

<b>TITLE</b>	<b>Map-Based Traffic Regulation Orders (TROs) Formal Consultation</b>
<b>FOR CONSIDERATION BY</b>	The Executive on 29 June 2017
<b>WARD</b>	None specific
<b>DIRECTOR</b>	Josie Wragg, Interim Director of Environment
<b>LEAD MEMBER</b>	Chris Bowring, Executive Member for Highways and Transport

## **OUTCOME / BENEFITS TO THE COMMUNITY**

The parking restrictions represented by TROs across the borough provide benefits in road safety, congestion management, transport planning and residents parking facilities.

The digitisation of the paper based TROs into maps available online will greatly assist understanding of parking restrictions amongst Members, residents and businesses, and will inform the future parking enforcement under CPE. It also offers a streamlined approach to TRO production in the future, and this helps the council achieve some of its objectives for being a 21st Century Council including the move towards self-serve.

## **RECOMMENDATION**

That the Executive:

- 1) approve the making of the Wokingham Borough Council (Various Roads, Wokingham Borough) (Stopping, Waiting, Loading And Unloading Prohibitions and Restrictions, Parking Places and Resident Permit Parking Places) (Map-Based) Order 2017;
- 2) authorise Officers to inform respondents of the results of the consultation accordingly.

## **SUMMARY OF REPORT**

The Council applied to the Department for Transport on 24<sup>th</sup> April 2017 to adopt powers for enforcing parking restrictions across the Borough from the police. As part of that process the Council is required to review all of the parking restrictions within its area both to ensure that they are signed and lined correctly and comply with the associated Traffic Regulation Order (TRO) documents. The review has now been completed and the next step is to replace the current system of text-based TRO's with a single map-based order to make the existing traffic restrictions more readily understandable to residents and visitors to the Borough

In promoting these changes it is necessary to consult as per the normal statutory procedures for new/amended TROs. In addition to introducing a map based system, the review also includes the harmonisation of rules for residents parking zones, some changes to eligibility for permits in certain streets, harmonisation of the exemptions for

loading/deliveries, building operation, weddings etc, and some very minor alterations to the parking layouts.

The formal consultation was undertaken by means of newspaper advertisements, on-line access to maps and TRO documents, letter drops to all current resident parking zones and emails to statutory consultees. It ran from 30 March 2017 through to 2 May 2017 and generated 28 responses covering various issues detailed within Appendix A. Assessment of these responses has indicated no substantive objections and that the recommendation is to proceed as advertised.

Subject to the Executive's approval, the new borough-wide map-based TRO will be introduced in July 2017.

## **Background**

At its meeting in September 2016, the Executive ratified the proposal to apply to the Department for Transport to transfer powers for enforcing parking restrictions from the police. That application was duly submitted on 24<sup>th</sup> April 2017. Subject to government approval (via the DfT) this will result in parking enforcement within the Borough becoming a civil rather than a criminal matter, and the process is thus known as Civil Parking Enforcement (CPE). As part of that process the Council is required to review all of the parking restrictions within its area both to ensure that they are signed and lined correctly and comply with the associated TRO documents.

That review has now been completed and it has been proposed to replace the current system of text-based TRO's with a single map-based order so as to make the existing traffic restrictions more readily understandable to residents and visitors to the Borough. Map based TRO's are used with success elsewhere in Berkshire and wider across the UK. The change will also simplify TRO production in the future, saving time and resources.

## **The new proposals**

In addition to introducing a map based system, the review also harmonises rules for the operation of residents parking zones into a single order, with no increase to the current level of the fees payable for permits in any of the zones. Also included is the requirement that the vehicle registration number is to be shown on residents permits in all zones (but not on carers permits), clarification of the permitted hours for certain zones, that the Council shall not be required to issue additional residents permits in respect of properties converted into multiple dwellings and some minor changes to those properties eligible for permits in certain zones. Similarly, the other existing TRO documents for waiting and loading restrictions have a variety of rules covering such issues as exemptions for loading/deliveries, building operation, weddings etc. and all of these arrangements are being harmonised into the same single order. Finally, to ensure that all parking restrictions complied with updated guidance from central government on rules for parking restrictions signs and road markings, there were also some very minor alterations to the parking layout in certain locations, although these are not considered to be significant. Appendix B provides a list of these minor alterations as proposed in the new map based TRO, together with a more detailed explanation of all the other harmonisation changes.

## **Formal consultation**

In proposing these changes it is necessary to consult as per the normal statutory procedures for new/amended TROs, despite there being no substantive change in the actual impact of the restrictions in terms of layout or restriction type. That formal consultation ran from 30 March 2017 through to 2 May 2017, and included a public advertisement in 2 local newspapers covering the whole of the Borough, a web-based questionnaire, an on-line map portal, on-line access to copies of the TRO documents, letter drops to all current resident parking zones and emails to statutory consultees (e.g. emergency services), local parish councils and all local members across the Borough.

## **Analysis of responses and issues arising**

There were 28 responses in total: 12 of which were through the on-line map portal; 13 received by email; 3 by letter. Of these, 7 were in support including two members, the Police and 2 Town & Parish Councils; 10 comments including one member and one Town Council and 11 objections including one member. Appendix A provides officer comments in response to the specific issues raised and a summary is provided below.

### *Rose Street, Wokingham*

Concerns expressed by the Residents Association, and other residents, about changes to permit rules, such as the change to require the vehicle registration number (VRN) displayed on the permit, and how this would impact on visitors. Officers have commented that the resident permit schemes need to prioritise parking to residents needs first and foremost, and that there are also separate facilities that offer carer's permits for the elderly and to allow exemptions for vehicles connected with building operations to continue to park.

### *Havelock Road, Wokingham*

A Member has raised concerns about Lily Court not being eligible for permits. Lily Court is located on the corner of Havelock Road and Oxford Road, in Wokingham and was converted from a commercial garage to a residential property. The planning permission at that time considered the development as a retirement property, in a central location with easy access to the rail station and bus services, and so the provision of off-street parking spaces in the new development was reduced. No agreement was made for properties to be eligible for on-street parking permits. The availability of on-street parking spaces in Havelock Road is under pressure and officers consider it inappropriate to increase eligibility for permits.

### *Station Road and Waltham Road, Twyford*

Concerns about pressure for parking spaces and allowing additional properties to be eligible for permits. These additional permits reflect previous arrangements that had applied in earlier historical versions of the appropriate TROs, and are not considered to be significant.

### *Guaranteed space for permits and issuing more permits than spaces.*

A Member has raised concerns that although the harmonisation of the resident permit schemes is a slight improvement, it doesn't tackle the main problem of issuing more permits than there are spaces, so residents pay for a space but are not guaranteed they will get one. However, It is not legally possible to guarantee a parking space on the public highway, and the underlying principle of resident parking schemes is to improve the priority for residents' parking needs above other users. The reason why it is sometimes necessary to issue more permits than there are spaces is that otherwise a waiting list system would have to operate whereby some properties would be disadvantaged merely due to a 'first come first served' arrangement. The Council's current residents parking policy aims to control some of this issue by limiting the number of permits available to each property (maximum of 1 or 2) and taking into account any off-street parking available to each property - where there are identified pressures on parking space capacity. These rules do vary across the zone, reflecting the variance in parking demand and capacity for spaces.

### *Various comments about map layout / styles and the webpage.*

These have been considered, but by and large this relates to the temporary map portal facility provided to enable people to view restrictions on-line during the consultation period. The actual maps that constitute the legal TRO document (also downloadable on-line) are clearer. There were also comments about the links on the Councils website, and if the Map-based TRO is approved, then this will be changed to offer a more substantive facility.

In conclusion, assessment of all comments received during the consultation has indicated no substantive objections which the Council has not offered either to reconsider after CPE is implemented, or that can't be accommodated to varying degrees within the terms of the proposed TROs. It is therefore recommended to proceed with the Borough-wide Map-based TRO as advertised.

Subject to the Executive's approval, the new borough-wide map-based TRO will be introduced in July 2017

### **Legal considerations**

Under the Traffic Management Act 2004 section 16, local traffic authorities are under a 'network management duty' to manage their road network, so far as may be practicable having regard to their other obligations and policies, the objectives of securing the safe and convenient movement of traffic on the authority's road network and facilitating the same on road networks for which another authority is the traffic authority. The traffic authority may exercise any power conferred on it so as to achieve these objectives. Any Traffic Regulation Order (TRO) will be made under the Road Traffic Regulation Act 1984 and is governed by the Local Authorities' Traffic Orders (Procedure) England and Wales Regulations 1996. The regulations require that before making a TRO the authority must carry out prescribed consultation and, after it has consulted, it may decide not to proceed with the order or to make it with or without modifications. An order making authority is obliged to comply with the duty set out in section 122 which requires an authority to exercise the functions conferred on it, so far as practicable to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway; in doing so they must also have regard to maintaining reasonable access to premises and preserving the amenities of the area concerned.

Given the current pressure on parking within the Borough it should be noted that the draft order includes a provision to the effect that with effect from the date of coming into operation of the order, where a property is developed into multiple residences, the Council will not be obliged to issue parking permits to residents of the property. The Executive is asked to consider the inclusion of the provision in principle. It will be necessary for the Local Planning Authority to amend the current local plan policies so as to require developers to enter into an obligation with the planning authority that no owner nor anyone who occupies the redeveloped property will apply to the Council for a parking permit.

### **Equality and Human Rights Implications**

A public authority can interfere with convention rights where such interference is lawful and proportionate. It is doubtful whether any such rights will be affected as a consequence of the coming into operation of the proposed TRO but in any event it is considered that any such interference would represent a fair balance between the

interest of an individual and the wider interests of the Borough's residents given the intended purpose of the order, namely the improved operation of the road network. The Equalities Act 2010 makes it unlawful to discriminate against protected groups such as older people or people with disabilities. It is considered that the measures included in the proposed TRO for these groups, for example the inclusion of carers permits, disabled persons parking spaces are sufficient to avoid such discrimination from occurring.

## **FINANCIAL IMPLICATIONS OF THE RECOMMENDATION**

***The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.***

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£3,000	Yes	Revenue
Next Financial Year (Year 2)	£0	NA	
Following Financial Year (Year 3)	£0	NA	

### **Other financial information relevant to the Recommendation/Decision**

N/A

### **Cross-Council Implications**

Will improve alignment of service with 21<sup>st</sup> Century Programme aligned with self-serve.

### **List of Background Papers**

Draft TRO documents  
Responses to consultation

<b>Contact</b> Mike Horton	<b>Service</b> Environment
<b>Telephone No</b> 01189 746202	<b>Email</b> <a href="mailto:Traffic.management@wokingham.gov.uk">Traffic.management@wokingham.gov.uk</a>
<b>Date</b> 14 June 2018	<b>Version No.</b> 7