

RESIDENTS' PARKING SCHEMES

What is a Residents' Parking Scheme?

1. There are a number of residential areas within the County which are subjected to substantial intrusion by parked vehicles not belonging to residents. This parking is usually generated by shoppers or commuters and is usually located near to town centres, public transport stops, businesses, colleges, hospitals etc. In certain of the areas the parking might prevent the residents who have no off-street facility (forecourt, drive, garage etc) finding a parking space reasonably close to their home.
2. Conventional traffic regulation orders might be used to alleviate some access or environmental problems associated with high levels of parking but this cannot provide preference in favour of residents: both residents and non – residents would be equally affected by any conventional restrictions.
3. It is, however, possible to regulate in favour of residents by introducing a controlled parking zone. Within such a zone, parking is wholly or partly restricted to vehicles displaying a permit issued by the Highway Authority. Permits are normally only issued to residents living within or in the immediate proximity to the controlled zone and issued at the discretion of the Director of Communities.
4. Controlled parking zones are not a panacea to all resident parking concerns. Residents' parking permit schemes have a number of advantages and disadvantages which are summarised as follows:

Advantages

- a) Residents having no off-street parking facility have an improved opportunity to park close to their homes (residents parking schemes do not, however, offer any guarantees as to space or location);
- b) The removal of opportunities for commuter parking in residential areas encourages consideration of alternative modes of transport and therefore contributes to reducing congestion;
- c) There should be a reduction in conflicts leading to improved accessibility and possibly fewer accidents;
- d) The amenity of the area may be improved with fewer vehicles being parked during the working day;
- e) A scheme may have advantages from a social, housing or planning policy aspect.

Disadvantages

- a) Providing parking does not accord with the primary role of the highway which is for moving traffic rather than parking;
- b) A residents' parking scheme in one area might create or worsen parking problems in adjacent areas;
- c) The provision of a localised scheme may give rise to accusations of discrimination from residents who do not have a scheme;
- d) There is frequently insufficient space for all residents' vehicles and parking for visitors is restricted by virtue of the space, permit availability or time limits on waiting;
- e) The presence of a scheme could inhibit commercial and other non-residential activities within the zone.

Form of scheme

5. The form of scheme has developed over time and as the law relating to traffic regulation has changed. There are essentially three forms of scheme but each scheme is recognisable by 'zone entry' signs giving the times of operation of the Controlled Zone (Type 1 and 2) or indicating that parking within the zone is restricted to permit holders (Type 3).
6. The majority of long standing zones provide parking bays for residents and visitors marked out by white lines on the highway with time plates explaining the usage of the bays (Type 1 and 2). Many older schemes consist of a combination of those bays which are restricted to resident permit holders only and time limited bays which are provided for visitors and other vehicles (Type 1). Other schemes have mostly bays which are restricted to permit holders and visitors may park within these bays when displaying a visitor permit (Type 2).

7. The existing scheme does not have bays marked (Type 3) as this provides greater flexibility in the use of the limited kerb space and gives maximum opportunity for residents to park in the best way that suits their neighbourhood. This newer style of scheme may also include an allowance for informal parking partly on footways where parking on both sides of a street could not be facilitated through the use of bays. Repeater signs are located within the scheme to remind drivers that parking is for permit holders only. Markings such as double yellow lines restrict parking at critical locations within the area of the scheme.
8. Apart from schemes for areas with 24 hour parking problems, most schemes are effective between 8 am – 6 pm Monday – Saturday. This arrangement gives greater opportunity for flexibility of use overnight and on Sundays when demand for both resident and visitor parking is usually greatest. The existing scheme is Monday – Saturday between 9am and 5pm.

Who qualifies for a permit?

9. Resident permit

Permits are issued to residents who own or keep and use a car, light van (light goods vehicle with a gross weight of 3.5 Tonnes or less) or motorcycle on a full time basis. Where the car is not owned by the resident but is available primarily for his use a permit may be issued.

A resident is a person living within a property which has a frontage onto, or vehicle access to a street named in that part of the order which defines the controlled zone. A person may be deemed a resident of a controlled zone at the discretion of the Director. Permits can thereby be issued to a person employed by a business located within a controlled zone, or to residents of properties which lie beyond the controlled zone but are reliant upon parking within it.

Each resident is entitled to a single permit for a specified vehicle. Only one resident may hold a permit for any one vehicle.

10. Residents' Visitors' Permit

Visitor permits do not display a vehicle registration and allow vehicles to park within permit holder only areas.

Type 1 scheme

Visitor permits are not generally issued. However, one visitor's permit per property may be issued where residents do not keep a vehicle (and do not hold a residents parking permit) and who are over sixty-five years of age, disabled or visually impaired or can make the case for the need of a visitor's permit on compassionate grounds.

Type 2 and 3 scheme

One or more visitor's permits may be issued to each property eligible for a resident's or business permit. More than one permit will not be issued in schemes where kerb space is insufficient for the demand by residents' permit holders. Schemes for which multiple permits may be issued will be assessed on a case by case basis.

A visitor permit may be used for a resident's vehicle while awaiting a permit for a specified vehicle, for example where a vehicle is exchanged or a permit lost.

11. Business Permits

One business parking permit may be issued to each business located within the Controlled Zone. Additional permits will only be considered in the following circumstances:

- i. If monitoring indicates that residents would not be seriously disadvantaged by such actions;
- ii. On the understanding that all additional permits would only be renewed if condition (i) continued to be satisfied;
- iii. Provided the additional permits were for operational vehicles.

In some circumstances, if justified, a single transferable permit may be issued to a business to facilitate their operations.

12. Other Visitors' Permits

Permits may also be issued where there is a demonstrable need for parking within the Controlled Zone for specific purposes for:

- i. Professional health care workers whilst visiting patients in their own homes (but not to enable them to park near to their work base). (The provision of such a scheme for care workers is a requirement of DfT);

- ii. Maintenance, building, excavation and demolition work (builders, scaffolders);
- iii. Workshop vehicles with a need to be in a particular vicinity (Joiners, plumbers, appliance repairers, vehicle based window cleaning);
- iv. Owners of properties who are not resident at the address (Landlords).
- v. Any other reason of an equivalent nature or purpose accepted by the Director of Communities.

It should be noted that these additional visitor's permits will only be issued where it has been demonstrated that the use of Residents' Visitors' Permits is not practicable.

13. Life of Permits

All permits will be valid for a maximum period of 12 months to ensure that abuse of permits is limited, especially in areas where there is a high turnover of residents and / or vehicle ownership. This ensures that only valid users of permits occupy the kerb space within a scheme and maximises the opportunity for genuine permit holders to park. Other visitors' permits will be valid for the duration of the approved purpose but not exceeding 12 months.

Operation of the scheme

14. Parking

A permit allows parking in any space reserved for permit holders but does not reserve specific spaces. Visitors to an area not eligible for a permit can park in time limited spaces (usually for two hours in Type 1 schemes) or unlimited parking bays. Permit holders do not have priority over non-permit holders to park in these non-permit spaces and time restrictions apply equally to permit holders and non-permit holders. Blue Badge holders can park in time limited spaces for as long as they wish or on yellow lines for up to three hours where it is safe to do so and does not create an obstruction: however a permit must be displayed to park in permit holder spaces.

It is the responsibility of household members to ensure that the permit is retrieved from a visitor's vehicle at the end of the visit. There is no time limit on length of stay.

15. Changes of Vehicle

Where a vehicle for which a permit has been issued is no longer owned or kept by a resident the old permit must be returned.

16. Withdrawal of a Permit

A permit may be withdrawn or invalidated if it is found that a permit is not being used in accordance with the guidelines or it is found that a person is no longer eligible to hold a permit.

Where the size of a vehicle causes problems of poor visibility for motorists or pedestrians or creates a degree of visual obstruction detrimental to the visual amenity of an area, a permit may be refused or withdrawn at the discretion of the Director of Communities.

Issues

17. Levels of car ownership

Since the introduction of many schemes the level of car ownership has increased significantly. It is assumed by many residents that they will be able to park their car on-street preferably outside or very close to their home. However, this is increasingly impossible as demand for parking space outstrips the space available.

18. New forms of scheme

The scheme described above as Type 3 is permitted by virtue of recent changes in the requirements for traffic regulation. Where streets are in a definable area, usually excluding through routes, the entire area may be designated for permit holders. This type of scheme provides greater flexibility in parking and thereby may create more parking space than traditional schemes which include marked bays. Since this type of scheme requires no bays the cost of installation is usually less than a traditional scheme of Type 1 or 2. However, this type of scheme is not suitable or permitted for all circumstances.

19. Traffic Regulation Orders

A residents' parking scheme is a particular type of traffic regulation order which is established by means of a legal process involving consultation, advertising and publicity and is implemented in accordance with the order that is made. The order is effective when relevant road markings and signs are in place.

20. Illegal Parking and Enforcement

For many years, prior to Civil Enforcement of Parking, the police undertook very little enforcement of parking contraventions. This has led to an assumption by many drivers that illegal parking is acceptable. However, uncontrolled parking does result in access difficulties including for buses, deliveries, refuse collection and emergency services. Civil Parking Enforcement has highlighted that some areas have higher levels of parking demand than can be accommodated within existing schemes. In residential areas some residents consider that they have no alternative than to park illegally when they cannot find on-street parking near to their homes and object when faced with a Penalty Charge Notice.

21. Consistency and Integrity

An enforcement authority has an obligation to uphold the traffic regulation orders and to ensure that enforcement is consistent and protects the rights of those who are entitled to use those parts of the street allocated to particular use. It has been suggested that residents who are permit holders should be allowed to park in areas within the controlled zone, such as time limited bays or on yellow lines at times when such parking would otherwise be a contravention. However, such a concession would compromise the implementation process and be open to challenge by those denied their rightful opportunity to park, such as by Blue Badge holders who cannot make use of time limited bays. Where local demand for parking has changed since the introduction of a scheme any amendment must be achieved by means of the same legal process that introduced the scheme (or that required by current legislation where this differs) including advertising, publicity and consultation.

22. Revising a Scheme

As indicated above, changes to a traffic regulation order (including the suspension of all or part thereof) must be subject to the relevant legal and democratic processes. These processes consist of a number of sequential stages including some of legally defined periods and normally take an absolute minimum of 6 months, but 12 months is more usual due to the demand on resources, including legal and technical staff time and the costs of advertising and physical works to traffic signs and road markings.

Charges for Permits

23. General

The County Council's budget which was confirmed on 25 February 2010 included that a charge should be made for permits issued for use in residents permit schemes. The charge is to cover the administration and management of the permit scheme and the direct costs of the permits. It is not a charge to park and as indicated above does not guarantee a parking space at any particular location or time due to high levels of demand on finite kerb space. A charge of £25 per permit issued will be applicable to all permits with the exception of those indicated below. It is also worth noting that the charge of £25 is equal to the lowest discounted penalty charge and there is therefore no incentive for motorists to park without obtaining a permit.

24. Residents' Permits

A charge will be made for each permit issued with the exception of those issued to permit holders who are 75 years of age or more or are a Blue Badge holder.

25. Residents' Visitors' Permits

A charge will be made for each permit issued with the exception of those issued to permit holders who are 75 years of age or more or are a Blue Badge holder.

26. Business Permits

A charge will be made for each permit issued.

27. Other Visitors' Permits

A charge will be made for each permit issued with the exception of those relating to building or demolition immediately adjacent to the parking scheme.

28. Professional Health Care Worker Permits

A charge will be made for each permit issued with the exception of an allocation of free permits issued to the Primary Care Trust in each district.

29. Change of Vehicle

No charge will be made for providing a permit when a resident changes their vehicle and wishes to transfer the permit to their new vehicle, retaining the expiry date.