts regarding what the scheme would cost and how it would work can they decide whether they support it or not.

47. Members agreed that local councillors played an essential role in working with residents who wished to have a new residents’ parking scheme put into place. Councillors can support residents by signposting them to relevant guidance on the Council’s website. Local councillors can also assist in managing residents’ expectations around what a scheme has the potential to deliver.

Reducing the formal consultation to the minimum requirement of 21 days

48. The Council’s policy includes four weeks for the formal consultation. The Council has opted for a slightly longer formal consultation window than required. In addition to the required 21 days, an extra week is given to allow any objections to the scheme to be received. Members noted the potential to shorten the formal consultation period from four weeks to three weeks, although this would not significantly reduce the overall timeline. The additional week for informal consultation had been added to the process to give residents even more time to submit their comments on a proposed scheme.

49. In keeping with the practice of some neighbouring councils, members expressed support for the 21-day formal consultation requirement to be stated clearly in guidance available on the Council’s website. Members of the review group were also in favour of removing ambiguity around how long the various phases of the process can take, including the two consultation phases. In the interest of greater transparency, it was suggested that timescales be provided and that it be possible to request an update on the status of an active proposal.

50. Summary of recommendations

	Recommendation
1.	That the following feedback from the members of the review group on the Council’s Residents’ Parking Policy be considered as part of the work being carried out to refresh the policy
2.	That, once updated, the Residents’ Parking Scheme Policy be made available on the Council’s website as part of the redeveloped Highway Networks Management Plan.
3.	That the guidance on Residents’ Parking schemes that is available on the Council’s website should provide clear information on the estimated timescales for the implementation of a new residents’ parking scheme.
4.	That the possibility of providing a service that enables residents to view the status of a proposed residents’ parking scheme on the Council’s website be explored, including a means to reference the status of a proposed scheme as it progresses in accordance with the policy.
5.	That the Council’s website should include additional information that encourages residents who want to propose a new residents’ parking scheme to engage and

	work with other local residents and their local County Councillor at the earliest opportunity.
6.	That the guidance on the Council's website in respect of Residents' Parking scheme proposals provide information on why additional supporting materials such as petitions usually initiate rather than replace the required informal and formal consultation activity.
7.	That the information on the Council's website regarding Residents' Parking schemes should provide clarity that the fees charged for resident parking permits only cover the cost of the delivering the schemes and that they do not generate revenue for the Council.
8.	That, to help reduce the time taken to implement new schemes: <ul style="list-style-type: none"> a. schemes that are recommended for approval by the Cabinet Member for Transport and Environment following consultation and consideration should be inserted into the Highways Capital Programme at the time of Cabinet Member approval rather than waiting for the bi-annual reports. <li style="padding-left: 40px;">and b. the formal consultation period be shortened from the four weeks currently provided to the minimum of 21 days required by the Road Traffic Regulation Act 1984.

Acknowledgments

51. The Chairman and members of the review group would like to express their thanks to officers within the Council's Highways and Transport teams and Via colleagues who work to deliver the Service to residents. Thanks also to Mark Walker, Interim Service Director for Communities and Transport; Gary Wood, Group Manager, Highways and Transport; and Gareth Johnson, Traffic Manager who provided their time and information to this review.

Other Options Considered

52. None. The recommendations of the review, if approved and to comply with the requirements of the Constitution are required to be submitted to Cabinet their consideration.

Reason for Recommendations

53. To comply with the requirements of the Constitution that the findings of a scrutiny review are submitted to Cabinet for consideration.

Statutory and Policy Implications

54. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty,

safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

55. There are no direct financial implications relating to the recommendations of the report.

RECOMMENDATIONS

- 1) That the report describing the findings of the scrutiny review of Residents' Parking Schemes be received.
- 2) That the recommendations from the scrutiny review of Residents' Parking Schemes, as set out in the report, be endorsed, and referred to Cabinet for consideration.

Councillor Mike Adams
Chairman, Place Select Committee

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Constitutional Comments (SJE – 10/09/2024)

56. The exercise of integrated transport, traffic management, highway parking provision and road safety functions are 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 (PAA29 02/09/2024)

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

Background Papers and Published Documents

58. 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.

[Full Residents' Parking Policy](#)

[Highways Network Management Plan](#)

[Residents' parking schemes | Nottinghamshire County Council](#)

[Report to Place Select Committee 27 March 2024](#)

[Place Select Committee Minutes 27 March 2024](#)

Scope - Scrutiny Review of Residents' Parking

Electoral Division(s) and Member(s) Affected

- All