

**MINUTES OF A MEETING OF THE  
ENVIRONMENT OVERVIEW & SCRUTINY SUB-COMMITTEE  
Town Hall, Main Road, Romford  
8 March 2016 (7.30 - 8.40 pm)**

**Present:**

Councillors Barbara Matthews (Chairman), Barry Mugglestone, Alex Donald (Vice-Chair), Patricia Rumble and John Crowder (In place of Carol Smith)

Apologies for absence were received from Councillor Carol Smith and Councillor Michael White

**16 MINUTES**

The minutes of the meeting of the Sub-Committee held on 14 January 2016 were agreed and signed by the Chairman.

**17 OBSTRUCTIVE PARKING AND ANTI-SOCIAL PARKING ON THE SCHOOL RUN**

The Sub-Committee received a briefing paper from the Group Manager, Traffic and Parking Control regarding Obstructive Parking and Anti-Social Parking on the School Run.

Obstructive Parking

It was noted that vehicles parked over dropped kerbs was a growing issue for Havering, as well as bringing danger, inconvenience and frustration to many people, it also caused a personal offence that prevented citizens from enjoying the most basic form of freedom. Residents who were subjected to this type of behaviour were unable to go to and from their homes in their vehicles at a time they determined. This kind of obstruction prevented ease of access and caused considerable distress to residents.

The Traffic Management Act 2004 (TMA 2004) stated that to parking across dropped kerbs was a parking contravention for which a Penalty Charge Notice (PCN) can be issued. However, the Sub-Committee noted that the legislation had a caveat that stated only “unfriendly” parking was defined as a parking contravention. Unfriendly parking was where a vehicle parked across a dropped kerb, without the express authorisation of the property owner. In Havering the friendly/ unfriendly issue had been historically managed through a system of positive assumption. This means all residential dropped kerb parking was considered to be friendly and only considered unfriendly upon notification of that from a resident.

Officers stated that in the event of unfriendly parking, a Civil Enforcement Officer (CEO) was sent within one hour to address the situation and where appropriate, issue a PCN. Whilst this was a deterrent, the vehicle parked in contravention would still remain, meaning the initial obstruction and resident's access remained blocked. It was agreed that this was not a solution.

Officers outline a proposed solution which would look at relocation of vehicles. The Sub-Committee was informed that the TMA 2004 had published alongside it a document entitled "Operational Guidance to Local Authorities: Parking Policy and Enforcement". This included a section on vehicle immobilisation and removal.

Historically in Havering there had been little or no vehicle removals in respect of obstructive parking. When a vehicle was removed to the car pound, the vehicle was subject to a £40 a day storage charge. This charge was recoverable from the vehicle owner upon collection, along with the payment of the PCN and release fee. Vehicles that were not collected after 90 - 100 days were considered safe to dispose of, normally through auction.

The Sub-Committee noted that it was not uncommon for vehicles to not be claimed as their value was less than the penalty, release fee and storage charge. All monies raised at auction go towards settling the storage fee however it was historically common for the Council to pay any shortfall in auction income, to settle any storage fees. Whilst it was accepted that the Council can remove illegally parked vehicles, especially those causing an obstruction, the risks carried significant financial burden on the Council. Officers therefore explained that a secondary option that carried less risk financially could be considered.

It was suggested that the Council introduce a "relocation" service that removed an illegally parked vehicle from its obstructive position and relocated elsewhere and nearby in a legal parking place. It was noted that this would be used in conjunction with unfriendly parking following a request from a resident. As was the current scheme, a CEO would be sent to address the situation and issue a PCN. Upon issuing the PCN the officer would then contact the vehicle removal contractor and arrange to have the vehicle relocated. The contractor would relocate the vehicle and then notify and organisation called TRACE, operated by London Councils in partnership with the Police. TRACE would document the relocation for when the owner of the vehicle reported the vehicle missing, and the new position could be identified.

The Sub-Committee noted that this proposal would be non-profitable, but would be beneficial for the public and it was hoped would change the attitudes of motorists.

The Sub-Committee requested that officer's feedback to a future meeting on the progress and successes of this proposal.

### Anti-social Parking on the School Run

The Sub-Committee was informed that the situation outside many of the schools across the borough during the school run had become very dangerous. Officers considered that existing civil parking enforcement regulation were not specific enough to manage the anti-social parking behaviours witnessed and their underlying causes.

Many illegal parking acts were traits of anti-social behaviour, and officers considered that current traditional civil parking enforcement legislation could be augmented with powers available within the Anti-social Behaviour Crime and Policing Act 2014 via Public Space Protection Orders (PSPOs). It was explained that a report entitled "Improving the Safety of Our Schools and across the wider Borough" would be present to Cabinet in the future. This report would detail full analysis of the school run problem, together with proposals to minimise the volume of vehicles entering a specific areas to stop and drop and collect children, via PSPOs and other complementary measures and activities.

The Sub-Committee noted that there were 12 schools across the borough that would pilot the scheme. Evidence and data was being collected to document the anti-social behaviour of motorist associated with the school run. Officers explained that each school had a travel plan which included details of how pupils travel to and from school. It had been found that these plans were often contradictory to the data collected by officers. One school's plan indicated that there were approximately 25 vehicles that were used during the school run, however the cameras had recorded approximately 75 vehicles, which was a significantly larger number than was recorded in the travel plan.

The most serious issues witnessed at the majority of locations during the school run were the direct dangers posed to children due to irresponsible and selfish parking, as well as vehicle manoeuvring. This included driving on the footway, dropping and picking up on crossings, zig-zags, keep clear markings as well as over dropped kerbs.

The Sub-Committee was informed that PSPOs have the authority for a Fixed Penalty Notice (FPN) to be issued. An FPN is classified as a minor criminal device and once issued the recipient was able to settle the FPN within 14 days, without there being any criminal record established. If no payment was made, or the recipient so opts to do so, the FPN can be dealt with by a Magistrate in a local Court as a criminal proceedings.

Officers explained that access would be granted to residents who lived in the area and there would be a number of exemption categories including, businesses, delivery companies, health and homecare services.

The Sub-Committee noted that consultations would take place with schools together with local member, governors, residents and parents to discuss the

proposals. PSPOs will be accompanied by complementary measures to ensure safer journeys to school. It was stated that not all locations would be suitable for a PSPO and where so, other conventional control measures would be assessed. These could include the widening of footways and installation of crossings. Each area would be reviewed on a monthly, three-monthly and annual basis. Once introduced a PSPO lasted for three years, however continuous evidence would be gathered and alternative solutions sought. It was further noted that the legislation itself could change.

The Sub-Committee thanked officers for their proactive work and informative presentation.

## 18 **FUTURE AGENDAS**

The Sub-Committee suggested the following areas as subjects they would wish to scrutinise in the future:

- Street lighting – maintenance and repairs as well as any environmental savings.
- Moving Traffic Contraventions – update on the success, proposed new sites.

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**Chairman**