

CABINET

Wednesday, 16th January 2019

PROPOSED NEW PARKING PETITIONS PROCEDURE (REP1954)

EXECUTIVE SUMMARY

1. The Department for Communities and Local Government (DCLG) has produced statutory guidance to local authorities under section 18 of the Traffic Management Act 2004 requiring them to set policies for petitions challenging parking policies.
2. The statutory guidance recognises that local authorities should have policies for petitioning about council run services but requires specific and additional policies and procedures to be published with respect to parking policies.
3. The current Suffolk Coastal and Waveney petitions procedure does not make specific reference to petitions about parking policies and they need to be amended and provisions incorporated into the new East Suffolk petitions procedures to comply with the statutory instrument.
4. This report makes recommendations on the provisions and procedures for adoption to ensure compliance with the statutory instrument.
5. For decision.

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| Is the report Open or Exempt? | Open |
| Wards Affected: | All Wards in the District |
| Cabinet Member: | Councillor Graham Catchpole Cabinet Member for Operational Partnerships |

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| Supporting Officers: | Kerry Blair Head of Operations, Strategic Management 01502-523007 (Ext 3007) Kerry.Blair@eastsoffolk.gov.uk Alistair Turk CPE Project Manager 01394-444457 Alistair.Turk@eastsoffolk.gov.uk |
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1 INTRODUCTION

- 1.1 The DCLG statutory instrument requires local authorities who operate CPE to set out and publish its specific policy and management guidelines for the handling of petitions from individuals or groups wishing to challenge parking policies or specific traffic regulation order restrictions. A copy of the statutory instrument is contained in Appendix A to this report.
- 1.2 Most local authorities have appropriate petitions policies which are aimed at ‘bigger picture’ issues and therefore have higher signature thresholds. In some circumstances this could encompass parking policy issues. The statutory guidance from the DCLG also takes account of the instances where the issue is more local – for example an issue about part of a current traffic regulation order, or where dangerous parking is occurring, or an issue is in a rural community where residential numbers are lower than would meet normal petition thresholds.
- 1.3 The DCLG have provided guidance and best practice advice on what policies should be adopted and provided illustrative examples for a typical urban authority and another for a rural district or county council. The East Suffolk proposal is based on these guidelines and covers: -
- a) The minimum number of signatures for a valid petition;
 - b) Information that needs to be provided by and about the petitioners;
 - c) How the petition will be managed on receipt;
 - d) The timeframe for a review;
 - e) The circumstances when a petition will not be considered;
 - f) Definition of vexatious petitions.

The minimum number of signatories

- 1.4 The Council’s minimum number of signatories for an ‘active petition is set at 50 and in most cases this would be an acceptable threshold to generally apply for parking policy petitions. The DCLG recommend that authorities should also take account geographical and population factors particularly in rural or low population density areas and use their discretion rather than imposing a minimum threshold as an immovable hurdle. “Some parking issues may most directly affect a particularly small number of people – such as residents on a street. In these cases, local authorities should take this into account when considering the appropriate thresholds for specific petitions.” In such circumstances the DCLG suggest that an achievable threshold would be around 10% - 20 % and it is recommended that the guidance threshold for a petition in East Suffolk is set at 10-20% of frontagers.

The information criteria

- 1.5 The Council’s current information criteria for petitions require information to accurately identify the issue or area addressed by the petition and requires contact details of the petitioners. These criterion are appropriate and do not need modification in the case of petitions about parking policy.

How a parking petition will be managed

- 1.6 A valid parking policy petition will be managed in the following way. An acknowledgement will be sent to the petition organiser within ten working days of receiving and confirming that it is a petition. In the majority of cases this will involve:-
- undertaking a review;
 - possibly public consultation;

- analysis of results;
- drafting a report on the outcome of the review;
- reporting to Cabinet;
- The petitioner will be specifically notified of when the report will be considered by Cabinet to enable them to attend the meeting.

The timeframe for a review

- 1.7 The timeframe for a review and reporting to Cabinet is recommended to be set at twelve months from the date of acknowledgement of the petition.

When a parking petition is inappropriate

- 1.8 The circumstances when a parking petition will be considered to be inappropriate are generally linked to where public consultation has already taken place in the formulation of a policy, traffic regulation order or prior to the introduction of a parking scheme. In these circumstances the public have had an opportunity to influence the decision prior to it being adopted. It would not be a good use of council resources to carry out further reviews until a reasonable time has lapsed from the adoption or implementation of a scheme. The proposed time restraint on accepting petitions on parking polices are set at: -

- Three years following the adoption or review of policies within the East Suffolk Area Parking Plan;
- Two years following the adoption of new traffic regulation orders;
- Six months after the implementation of an on-street parking scheme.

- 1.9 In setting a time limit where a petition would not be considered the Council will not use this as an immovable hurdle if local circumstances have changed and will use its discretion to ascertain if there is merit in accepting a petition and commencing a review of the issues raised in the petition.

Vexatious petitions

- 1.10 The Council's definition of vexatious petitions will apply.

2 HOW DOES THIS RELATE TO EAST SUFFOLK BUSINESS PLAN?

- 2.1 These proposals accords with the Business Plan objectives of adopting efficient processes and of enabling communities to influence and engage parking policy.

3 FINANCIAL AND GOVERNANCE IMPLICATIONS

- 3.1 This is an administrative process. Any cost will be covered by the surplus in the car park account.

4 REASON FOR RECOMMENDATION

- 4.1 Members are recommended to agree the recommendations to ensure the Council has policy and procedures in place to be compliant with the statutory instrument.

RECOMMENDATIONS

That Cabinet agrees the following recommendations-

1. That the Councils minimum number of signatories for a valid petition (50) is generally applicable to parking petitions except that the signature threshold can be reduced to 10%-20% of frontagers in areas of low population or where the issue is localised.
2. That the Councils existing information criteria for petitions applies to parking petitions.
3. That the management of parking petitions will follow the process set out in paragraph 1.6 of this report.
4. That the timeframe for a review is set at twelve months.
5. That the criterion for inappropriate petitions set out in paragraph 1.8 and 1.9 is adopted.
6. That the Councils criterion for vexatious petitions also applies to parking petitions.
7. That the Head of Legal Services is instructed to immediately implement these recommendations in the current Council petition procedures and incorporate them in the petitions protocols for East Suffolk.

APPENDICES

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| Appendix A | Right to challenge parking policies (DCLG SI. March 2015) |
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BACKGROUND PAPERS - none