

## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	<b>St Helens Court Parking and Housing Enforcement</b>
<b>Cabinet Member:</b>	<b>Councillor Osman Dervish</b>
<b>SLT Lead:</b>	<b>Barry Francis - Director of Neighbourhoods</b>
<b>Report Author and contact details:</b>	<b>Gareth Nunn</b> <a href="mailto:Gareth.Nunn@havering.gov.uk">Gareth.Nunn@havering.gov.uk</a> Tel : 01708 431894
<b>Policy context:</b>	<b>Highways and Parking Strategy December 2018</b>
<b>Financial summary:</b>	<b>The estimated cost of implementation is £0.021m and will be met from cost code C30010</b>
<b>Relevant OSC:</b>	<b>Environment</b>
<b>Is this decision exempt from being called-in?</b>	<b>Yes – Non Key</b>

**The subject matter of this report deals with the following Council Objectives**

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input checked="" type="checkbox"/>

## **Part A – Report seeking decision**

### **DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

1 Following a recommendation of the Highways Advisory Committee this Executive Decision approves:

- (a) A formal advertisement on the making of a traffic management order for implementation and enforcement of parking controls operational 8:00 AM to 6:30 PM Monday to Saturday, on housing land at St Helens Court Rainham (shown on the plan in Appendix A)
- (b) if at the close of consultation, no objections are received to the proposals at 1(a) above, then the scheme proceed to full implementation.

### **AUTHORITY UNDER WHICH DECISION IS MADE**

Council's Constitution:

Part 3, Section 2.5, paragraph (s) To consider recommendations of the Highways Advisory Committee relating to highways and traffic schemes and to make decisions relating to them.

Part 3, Section 2.6, paragraph (y) Portfolios to be assigned to individual Cabinet Members - Highways & Traffic Schemes.

### **STATEMENT OF THE REASONS FOR THE DECISION**

At its meeting on 27 October 2020 the Highways Advisory Committee ("HAC") considered a report (Agenda Item No. 6) on the proposals to implement a controlled parking zone operational 8am to 6.30pm Monday to Saturday, on housing land at St Helens Court, Rainham. A copy of the HAC report is attached in Appendix B containing the following recommendations:

1. A joint trial parking scheme at St Helens Court in Rainham between Highway Traffic and Parking (HTP) and Housing as appended at Appendix C.
2. To undertake a statutory parking consultation with a view to implement parking controls which will be enforced by the Council
3. Progression of a scheme would be based on percentage of support from residents following the outcome of the consultation and referred to the Highways Advisory Committee for advice and recommendation from the committee.
4. Housing and HTP to agree the terms of an SLA (which will be the subject of a separate decision)

The HAC having considered the report made the following recommendations;

1. To proceed to a statutory consultation.
2. If any objections are received, that they are returned to HAC for their consideration. Should there not be any objections, that the proposals as set out in the report are recommended for implementation.

## **Non-key Executive Decision**

This Executive Decision reflects the recommendations of the HAC and adopts the justification for the decision as set out in the report to the HAC.

The profile of parking on housing estates has been raised significantly in the last few years due to ever increasing concerns being raised by residents. There have been numerous complaints received by the Council outlining the difficulties faced by residents including insufficient parking on estates, commuter congestion, unauthorised parking structures or bays and new developments impacting on existing parking spaces.

It has become increasingly evident that a proactive borough wide approach needs to be taken to ensure that parking and enforcement on Housing land is managed consistently with the Council's approach to on street parking.

Housing commissioned Highways, Traffic and Parking to consult and implement parking controls at St Helens Court in Rainham as a trial. Depending on the outcome of this trial which will be reviewed 6 months post implementation, this approach may be rolled out to all housing estates across the borough.

St Helens Court is a housing estate with approximately 56 dwellings in 3 buildings over 4 floors. Parking here is provided in 28 marked bays which are located behind lockable gates which tenants have keys for. Double yellow lines dictate areas where vehicles should not park although without a legal traffic order on housing land has made enforcement impossible.

The estate is located to the south of the borough in Rainham in the 'Rainham and Wennington' ward and is near Rainham station which makes it attractive to commuters. The location is also near to a parade of shops which mainly consist of takeaways and local shops, the parking outside these shops is Pay and Display and is limited to 1 hour with no return within 2 hours. It has been identified by some comments that the estate is used by shop owners, workers, and customers to the shops. The nearest residential roads are both controlled by a CPZ which operates Monday to Saturday from 8.30am to 6.30pm.

The estate has had long standing issues with the lack of parking. Tenants and ward councillors have raised this with officers and the Leader to resolve. Due to the previous complaints spanning over many years, the proximity to the station and the shops and the lack of free parking, it has been considered that this would be an ideal location to trial a CPZ.

## **Consultation**

A non statutory consultation was undertaken on 10<sup>th</sup> August 2020 until 20<sup>th</sup> September 2020, and involved consulting 56 Residential Properties and 54 Business Properties, asking the following questions and the responses are as below: -

Q1	Are you a resident on the estate?	Yes	%	No	%	Business	%	Total responses
		12	24%	7	14%			
Q2	How many vehicles do your household have?	0 vehicles	%	1 vehicle	%	2 vehicles	%	Total responses
		1	5%	15	79%	3	16%	19
Q3	Are you or anyone in your household a blue badge holder?	Yes	%	No	%			Total responses
		0	0%	19	100%			19

## Non-key Executive Decision

Q4	Do you feel there are parking issues on the estate?	Yes	%	No	%	No opinion	%	Total responses
		15	79%	2	11%	2	11%	19
Q5	Do you support the introduction of parking controls?	Yes	%	No	%			Total responses
		13	68%	6	32%			19
Q6	Do you support the initial parking proposals?	Yes	%	No	%	No opinion	%	Total responses
		8	62%	4	31%	1	8%	13
Q7	Which hours of operation do you prefer?	Mon to Fri 8am - 8pm	%	Mon to Sat 8am - 6.30pm	%	Other hours/days	%	Total responses
		2	40%	1	20%	2	40%	5
Q8	Do you support shared use bays?	Yes	%	No	%	No opinion	%	Total responses
		7	37%	10	53%	2	11%	19
Q9	Do you park on the estate during business hours?	Yes	%	No	%	N/A	%	Total responses
		3	10%	27	87%	1	3%	31
Q10	Do your customers park on the estate?	Yes	%	No	%	N/A	%	Total responses
		3	10%	27	87%	1	3%	31
Q11	Do you support the proposal with shared use bays for customers?	Yes	%	No	%			Total responses
		29	94%	2	6%			31
Q12	What hours of operation do you prefer? (business only)	Mon to Sat 8am - 8pm	%	Mon to Sun 8am - 8pm	%			Total responses
		1	50%	1	50%			2
Q13	Do you currently rent a garage?	Yes	%	No	%			Total responses
		19	86%	3	14%			22
Q14	Are you interested in renting a garage?	Yes	%	No	%			Total responses
		4	19%	17	81%			21

## Permit Issuance

The current on-street resident and visitor parking permits and vouchers are issued by the PASC. These are applied for online, printed and sent out to the customer. Only those who do not have access to IT equipment can walk in to the PASC where an officer will assist the customer with making the purchase online. Due to the PASC currently being closed, all permits will be issued by post via telephone or online applications.

To stop the misuse of the permit and vouchers, tenants will have to prove that they are a tenant of St Helens Court and that the vehicle they are purchasing a permit for is registered to the home address at St Helens Court. Proofs will be checked and confirmed by officers in the PASC against set criteria.

The sale of permits will be at the annually reviewed prices set by the Council and permit sales will be through the PASC.

Only residents of St Helens Court will be able to purchase resident and visitors permits for this zone. Visitors permits for this scheme will last for 4 hours

### **Non-key Executive Decision**

Shared use bays (resident permit and pay and display) are being proposed as part of the scheme design to support the local shops during the Covid-19 pandemic by St Helens Court which will provide both resident and business parking.

### **Proposal**

It is proposed that a service level agreement (SLA) is drawn-up between the two service areas which commissions Highways, Traffic and Parking to carry out the appropriate consultations, preparation and advertising of orders, implementation of the scheme, the sale of permits, the enforcement of the scheme and collection of fees from Penalty Charge Notices and any other activity in order to install a fully operational and enforceable parking scheme. All costs to implement the scheme will be covered by Highways, Traffic and Parking.

For this a Service Level Agreement (SLA) will be needed between the two service areas and an approach to how this will be achieved. This will form part of a future decision.

### **Road Safety Audit**

A road safety audit was undertaken and found no safety concerns with this proposal.

### **Enforcement**

Enforcement of the CPZ will be carried out by the Council's Parking Enforcement team using existing resources. This will be carried out on a rotational basis and visits to the estate included as part of existing beats. There will be no additional cost to carry out this enforcement.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

Various waiting restriction options were considered, but not seen as viable as residents have endured issues caused by continual pressure from parked vehicles which do not belong to the estate. Complaints have been made to local Ward Councillors regarding the parking problems for a number of years.

### **PRE-DECISION CONSULTATION**

The request to undertake an informal Consultation was made to the Cabinet Member for Environment in consultation with the Cabinet Member for Housing and the Executive Decision was approved and signed by the Assistant Director of Environment on the 10<sup>th</sup> July 2020.

### **NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Gareth Nunn

Designation: Engineering Technician

Signature:



Date: 22/12/20

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

The Council's powers to make an order to introduce parking controls is contained in section 6 and 45 of the Road Traffic Regulation Act 1984 ("RTRA 1984") for land considered 'on-street' and sections 32 and 35 RTRA 1984 for land considered 'off-street'. Orders under Section 6 can be made to control or regulate vehicular or other traffic.

Section 45 RTRA 1984 allows Orders to designate paying parking places. In making such an Order consideration must be given to the interests of traffic, and also the interests of owners and occupiers of adjoining properties, and in particular, the need for maintaining free movement of traffic, the need for maintaining reasonable access to premises and the extent to which off-street parking is available in the neighbourhood.

Before an Order is made, the Council should ensure that the statutory procedures set out in the Local Authorities Traffic Orders (Procedure)(England & Wales) Regulations 1996 (SI 1996/2489) are complied with.

Section 122 RTRA 1984 imposes a general duty on local authorities when exercising functions under the RTRA. It provides, insofar as is material, 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. This statutory duty must be balanced with any concerns received over the implementation of the proposals.

In considering any responses received during consultation, the Council must ensure that full consideration of all representations is given including those which do not accord with the officer's recommendation. The Council must be satisfied that any objections to the proposals were taken into account.

### FINANCIAL IMPLICATIONS AND RISKS

The estimated costs of £0.021m (break down below) which includes advertising costs and implementing the proposals as described above and shown on the attached plans will be met from the Cost Code **C30010**.

Project Centre Limited have provided a detailed quote and specification for this work and their quote is £0.010m plus VAT which includes the supervision of the term contractor Marlborough. Consultancy cost of £0.003m (50 hours of consultancy time at a rate of £65 per hour) will be reimbursed back to Highways, Traffic and Parking from HRA.

The cost of the traffic orders, lines and signage plus installation will be in the region of £0.008m.

## **Non-key Executive Decision**

### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

The implementation and enforcement of the scheme can be undertaken within the current staffing levels. Given the Coronavirus outbreak, the paramount consideration of the Council is the health and wellbeing of Members and officers. Council employees directly affected by the proposals contained in this report will be managed in accordance with the Council's HR and specific Covid-19 related policies and guidance.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

Those members of the public with disabilities will have schemes delivered based on the above priority.

Failing to maintain the Highway may reduce social inclusion as persons with disabilities may not be so easily able to move around the borough.

An EqHIA is being undertaken and will be sent to [EqHIA@haverling.gov.uk](mailto:EqHIA@haverling.gov.uk).

### **BACKGROUND PAPERS**

None

***Appendix A – Proposed Parking Layout***

***Appendix B - HAC report 27th October 2020 - ST HELENS COURT PARKING AND HOUSING ENFORCEMENT***

***Appendix C – Report of informal Consultation***

## **Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

## **Decision**

**Non-key Executive Decision**

Proposal agreed

**Details of decision maker**

A handwritten signature in blue ink, appearing to read 'dervish', followed by a long horizontal flourish.

Signed

Name: Councillor Dervish,

Cabinet Portfolio held: Cabinet Member for Environment

CMT Member title: Barry Francis – Director of Neighbourhoods

Head of Service title: Nicolina Cooper - Group Manager of HTP

Other manager title:

Date:

**Lodging this notice**

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_



## Appendix A – Plan

