

Agenda Item No. 7 (j)

DERBYSHIRE COUNTY COUNCIL

CABINET MEETING

26 May 2015

Report of the Strategic Director – Economy, Transport and Environment

**DERBYSHIRE COUNTY COUNCIL'S RESIDENTS' PARKING POLICY
(HIGHWAYS, TRANSPORT AND INFRASTRUCTURE)**

(1) **Purpose of Report** To seek the Cabinet Member's approval to introduce a revised Residents' Parking Policy, as set out in Appendix A to this report, to be included in the Highway Network Management Plan (HNMP).

(2) **Information and Analysis** The County Council's current Residents' Parking Policy dates back to 1999. This Policy has now become outdated in terms of the enforcement regime, permit types available, traffic signs and markings that can be used. Work has been undertaken on bringing the Policy up-to-date to reflect changes that have been made in the past 16 years.

In 2009, the County Council, in partnership with district and borough councils within the County, took over the enforcement of parking restrictions from Derbyshire Constabulary. This has made enforcement of Residents' Parking Schemes (RPSs) more straightforward, and in some cases, more responsive to issues as they occur.

A new permit type has been approved for introduction within the County Council's RPSs. These are for landlords of rental properties. This permit type has been approved at a meeting of the Cabinet Member for Highways and Transport on 7 August 2012 (Minute No. 178/12 refers).

A review of Residents' Parking charges was considered and approved at a meeting of the Cabinet Member – Highways and Transport on 24 January 2012 (Minute No. 26/12 refers). It was agreed that the charges be reviewed at appropriate intervals and increased in line with District/Borough car parking charges. Current charges are shown in Appendix A.

(3) **Financial Considerations** In adopting new or revised policies, standards and procedures, the Authority will need to have regard to the resources available and ensure that the standards set are both deliverable and meet any statutory requirements which may be placed on the Authority. In this case, it is felt that there may be some savings from a reduction in staff

time taken to deal with requests for schemes. The new Policy will also be posted on the County Council's website and will give members of the public a good idea of how successful a request may be before making formal inquiries. This type of saving can be difficult to identify and quantify in monetary terms.

(4) **Legal Considerations** The Road Traffic Regulation Act 1984 allows the Highway Authority to implement and revise Traffic Regulation Orders for RPSs. By keeping the HNMP up to date, it will be an additional argument available to the Highway Authority to enable it to demonstrate that it is taking all reasonable steps, within budget constraints, to deliver appropriate and sustainable RPSs.

(5) **Human Resources Considerations** The Council is already fulfilling the responsibilities of the new Policy and it is not expecting that this will create any additional actions beyond those already undertaken.

Posts currently exist within the Economy, Transport and Environment Department to implement the requirements as described in the revised Policy.

(6) **Equality and Diversity Considerations** The HNMP and its Technical Annexes see to ensure that equitable benefits are available to all users of the Council's Highway Network.

(7) **Environmental Considerations** In pursuing the objective of Network Sustainability in the latest version of the national 'Code of Practice – Well – Maintained Highways – April 2012', it highlights the key issues of maximising the environmental contribution made by highway network management policies and practice, and their subsequent revisions through the HNMP. The wide range of relevant issues considered, when updating policies, standards and procedures, includes climate change, noise, materials utilisation, waste management, recycling, pollution control, conservation, biodiversity, and environmental intrusion.

(8) **Health Considerations** The legal framework in the 'Code of Practice – Well – Maintained Highways - April 2012' recommends that a HNMP should consider a wide range of issues, including duty of care, powers and duties, related powers and duties, health and safety and the management of risk.

(9) **Transport Considerations** The revised Policy, under consideration for inclusion in the HNMP, relates to formalising street parking places without compromising the efficient and effective management of the Authority's road network.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder and property considerations.

(10) **Key Decision** Yes.

(11) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(12) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details – Simon Tranter, extension 38673.

(13) **OFFICER'S RECOMMENDATION** That Cabinet approves the new Residents' Parking Policy, as set out in Appendix A, into the Highway Network Management Plan.

Mike Ashworth
Strategic Director – Economy, Transport and Environment

APPENDIX A

Residents' Parking Policy – 2015

Derbyshire County Council's current Residents' Parking Policy was presented to Cabinet in 1999. Since then, there have been a number of minor changes made, to the types of permit that could be available within each scheme, the enforcement agency, the charges for permits and the way the schemes are managed.

Charges

The current charges for permits are:

- Residents permit (first permit) - £35 per annum
- Residents permit (second or subsequent permit, dependent upon the scheme) - £50 per annum.
- Annual visitor permit (dependent upon the scheme) - £13 per annum.
- Business permit (limited to one per business) - £70 per annum.

Criteria

Before progressing with a questionnaire to see if a Residents' Parking Scheme (RPS) is supported, a number of criteria should be met. These are listed below.

- That the location is part of a large urban area where long term on-street parking by non-residents prevents residents from parking near to their properties for the majority of the working day (the working day is taken to be 8am to 6pm, Monday to Friday).
- That the area is of sufficient size to minimise the possible effects of displacement into surrounding streets. Single street schemes should not be considered (unless in an isolated residential location in a district where a scheme is already in operation and running costs are not in a deficit).
- That a large proportion of the properties within the area do not have off-street parking or the ability to install their own off-street parking.
- That provision can be made for visitors to the area.
- That a scheme will be revenue neutral (running costs are met by the income from permit sales).

If these criteria are met, and funding is available, a questionnaire consultation may be undertaken.

Consultation

If the above criteria are met, a questionnaire, with a covering letter, plan and pre-paid return envelope, may then be sent to residents within the area concerned. The questionnaire would ask whether they wished to be included within a RPS.

The covering letter and questionnaire should include the following:

- A statement that a scheme will not be introduced without permit charges.
- Information on the permit types and charges.
- A statement to the effect that a permit allows the holder to park within the zone concerned, it does not guarantee a parking space outside a residents' property.
- That off-street accesses will have either double yellow or single yellow lines across them for ease of enforcement.
- A statement (if necessary), to explain to residents of streets which currently do not experience a parking problem, that they have been included within the consultation as their street would attract displacement if a scheme were only progressed in the core area.
- The return date for responses to be received by.
- Information on the level of positive responses received required to progress with the scheme (two thirds, or 66% of replies received need to be in favour of a RPS).
- That the results will be reported to the relevant Cabinet Member.
- That residents would subsequently be informed whether the scheme would be progressing or not.
- The questionnaire can be a straightforward yes/no, do you wish to be included within a RPS question.
- Space to be left for the responder to leave their address and any comments they may wish to make.

The questionnaire can also be used to ask further questions at the discretion of the Project Engineer leading the consultation:

- Ask how many cars are owned to help gauge demand.
- Ask whether there is off-road parking, if so, for how many vehicles.

The presentation of the information received will need to comply with the Data Protection Act in so much as properties will not be identified as being in favour or against the introduction of an RPS. The consultation area can be shown, in spreadsheet/tabular format and on plan, as responses received by street and the relevant percentages in favour or against the suggested scheme.

Responses received where the yes answer is chosen, but the comments state that it is subject to permits being free, will be counted as a negative response (this is because Derbyshire County Council only introduces charged for RPSs). Questionnaires that are returned with no address specified can be counted in the total number of responses received whole, but cannot be allocated to an individual street.

Some local authorities consider that properties not returning a questionnaire can be considered to be in favour of a scheme, or they would object to the permit charges. Other authorities consider that a lack of a response should be considered as being against the introduction of a scheme, as they have not received a response in favour of paying permit charges. Derbyshire County Council will only use the responses received from the questionnaire.

After the results of the consultation have been reported to the relevant Cabinet Member, a copy of the report and a covering letter should be sent to each property that received that questionnaire. This is to inform residents of the results of the questionnaire consultation and what the next steps to be taken are (if any). If the scheme is to progress, the next stage in the process is detailed design.

Detailed RPS Design

Needless to say the vast majority of spaces provided should be for the exclusive use of permit holders during the operational times of the scheme. Consideration should be given to providing dual use limited waiting and permit holders bays, which allow visitors to residents and businesses to park for a limited amount of time without the need for a permit. Advisory disabled persons' parking bays should be converted to legally enforceable disabled persons' parking bays, with breaks in bays covered by either double yellow lines, or a single yellow line that corresponds to the schemes hours of operation. The mix of development in the proposed scheme will need to be reflected in the types of waiting restrictions proposed.

Traffic Regulation Order

Following on from the detailed design, the normal Traffic Regulation Order procedure is to be followed as set out in the Quality Management System. Project Engineers may, if considered appropriate, organise a public exhibition during the advertisement of the proposals to engage residents in direct feedback, in addition to those measures listed in the procedures.

Scheme Review

It is best practise for a review of RPS to take place within 18 months of introduction. This will give the opportunity for parking patterns and levels to be established not only within the scheme, but also on surrounding streets to determine whether significant displacement has taken place and, if so, to what extents and whether the scheme should be expanded. A scheme review will also assess whether additional bays are required within the existing, and if so what type. The scheme review should be reported to the relevant Cabinet Member meeting with recommendations on any changes that should be made.

Enforcement

In 2009, the County Council, along with its district/borough council partners, took over the enforcement of parking restrictions when it assumed Civil Parking Enforcement powers. This has enabled the enforcement to be more reactive to specific issues at hotspots and commit to regular enforcement of the schemes.

Permit Types

Since 2010, there has been a new type of permit introduced in order to address an issue that had arisen within schemes. The new permit type was a specific permit that could be purchased by landlords to allow them easier access to their properties so that they could get closer to their properties when collecting rents and also carrying out building maintenance such as cleaning and decorating. The more usual types of permit have remained unchanged, apart from the increase in charges made by Variation Order in 2012.

Scheme Management

Currently, the schemes are administered by the district/borough council partners, who manage the issuing of permits and dispensations. This may change in the future. Day to day queries are dealt with by whichever authority has the relevant responsibility. In terms of permit renewal and administration, this is usually the district/borough council. Enforcement and inquiries relating to the schemes operational times are usually looked into by Derbyshire County Council.

Permit Charges

A review of permit charges to be carried out at appropriate intervals and reported to a meeting of the appropriate Cabinet Member.