

Council



Forest Heath
District Council

Title of Report:	Right to Challenge Parking Policies	
Report No:	COU/FH/16/005	
Report to and date/s:	Joint Constitution Review Group	Circulated for information
	Council	24 February 2016
Portfolio holder:	Councillor David Bowman Portfolio Holder for Operations Tel: 07711 593737 Email: david.bowman@forest-heath.gov.uk	
Lead officer:	Mark Walsh Head of Operations Tel: 01284 757300 Email: mark.walsh@westsuffolk.gov.uk	
Purpose of report:	To consider changes to the Petition Scheme to reflect a duty which gives local residents and businesses the right to challenge parking policies set out in Traffic Regulation Orders (TROs).	
Recommendation:	It is recommended that Council approve the changes to the Petition Scheme for Forest Heath District Council attached as Appendix A.	
Key Decision:	<i>Is this a Key Decision and, if so, under which definition?</i> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
Consultation:	<ul style="list-style-type: none"> • N/A 	
Alternative option(s):	<ul style="list-style-type: none"> • The Council is required to have regard to the Government's statutory guidance, so some changes to the current arrangements are required. • The Council could have chosen to implement the detailed changes to the petitions scheme in a slightly different way. These options are described below in the key issues section in Paragraphs 1.1.1 to 1.1.7. 	

Implications:			
Are there any financial implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any staffing implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any ICT implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any legal and/or policy implications? <i>If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> The new statutory guidance is issued by the Secretary of State under Section 18 of the Traffic Management Act 2004 ("the Act"). It applies to local authorities making Traffic Regulation Orders, who must have regard to the guidance when exercising their Network Management Duty under the Act. It is proposed that council policy, in the form of the petition scheme, is amended to reflect the <i>Right to challenge parking policies</i>. 	
Are there any equality implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk/opportunity assessment: <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>			
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
That a large number of petitions are received that place a disproportionate burden on staff resources.	Low	Limit the circumstances in which petitions will be accepted.	Very low
Ward(s) affected:		All Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		None	
Documents attached:		Appendix A – Amended Petition Scheme Appendix B – Statutory Guidance on Parking Petitions (DCLG, 2015)	

1. Key issues and reasons for recommendation(s)

1.1 Right to challenge parking policies

- 1.1.1 The Government issued statutory guidance in March 2015, on the *Right to challenge parking policies*. The aim of the new procedures outlined in the guidance is to make it easier for local residents and businesses to request the review of parking policies set out in Traffic Regulation Orders (TROs).
- 1.1.2 During the consultation on the draft guidance in October 2014, West Suffolk submitted a response opposing its introduction on the basis that the councils already had petitions schemes in place. However, the Government decided to proceed with the introduction of the guidance. Under Section 18 of the Traffic Management Act 2004 we must have regard to this guidance.
- 1.1.3 The new parking petitions duty applies to the making and reviewing of Traffic Regulation Orders (TROs). Most TROs in Forest Heath relate to residents parking zones and are dealt with by Suffolk County Council, to whom the petitions duty also applies. The new duty therefore only applies to Forest Heath from the point of view of its TRO for its off-street car parks (i.e. the arrangements for boundaries, parking restrictions, charges and length of stays).
- 1.1.4 It is proposed that the petition scheme for Forest Heath is amended to reflect this duty which will enable petitions to be raised about the TRO that is in place; for car parks across Forest Heath.
- 1.1.5 The amendments to the petition scheme relate specifically to the following areas where the guidance gives local authorities local discretion to set their arrangements, according to local circumstances:
- (a) the information required when a petition relating to a TRO is submitted;
 - (b) the circumstances under which the council can reject a parking petition;
 - (c) the minimum number of signatures required to prompt a review;
 - (d) how a parking petition will be managed by the council; and
 - (e) how a TRO review will be managed by the council.

It is proposed that the following changes are made to the petitions scheme under each of these categories (**highlighted** in the amended petition scheme, attached as Appendix A):

- (a) Information required
 - The name of the TRO (e.g. car park or road name) in effect and which aspect the petitioners wish to see reviewed.
- (b) Circumstances under which the council can reject a parking petition
If the petition:
 - Requests a review of many traffic regulations over too wide an area.
 - Is a series of petitions from a small or non-resident group addressing a particular aspect of the parking policies over a number of areas.
 - Relates to a TRO where a review has taken place in the last 12

months and where there has been no significant external change.

- (c) Minimum number of signatures required to prompt a review
 - The council's wider petition scheme will only accept petitions with at least 20 signatures. Taking this into account, and considering the size of the council's car parks, the minimum number of signatures that can prompt the review of a TRO is 20. Any petition received with the number of signatures below that number will be rejected as invalid.
- (d) How a parking petition will be managed by the council
 - When a parking petition is seeking the review of a parking policy, the council will confirm the aspects of parking policy concerned, whether the review is valid and has been accepted and advise the petition organiser of the next steps.
- (e) How a TRO review will be managed by the council
 - TROs will be reviewed annually by the Forest Heath's Overview and Scrutiny Committee. When a petition contains 20 or more signatures, the review requested will be included as part of the review for consideration.
 - Once the petition has been accepted as valid, the petition organiser will be advised of the following:
 - (a) what the review will involve;
 - (b) whether any public consultation is required;
 - (c) the likely timescale and dates of meetings when the review will be considered;
 - (d) that they will receive regular updates;
 - (e) a copy of the report to be considered by the Overview and Scrutiny Committee will be sent to the petition organiser to consider and respond to before a final decision is made.

1.1.6 It should be noted that while there is currently one TRO covering Forest Heath at the moment, the petition scheme allows for a future situation where there is more than one Traffic Regulation Order, and where TROs might cover things other than car parks, so as to avoid the need for future revisions of the petitions scheme.

How the new duty will be put into practice

1.1.7 TROs will be reviewed annually by Forest Heath's Overview and Scrutiny Committee. Any proposed changes will then subject to a 21 day consultation. Major parking reviews are also carried out every four years by a Car Parking Working Party. Given the council's proactive approach to reviewing the TRO we anticipate that any requests for reviews will already have been addressed by our annual process of TRO reviews. Should the council's approach to reviewing its TROs change in the future, the role of TRO petitions may increase.
The council will periodically review the changes to the petition scheme once they are in force.

[Type text]

2. Additional information

- 2.1 Whilst updating the petition scheme, the opportunity has been taken to update any job titles where they have changed and these are also highlighted.