

TO: EXECUTIVE MEMBER FOR PLANNING & TRANSPORTATION

13th January 2017

Amendments to the Residents Parking Scheme - Introduction of the Bracknell Forest Borough Council (Waiting Restriction and Permit Parking) Order 2017 following the Residents Parking Scheme Trial

Director of Environment, Culture & Communities

1 PURPOSE OF DECISION

- 1.1 To consider the responses received to the recently advertised **(Waiting Restriction and Permit Parking) Order 2017** “Traffic Regulation Order” relating to the Residents Parking Scheme, and make a decision as to how to proceed.

2 RECOMMENDATIONS

That the Executive Member for Planning and Transportation:

- 2.1 notes the formal objections received by the Council in respect of the statutory consultation process undertaken between the period of 19th October to the 9th November 2016 and the corresponding Officer comments, appended at Annexures C-H ;
- 2.2 notes the comments received from local ward Members’ as part of the statutory consultation process appended at Annex C-H
- 2.3 approves the content of the proposed Traffic Regulation Order in respect of Zones B-F of the Residents Parking Scheme as modified by the removal of Zone A and Zone B (part) Annex I
- 2.4 approves the adoption of the Charging Schedule for parking permits - Annex B;
- 2.5 authorises the Borough Solicitor to make the proposed “Traffic Regulation Order” in respect of Zones B-F of the Residents Parking Scheme as modified by the removal of Zone A and Zone B (part) Annex I and implement the Charging Schedule for parking permits - Annex B .
- 2.6 Agrees that Fowlers Lane and Nos 37-97 (odd) and 24-66 (evens) Binfield Road remain within the Resident Parking Scheme;
- 2.7 Authorises officers to amend the rules of the Residents Parking Scheme to enable residents who neither have residents parking permits issued to a vehicle registered to their property or any off road parking facilities at their residence, to be issued a 4 hour reusable permit free of charge to enable their visitors to park if requested.

3 REASONS FOR RECOMMENDATION

- 3.1 In 2014 the Council introduced a trial Residents Parking Scheme to alleviate parking congestion within the various streets, categorised as parking zones A-F, within the Borough. The trial has now successfully run for two years, including the first renewal period.

However, the scheme will require some modification in response to the consultation representations received at the end of the trial. It has operated at a cost as opposed to being a self-funding operation in accordance with the terms of the original Charging Scheme criteria set out within the rules of the scheme. The Council therefore also seeks authority to amend the Charging Scheme to enable the Residents Parking Scheme to operate on a cost recovery basis.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Council has been clear that the scheme has to be self-funding. From the experiences learnt from the trial it has become clear that unless the scheme is to be totally abandoned, a compromise is necessary to allow a slightly modified scheme to continue. If the scheme was to be abandoned, it is considered that there would be a significant risk of a large percentage of the 3,000 new workers estimated to take up future employment in the new town centre using the local estate roads for parking.

5 SUPPORTING INFORMATION

- 5.1 The trial Residents Parking Scheme was designed to be as simple and economical as was possible. The scheme avoids the need for official marked parking bays, only requiring that vehicles display a permit in the streets affected as signed. Vehicles parking in a road where the scheme operates are required to display a permit in their windscreen during the hours of operation. Failure to comply risks a Penalty Charge Notice. A number of exemptions were included to apply to postal deliveries, public services and for general loading/unloading of goods or passengers etc.
- 5.2 In April 2016 the residents within the scheme were initially consulted with regard to various aspects of the trial. Following analysis of all the comments received, a report was carefully considered by the Council's Executive on 27th September 2016. The report discussed the results of the consultation which indicated that not all residents within the trial scheme felt it had been beneficial and some did not want to continue with a scheme if charges were introduced. Other residents valued the scheme and the future protection from parking pressures associated with the regenerated town centre. This report can be viewed at <http://democratic.bracknell-forest.gov.uk/ieListDocuments.aspx?CId=102&MId=6498&Ver=4>
- 5.3 To make the scheme self-funding, as was always intended, it has become necessary to change the charging regime for parking permits. The Executive have previously been advised by way of report (as above) of the income and expenditure relating to the trial, together with various assumptions on the likely take up of permits to establish a fee structure for the purposes of consultation. The proposed fees, that were part of the proposed amendments to the Traffic Regulation Order, reflect that assessment in order to make the scheme self-funding.

5.3

- 5.4 The Council decided to respond as closely as possible to the views of residents and therefore proposed to introduce a Traffic Regulation Order to formally reduce the area covered by the Residents Parking Scheme as far as practical given the responses received. This meant Zone A and the northern part of Zone B being removed from the scheme whilst the remainder of the zones would remain unchanged. The plan (Annex A) details the proposed areas included within the proposed scheme and advertised within the Order.
- 5.5 Within the advertised Traffic Regulation Order the Council also proposed to introduce the parking permit charges that were consulted upon between April xxx to xx) 2016. These charges are required to recover the costs associated with running the Resident Parking Scheme and are therefore necessary for the scheme to continue operating. The intended charges are shown in Annex B.

Statutory consultation

- 5.6 The statutory consultation process for Traffic Regulation Orders requires public advertisement through the placing of public notices within the local press and on-street. It is a requirement for the Council to consider any formal objections received within the statutory advertisement period of 21 days. Formal notification of the public advertisement is given to key stakeholders including local Ward Members, Town and Parish Councils, Thames Valley Police and other affected parties.
- 5.7 The statutory consultation process was undertaken between the period of [to]. The formal objections to each of the individual elements of the TRO received in respect of the consultation are summarised on the attached 'Objections to Traffic Regulation Orders' tables, with corresponding Officer comments and the details of any revised proposals (Annex C-H).
- 5.8 The Order proposed to remove Zone A from the Resident Parking Scheme. Only one comment was received from this Zone in response to the consultation and that was in favour of being removed. The objections and comments are summarised and commented upon in Annex C
- 5.9 The Order proposed to remove the northern section of Zone B, together with Binfield Road and Fowlers Lane from the Residents Parking Scheme and introduce the new charges. A total of 32 objections were received, 15 of which were from Binfield Road. Whilst this 15 was not considered a majority it did show more public opinion against being removed from the scheme than from any other road. We therefore sent an additional letter with a further and final request for residents preferred course of action to enable the Council to make a balanced decision. The letter asked to choose between either removing this part of Binfield Road and Fowlers Lane from the Resident Parking Scheme, as proposed, or keeping this part of Binfield Road and Fowlers Lane within the future scheme. The residents were informed that the council's decision as to which way to proceed would be based on this response. Of all the properties re-consulted 35 responded in favour of remaining within the scheme and 9 responded in favour of being removed from the scheme. Based on these results it is proposed that Binfield Road and Fowlers Lane remain within the scheme. The objections and comments are summarised and commented upon in Annex D
- 5.10 The Order proposed to keep Zone C in the Resident Parking Scheme and introduce charges. Only one objection was received from this Zone in response to the consultation which was in favour of keeping the scheme but not paying the charges. The objections and comments are summarised and commented upon in Annex E

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- 5.11 The Order proposed to keep Zone D in the Resident Parking Scheme and introduce charges. 13 objections were received from this Zone in response to the consultation which came from a number of roads within the zone. The objections and comments are summarised and commented upon in Annex F
- 5.12 The Order proposed to keep Zone E in the Resident Parking Scheme and introduce charges. Three objections were received from this Zone in response to the consultation all of which were against paying the charges. The objections and comments are summarised and commented upon in Annex G
- 5.13 The Order proposed to keep Zone F in the Resident Parking Scheme and introduce charges. Three objections were received from this Zone in response to the consultation one of which was against remaining in the scheme and two were against the charges. The objections and comments are summarised and commented upon in Annex H
- 5.14 A plan showing the final proposal, including the amendments to Zone B relating to Binfield Road and Fowlers Lane is attached as Annex I
- 5.15 It was noted from the comments and objections received as part of the statutory consultation undertaken that an issue had arisen in regards to residents who do not have off road parking facilities or their own vehicles. It was identified that these residents would have no permits and would be required to pay for their visitors to park which the recommendation seeks to redress.
- 5.16 The scheme is intended to protect the residents from kerb side competition and it is recognised that if a property has not applied for any resident's permits this property is not contributing to the on street parking pressures and as such are indirectly assisting other residents to find parking. Additionally, the absence of a registered vehicle is likely to be more prevalent in circumstances where a resident is in receipt of care or support. Therefore, it is proposed to amend the rules of the scheme to enable the Council to issue a free 4 hour reusable permit to residents who have no current permits allocated to their property and have no off road parking facilities. Given the current flexibility within the Traffic Regulation Order a 4 hour reusable permit is adequate for a maximum duration of stay by visitors given that visitors can relocate their car and park for a further 4 hours.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The statutory provisions governing the making of Traffic Regulation Orders is set out in S1 Road Traffic Regulation Act 1984 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (SI 1996/2489) ("the Regulations").
- 6.2 A Traffic Regulation Order (TRO) regulates, restricts or prohibits the use of a road or any part of a road by vehicular traffic or pedestrians. It prohibits, restrict or regulate the use of a road, or any part of it, by vehicles at all times or during specified periods.
- 6.3 A TRO can contain exemptions and regulate dealings with exempt vehicles or people. For example, a TRO can arrange for the display of residents' parking permits and disabled peoples' badges (section 4, RTRA 1984).

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- 6.4 Regulation 6 stipulates that before making a TRO, the Council as Traffic Authority, must consult with various parties. Regulations 7, 8 and 13 set out the process by notice of the proposed TRO is to be provided to consultees and objections received in respect of to the proposal considered.
- 6.5 Before making the TRO, the Council must consider all objections made and not withdrawn. Where objections are received there is discretion but not an obligation to hold a public inquiry into the making of the proposed TRO. In this instance, the report clearly confirms that Officers' do not consider that the holding of a public inquiry is necessary. A summary of the objections received and officer's comments in response to the objections received in respect of each zone are set out in Annexures C-H.
- 6.6 The statutory provisions enable the Council to either make the TRO unchanged, make it with modifications or not proceed with it. If modifications are made that substantially change the order, the Council must take appropriate steps to inform anyone likely to be affected by the modifications, giving those people an opportunity to make representations.
- 6.7 The Council may also make an order in part by giving effect to some of the proposals, while deferring a decision on the remainder (Regulation 19). The Council must consider any representations received in regards to amendments to the original proposal (Regulation 14).
- 6.8 Paragraphs 5.8 and 5.9 set out the proposed modifications to the TRO as set out in the recommendation of the report and the respective consultation undertaken to satisfy the statutory requirements.
- 6.9 A TRO must be made between 21 days and two years following the publication date of the notice of proposals (Regulation 16). Following the making of the Order an objector will have a period of six weeks to bring a legal challenge in the High Court to question the validity of the Order or of any of its provisions.
- 6.10 The approval of the recommendations of the report fall within the decision making remit of the Executive Member for Planning & Transportation pursuant to the Bracknell Forest Council Constitution November 2016, Part 2 – Responsibility for Decision Making, paragraph 5.7, sub-paragraphs 3, 4, 6 and 7 of which reserve the functions of the Council under the Road Traffic Regulation Act legislation and as Street Authority (including on-street parking), Road Traffic Regulation legislation and in respect of the closure of roads, Road Safety, the parking of vehicles in respect of Council functions and orders where these relate to the public highway (other than abandoned vehicles and street trading).

Borough Treasurer

- 6.11 The parking restrictions can be introduced within the 2016/2017 Traffic Management revenue budget.

Equalities Impact Assessment

- 6.12 The EIA screening results are attached to the report - a full EIA is not required at this time.

Strategic Risk Management Issues

- 6.13 None

7 CONSULTATION

- 7.1 The restrictions contained within the TRO have been subject to an informal and statutory consultation process in accordance with the agreed process for transport schemes.

Background Papers

Executive report 27th September 2016 - Residents Parking Scheme – Two Year Trial
Consultation Response

Contact for further information

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Doc. Ref.

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