

Report

Amendment to the existing Policy on the Introduction of Waiting Restrictions

Date of Issue:	18 November 2024
Date of Decision:	26 November 2024
Report to:	Cabinet Member – Housing & Highways
Report of:	Assistant Director Highways and Public Protection
Portfolio:	Housing and Highways
Wards affected:	All Wards
Is this a key decision:	No
Included in Forward Plan:	No
Exempt/confidential report:	No

Summary:

1. To seek approval for the inclusion of a modification/amendment to the existing policy for Traffic Regulation Orders by the introduction of a specific Traffic Regulation Order, the effect of which will enable the Authority to discourage and enforce verge and pavement parking at specific and persistent problematic sites in town and village centres.
2. To seek agreement for an amendment to the scheme of delegation when dealing with Temporary Traffic Regulation Orders (TTRO's).

Recommendation(s):

- (1) That the Cabinet Member approve the revised policy to discourage and enforce verge and pavement parking at specific sites in town and village centres
- (2) That the Cabinet member agree to the amendment to the scheme of delegation when dealing with Temporary Traffic Regulation Orders whereby the Assistant Director – Highways and Public Protection consider any proposals for a temporary closure of up to six months and the Cabinet Member consider any proposals for a temporary closure of six months or more.

1. The Rationale and Evidence for the Recommendations

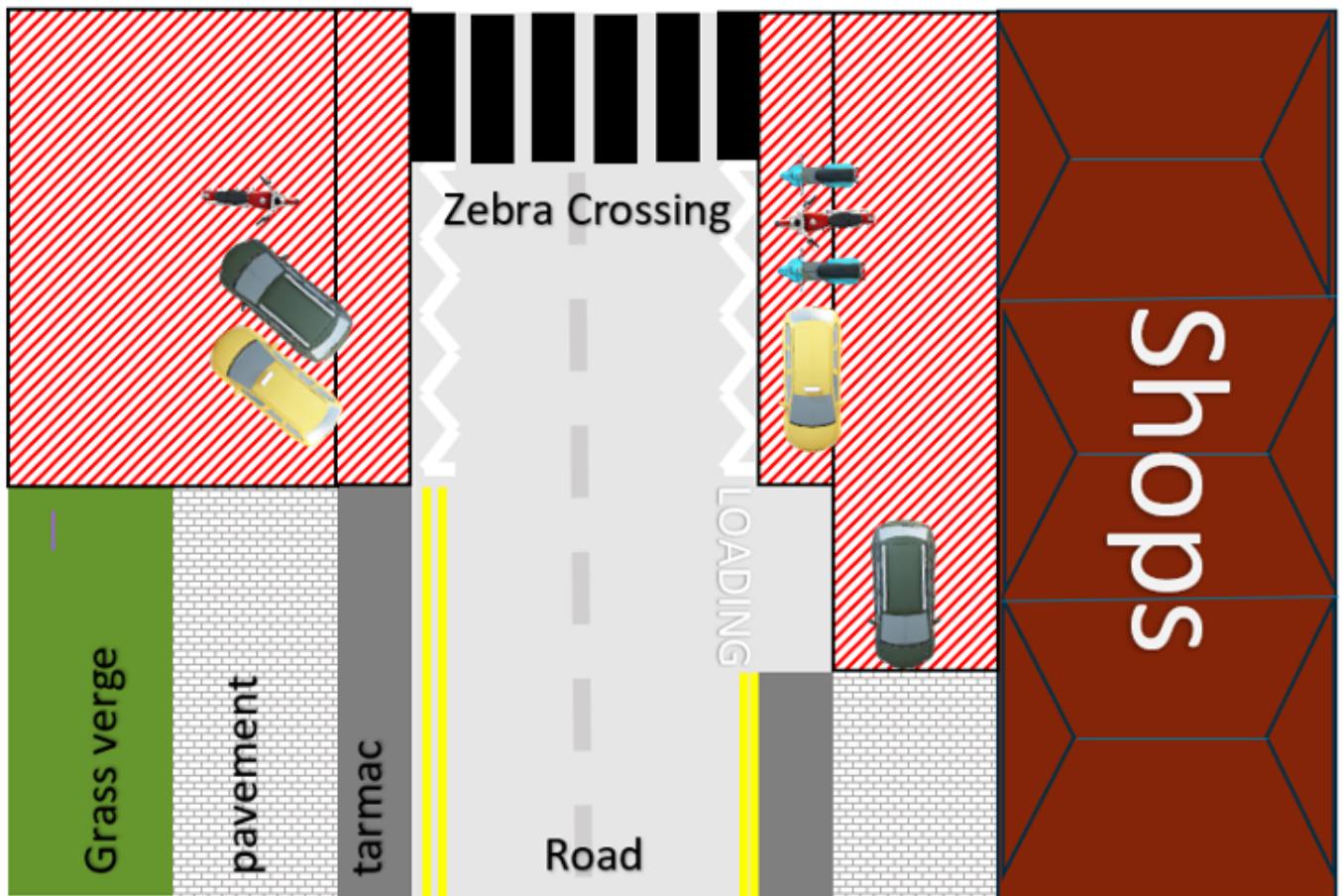
Background

- 1.1 The Council has the power to revoke a Traffic Regulation Order (Part IV of Schedule 9 to the Road Traffic Regulation Act 1984) as well as the power to make a new Traffic Regulation Order (Section 1 of that Act). Authorisation to advertise new Traffic Regulation Orders falls under the remit of Cabinet Member Housing and Highways.
- 1.2 On 12th November 2019 the then Cabinet Member – Locality Services, approved a policy on the introduction of new Waiting Restrictions in Sefton, I enclose a copy of this as Appendix A of this report.
- 1.3 The policy was introduced following many years of austerity measures imposed on the Authority from Central Government that directly impacted several teams and services across the Authority. This included significant changes to staffing levels and budgets within the then Traffic Management and Road Safety Team as well as various responsibilities and duties of the team.
- 1.4 This has been fundamental in managing and prioritising the departments limited budget with limited staff resources.

Measures to Address Persistent Verge & Pavement Parking

- 1.5 The Council, like others across the Country experiences significant and challenging parking behaviour that has been proved difficult to control and ultimately enforce, even with the help of our partners in Merseyside Police. This in part has been brought on by a national growth in home shopping and home deliveries throughout all business sectors. This surge in local deliveries from companies such as Amazon, Yodel, DPD, Royal Mail as well as the food delivery companies such as Just Eat, Deliveroo, Uber Eats has also brought about an increase in local traffic related parking issues. There is also a general understanding by some irresponsible and inconsiderate drivers of the limitations of our existing waiting restrictions across the network and unfortunately the associated powers to enforce them. This results in careless and selfish parking at a number of key locations throughout Sefton, making areas unattractive to visitors, potential new business, a danger to vulnerable road users as well as causing maintenance, safety, and liability issues.
- 1.6 The Councils enforcement powers are adequate in many situations including if a vehicle is parked on the adopted public highway or pavement / verge, and the section of road has a double yellow line or single yellow line restriction assigned to it. In these situations a Penalty Charge Notice (PCN) can be issued to a vehicle parked on any part of that adopted highway right up to the building line. However, if a vehicle is parked on the footway adjacent to some restrictions, including a Loading Bay, Parking Bay, or a Zebra Crossing, our Civil Enforcement Officers (CEO's) cannot issue a PCN because the legislative powers do not allow them to enforce such inconsiderate and inappropriate parking.

The diagram below shows an example of where vehicles parked in the red hatched area cannot currently be issued with a penalty charge notice by our CEO's.



- 1.7 Officers are now seeking Cabinet Member approval to make a modification/amendment to the existing policy that affords the Authority, were deemed appropriate and necessary, the ability to introduce a specific TRO to address this matter.
- 1.8 The order would only be used to target specific locations in town centre areas. It must be noted that within residential areas, where road or street widths are restricted or at locations where footfall is low this restriction will not be considered appropriate.
- 1.9 Example locations of where this restriction could be introduced are shown in Annex B below.
- 1.10 The intention is to initially introduce these restrictions at Nevill Street, Southport, as a trial to address ongoing issues. This will give our Parking Services Team the time to evaluate the introduction of this trial and the potential enforcement and back-office work associated with it. If successful officers can look to roll out similar orders on Stanley Road and other problematic locations.

Scheme of Delegation

- 1.11 Currently Cabinet Member approves the progression of all permanent Traffic Regulation Orders (TRO's) and any Temporary Traffic Regulation Orders (TTRO's) which are for a duration of more than 21 days. TTRO's with a duration of 21 days or less are approved by the Assistant Director – Highways and Public Protection, through a Chief Officers report.
- 1.12 Officers have considered this process and propose that the scheme of delegation be amended as follows:

- Permanent TRO's to remain as a Cabinet Member Decision – This is suggested because the initial Cabinet Member decision is the start of a legislative process which allows objections to be raised to the proposal, Such objections are then considered by the Licensing and Regulatory Committee who then recommend to the Cabinet Member if and how the proposal should be progressed. For this reason it is proposed that the decision remain with the Cabinet Member to maintain a consistency of involvement through the political process.
- Temporary TRO decisions to be delegated to the Assistant Director – Highways & Public Protection for any temporary restrictions with a duration of up to six months. Any restrictions with a duration of more than six months to remain with the Cabinet Member. On occasions proposals may be made to trial TTRO's with a view to them subsequently (pending any objections) being made permanent. In these cases the proposal will be for a period of between six and eighteen months and it is suggested that TTRO's such as these should be considered by the Cabinet Member. It is also recognised that reports for more routine roadworks which may involve a closure in excess of 21 days but less than six months, are currently considered by the Cabinet Member. It is suggested that these Orders now be approved by the Assistant Director – Highways and Transportation.

2. Financial Implications

- 2.1 None specifically from this report. All costs associated with the implementation of any Traffic Regulation Order will be funded by the Highway Safety Teams revenue budget.

3. Legal Implications

- 3.1 There are no legal implications.

4. Corporate Risk Implications

- 4.1 There are no Corporate Risk Implications.

5 Staffing HR Implications

- 5.1 Progression of the Traffic Regulation Order can be accommodated within existing staff resources.

6 Conclusion

- 6.1 To seek approval for the inclusion of a modification/amendment to the existing policy for Traffic Regulation Orders by the introduction of a specific Traffic Regulation Order, the effect of which will enable the Authority to discourage and enforce verge and pavement parking at specific and persistent problematic sites in town and village centres.
- 6.2 To seek agreement for an amendment to the scheme of delegation when dealing with Temporary Traffic Regulation Orders (TTRO's).

Alternative Options Considered and Rejected

None

Equality Implications: There are no equality implications.
Impact on Children and Young People: None
Climate Emergency Implications: The recommendations within this report will have a Neutral impact.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Services and Commercial (FD 7836/24) and the Chief Legal and Democratic Officer (LD 5936/24) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

Not applicable

Implementation Date for the Decision:

Following the expiry of the “call-in” period for the Cabinet Member decision.

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Appendices:

Annex A – Policy for Waiting Restrictions.

Annex B – Examples of Inconsiderate Parking

Background Papers:

Existing Policy for New Waiting Restrictions

Annex A

Report to Cabinet Member for:	Locality Services	Date of Issue:	4 November 2019
		Date of Decision:	12 November 2019
Subject:	Proposed policy for waiting restrictions.		
Report of:	Head of Highways and Public Protection	Wards Affected:	All
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary

To seek approval for the adoption of a policy relating to the introduction of new Traffic Regulation Orders relating to waiting restrictions.

Recommendation(s):

- (1) the Cabinet Member approve the introduction of a Policy relating to the provision of new waiting restrictions;

Reasons for the Recommendation(s):

The Council has the power to revoke a Traffic Regulation Order (Part IV of Schedule 9 to the Road Traffic Regulation Act 1984) as well as the power to make a new Traffic Regulation Order (Section 1 of that Act). Authorisation to advertise new Traffic Regulation Orders falls under the remit of Cabinet Member Locality Services.

Alternative Options Considered and Rejected: (including any Risk Implications)

None

What will it cost and how will it be financed?

(A) Revenue Costs

None

(B) Capital Costs

None

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):

There are no financial implications arising from this proposal.

Legal Implications:

There are no legal implications

Equality Implications:

There are no equality implications.

Contribution to the Council's Core Purpose:

(Please give a brief description of how the proposals set out in the report contribute towards the following Council's Core Purpose.

Protect the most vulnerable: Will assist residents and other road users

Facilitate confident and resilient communities: Not applicable

Commission, broker and provide core services: Not applicable

Place – leadership and influencer: Not applicable

Drivers of change and reform: Not applicable
Facilitate sustainable economic prosperity: Not applicable
Greater income for social investment: Not applicable
Cleaner Greener Not applicable

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Head of Corporate Resources has been consulted and has no comments on the report. (FD 5831/19)

The Chief Legal & Democratic Officer (LD 4065/19) has been consulted and has no comments on the report.

(B) External Consultations

Not applicable

Implementation Date for the Decision

Following the expiry of the "call-in" period for the Minutes of the Cabinet Meeting

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Appendices:

None

Background Papers:

None

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1. Introduction/Background

1.1 Following the dissolution of Merseyside County Council in 1986, responsibility for a number of functions was devolved to the five individual Local Authorities. One of these was the progression of all new Traffic Regulation Orders (TROs).

1.2 In Sefton, this function was carried out initially by the Traffic Management Section, and more recently in 2009, by the Traffic Management & Road Safety Team. Up until recent austerity measures, the team was fully staffed and comprised:

- 1 Team Leader
- 1 Principal Engineer
- 3 Senior Engineers
- 1 Assistant Engineer
- 4 Technicians
- 1 Principal Travel Awareness & Safety Officer
- 1 Senior Travel Awareness & Safety Officer
- 1 Senior Assistant Travel Awareness & Safety Officer
- 2 Travel Awareness & Safety Officers

This gave a total of 15 Full Time Equivalent (FTE) posts.

1.3 Following the start of Central Government imposed austerity measures in 2009 various changes to duties, responsibilities and budgets were introduced, in line with non-filling of vacant posts within the team. Since 2009, these changes have included:

- Introduction of the Contact Centre (triage of telephone calls and provision of basic traffic management information)
- Reduction in the number and frequency of Area Committees (and more recently, the removal of Area Committee meetings)
- Cessation of the annual Residents Privileged Parking (RPP) programme
- Cessation of the annual Urban Safety Management (traffic calming) programme
- Cessation of the minor works traffic management programme (ad hoc refuges, kerb build-outs and kerb re-alignments etc)
- Outsourcing of the traffic enumeration service
- Introduction of ELGIN (a computerised programme to automate Temporary Traffic Regulation Orders in relation to highway closures)
- Restructuring and formation of the current Highway Safety Team
- Reduction in the Traffic Management Revenue Budget

1.4 All vacant posts, caused through vacancy management or retirement, have now been deleted from the structure and the current composition of the Highway Safety Team is as follows:-

- 0.5 FTE Team Leader
- 2.5 FTE Traffic Officers
- 1 Traffic Technical Officer
- 0.5 FTE Principal Travel Awareness & Safety Officer
- 1 Senior Travel Awareness & Safety Officer
- 1 Travel Awareness & Safety Officer

This equates to 6.5 FTE posts, a reduction of 57% from the team size in 2009.

1.5 As part of current proposals to further reduce departmental savings within 2019/20, staffing levels within the Highway Safety Team will reduce even further by the deletion of one of the Traffic Officer posts and the Travel Awareness & Safety Officer post. All of the newly designated Highway Safety Officers will be expected to carry out both Traffic Management functions and Road Safety Education, Training & Publicity functions. By the end of 2019, this will leave the Highway Safety

Team as follows:-

- 0.5 FTE Team Leader
- 0.5 FTE Principal Travel Awareness & Safety Officer
- 2.4 FTE Highway Safety Officers
- 1 Traffic Technical Officer

This equates to 4.4 FTE posts, a reduction of 71% from the team size in 2009.

1.6 The revenue budget for traffic management works (excluding staffing and their associated running costs) has been reduced from £129,000 in 2009-10 to £50,000 in 2019-20, which is a reduction of 61%..

1.7 The scale of staff reductions over the last 9 years has required the cessation of functions described in paragraph 1.3, but despite this, the remaining post-holders have struggled to progress all requests for new TROs, whether from residents, Elected Members or as Planning Conditions attached to developments. This is becoming more and more difficult as staff resources are whittled away and there is now a need to introduce a policy identifying how requests for new TROs are dealt with in order to prioritise locations with the greatest need in terms of road safety or congestion.

2.0 Reasons for new TROs

2.1 Requests for the progression of new TROs will arise from a number of sources:-

- Requests from a resident who may be having difficulty exiting or entering their road due to vehicles parking close to the junction causing physical obstruction or obstruction of sight lines.
- Requests from residents to introduce waiting restrictions to remove parking associated with the 'school run'.
- Requests from residents to introduce waiting restrictions to prevent footway/verge parking.
- Requests from residents to introduce waiting restrictions to prevent parking by non-residents, who are perceived to be taking up 'their' available spaces outside their houses.
- Requests from traders to introduce Limited Waiting restrictions to assist customers or loading bays to assist deliveries.
- Requests from Sefton's Cleansing Services who have regular difficulty accessing roads due to obstructively parked vehicles, resulting in missed refuse collections.
- Requests from Bus operators in relation to bus routes where drivers are encountering obstructive parking.
- Requests from Merseyside Fire and Rescue or Ambulance Service in relation to locations where they have experienced problems accessing properties.
- Requests from Elected Members, following door-stepping canvassing, relaying 'grumbles' from residents about parking.

- Planning Conditions associated with Planning Approvals, where a predicted increase in the level of parking or displacement of parking into adjoining residential areas has been identified during the assessment of the Planning Application.

- 2.2 Up until now, all requests for 'yellow line' waiting restrictions have been investigated and progressed in the same manner, i.e. officers will carry out a number of surveys throughout the day, or if need be during the evening or weekend, to assess whether obstructive parking is taking place.
- 2.3 It should be noted, however, that no distinction is made with regards to the nature of the road or the volume of traffic travelling along the road. For example, if vehicles are witnessed parking within 10m of a junction, then a proposal for 'junction protection' will be progressed, whether the junction is within a quiet housing estate, or on a major Trunk road.
- 2.4 Whilst both of these examples would be in contravention of the guidance laid out in the Highway Code, i.e. not to park within 10m of a junction, the likelihood of collisions occurring in the quiet residential areas would be much less.

3.0 Discussion

- 3.1 Increasingly, requests for waiting restrictions are being received from Cleansing Services, relating to locations where bin wagons cannot physically turn into side roads due to obstructive parking. Quite often, this will result in certain roads on the route being missed off resulting in calls to the Contact Centre from residents reporting non-collection of bins and Cleansing staff being reallocated to smaller vehicles to carry out a re-programmed collection on a different day. The additional staff and equipment costs for each repeat collection of an individual bin has been calculated at £95 although this cost would obviously reduce if more than one was being collected at an individual location. On average, approximately 1000 bins are missed annually, many of which involve whole roads missed off due to obstructive parking. As a consequence, it is suggested that requests for waiting restrictions from Cleansing Services should be considered as one of the top priorities.
- 3.2 Requests for waiting restrictions in the vicinity of schools fall into two categories. The first is where parking is taking place adjacent to junctions where children are crossing to and from the school, or where a School Crossing Patrol is operating, and sight lines are being compromised. The second is where parental parking is taking place outside residential properties, reducing the ease with which driveways can be accessed.
- 3.3 Due to the level of car ownership in the Borough, parental parking is an issue at every school within Sefton. The congestion caused by this level of parking, however, has a beneficial effect by reducing vehicle speeds, and hence reducing the number of recorded injury collisions. Very few injury collisions occur adjacent to schools within Sefton and there is no justification for the wholesale introduction of waiting restrictions adjacent to schools. Implementation of waiting restrictions to make it easier for residents to access driveways will simply displace the parking to other residential areas and could increase recorded injury collisions due to increased vehicle speeds. It should also be noted that school related congestion will only occur for short periods of the day, on weekdays during school term times.

- 3.4** It is acknowledged, however, that at locations where a School Crossing Patrol operates, or strong desire lines exist for pupils walking to and from school, these should be protected from obstructive parking and waiting restrictions need to be considered at these locations.
- 3.5** In relation to parking on footways/verges, quite often, vehicles parking partially or wholly on the footway will take place to maintain enough space on the carriageway for through vehicles to pass. In most cases, however, sufficient space will be left on the footway to enable prams or wheelchairs to pass, and complaints will really be about the 'environmental intrusion' on the footway/verge. In these cases, waiting restrictions would not be considered.
- 3.6** Many requests are received for the introduction of Residents' Privileged Parking (RPP) spaces, to remove parking from outside residential properties. In previous years, this was addressed through the Council's annual RPP programme, where area-wide schemes were progressed, prioritised on the percentage of available parking spaces throughout the day. Schemes were developed to incorporate whole estates or areas to prevent displacement of parking into adjoining roads. This was very staff and cost intensive and became unsustainable as budgetary cuts escalated. As a consequence, on 19 July 2011, the then Cabinet Member – Street Scene & Transportation approved a new RPP Policy which stated that no new RPP schemes would be introduced unless funded as part of a Planning Condition linked to a new development or funded from sources other than the Council's traffic management budget. In recent years, a number of small RPP schemes have been funded from the delegated Ward budgets where Members considered groups of residents were suffering unduly due to overspill parking from adjoining parking generators, e.g. Hugh Baird College. In the last twelve months, however, the number of requests for Ward Budget funded schemes has increased from Members, and due to their time consuming nature, there is currently a backlog of schemes which will take until the end of 2020 to resolve. Requests are also received from areas where RPP schemes have previously been removed following consultation with residents.
- 3.7** As shown in paragraph 2.1, there are a number of reasons why waiting restrictions are requested and why, historically, these requests have been met. Due to dwindling financial and staff resources, there is now a need to prioritise how these requests are dealt with. The prioritisation process will need to recognise that new restrictions should only be introduced to improve road safety or assist blue badge holders, emergency services, Cleansing Services, bus operators or traders.
- 3.8** As a consequence, it is suggested that Cabinet Member – Locality Services approve a series of criteria which will align the number of new TROs progressed, with the available staff resources, whilst prioritising requests to ensure that only locations with the greatest need to improve road safety and reduce congestion on strategic routes or locations are treated.

4.0 Proposed Policy

- 4.1** In order to prioritise where new waiting restrictions are progressed, it is proposed that the following criteria is adhered to:-

Waiting restrictions will only be progressed where one or more of the following criteria is met:-

- Where there is a history of recorded injury collisions at the location caused by obstructive parking.
- Where the junction or location is on a main distributor road, classified road or a road on the Key Route Network and there is a history of separate complaints from residents

over a number of months/years. (The receipt of a petition generated by one individual or repeat requests from one individual will not be deemed to satisfy this criterion).

- Where locations have been identified by bus operators, Emergency Services or Cleansing Services as being obstructive to their vehicles.
- Where locations have been identified by the School Crossing Patrol Manager as being detrimental for the safety of operatives and children.
- Where footway/verge parking is taking place on a main distributor road or classified road, or a road on the Key Route Network, which results in the footway becoming impassable by wheelchair users on a regular basis.
- Where locations have been identified as part of a Planning Condition, in order to prevent obstruction or displacement of parking into residential areas, and will be funded by a developer.
- Where the location will assist businesses by either maintaining access to premises, ensuring a turnover of available parking spaces or by providing loading/unloading facilities.
- Where the location will assist blue badge holders.

Waiting restrictions will not be progressed:-

- To restrict waiting at minor road junctions or locations where traffic volumes are low.
- At locations where there is no history of requests other than that of an individual resident.
- To remove or displace parking associated with the 'school run'.
- To facilitate access from private driveways.
- To prevent footway/verge parking on minor roads for environmental reasons.
- To remove or displace parking by non-residents outside residential properties unless carried out as part of a Planning Condition and funded by a developer, or promoted by Ward Members' and funded by Ward budgets. All new schemes promoted by Ward Members will be progressed in strict chronological order, as quickly as remaining staff resources allow.
- At locations where former RPP schemes have been removed following consultation with residents.

Nevill Street – Southport



Stanley Rd - Bootle

