OVERVIEW AND SCRUTINY COMMITTEE – CALL IN PANEL
DATE OF MEETING 15th August 2013
Pay by Phone Parking Zone Tariffs
REPORT OF Director of Planning and Transport

1. Purpose

To provide additional information requested in relation to the call in request received regarding delegated decision Ref No. 0918, Pay by Phone Parking Zone Tariffs.

2. Action required

2.1 This report is for clarification purposes.

3. Background information

3.1 A number of neighbourhoods have been identified where it is proposed that the problems being experienced can be addressed through the introduction of a number of separate Traffic Regulation Orders. These include Stockhill Lane, Edwards Lane and Incinerator Road areas. As part of these schemes there is a proposal to control parking by designating parking spaces to be used by residents and residents visitors at no charge. But for all others there will be a requirement to pay by pay by phone.

3.2 The Delegated Decision Ref No. 0918 sets the proposed level of charge for zones 4 and 5 which are the charges proposed for on street parking by non residents or non resident visitors. The proposed level of charge along with the proposed parking restrictions will be subject to the formal Traffic Regulation Order process. This places a legal requirement on the authority to publically advertise the TRO's and the proposed charge forms a legal component of this and will therefore be advertised allowing residents, businesses and any interested party the opportunity to comment or object.

3.3 **Traffic Regulation Orders** - TRO's is the legal instrument by which traffic authorities (including Nottingham City Council) implement traffic management controls on roads. Under the provisions of the Road Traffic Regulation Act 1984, local authorities can implement TRO's, designed to regulate, restrict or prohibit the use of a road or any part of the width of a road by vehicular traffic or pedestrians. A TRO allows the authority to place controls on parking and Section 45 of the Act allows the designation of paying parking places on highways and Section 46 of the Act allows charges at, and regulation of, designated parking places.

3.4 **Consultation** - However, before a TRO can be introduced it is subject to The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Which imposes various legal requirements prior to making an order, including:

- publishing a notice of the proposals in a local newspaper;
- allowing potential objectors 21 days to make representation;
- taking other steps the authority may consider appropriate for ensuring adequate publicity is given to persons likely to be affected by any provision in the order, which may include roadside notices and delivery of letters to premises.

3.5 In the case of TRO's processed by this Authority, the process contained in Appendix 1 is followed and incorporates all and in some cases goes beyond the legal requirements imposed by the legislation.

3.6 The separate TRO's are at various stages in the process and in summary;

- *Stockhill Lane Area* – Has been consulted upon, but has not been advertised on street or through the local paper as the Delegated Decision is required. The scheme is now currently on hold and the residents are being informed of the delay.
- *Edwards Lane Area* – This has been through Councillor consultation only and was due to go to formal and residents consultation, before public advertisement. However, the process has now been put on hold awaiting the Delegated Decision.
- *Iremonger/Incinerator Road* – This due to go to Councillor consultation before going to formal and residents. Again this is on hold awaiting the Delegated Decision.

3.7 Before the Delegated Decision was considered by the Portfolio Holder a briefing note was issued to those ward councillors affected by the proposed Traffic Regulation Orders.

3.8 As part of ongoing work associated with the **Work Place Parking Levy**, work has been carried out within Traffic & Safety to look at potential Hot Spots with regards to the impact of displaced/commuter parking. Pre and post implementation Hot Spots have been mapped along with those areas that have a potential for parking problems in the neighbourhoods.

3.9 This work identified a number of potential areas where vehicle displacement could take place, Stockhill Lane/ Nuthall Road, the area around Meadow Lane (Incinerator Road) and the area around Ribblesdale Road in Sherwood were all identified. Through monitoring and from complaints from local residents problem areas have been addressed through the introduction of various parking measures.

3.10 Work carried out since continues this, identifying schemes that have been completed, any additional schemes that have come forward as part of tackling commuter, non resident parking and those areas that have been identified as being potential area for displacement and requiring

parking controls. This is contained in the Post Work Place Parking Levy implementation information.

3.11 Finally areas are being monitored where there is a potential for displacement, some were identified pre the introduction of WPL some since. This work also looks at the influence of the new tram line NET lines 2 and 3. The escalation of these areas to become potential parking control schemes depends upon the level of demand from the local residents, businesses and other stakeholders; the financial provision for a scheme implementation and that there are no other solutions other than parking controls. Working with the local Councillors for the area is a crucial part of establishing the priority for the area.

3.12 Work has also been done to assess the **potential income** of the pay by phone bays contained within the proposed TRO's, based upon the assumption that the dual use spaces (that is joint residents permit and pay by phone) are occupied by vehicles that do not move and take advantage of the whole days parking. Therefore, if the schemes were to go in as proposed it has the potential of creating £43, 680 to the Authority and used in accordance with section 55 of the Road Traffic Regulation Act 1984.

3.13 **Views** of local residents and businesses are canvassed and considered as part of the formal TRO process, this not only includes the pay by phone provisions but also other waiting restrictions that may be part of the scheme. At the public advertisement stage, this includes the erection of street notices and advertising in the local paper, it is at this point that the parking tariff will be advertised, so that people can make their views known.

4. List of attached information

Appendix 1 – Process to implement a permanent Traffic Regulation Order Nottingham City Council.

5. Background papers, other than published works or those disclosing exempt or confidential information

Councillors Briefing note - Pay by Phone Parking Tariffs
WPL Pre Implementation Hot Spots
WPL Post Implementation Hot Spots
WPL Potential Hot Spots

6. Published documents referred to in compiling this report

The Road Traffic Regulation Act 1984,
The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996

7. Wards affected

Basford
Sherwood
Bridge

8. Contact information

Lead overview and scrutiny officer: name, telephone number, email address

Appendix 1

PROCESS TO IMPLEMENT A PERMANENT TRAFFIC REGULATION ORDER (TRO)
NOTTINGHAM CITY COUNCIL

A TRO is normally conceived following telephone calls, letters from an organisation, member of the public or another council department highlighting a specific problem on the highway e.g. problem parking, roads that require specific lining and signing etc…

In light of this information, the ward officer for the area conducts a detailed investigation that may include peak period/morning and evening surveys that may highlight the problem. Information is obtained from various other sources, which include traffic surveys, accident statistics from road safety etc…

If a solution can be sought by the implementation of a Permanent TRO then approval for funding is sought by drafting a summary of the problems and the intention of how to solve them (Statement of Reasons) together with a map showing roads affected and is then promoted as a contender for finance.

On approval to proceed with an Order the officer responsible for the scheme will create a electronic file containing all details for carrying out the process.

Included in the file is an Index sheet and TRO progress processing form (from the TRO folder in the s drive) in order to monitor and locate information. An Order number is obtained from the appointed TRO co-ordinator i.e. a TMP No.

The officer will then conduct a full design survey of what is required on site; measurements are taken and transposed onto an ordnance survey plan. This is then sent for a road safety approval assessment (Stage 1 Safety Audit form from the templates folder in the s drive).

Consultation
A consultation period takes place with letters being prepared explaining the scheme and reasons for implementation together with a full plan.

The consultation recipients are as follows:

Member	-	Posted to Ward members (councillors), Portfolio Holder (with list of members consulted*), Opposition spokespersons, area committee chair member and local MP. These letters must be signed by the Traffic Manager. To be sent a full 7 days in advance of the Formal consultation to give prior knowledge of the scheme before the public have sight of the proposals.
Formal	-	Posted to Organisations who utilise the highways and may be affected by the scheme i.e. Fire Brigade, Police, Ambulance, retail and road user organisations. Please note internal formal consultees are emailed the proposals along with a scheme drawing in PDF format. To be sent 14 days before sending to the public (Frontage)
Frontage	-	Residents' and businesses of the area affected. The effective MINIMUM consultation period, assuming no objections is thus 7 weeks.

(Template letters and lists of contacts for the above can be found in the s drive, just add the reasons for the scheme). All copies of letters are to be retained in TRO file along with the specific mail merge list used for formal and member's consultation letters appropriate to the ward area of the scheme. Copies of signed member's letters by the Traffic Manager are to be retained in the councillors' letters file.

Within the consultation period there is time to consider any replies that have been received from residents' or businesses affected by the scheme, the formal letter organisations and members. If it is highlighted that changes to the scheme are needed and indeed agreed, then this can be undertaken during this period. If radical changes are made at this stage then it will be advisable to consult again, this will be considered on the importance of any changes.

Also during this time if any excavation work is required eg. post erection, letters requesting utility information are sent out to the statutory undertakers. Give relevant OS grid locations either on C2, C3 or C4 letters (again located on s drive).

Advertisement
When all parties are satisfied at this point that an agreed final drawing can proceed. The proposed Order can be prepared for advertisement based on details and measurements on the finalised drawing. An electronic folder will contain the following documentation that will be filed separately to the project file. The following documentation will be sent to the Order Officer for checking :-

- TRO progress processing form
- schedule tick list

THE TRO (the documentation, which makes up the content of the TRO, is listed below and is to be collated as listed)

- Legal Notice
- Articles
- Appendix A
- Schedules
- Common Seal
- Deposit of documents form (if required)
- Statement of reasons (for the scheme)
- Map of the scheme

A member of the TRO team must check the Order and contents. Then when satisfied it is correct sign off the TRO progress processing form giving approval to proceed for advertisement

The officer Electronic folder will consist of the following: -

Copy of the Notice
Copy of the Traffic Regulation order (Articles, Appendix A, schedule and seal page)
Copy of Deposit of documents form (if required)
Copy of Statement of reason
Copy of Members consultation letter (together with mail merge list)
Copy of formal consultation (together with mail merge list)
Copy of residents' consultation letter
Copy of Map/Drawing of the scheme
Copy of any pavement/road realignment drawing (.DXF)
Copy of tick list

Letter for the Librarian (Angel Row)
Memo to Order Officer (Loxley House)

At this point the final plan is sent for a road safety assessment (Stage 2) and the officer also needs to go out and check the scheme by 'spot marking' on site using the schedules to ensure that everything as quoted in them is correct.

At this point the scheme proposal should be entered onto the PARKMAP system.

When the above is completed to the satisfaction of the TRO Team and signed off on the TRO processing form by a relevant TRO team member; a date for advertising can then be placed.

The sequence for doing this is as follows: -

The order has to be advertised in the Nottingham Topper (NT). City Advertising needs to be notified before 12:00 noon on the Friday previous to the following Wednesday, which is the advertising day for NT. This is done by sending an e-mail giving a reference number and cost code (example can be found in the 'TRO' folder in the 's' drive); also the Legal Notice that is to be displayed is attached to the e-mail (omit City Council LOGO and reference No. from foot of page). This is for the benefit of the public and any businesses affected who may have an interest in the scheme.

A email is sent at least 2 days prior to advertising to council members plus other major formal organisations as necessary (bus operators, emergency services, freight) to advise of the intention to advertise, and a copy of the Notice to be advertised is forwarded with the letter.

On the date that the Notice is advertised in the NEP, copies of the draft order as listed above are to be placed on deposit and signed for (by person receiving that document) via covering letter with tear-off slip (examples on s drive) at Loxley House floor 4 and on 1st floor at Angel Row library. The signed tear-off slips are returned also for filing (pdf) as evidence of being placed on deposit. Also copies of the Legal Notice (plastic laminated) have to be erected on site for public viewing.

After the advertisement period the copy of the Order deposited at Loxley House is held for retention and as evidence of the document being deposited for legal reasons.

The advertisement deposit period lasts for 28 days during which time the public can view the scheme and comment on it. If the comments are in the form of an objection then the officer in charge of the scheme can reply in writing with reasons to counter the objectors' statement.

If the objector disagrees with the reasons and will not withdraw the objection, (Note withdrawals must be made in writing by the objector, there is also an options form that offices can send out to the objector on the 's' drive) then the objections and officers statements together with a summary table are processed and forwarded to the council member who is the Portfolio Holder for Transport and Area Working who has 14 days to comment. If no reply is forthcoming from the portfolio holder then the officer can write to the objectors' to state that their objections have been overruled.

If the objection is upheld by the portfolio holder then the scheme may need to be amended and re-advertised or in extreme circumstances could be withdrawn and not implemented.

- Once the scheme is ready a Bill of Quantities is prepared for contractors to undertake the works, including lining and signing. (there is an electronic database for this task).
- Officer marks out the scheme on site for implementation.
- A temporary street works Order is made to prohibit driving/waiting on roads affected to enable works to be undertaken (if required).
- Programme of works are finalised with contractor.
- Day / date for road closures are finalised. N notices are to be issued to Highways Network Management with a FIRM commencement date.
- Parking Services are made aware to have parking attendants' and tow-away vehicle available on those days (if required).
- Temporary notices are erected beforehand on site.
- Leaflets warning of road closure and prohibition of waiting are posted to residents' and placed on vehicles on site on each day 2 days before closure takes effect. Registration numbers of vehicles are taken at leaflet distribution stage. Erection of temporary signing is also undertaken to enforce No Waiting/Loading during the period of works. This is for the benefit of Parking Services requiring evidence if needed of owner's prior knowledge of works taking place.
- During and after works being done the officer checks the work to make sure it is complete and correct as required by the Order. On that basis the order is then made and a final on-site road safety audit is made.

Making the Order
Email the person who is advertising the Order to inform them you are ready to MAKE the Order. Inform them that there are no objections or if objections received, that they have been overruled. You can now send the Order for sealing and advertisement and coordinate when it comes into force, with completion of works on site.

The making of an Order proceeds in conjunction with the requirements of Sections 16 & 17 of The Road Traffic Act – Local Authorities Traffic Orders (Procedure) (England & Wales) Regulations 1996.

The Made Order is constructed from the body of the advertised document and dates are inserted as required for sealing and for the Order coming into force. This has to be produced (1 copy) on Grey paper and is made up of the following in this order: -

Articles
Appendix A
Schedules
Common Seal

This spiral bound document is then sent to legal team for sealing to the date on the Common Seal sheet.

Sealing days at the Legal Section on floor 2, Loxley House, are Monday, Wednesday & Friday.

A 'HAS MADE' Legal Notice is produced using the main body of the proposed Legal Notice. 'HAS MADE' must appear in capital letters.

A date is formalised for advertisement to state that the order HAS been MADE usually prior to the date when the Order is coming into force. This is advertised again using the procedure as listed above *(see list marked #)*. The difference with an HAS MADE Order is that the document has to be advertised within 14 days of sealing and has to be on deposit for six weeks from sealing date. During this six week period objections can still be made but the objector must make representations to the High Court.
Shortly after the Order has come into force copies are then made and sent to the following bodies:-

Waiting Order

Email Copies to Enforcement Services (1 copy to CEO Services)
Email Copy to Ambulance Officer
Email Copy to Clerk to Traffic Commissioners
1 hard copy to (front and seal page) – TRO co-ordinator

Moving Order

1 Copy to Heidi Duffy @ Police (*PDF copy to be signed and certified as a true document with stated number of pages by the delegated officer on behalf of the Service Manager)*
1 Copy Chief Ambulance Officer
1 Copy to Clerk to the Justices - Carrington Street
1 hard copy to (front and seal page) – TRO co-ordinator

When the six week deposit period has expired the deposited document that was placed at Loxley House is returned again to the TRO co-ordinator. The original Grey bound sealed Legal Order is then placed on file for consequent placement in storage. (BOX IT)

Template Files to create all the above letters, forms and documentation can be found on the ‘s drive’.

The TRO Process, dependant on the type of scheme can take 6 to 9 months to complete.