

**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

<b>1.</b>	<b>Meeting:</b>	<b>Improving Places Select Commission</b>
<b>2.</b>	<b>Date:</b>	<b>Tuesday 16<sup>th</sup> September 2014</b>
<b>3.</b>	<b>Title:</b>	<b>Proposed response to the Government consultation on parking</b>
<b>4.</b>	<b>Directorate:</b>	<b>Environment and Development Services</b>

**5. Summary**

The report sets out the Council's proposed response to the Government's consultation on various issues regarding parking.

**6. Recommendations**

That the Select Commission comments on the proposed response, prior to it being reported formally to Cabinet Member for approval.

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## **7. Proposals and Details**

The Government has stated that it wants to make it easier for local residents and firms to challenge unfair, disproportionate or unreasonable parking policies. This could include the provision of parking, parking charges and the use of yellow lines. This discussion paper invites your views on the design of the mechanism that will make this possible.

A consultation document

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/348848/140830 - Right to challenge parking paper FINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/348848/140830_-_Right_to_challenge_parking_paper_FINAL.pdf) has been published and this Council's proposed response is attached as Appendix A.

## **8. Finance**

It would be speculation to suggest what the financial impact of any changes could be as the possible range of outcomes of the consultation is so varied.

## **9. Risks and Uncertainties**

N / A

## **10. Policy and Performance Agenda Implications**

The Council's current procedures and processes facilitate the submission of petitions with no minimum requirements for the number of signatures or businesses.

The proposals outlined by the Government may reduce the number of petitions the Council receives.

## **11. Background Papers and Consultation**

**Contact Name** : Martin Beard, Parking Services Manager, Streetpride Service

Extension number 22929

## Appendix A

The Consultation and the Council's proposed response. The Council's proposed response is shown in *italics*.

# Proposals for a New Parking Review Mechanism

The current processes are not easily understood or accessed by local residents or businesses, and the timeframe for reviewing policies is not linked to, or required to respond to, changes in local circumstances. This combines to create a perception that people have no say in parking in their area, or power to challenge decisions.

Any new mechanism needs to give local residents, community groups and businesses the ability to engage effectively while recognising the responsibility of local authorities to put in place parking strategies that reflect the needs of all road users (including pedestrians, cyclists and people with disabilities), and the needs of residents, shops and businesses. Such a mechanism needs to be simple, fair and transparent.

To meet this overall aim, the Government is proposing to introduce a requirement that in response to a petition from local residents and/or businesses, local authorities must review their specific parking policy in a specified location, and produce a report for consideration and decision by councillors in an appropriate public council meeting. This approach thus combines direct democracy (the right to petition and call a review) with representative democracy (elected councillors taking a decision, and then being held to account at the ballot box).

We will initially introduce this policy through statutory guidance, and will consider the case for entrenching in legislation.

In considering the detail of this proposal, we would welcome views on a number of areas, in particular:

### **Who should have the ability to petition for a review?**

*The Council's current procedures and processes already allow for petitions to be submitted for consideration by the Council. The current arrangements are far from obstructive and adequately facilitate the submission of petitions. Accordingly, any individual or group can already and should continue to have the opportunity to submit a petition.*

### **What should they be able to challenge, and how?**

*All aspects of the Council's parking policies are open to challenge by means of a petition. Nothing should change.*

### **How should the local authority manage petitions?**

*The Council's current procedures are deemed to be fully fit for purpose, namely:*

- ***Upon receipt of a petition the Strategic Director of the appropriate Directorate is informed and the petition is allocated to an officer for consideration and draft response***
- ***The officers drafts the response and it is reported to full Cabinet at the earliest opportunity***
- ***The draft is reported to Cabinet Member for approval before the response is provided to the petitioner***
- ***Any actions to be taken as a result of a petition are implemented within agreed timescales***

***This Council does not deem it necessary for any changes to its current policy.***

## Who should have the ability to petition for a review?

It is of course the right of any individual or business to contact their local authority about any aspect of parking in their area. However, in designing a formal mechanism for petition it would be more practicable to include minimum requirements. These would serve to demonstrate that any challenge is supported by local residents and/or businesses.

We propose that the minimum requirements might include:

- A minimum number of local residents, defined as either paying council tax or being a local government elector.
- A minimum number of local businesses, defined as those registered to pay business rates in the area (irrespective of any relevant Business Rate discounts that might apply).
- Or a combination of the above.

We are considering a minimum of 50 signatures or at least 10% of the residents or businesses in the affected local areas.

We are seeking suggestions for a workable definition of 'minimum', and views on the extent to which local authorities could and should use the flexibility they already have to consider and weight representations from individuals and groups.

Issues to take into account include residents in a specific but small area (such as a single road with only a small number of residents) who are not likely to be able to constitute a group just to organise a petition, and may even not meet any requirement for a minimum number of petitioners. There may also be issues in areas of high or low population density.

## Do you have any views on the proposed use of petitions?

***This Council currently consults local residents and businesses prior to the implementation of Traffic Regulation Orders (TRO). The consultation process undertaken by the Council exceeds the statutory requirements set out for the consultation process. This gives all concerned the opportunity to object fully or partly to the proposals. All objections are given appropriate consideration and reported to Cabinet Member prior to response. The Council welcomes views from residents and businesses who will potentially be affected by its proposals and its***

***current procedures reduce the amount of petitions the Council receives regarding parking related matters.***

***With regard to existing parking policies and / or restrictions, the Council already receives representations from individuals and groups regarding a range of issues. These representations are always investigated and a response is always provided by the Council.***

***The Council is of the opinion that there is no need for any change to its current policies and procedures. The introduction of the legislation as outlined in the Government's consultation document may prove to be prohibitive to customers who wish to submit petitions.***

**Do you have any views on what should be the definition of minimum for the purposes of putting together a valid petition?**

***The Council accepts petitions regarding all parking issues, whether or not a consultation on a proposed TRO is in process. There is no minimum requirement with regard to numbers of signatures and / or businesses. This Council deems that its current procedures are fully fit for purpose. The Council is of the opinion that there is no need for any change to its current policy. The introduction of the legislation as outlined in the Government's consultation document may prove to be prohibitive to customers who wish to submit petitions.***

## **What should they be able to challenge, and how?**

The Operational Guidance to local authorities on the Traffic Management Act 2004, states that, in appraising its local parking policy, an authority should take account of the:

- existing and projected levels of parking demand;
- availability and pricing of on- and off-street parking;
- justification for and accuracy of existing Traffic Regulation Orders;
- accuracy and quality of traffic signs and road markings that restrict or permit parking.

It would seem appropriate that the same range of issues be open to petition. However, the petitioner should be expected to provide sufficient information for the local authority to be able to understand exactly what aspect of their policy is being challenged and why. We therefore propose that any petition must include the following:

- A clear description of the geographical area covered by the petition (which could be a road, a series of roads, a polling district, a ward or indeed, the whole council area);
- A clear description of which aspects of parking policy are being challenged, with justification;
- Names, dates and addresses for all people and/or businesses signing the petition;
- Contact details for the organiser of the petition, who shall be the first point of contact for follow up questions, and for notification of progress.

**Do you have any views or comments on this proposal?**

***The fifth and sixth bullet points set out the minimum requirements which the Council believes are necessary to facilitate proper consideration to be given to the subject of the petition.***

## How should the local authority manage petitions?

Although the arrangements for responding to petitions should be determined locally, we would propose that as a minimum, local authorities should ensure that their arrangements include the following:

- a public statement on how they will manage any challenges to their parking policies.

This statement could cover how reviews will be carried out, how long they will take, consultation requirements (including local residents, ratepayers, and any neighbouring authorities who may be affected), and how the final decision will be taken and communicated following the review. The statement should also cover any circumstances where a petition will not be considered (e.g. vexatious petitioners, within a stated minimum period after a previous review in the same area);

- publication of the details of all petitions received, with clear information on what aspects of parking policy are being challenged, the timeline for reviewing the challenged policy and how local residents and businesses can engage in that review;
- the report of the review, and any recommendations, are considered and voted on by councillors;
- the organiser of the petition should be kept updated on progress, and notified when the report is due to be considered and the outcome of the challenge;
- publish the outcome of all reviews.

We will also consider whether legislation will be required to entrench these measures.

### **Do you have any views or comments on this proposal?**

***The proposal in the first bullet point could be easily achieved and would clarify the Council's current procedures.***

***The implementation of the proposals in the remaining bullet points would make the Council's current procedures a legislative requirement i.e. the Council already undertakes the following:***

- ***The publication of all petitions received***
- ***The publication of reports on responses to petitions prior to and following reporting to Cabinet / Cabinet Member***
- ***Updating the petitioner throughout the process***