

North Hertfordshire District Council Parking Issues Reporting Pack

Part 1 - User Guide



Version 1 - November 2019

DRAFT

Part 1 - List of Contents

| | | |
|-----------|---|---|
| Section 1 | - | Introduction |
| Section 2 | - | What are parking controls? |
| Section 3 | - | When might parking controls be needed? |
| Section 4 | - | Responsibility for promoting new parking controls |
| Section 5 | - | Considering the request |
| Section 6 | - | The Traffic Regulation Order process |
| Section 7 | - | Information required |

Further Information

Should you require assistance or further information to complete this pack, please contact North Hertfordshire District Council:

Phone:



01462 474000

E-mail:



transport@north-herts.gov.uk

Write to:



North Hertfordshire District Council
PO Box 10613, Nottingham, NG6 6DW

Section 1 - Introduction

This Parking Issues Reporting Pack is a guide for reporting parking issues to North Hertfordshire District Council and for making requests for measures to control parking on the public highway. Parking, where a vehicle is typically left unattended for a period of time, is often the main source of complaint, however waiting, stopping and loading / unloading is also covered within this pack.

This Part 1 provides an overview of the parking control measures that are typically applied, when they are likely to be considered and the process by which they are brought into effect. Having read this information, if a valid parking issue remains that needs to be reported then Part 2 provides details of the information that needs to be submitted to North Hertfordshire District Council in order for the request to be considered further.

It should be noted that North Hertfordshire District Council receive a large number of requests for parking controls which will invariably outweigh the resources available to progress them. There is therefore no guarantee that parking related schemes will be chosen for progression, nor that any chosen schemes will be progressed in priority order.

Traffic Regulation Orders, the legal document that gives effect to many parking control measures, is referred to throughout this pack. For ease, this has been abbreviated to TRO or TROs.

Hertfordshire County Council as Highways Authority permits North Hertfordshire District Council to produce TRO's on its behalf under an agency agreement.

Section 2 - What are parking controls?

Parking control is a generic term used in this pack for measures that control where and when vehicles wait (park), stop or load / unload on the public highway. More specifically they may form one or a combination of the more commonly used measures outlined in this section.

Waiting restrictions. These are indicated by yellow lines at the side of the road and a yellow time plate located on lamp columns or posts at the edge of the pavement. Where there are yellow lines on the road the waiting restrictions apply to the whole of the public highway, up to the centre of the road and also include adjoining verges, footways and cycleways:

- **Double yellow lines.** These lines prohibit parking 24 hours a day, everyday of the year. Sign plates are no longer required unless the restrictions are in force during certain months of the year only e.g. March through to September.
- **Single yellow lines.** These lines prohibit parking for less only apply on certain days of the week only. Sign plates are required to indicate the details of the restriction.



There are exemptions for parking on double or single yellow lines. Drivers may wait on yellow lines as long as is reasonably necessary to load and unload bulky goods or to pick up or drop off passengers.

Exemptions also apply to:

- Blue Badge holders displaying a valid badge
- Emergency service vehicles
- Statutory undertakers vehicles

Yellow kerb markings. These indicate that there are loading restrictions in force that prohibit a vehicle from stopping to load / unload. Double blips indicate that the restriction is in force at all times, single blips for specified times of the day or days of the week. There are no exemptions to wait while the restriction is in force. Blue badge holders are not allowed to wait where there are loading blips.



Verge and Footway restrictions. Where there are no waiting restrictions in force on the road that would also apply to adjoining public verges and footways, a prohibition can be introduced separately by way of signing that prohibits parking on verges and footways for the times and durations shown on the signs.



Clearways / Bus Stop Clearways. A clearway prohibits stopping at all times along a main carriageway or may restrict stopping except for certain vehicle types such as buses. At a bus stop a no stopping except buses clearway restriction is marked by a thick solid yellow line within a bus stop cage marking, and has a sign showing the times of the restriction that can be less than 24 hours a day.



School zig-zag markings. School zig-zag markings are covered by a TRO which prohibits waiting and loading / unloading of passengers typically between the hours of 8am to 5pm Monday to Friday on school days, or as otherwise shown on the accompanying sign. These restrictions are in place to maintain road safety for children and parents around the entrance to the school.



Prohibition of waiting by Goods Vehicles and Buses. Signs give effect to a TRO prohibiting waiting (but not loading) by any goods vehicle with a maximum gross weight as indicated on the signs. The TRO may also refer to buses, either in addition to, or in place of goods vehicles. Restrictions are normally applied overnight and at weekends as an environmental measure, in zones or on individual roads.



Parking Places. Parking places are indicated by white dashed lines on the road with an accompanying road sign adjacent to the bay. Drivers must park within the limits of the marked out bay.



Resident Parking Zone. A resident parking zone is an area where parking is controlled to benefit residents and visitors. During controlled hours you need a parking permit to park. Different Resident Parking Zones have different operational hours and days.

Other types of parking places include:

- Limited waiting bays
- Loading only bays
- Disabled badge holders only
- Bus Stops (buses only)
- Taxi ranks



Section 3 - When might parking controls be needed?

The public highway can consist of a carriageway, footpath, pavement and grassed verge and in law nobody has any right to do anything on the highway except to pass and re-pass (i.e. to travel along the road or footway).

Parking on the highway, however wide, is an obstruction and an enforceable offence. No driver has a legal right to park on the road, though in reality such are the demands of modern life that on-street parking on most roads is condoned where the degree of obstruction is relatively small.

In the first instance, before parking controls are considered, issues relating to parking that causes a road safety concern or an obstruction, including parking on footways, should be referred to Hertfordshire Constabulary for them to advise whether the matter can be addressed through enforcement action. Hertfordshire Constabulary can be contacted on their non-emergency telephone number 101 or via their website www.herts.police.uk

The Highway Code is the official guide that all drivers are required to abide by. Knowing and applying the rules contained in the Code could significantly reduce road casualties.

The following are two sections of the Code that relate to parking:

242

You **MUST NOT** leave your vehicle or trailer in a dangerous position or where it causes any unnecessary obstruction of the road.

243

DO NOT stop or park

- Near a school entrance
- Anywhere you would prevent access for Emergency Services
- At or near a bus or tram stop or taxi rank
- On the approach to a level crossing or tramway crossing
- Opposite or within 10 metres (32 feet) of a junction, except in an authorised parking space
- Near the brow of a hill or hump bridge
- Opposite a traffic island or (if this would cause an obstruction) another parked vehicle
- Where the kerb has been lowered to help wheelchair users and powered mobility vehicles
- In front of an entrance to a property
- On a bend
- Where you would obstruct cyclists' use of cycle facilities (except when forced to do so by stationary traffic)

It is often when the demand for parking outweighs the opportunities available that the above guidelines get impinged upon, with the likely result being an adverse effect on the normal operational use of the highway. This is typically when a request is made for controls to address a resulting issue.

Parking controls are therefore typically required to uphold and improve road safety and to prevent obstruction of the highway. Other reasons include:

- Protecting visibility at junctions and pedestrian crossings
- Maintaining access (including emergency access) along narrow streets
- Increasing the turn over of use of short stay parking spaces in town centres to meet parking demand
- Maintaining bus route access and keeping bus stops clear of parked cars
- Increasing road safety for children around schools
- Maintaining disabled parking provision in town centre areas
- Managing commuter parking through the use of permits in areas surrounding the town centres and railway stations
- Preserving or improving the amenities of the area through which the road runs

Section 4 – Responsibility for promoting new parking controls

Traffic Authorities are receiving increasing demands relating to the management of roads, requiring consideration of placing both negative and permissive parking measures on the highway by way of TROs. Both will place controls on where and when parking (waiting), stopping and loading / unloading can occur with negative measures placing prohibitions and permissive measures providing controlled on-street parking and loading / unloading provision.

Under The Road Traffic Regulation Act 1984, the Traffic Authority for all roads in Hertfordshire (except motorways and trunk roads) is Hertfordshire County Council (Hertfordshire County Council), with North Hertfordshire District Council carrying out certain functions through delegated agency agreements including enforcement of most parking controls.

Both Hertfordshire County Council and North Hertfordshire District Council have distinct priorities and motivations for taking the lead in implementing parking relating TROs.

North Hertfordshire District Council is likely to take the lead in:

- The provision of parking for various users through the introduction of minor controls, or more extensive controlled parking zones. For example, Resident Parking Schemes are considered in areas, often near railway stations or town centres, which experience persistent parking problems with commuters, shoppers and others who do not live or have businesses on typically residential streets.
- The management of parking to meet wider, corporate objectives as set out in the adopted Parking Strategy, such as the provision of disabled parking in town center's and management of pavement parking where considered appropriate in accordance with legislation
- Obstruction to a driveway or dropped kerb pedestrian crossing point, or if the issue relates to parking on existing restrictions.

Hertfordshire County Council is likely to take the lead in:

- The promotion of parking controls to tackle potential / perceived highway safety issues.
- Parking controls to accompany planned highway improvements, including those required by third-party developers.

The County Council can exercise their duties by proposing a TRO when it is deemed expedient to address the following statutory purposes:

- (a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising
- (b) for preventing damage to the road or to any building on or near the road
- (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians)
- (d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property
- (e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot
- (f) for preserving or improving the amenities of the area through which the road runs
- (g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).

If the issue remains following consultation with the Police and / North Hertfordshire District Council then a new parking control measure may need to be considered by Hertfordshire County Council.

Please note that it is unlikely for issues that occur wholly on private roads to be considered. However these, plus any that occur partially on private roads, maybe considered if there is a knock-on effect to the use of the public highway.

Section 5 – Considering the request

On receipt of the completed pack (Part 2), the contact details supplied in Section 2 of Part 2 will be used to acknowledge receipt (e-mail will be used if supplied).

The information in the completed pack will then be **reviewed** to determine whether:

- The location has already been reported to North Hertfordshire District Council. In this case, the new information supplied will be used to supplement the previous request(s).
- The location is already in the process of being considered. It maybe that parking controls are being considered or already in the process of being promoted, either directly to address the reported issue or that will indirectly address it as part of a wider proposal.

If this is a new request that will not be addressed by an on-going or impending process, the information in the pack will then be **verified** during up to three visits by North Hertfordshire District Council at the times when the issues have been reported to occur.

If the reported issue is not verified through observations during the visits, or the issue is better addressed by other means e.g. through enforcement action, then the initiator of the request will be advised accordingly.

Requests that are verified and deemed suitable will be discussed with the respective North Hertfordshire District Councillors and the Executive Member for Planning and Transport.

NHDC has a modest budget towards producing TRO's which is funded through parking income and S106 funding. Additionally, since the beginning of April 2012, Hertfordshire County Council has introduced Highways Locality Budgets (HLBs) across the entire county as part of its Herts Local Programme of Projects. HLBs provide each County Councillor with a budget to fund highway projects within their respective Electoral Division and represents a commitment to giving local people more say and control over local services. A proportion of the HLB budget can be used to consider new parking control requests.

It should be noted that North Hertfordshire District Council receive a large number of requests for parking controls which will invariably outweigh the resources available to progress them. There is therefore no guarantee that parking related schemes will be chosen for progression, nor that any chosen schemes will be progressed in priority order.

Parking control requests are prioritised on:

- safety
- traffic conditions
- environment and economy
- how people will benefit from the new proposals.

It is likely that no information will be given at this time regarding the timescale to consider the request further, other than the request will be held on a list for consideration of future progression should funding become available.

Section 6 - The Traffic Regulation Order process

The majority of parking controls require a Traffic Regulation Order (TRO), and if an opportunity becomes available to start the process, it should be noted that starting the process does not guarantee the eventual outcome of new parking controls being introduced. In addition to the promoted measures being installed, it is not uncommon for measures to be altered, deferred or cancelled at any stage in the TRO process.

It is understandable that there could be a perception that 'it is a simple case of turning up and painting the lines' when a request is made to control parking. In reality, to promote a TRO requires a mandatory legal process to be followed, that is lengthy and requires both significant resources and time to complete. As a guide, promoting new parking controls at a single location could cost upwards of £5,000 and take between 6 and 18 months to complete.

The very nature of parking controls mean that those who currently park in the proposed controlled area will be affected and opposition to the process is likely to be encountered, especially in residential areas.

The TRO process is designed to engage both statutory stakeholders and the surrounding local community. This is to ensure that those potentially affected have an opportunity to participate into the consultation process and for any feedback to be used to develop any resulting proposal.



Once the request for new parking controls has been received and verified, and funding has been allocated to commence the TRO process, it is typical for the TRO process to progress as follows:

Initial Consultation –

Officers will undertake the initial consultation, referred to as the informal consultation. This will usually involve a letter and plan showing a potential scheme being issued to the properties fronting the proposal, as well as obtaining the views of statutory consultees, such as Hertfordshire County Council as Highway Authority, Local Councillors and the Emergency Services. The aim of the informal consultation is to identify whether there is community support for the introduction of the proposal, or if applicable, refine the proposal to take account of any feedback.

Based on the feedback received to the informal consultation, in liaison with the respective NHDC Councillors and the Executive Member for Planning & Transport, a decision will be made on whether a draft scheme will be prepared. The potential scheme at the initial consultation is based upon the information provided in the application.

Draft Scheme –

Where the informal consultation has identified a potential scheme, and the respective North Hertfordshire District Councillors supports progressing the scheme further, a draft scheme will be prepared for formal advertising. Once a draft scheme has been submitted for advertising, it is not possible to extend the proposal or make it more prohibitive without re-starting the informal consultation again.

Advertising –

Any proposed scheme **MUST** be consulted on and advertised. In addition to the initial, informal consultation, the advising stage, referred to as the formal consultation, invites formal comment from statutory consultees and from other interested parties e.g. local residents and businesses.

A notice is advertised in the local newspaper containing details of the proposed TRO and stating a 21 day period within which formal representation can be made. During this period, the notice is also displayed on site notices mounted in any roads that are affected. All relevant documentation, including a copy of the Draft TRO, associated plans, Statement of Reasons and copy of the notice can be viewed at the North Hertfordshire District Council office during normal office hours and on the Council website.

Objections to the proposals and comments of support must be made during this period in writing to the postal or email addresses specified in the notice.

All objections must be considered. Any objections and contentious issues are then reported to and considered by relevant officers in liaison with the respective North Hertfordshire District Councillors and the Executive Member for Planning & Parking, with a recommendation given to the delegated officer. When considering the objections, the delegated officer must decide whether to (a) allow the scheme to proceed as advertised, (b) modify the scheme, or (c) abandon it.

Any recommended modifications can only lessen the advertised proposal e.g. shorten restrictions or make them less prohibitive. Extended or more prohibitive restrictions would need to be re-advertised.

Implementation –

Once agreement has been reached the scheme will then be implemented. This usually requires the installation of signs and lines appropriate to the proposal.

Making the TRO –

To coincide with the installation of the signs and lines as necessary, the TRO can then be formally sealed providing all standing objections have been considered. This is done by way of a further notice advertised in the local newspaper.

Commencement –

Enforcement of the new restrictions can commence following notification of the making the TRO.

Invariably the introduction of new parking controls will be viewed with differing opinions; with varying levels of either support or opposition, and often an individual's view of any problem will understandably be formed on how they are affected by the proposal. It therefore may not be possible to conclude the process with an outcome that meets with overall public acceptance or that fully meets the desired outcome of the initial request made in the pack.

The proposal needs to consider the potential impact on current parking trends, and therefore if appropriate the proposal will try to seek the optimum balance between addressing the perceived issue whilst maximising any remaining areas for safer on-street parking. Furthermore, the knock-on effect to nearby areas that displaced parking may cause will also be considered, and whilst it is not possible to precisely predict where parking will be displaced, 'blanket' parking restrictions over a wider area are unlikely to be considered unless designed to address a specific issue.

Section 7 – Information required

The information required by North Hertfordshire District Council in order for the request to be considered further is outlined in **Parking Issues Reporting Pack Part 2 – Application Form**