

# ENVIRONMENT CABINET MEMBER MEETING

## Agenda Item 13

Brighton & Hove City Council

<b>Subject:</b>	<b>Area H Extension areas - Resident Parking Scheme Formal Consultation</b>		
<b>Date of Meeting:</b>	<b>10 June 2010</b>		
<b>Report of:</b>	<b>Director of Environment</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Charles Field</b>	<b>Tel:</b> 29-3329
	<b>E-mail:</b>	<b>charles.field@brighton-hove.gov.uk</b>	
<b>Key Decision:</b>	<b>No</b>		
<b>Wards Affected:</b>	<b>East Brighton; Rottingdean Coastal</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The purpose of this report is to address comments and objections to the draft traffic regulation order for the Area H extension parking scheme proposal.

#### 2. RECOMMENDATIONS:

- 2.1 That having taken account of all duly made representations and objections, the Cabinet Member approves as advertised the following order;
- (a) Brighton & Hove Various Controlled Parking Zone Consolidation Order 2008 Amendment Order No\* 20\*\* (Area H Extension).
- 2.2 That any amendments included in the report and subsequent requests deemed appropriate by officers be added to the proposed scheme during implementation and advertised as an amendment traffic regulation order.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Area H extension area was included in the resident parking scheme priority timetable as an area to consider for a resident parking scheme as agreed in the report to the Environment Cabinet Member on 24 January 2008. Following detailed parking surveys which took place in December 2008 and meetings with the Ward Councillors, it was agreed that a public consultation would take place for the proposed extension to the Area H Residents Parking Scheme, and subsequently to consult residents on the detailed design for this scheme.
- 3.2 In May 2009, an information leaflet, map and questionnaire were sent to 1766 households in an area to the east of the current Area H scheme surrounding the Royal Sussex County Hospital in Kemptown, which covers 35 roads. Questionnaire returns totalled 708, giving a response rate of 40%.
- 3.3 Prior to completing the questionnaire, residents were asked to visit a public exhibition to learn about the proposals in more detail. An unstaffed public exhibition was held at Hove Town Hall from 14 May to 5 June 2009 between 9am

and 5pm and a staffed public exhibition was held at the Manor Sports and Activity Centre in Manor Road on Monday 11 May 2009 from 12pm until 4pm and again on Tuesday 12 May 2009, from 5pm to 8pm.

- 3.4 Following the results of the consultation there was a positive opinion from the majority of respondents within a clearly defined, smaller geographical section of the area. It was therefore agreed at CMM on 24 September 2009 to proceed with a scheme within this newly formed boundary. It was also agreed at CMM to letter drop Cowfold Road and Manor Road (upper section), in order to inform residents that a scheme will go ahead in adjacent roads, and to give them an opportunity to consider the effect this may have. Residents in these 2 roads could then make an informed decision about whether to be included or excluded from the scheme.
- 3.5 The reason to re-consult these two roads in particular is the nature of the roads which are very narrow and any displacement may have safety implications on these roads. From recent experiences of implementing resident parking schemes the area's just outside implemented schemes can suffer from vehicle displacement. Therefore, it was felt it was fair to consult these two roads where the increase of vehicles would cause particular difficulties such as obstructions and visibility issues.
- 3.6 The re-consultation letter / questionnaire to Cowfold Road and Manor Road (upper section) were sent out in October 2009 and residents & businesses had until Friday 20 November 2009 to respond.
- 3.7 Following the results of the re-consultation of the two roads (Appendix B) and discussions with the East Brighton ward Councillors it was agreed that the Council should proceed with advertising a traffic regulation order for a resident parking scheme in this area including these two roads. Therefore, this further area was included in the advertisement of a traffic regulation order.

#### **4. CONSULTATION**

- 4.1 The draft Traffic Regulation Order (TRO) was advertised on 19 March 2010 with the closing date for objections on 16 April 2009. Notices were also put on street for the 19 March 2010 which outlined the proposal. These notices were replaced a number of times on-street and the notice was also published in The Argus newspaper on the 19 March 2010. Detailed plans and the order were available to view at Hove Library, Jubilee Library and at the City Direct Offices at Bartholomew House and Hove Town Hall.
- 4.2 There were eight items of correspondence received (Summary in Appendix C). All eight items were received from individuals and six items received were objections, one item received was general comments and one item was in support. Copies of the correspondence will be available for inspection in the Members' room. A plan showing the proposals will be displayed at the meeting and is shown on Appendix A.
- 4.3 One item of support was received from the Public Transport Team fully supporting the resident parking scheme proposal.

- 4.4 Two objections were received from residents outside of the proposed resident parking scheme extension. The objections were that the proposal does not include sufficient short & long term pay & display bays to serve the local population, businesses and community services.
- 4.5 Two objections were received from residents of Cowfold Road and Manor Road (upper section) regarding the results of the informal consultation and stating that a scheme should not proceed in these two roads. Comments were also made that these roads should not have been re-consulted as they were against the parking scheme proposal.
- 4.6 The reason for proceeding with these two roads is outlined in paragraph's 3.4 to 3.6 above.
- 4.7 One objection has been received from a resident in Prince Regent Close arguing that the proposed parking scheme is just a revenue raising exercise for the Council. They also state that there is not a parking problem in this road and residents don't want a scheme.
- 4.8 When introducing new residents parking schemes the Council must demonstrate that these would be self financing. This is why charges have to be made for On-street parking through permits and pay & display. Any surplus from the revenue received from the proposed parking schemes goes back into transport improvements throughout the City. In terms of Prince Regent Close in the original consultation 53% of respondents in this road were in favour of the parking proposals.
- 4.9 One objection has been received from a resident in Manor Green arguing that the double yellow lines proposed throughout the road are too restrictive.
- 4.10 The Council appreciates the difficulties of not being able to park on Manor Green under the current proposals but the road is far too narrow to allow parking on either side of the road.
- 4.11 One item received was general comments about the proposals and the Council have responded in full to these points. Summary details of the comments and Council Response are outlined in Appendix C.
- 4.12 No parking schemes can be introduced without extensive consultation including the legal requirement of an advertised Traffic Order which provides an opportunity for final comments, support and objections to the proposals. Resident Parking Schemes are only introduced where there is support from a majority of residents in a certain area and where they have the support of Ward Councillors in terms of the consultation going forward and any final design following the consultation.
- 4.13 In terms of scheme introduction, the boundary for any potential scheme has to be established from the answers we receive during various stages of consultation. Ultimately the council has to have a boundary for parking schemes that is economically and geographically viable.
- 4.14 This means a scheme has to be introduced for an area rather than for individual or isolated roads. Equally, where there is a clear majority in an area, but an

individual road has voted against, that road could be included in order to ensure a coherent clear boundary. In previous parking scheme consultation, the council has re-consulted certain key roads because it was clear from their geographical position that displacement was inevitable were they to opt out of the scheme.

- 4.15 The results from parking consultations will help give the council a clearer picture of what local residents would or would not like and from this we can look at whether there are distinct geographical “blocks” that are favourable to a scheme. If this is the case, it is possible that displacement may occur in roads outside of any scheme that is established, but it is not possible to predict the extent and nature of this with any certainty at this stage. Generally, the council does not re-consult whole geographical blocks that have rejected a scheme unless there are specific requests from local residents to do so.

### **Conclusions**

- 4.16 The recommendation is that the extension to the Area H resident parking scheme area be progressed due to the reasons outlined within the relevant background.
- 4.17 Any additional amendments to the approved schemes deemed necessary through the formal consultation will be introduced during the implementation stage and advertised through a traffic regulation amendment order.
- 4.18 As part of the consultation undertaken in each of the schemes regard has been given to the free movement of traffic and access to premises since traffic flow and access are issues that have generated requests from residents and in part a need for the measures being proposed. The provision of alternative off-street parking spaces has been considered by officers when designing the schemes but there are no opportunities to go forward with any off street spaces due to the existing geographical layout of the areas and existing parking provisions in the areas.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 Any revenue costs associated with the implementation of this residents parking scheme will be met from existing parking budgets. The financial impact of the revenue from the proposed new scheme will be included within the proposed budget for 2011-12 which will be submitted to Budget Council in February 2011. New parking schemes are funded through unsupported borrowings with approximate repayment costs of £100,000 per scheme over 7 years.

*Finance Officer Consulted: Karen Brookshaw*

*Date: 28/04/10*

### Legal Implications:

- 5.2 Broadly, the Council’s powers and duties under the Road Traffic Regulation Act 1984 must be exercised to secure the expeditious, convenient and safe movement of all types of traffic and the provision of suitable and adequate parking facilities on and off the highway. Also, as far as is practicable, the Council should also have regard to any implications in relation to:- access to premises; the effect on amenities; the Council’s air quality strategy; facilitating

the passage of public services vehicles and securing the safety and convenience of users; any other matters that appear relevant to the Council.

- 5.3 The Council has specific powers under the Road Traffic Regulation Act to make various types of order and the most relevant in relation to the proposals in this report are summarised below.
- 5.4 Section 1 of the 1984 Act enables the Council to make orders prohibiting, restricting or regulating the use of roads. The various grounds for such action include safety, prevention of congestion and preservation of amenity and are not restricted to the roads mentioned in an order but can be for the benefit of other roads.
- 5.5 Under sections 32 and 35 of the 1984 Act, there is power to provide and regulate the use of parking places (without charges) on the highway, for the purpose of relieving or preventing congestion. The parking places powers must not be used in relation to any road so unreasonably as to prevent access to adjoining premises, or its use by anyone entitled to use it, or so as to be a nuisance.
- 5.6 Under section 45 of the 1984 Act, the Council has wide powers to designate pay parking places on highways for vehicles or classes of vehicles. It includes power to authorise parking by permit. Under subsection (3), in determining what parking places are to be designated under this section the Council must consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular the matters to which that authority shall have regard include –
- (a) the need for maintaining the free movement of traffic;
  - (b) the need for maintaining reasonable access to premises; and
  - (c) the extent to which off-street parking accommodation, whether in the open or under cover, is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designation of parking places under this section.
- 5.7 Before making Traffic Orders, the Council must consider all duly made, unwithdrawn objections. In limited circumstances it must hold public inquiries and may do so otherwise. It is usually possible for proposed orders to be modified, providing any amendments do not increase the effects of the advertised proposals. The Council also has powers to make orders in part and defer decisions on the remainder. Orders may not be made until the objection periods have expired and cannot be made more than 2 years after the notices first proposing them were first published. Orders may not come into force before the dates on which it is intended to publish notices stating that they have been made. After making orders, the steps which the Council must take include notifying objectors and putting in place the necessary traffic signs.
- 5.8 Relevant Human Rights Act rights to which the Council should have regard in exercising its traffic management powers are the right to respect for family and private life and the right to protection of property. These are qualified rights and therefore there can be interference with them in appropriate circumstances.

*Lawyer Consulted:*

*Stephen Dryden / Liz Culbert*

*Date: 21/04/10*

Equalities Implications:

- 5.9 The proposed measures will be of benefit to many road users.

Sustainability Implications:

- 5.10 The new motorcycle bays and on-street cycle parking bay will encourage more sustainable methods of transport.
- 5.11 Managing parking will increase turnover and parking opportunities for all.

Crime & Disorder Implications:

- 5.12 The proposed amendments to restrictions will not have any implication on the prevention of crime and disorder.

Risk and Opportunity Management Implications:

- 5.13 Any risks will be monitored as part of the overall project management, but none have been identified.

Corporate / Citywide Implications:

- 5.14 The legal disabled bays will provide parking for the holders of blue badges wanting to use the local facilities.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 For the majority of the proposals the only alternative option is doing nothing which would mean the proposals would not be taken forward. However, it is the recommendation of officers that these proposals are proceeded with for the reasons outlined within the report.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 To seek approval of the scheme to the implementation stage after taking into consideration of the duly made representations and objections. These proposals and amendments are recommended to be taken forward for the reasons outlined within the report.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Appendix A - Plan
2. Appendix B - Results of re-consultation
3. Appendix C - Summary of comments / Objections

### **Documents In Members' Rooms**

1. Objections / representations.

### **Background Documents**

1. Report to Environment Cabinet Member Meeting on 24 September 2009 (Item 40).

