

## 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>
<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	[x]
Places making Havering	[x]
Opportunities making Havering	[ ]
Connections making Havering	[x]

## 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) 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)

### 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

#### 1. Background

- 1.1 This proposal and the results of the formal advertisement were presented to the Highways Advisory Committee ("HAC") at their meeting in April 2021 where it was recommended to implement the proposal as advertised. A copy of the HAC report is attached at Appendix B of this report.
- 1.2 Formal advertisement of the proposal commenced on January 29th 2021, which included an advert in the Romford Recorder, Notices erected on site and residents and businesses of St Helen's Court and the surrounding area directly sent letters. At the close of consultation 10 responses to the formal advert were received of which 9 were objections.
- 1.3 Surrounding roads in addition to St Helen's Court were consulted due to the potential impact the proposal could have on the wider area, particularly the introduction of a Pay & Display/cashless parking facility.
- 1.4 A petition requesting additional parking spaces for St Helen's Court was also received which consisted of 33 signatures of which 15 appear to be residents of St Helens Court. Of the 15 residents, 9 of these also responded directly to the public advertisement. Those residents that had signed the petition but had not responded directly to the public advertisement have had their petition signature considered as an objection to the proposal. A comment from a

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Ward Councillor was also treated as an objection meaning a total of 16 responses/petition signatures have been treated as objections.

- 1.5 Accompanying the petition was a survey undertaken by a resident of St Helen's Court, which asked the questions (i) are you in agreement to the residents requiring additional parking to what has been proposed by Havering Council?' and (ii) which parking regulation would you prefer?'.
- 1.6 26 residents responded to this survey with 24 residents indicating they were in agreement that occupants require more parking provisions, while 25 residents indicated they would prefer the existing 'gated system' rather than residents' parking.
- 1.7 The overwhelming reason for the objections is due to the limited amount of parking provisions on St Helen's Court. Residents have historically parked in locations that have the potential to cause obstruction issues such as on junctions and bends within St Helen's Court.
- 1.8 A further concern raised by residents is the hours of operation of the proposal and particularly the restriction end time of 18:30. It is feared that drivers using local amenities still open at this time (such as takeaway restaurants) may use St Helen's Court as a parking facility.
- 1.9 On 25<sup>th</sup> February 2021, a meeting took place with officers from both Housing and Environment as well as a local Ward Councillor to consider the objections received and determine a way forward. The recommendation agreed is set out in the officer comments below.

## **2. Officer Comments**

- 2.1 Due to the concerns regarding obstruction and access in to St Helens Court with the existing parking arrangement, Officers favour the introduction of the proposed scheme as advertised. Officers feel that the free and unhindered passage of vehicles (including emergency service vehicles) must be paramount in their recommendation.
- 2.2 Officers acknowledge and empathise with the concerns raised by residents in regards to the amount of parking provisions on St Helens Court. For this reason it was agreed at the meeting on 25/02/21 that a feasibility study on a 2<sup>nd</sup> phase of this proposal will take place with a view to creating further parking provisions by demolishing some existing garages on St Helen's Court and installing resident permit holder only parking bays.
- 2.3 Due to the safety concerns around obstructive parking and the time it may take to investigate the feasibility and subsequent implementation of phase 2, officers favour the introduction of phase 1 (the advertised proposal) without delay to ensure obstruction problems and safety concerns are rectified as soon as possible.
- 2.4 Housing will investigate the cost and feasibility of demolishing the garages and if necessary undertake these works. Highways, Traffic and Parking (HTP) will design, consult, arrange Traffic Orders and generally oversee the implementation of additional resident parking bays in these new spaces as well as any other complimentary measures such as the introduction or removal of waiting restrictions that may be required. For Phase 1 of the St Helen's Court proposals, HTP commissioned an external company for the design and consultation process, however phase 2 will be undertaken internally by HTP.
- 2.5 Recommendation for Phase 2 of the St Helen's Court parking proposals would be brought to the HAC as part of a separate decision.

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- 2.6 In regards to concerns raised regarding the restriction end time of 18:30hrs, it is hoped that the existing on street parking provisions on Uppminster Road South will be sufficient to accommodate vehicles being used to visit local amenities that may still be open such as takeaway restaurants. However, the effects of the scheme will be monitored and should an extension to the hours of operation be necessary this change can be considered.

### **3. HAC Recommendation**

- 3.1 At its meeting on 20th April 2021 the HAC considered a report on the proposals to implement a controlled parking zone (CPZ) operational 8am to 6.30pm Monday to Saturday, on housing land at St Helens Court, Rainham.
- 3.2 HAC considered and rejected a phased implementation of the scheme as delay could undermine safety.
- 3.3 Following a debate the Committee RESOLVED to recommend to the Cabinet Member for Environment, in consultation with the Leader to make a Traffic Management Order for implementation and enforcement of a CPZ, operational Monday to Saturday between 08:00 hours and 18:30 hours, on housing land at St Helen's Court as detailed in the report.
- 3.4 The vote to implement the proposal was carried by 7 votes in favour to 1 abstention.

### **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.

The option to do nothing was not considered due to the need to resolve the safety issues occurring.

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**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: 26/05/2021

**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.

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### **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.

### **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.

### **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.

### **BACKGROUND PAPERS**

**Appendix A – Proposed Parking Layout**

**Appendix B - HAC report 20<sup>th</sup> April 2021 - ST HELENS COURT PARKING AND HOUSING ENFORCEMENT**

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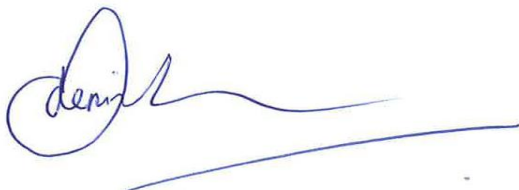
**Part C – Record of decision**

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**

Proposal agreed

**Details of decision maker**



Signed

Name: **Councillor Osman Dervish**

Cabinet Portfolio held: **Cabinet Member for Environment**  
CMT Member title: **Barry Francis – Director of Neighbourhoods**  
Head of Service title: **Nicolina Cooper - Interim Assistant Director Public Realm**  
Other manager title:

Date: **05/07/2021**

**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 \_\_\_\_\_

