

Community Services - Parking Services (Parking Development)

Restrictions Procedure 2022

This document sets out St Albans City and District Council's procedures and Policy for dealing with requests for new on-street parking restrictions or amending existing controls.

1. Types of Parking Restrictions

1.1. In general terms there are two types of waiting restrictions.

Restrictions that stop waiting or Stopping;	Restrictions that allow waiting and Stopping;
<ul style="list-style-type: none">• Double yellow lines• Single yellow lines• Loading bans• School Keep Clears• Verge and footway parking bans	<ul style="list-style-type: none">• Disabled parking bays• Permit (e.g. residents or business) parking bays• Loading bays• Coach parking bays• Limited waiting bays• Pay and display bays

2 Who Can Make a Request?

2.1 Requests for restriction changes or new restrictions can come from many different sources for example; residents, developers, emergency services, Councilors; Town and Parish Councils and County Councils. Each request for restrictions will be considered on its merits. With parking restrictions there is no one size fits all. All views of those affected by any proposed restrictions will be considered fully.

2.2 Requests for changes will be allocated a category from, 1 to 3 according to the category table in Appendix A. In addition, a risk assessment rating from high to low will be assigned according to the impact table in Appendix A.

3. Request Process and Assessment

3.1 On receipt of a request for parking restrictions the request will be acknowledged and an Officer in the parking development team will be assigned to review the request. The Council Officer will make a recommendation for the request to either be added to the works list or for the request to be rejected, based on his/her findings including but not limited to site inspections.

4. Considering the request

4.1. New requests may be considered by the relevant committee or working group at the next available meeting when required. If the request is not received before the agenda for that meeting, the request would need to be considered at the next available meeting.

5. The Work List

- 5.1 The work list is the agreed list of requests to be taken forward and prepared for consultation. When an area is approved for the current financial year current consultations, it will appear on our website under 'current consultations'.
- 5.2 The current consultations to be undertaken in each financial year and is periodically reviewed so may be subject to change. For example, if a scheme is delayed due to the volume of responses or the content of the responses requires additional work, this would impact on other schemes on the programme and a revised programme may be published.
- 5.3 Any changes made to the current consultations will be detailed on the website.

6. Stage 1 (optional) - Initial Consultation to Scope the Scheme

- 6.1 This can involve;
 - I. public meeting to which all residents would be invited along (this may not always be required)
 - II. An informational consultation advertised and detailed on our website and on street notices, giving an opportunity for residents to comment.
- 6.2 The consultation at this stage seeks to understand what the consultees believe are the issues and what they believe is the right solution. There may be an online questionnaire which will reflect the relevant area consulted and the issues that have been highlighted. The consultation will normally include a map highlighting the geographic area being consulted.
- 6.3 Once the consultations responses have been considered, a draft scheme proposal will be prepared or changed (if one was already presented) based on the officer recommendations and the consultation responses. A further consultation on the options may be required.
- 6.4 A final proposal for restrictions will consider the responses, the Councils Parking Strategy, any relevant County Council policy and The Traffic Regulations Act 1984. It is important to note that roads removed from a scheme can still be added at any stage up to and including the Formal stage (below). However, once the formal stage is underway a road cannot be added (only removed) unless the consultation process is repeated.

7. Stage 2 - Informal Consultation or Informal Proposals –

- 7.1 Following the initial consultation, a draft scheme will be prepared based upon officer recommendations and the result of the consultation. Details of the draft scheme will be circulated to consultees for further comments, usually this is on our website and can be accompanied by on street notices or public meetings if appropriate.
- 7.2 Once the consultations responses have been considered, a proposal and the relevant Traffic Regulation Order/s will be drafted for formal consultation.

8. Stage 3 - Formal Consultation –

- 8.1 Once the legal documents (the Traffic Regulation Orders (TRO'S)) have been drafted. A formal consultation of TRO's takes place. The formal consultation will include an advert in the local paper, Public Notices placed near the proposed restrictions (where appropriate). Full details of proposals will also be posted on our website.
- 8.2 The views of Hertfordshire County Council (Highways Authority), Local Councillors, The Emergency Services, The Freight Transport Association, The Road Haulage Association and local public transport operators are also sought.
- 8.3 The consultation period is 21 days from the start of the notice. Full details of the scheme will be made available at the Civic Centre (Council Offices) during normal office hours and online. The 21-day period cannot be extended other than if it falls within Christmas Day and New Years Day.
- 8.4 Objections, representations, and comments to the proposals must **be made in writing** to the address specified on the notice or submitted via email during the consultation period. All objections **must** and will be considered. Objections **will not** be considered over the telephone or in person unless supported by a written submission.
- 8.5 The results of the consultation will be considered by local ward councillors and the councils Lead councillor for Public Real or other committee responsible parking related matters where appropriate. The consultation may also be discussed at a Public Realm committee meeting or other committee if it is considered contentious or complex.
- 8.6 A report will be drafted which will make recommendations for consideration, including if the scheme should proceed, be amended or abandoned. The report will be considered by the lead councillor who will make the decision in consultation with the relevant council director or other council delegated official responsible for parking.
- 8.7 Within the final report we will include a Community and Equalities Impact Assessment (EIA), this assessment will look in detail at the impact to all community groups. It will also look at possible displacement from parked vehicles. The assessment will provide details of how benefits to the community can be enhanced and negative impacts minimized or eliminated. The EIA will form part of the final report which will be made available on the Councils website.
- 8.8 The decision to formally seal a Traffic Regulation Order will be made by the relevant council director or other council delegated official responsible for parking, in consultation with the relevant lead Councillor. Both will need to be satisfied that all required processes and procedures have been followed.
- 8.9 If the scheme is to be implemented, any lining and signing works need to be arranged and then the Order can be sealed. A made Order Notice is then advertised in the local press and on the St Albans City and District Councils website. The final scheme may not be fully operational until at least 3 months from the sealing of an order to allow for signs and lines issues and for residents to obtain permits.

8.10 All those who responded, made representations or comments to the formal notice of proposal to make an order, will be notified of the Council's decision within 14 days of the notice of making the order/s. The Council's response will be made in the same way as the representation were received. i.e. if the representation was by email, the council's response will be to the same email address. All responses are summarised and responded within a summary table which is provided to all respondents. The council will not usually respond to any comments until the scheme decision has been made. This can be some time before a response is received.

9 Non-permit parking schemes

9.1 For schemes which do not include resident permit parking, the initial or informal consultation stage may not be necessary. This is because these schemes are usually considered on grounds of safety, congestion or both. Other grounds can be considered and are detailed below.

10 Traffic Regulation Orders (Legislative background)

10.1 List of relevant legislation;

I. Road Traffic Regulation Act 1984 ("the 1984 Act")

II. The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ("the procedure regulations").

III. Traffic Management Act 2004 ("civil parking enforcement").

IV. The Local Government (Arrangements for Discharge of Functions) (England) Regulations 2000

10.2 The introduction of parking controls requires the preparation and completion of a Traffic Regulation Order. Traffic Regulation Orders are legal documents which allow restrictions to be placed on the road and enforcement to take place.

10.3 Traffic Regulation Orders are usually made under the Road Traffic Regulation Act 1984 ("the 1984 Act") and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ("the procedure regulations"). These apply in England and Wales. Several minor amendments have been made to the procedure regulations since 1996.

10.4 The 1984 Act sets out the legal powers in broad terms, the procedure regulations lay down the processes to be followed when using those powers.

10.5 The 1984 Act as originally made placed the powers to enforce traffic orders with the police as a criminal matter. Many councils enforce on-street parking restrictions using powers first made available under the Road Traffic Act 1991 ("decriminalised parking enforcement") and currently under Part VI of the Traffic Management Act 2004 ("civil parking enforcement").

- 10.6 A traffic order may regulate any of the following activities: -
- movement of traffic or certain classes of traffic;
 - use of a specific part of the carriageway;
 - waiting or loading of vehicles;
 - use by through traffic;
 - overtaking;
 - use by pedestrians; or
 - use by heavy commercial vehicles.
- 10.7 Traffic Orders may be made for a variety of reasons, but in each case those reasons must include at least one that is valid under the 1984 Act. Valid reasons include: -
- Improving road safety
 - Assisting the movement of traffic and/or pedestrians
 - Improving the amenity of the road and its surroundings
 - Providing suitable and adequate parking facilities.
 - For any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).
- 10.8 The District Council within its agreement with Hertfordshire County Council only deals with parking related matters. Any issue relating to traffic movements would have to be considered by the County Council who are the Highways Authority.
- 10.9 A restriction cannot be implemented and enforced until a Traffic Regulation Order is in place. The introduction of a Traffic Regulation Order must follow a statutory process. The details are contained within; The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 10.10 The process of introducing parking restrictions can be lengthy; this will vary depending upon the complexity, level of consultation feedback and extent of the scheme. The most complex and detailed schemes may take more than 2 years to implement. Traffic Regulation Orders, in most cases require at least two stages of consultation. However, if the scheme is complex then additional consultations may be necessary.

11 Final Stages to Implement a Traffic Regulation Order

- 11.1 Once a new restriction is agreed, the Council will place an order for the relevant parking signs and road markings if applicable. Any restrictions cannot be enforced without the signs and markings in place. This process usually takes between four and 12 weeks but can be longer. All signs and road marking installations are subject to weather conditions (it is not possible to paint road markings during inclement weather).
- 11.2 The Council will update residents in the form of a letter which will provide information on the start date of the scheme and how and where permits can be purchased. We will usually provide up to 3 months' notice of the start date of the live enforcement, this time period will include a two-week grace period where warning notices will be issued.

11.3 If there are any minor delays to the start date due to installation of signs and road markings, this cannot unfortunately be compensated on any permits already issued. However, if the delay is significant i.e. over six weeks, we may provide a grace period on expiry of any permit at that time but at the Councils discretion.

12 Additional Information

12.1 This Policy will be reviewed and updated at intervals no less than five years or when required due to legislative or other policy changes.

12.2 Legislation or other legal requirements will be considered throughout every scheme and may supersede this policy document.

12.3 All parking requests and schemes will take into consideration the Councils Parking Strategy and relevant Local Plan where appropriate. These are available on the Councils website.

12.4 In addition to 12.3 above, the Council must take in to consideration the current and relevant Hertfordshire County Council Local Transport Plan. This is available from Hertfordshire County Council or via their website at www.hertfordshire.gov.uk

Appendix A- Traffic Regulation Order priority rating system

Each year the District Council receives a considerable number of requests for new or for the revision of existing parking restrictions.

To provide an objective framework, each location or scheme is given a priority (from 1-3 with 1 being the highest) and an impact rating (from high to low) depending on the number of persons effected by the issue we are seeking to resolve.

Please note that the following are provided as a guide and should not be considered a definitive or exhaustive list. It may be that the impact is particularly severe or limited in its scope or that the scheme has been outstanding for a lengthy period.

Category Table

Examples of Category 1 requests
To provide access for emergency services vehicles where they (the police, fire service or ambulance service) have highlighted an access issue due to parked vehicles.
To help to reduce road traffic accidents in a hotspot. A hotspot being where 3 or more personal injury collisions are recorded over a 3-year period and where parked vehicles have been identified as a contributory or causative factor.
To provide access to a disabled person home by the provision of a disabled parking space.
Where the amendment to an existing Traffic Regulation Order is required in order to allow effective enforcement of the restriction.
Where the restriction is required in order to improve road safety or to aid vehicular and/or pedestrian movement such as junction protection, crossing points or easing congestion/creating passing points.
Examples of Category 2 requests
Request for new resident parking scheme (or review of existing scheme) by way of petition meeting the Council's criteria for petitions.
Request for new resident parking scheme (or review of existing scheme) submitted by Ward Member on behalf of his/her constituents.
Where it has been identified that a TRO would facilitate a new development or highway scheme.
To provide access by a disabled person to an amenity by the provision of a disabled parking space(s).
To improve the amenity of the road(s) and/or its surroundings.
To provide suitable and adequate parking facilities through the provision of residents parking, short term limited parking, pay and display bays or shared use bays.

Examples of Category 3 requests

Where request is made to introduce or amend limited waiting restrictions in order to support local retailers/businesses, e.g. one hour, no return within 2 hours.

To protect the verge or footway by introducing a parking restriction.

To prevent inconsiderate parking associated with the school run.

Request for new resident parking scheme (or review of existing scheme) submitted by resident(s) of less than 30 persons.

Impact

To assist in differentiating between competing schemes within a similar Category an impact rating will also be allocated based upon the following criteria.

Impact	Rationale
High	High number of locations and/or residents likely to be affected.
Medium	Low number of locations and/or residents likely to be affected.
Low	Limited number of locations with residents not directly impacted.