

South Gloucestershire Council

COMMITTEE: ENVIRONMENT AND COMMUNITY SERVICES

DATE: 6 JULY 2016

REPORT TITLE: WAIVER / DISPENSATION POLICY FOR PARKING RESTRICTIONS, AND ARRANGEMENTS FOR VISITORS IN RESIDENTS' PARKING AREAS

Purpose of Report

1. To agree a policy on dispensations/waivers for commercial use in areas covered by parking restrictions; and to agree arrangements for visitors permits within residents parking schemes.

Policy

2. A new Council policy on residents parking ([http://modern.gov/ie/ListDocuments.aspx?CId=399&MId=6603&Ver=4item 14](http://modern.gov/ie/ListDocuments.aspx?CId=399&MId=6603&Ver=4item%2014)) was introduced in January 2014 in order to bring consistency to residents parking restrictions, and to introduce a charging regime which would recover the ongoing revenue costs of implementing, maintaining and enforcing such schemes.

3. All new schemes introduced are consistent with this policy though a scheme is currently being implemented at New Road in Kingswood, which is the last scheme under the old policy.

4. This report only considers the detail of changes to residents parking schemes related to visitors and a wider dispensation / waiver scheme and does not otherwise affect the agreed policy.

Background

5. Under the policy residents parking schemes are only implemented where at least 70% of residents responding to formal consultation indicate agreement to do so. Residents are allocated up to two permits, for which there is an annual charge of £30 for the first permit and £45 for the second. Where sufficient space is available in some schemes a third permit can be purchased for £60 (though no scheme has yet reached this level).

6. The Planning, Transport & Strategic Environment Committee previously determined a detailed system of waivers/dispensations should be introduced for carers/visitors/trade vehicles in resident's parking schemes. This report covers this development. Initial analysis has shown the most effective policy for dispensations/waivers would cover all parking restrictions. The report therefore proposes a comprehensive policy which is attached as Appendix 1.

7. Implementation of the new Residents Parking policy has also raised concerns from residents over friends and relatives not being able to visit them and use residents' parking areas. The report also proposes adjusting the policy to enable this to happen.

Dispensation / Waivers

8. While residents parking schemes can pose particular problems for tradesmen and health visitors who need to park to carry out their work, these are also adversely affected by restrictions outside residents parking schemes. It is therefore proposed that rather than address this through changes to the residents parking scheme policy, a more universal solution is sought. It is not considered necessary to include delivery vehicles such as home grocery deliveries as part of this scheme.

9. A draft policy on Dispensations/Waivers is attached at Appendix 1. This has been developed following Officer review of a number of schemes being run by other Local Authorities.

10. In addition to the scenarios originally envisaged to be managed by the waivers scheme the Police have formally requested that consideration is given to being able to issue waivers to their vehicles where community re-assurance visits are being made. This would be agreed between the Chief Inspector of operations and the Strong, Safer Communities manager and be time limited.

Visitors

11. Any permission for a visitor to park in a residents parking area will take away a space that was allocated in the scheme, following public consultation, for residents. Nonetheless many residents do want friends and relative to be able to visit them and to park despite restrictions imposed by residents parking schemes. A visitors' scheme may therefore be supported by some residents but may conversely not find favour with others.

12. It is proposed that each household covered by Residents Parking Restrictions is issued a booklet of 25 scratch card visitor permits annually. Each scratch card will permit parking for one day. One further booklet per residence can be purchased annually at a cost of £50.

13. All disabled persons holding a blue badge living within a residents parking scheme will be eligible for a free permit for their personal use, or that of a registered carer. This permit will not count towards the total number of permits allocated to that household.

Consultation

14. The adopted Joint Local Transport Plan 3 was subject to full consultation prior to its adoption.

15. The development and subsequent review of the Parking Services Enforcement Policy by Communities Committee included public consultation and consideration of the responses including those from equalities groups. These can be found at

www.council.southglos.gov.uk/ieListDocuments.aspx?CId=408&MId=5870&Ver=4
Item 14; Appendices 1 and 2.

16. Following advice from the equalities officer, informal consultation on the provision of Visitors Permits in resident's parking schemes was carried out to seek the views of disabled people through the umbrella organisation, the Disability Equality Network. Their response was that they are supportive in principle of the introduction of a residents parking policy/procedure and welcome that blue badge holders will be eligible for a concession from permit charges.

17. They also made some detailed comments relevant to visitors' permits and waivers which are set out in the table below, with the suggested officer response.

Issue raised by Disability Equality Network	Response
As part of the preparation for introducing a residents parking scheme residents who may be eligible to apply for a badge are reminded that they can do so and that assistance is offered to anyone who needs help completing the form.	Agree. The policy/procedure has been updated to include the requirement for consultation material to contain relevant information that reminds residents that are registered as disabled who do not currently possess a blue badge that they can apply for one. The Council will endeavour to provide support with completing the relevant forms.
A disabled person who would be eligible for a blue badge but does not need one as they have no access to a car and are largely housebound should be allocated a transferable permit to be displayed in the car of anyone visiting them.	The Council fully recognises this as an issue that can affect disabled people as well as the elderly. The policy/procedure makes it clear that the detailed implementation of permit systems will be developed by the Parking Services Team following adoption of the residents parking policy/procedure. The issue of visitors to properties will be considered during that process.
Where discretionary parking bays are provided for individual disabled people living in residents parking areas they are properly enforced. It is unrealistic to a disabled person to take on this role themselves as they may feel vulnerable.	Because discretionary disabled parking bays are discretionary, they cannot legally be enforced by the Council.

18. The visitors' policy and that of the dispensation and waivers has been developed to take in to account this consultation and the issues arising from it.

19. The additional costs of this policy are estimated to be relatively small and the additional income raised should be sufficient to cover those costs. If the demand is so high that additional staff resources are required, and these cannot be funded by the additional income, then a further report will be brought to Committee to consider the way forward. Officers consider the likelihood of this is low.

20. If agreed the proposals will be included as part of the information provided to residents during the consultation stages of considering the implementation of a residents parking scheme. The relevant pages on the Council's website and particularly the FAQs will also be amended accordingly.

Options

21. The Committee has the following options for Dispensations / Waivers:

- a) Deciding not to introduce Dispensations / Waivers.
- b) Amending the draft policy for Dispensations / Waivers and adopting that.
- c) Adopting the draft policy for Dispensations / Waivers as shown in Appendix 1.

22. The proposed policy enables the Council to support tradesmen and health visitors who need to be able to park in carrying out their work, while still maintaining road safety, and optimum integrity of parking restrictions. Option c is therefore recommended.

23. In respect of Visitors' permits the Committee has the following options:

- i. Deciding not to introduce visitors permits within Resident Parking restrictions
- ii. Making changes to the proposals for visitors' permits within Resident Parking restrictions in the report and introducing that changed system.
- iii. Introducing visitors' permits within Resident Parking restrictions as proposed in paragraphs 11 – 13 of this report.

24. The system for visitors' permits within Resident Parking restrictions proposed in the report is practicable. It also strikes a balance between the desires of some residents for visitors and relatives to be able to park close to their homes; and the desire to maximise the number of spaces available within Resident Parking restrictions. Option iii is therefore recommended.

Financial Implications (includes tax implications such as VAT)

25. As stated in the report, additional costs should be met by additional income, and there is therefore no impact on overall resources. If additional material costs above income are required, a further report will need to identify how these can be met

Tim Parfit, Finance Manager

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Legal Implications

26. The Traffic Management Act 2004 sets out the legal framework for local authorities to manage traffic and parking in their areas, including residents parking schemes. The proposals in the report are legitimate under the Act in terms of their aims and objectives. The DfT 2015 statutory and operational guidance points out that policies need to be clear so that road users understand the restrictions; local stakeholders must be fully consulted on proposals; and when finalised, policies must be publicised. Parking policies must also be underpinned by up-to-date Traffic Regulation Orders, so these will need to be reviewed alongside the introduction of the new visitor policy and new waivers and dispensations.

Christopher Johnson, Solicitor, Legal Governance and Democratic Services

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Human Resources Implications (to be confirmed)

17. There are no HR implications arising from this report at this time. However, the waiver and dispensation charges have been set at a level to cover the running costs, including enforcement, of the scheme. This will mean that if new schemes are introduced and the service is not able to meet the resource needs within existing staffing levels then the funds will be available to recruit the appropriate number of FTE staff.

Gaynor Fisher, Business Partner

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Environmental Implications

27. There are no direct environmental implications arising from this report although effective use of waivers / dispensations may reduce the number of vehicle journeys that trades persons have to make to undertake their services in locations covered by waiting restrictions.

Nigel Barton, Senior Environment and Climate Change Officer
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Social Implications

28. The intention of the new policy/procedure is to resolve parking conflict residents and visitors and more widely trades people and others particularly but not exclusively in residential streets.

29. Social implications relate to ability to pay for permits. Charges have been set so as not to place an undue burden on individuals / tradespeople and disabled residents, holding blue badges will be exempt from payments.

Mark Pullin, Strong, Safer Communities Manager
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Economic Implications

30. The introduction of this policy/procedure may be of concern to traders and service providers that rely on parking in proximity to customers. Residents will be able to purchase visitor permits for trade people to visit. Small businesses will be treated as a residential property in relation to permit allocation.

31. It should be noted that Street Care will consider the proximity of businesses when investigating the traffic management options and the appropriateness of residents parking scheme for dealing with parking problems in specific locations.

Antony Merritt, Economic Development Manager
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Equality Impact Assessment

32. The Council is reminded of its statutory duty, in the exercise of its functions, to have due regard to the need to:-

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act 2010;
2. Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it; this means:-
 - removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
 - taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

- encouraging persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

3. Foster good relations between persons who share a protected characteristic and persons who do not share it; this means:-

- tackling prejudice.
- promoting understanding.

33. Disability: Parking is an issue that affects all drivers. In terms of equalities, people with disabilities can be highly affected if they, or their carers, are unable to park close to their home. The proposed policy/procedure is aimed at relieving parking problems in residential streets for all residents.

34. While no one will be guaranteed a space, the intention is to ease problems for residents. In recognition of the difficulties Disabled People face, it is proposed that Blue Badge holders are exempt from the visitors permit charge.

35. Geographical Location: Although geographical location is not a direct equalities issue, should more people from a protected characteristic group live in a given area, then that group may be disproportionately disadvantaged if a new scheme was introduced. Therefore, it would appear advisable to ensure an equitable policy/procedure throughout the authority.

36. Race: The introduction of a new policy/procedure has also taken account of household size because, nationally, some ethnic groups are more likely than others to live in households of higher numbers of individuals. The impact of this could potentially mean that these groups have a greater likelihood of being subject to the higher charge for second and third permits. The Equality Impact Assessment and Analysis conducted shows that although the national picture evidences that people from some minority ethnic groups are more likely to live in overcrowded households this is not the case within South Gloucestershire and as such, no disproportionate negative impact has been identified in regard to the protected characteristic of Race.

37. A full Equality Impact Assessment (EqIAA) has been completed and is available as a background paper. This concludes that although potential negative impacts have been identified, these do not disproportionately negatively impact upon any protected characteristic group and are balanced by positive impacts associated with alleviating localised parking problems.

Mark Pullin, Strong, Safer Communities Manager
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Privacy Impact Assessment

38. This proposal would require parking services to hold data on residents and health workers that would not have previously been required in order to provide either free visitors permits, and / or dispensation or waivers. This information will be held as private and secure information and will only be used for the purposes intended although may be shared in any criminal investigation.

39. Data on applications from Trades persons for dispensations and waivers will be recorded that hasn't previously be done so. This data will be securely held and only shared in the circumstances outlined above.

Mark Pullin, Strong, Safer Communities Manager
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Risks, Mitigations & Opportunities

40. The Council has previously committed to producing and implementing these proposals and failure to do so could damage the reputation of the Council and fail to support our residents and trades people.

Other Implications

41. Parking Services will be required to adapt their current technology to manage this process if agreed. The objective will be to move as much of the application and assessment and ultimately enforcement to an on-line and virtual permit process. This is feasible using the existing software and hardware providers but may require some Traffic Regulation Orders to be updated as they come due for review.

Conclusions

42. That there is an existing policy requirement and consumer demand for the proposals covered in this report to be implemented.

RECOMMENDATION

43. That the Committee:

- a) Adopts the Policy on Waivers / Dispensations attached as Appendix 1 of this report.
- b) Agrees the introduction of visitors' permits within Residents Parking Restriction areas on the basis described in paragraphs 11 - 13 of this report.

Author

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Background Papers

Parking Enforcement Policy Reports to Communities Committee on (1) Introduction of a Mobile Enforcement 'Camera' car, January 2013; (2) Introduction of a new Parking Enforcement Policy, March 2013; (3) Review of the Parking Enforcement Policy, September 2014; and their associated EIAs.

Resident's Parking Policy Report to PTSE Committee January 2014.

Appendices

1. Draft Dispensation / Waivers Policy

DRAFT DISPENSATION / WAIVERS POLICY

Introduction

1. The purpose of this policy is to prevent problems caused by parking restrictions to tradesmen and health visitors in carrying out their work. It establishes a formal process by which contravention of parking regulations can be avoided in these circumstances.
2. The policy enables Council staff to make dispensations (more commonly referred to as Waivers) for vehicles meeting certain criteria.

Scope

3. A dispensation enables a vehicle to be parked as near as possible to the desired location. However it does not allow parking on:
 - A bus stop
 - A taxi rank
 - School keep clear markings
 - Pedestrian crossing areas
 - Anywhere that would cause an obstruction or a road safety hazard
4. Where a need is identified South Gloucestershire Council can, at its discretion, issue a Parking Dispensation to an applicant to allow vehicle(s) to park in a regulated area so as to inform the Civil Enforcement Officer it is parked for a legitimate purpose and has been approved.
5. Dispensations would normally be for short durations, a day or two, but up to a maximum of 2 weeks. Longer works will be subject to further applications and must detail the exceptional circumstances.

Eligibility

6. Dispensations will only be issued to:
 - Formal businesses
 - Health workers in the carrying out of their duties
 - Police officers in the carrying out of their duties
7. Applications for a waiver will be submitted to South Gloucestershire Council's parking team. Each application will initially be assessed to identify:-
 - That the application is for a legitimate registered business, or a health worker carrying out their duties.
 - That there is a real need for the vehicle to be parked on the restriction
 - That the applicant has no realistic alternative
 - That there would be no negative impact on the local area or other road users
 - That there are no road safety implications from approving the application
8. Any request not satisfying all of these criteria will be refused.

9. The vehicle must be constantly needed at the location for the purpose of the work being carried out; a dispensation will not be considered solely on the grounds of convenience.
10. Applications will only be accepted if a real need is identified. For example if a plumber is fitting a boiler where tools and parts are in the vehicle which are needed throughout the job, or where builders working on a roof and ladders are needed from the vehicle.
11. If the applicant can legitimately park elsewhere, for example in a public car park, a dispensation will not be issued.
12. Where a dispensation is appropriate, consideration will be given as to the best place for the vehicle to park in the street for which the application is made. For example, someone may wish to park on the double yellow lines outside a property, where limited waiting bays are available on the other side of the road.
13. In issuing a dispensation consideration will always be given to ensuring that any parking minimises the potential impact on other road users
14. For every application steps will be taken to check if any further dispensations have been issued to the location to minimise disruption.
15. Any road works in the location will also be considered as this may reduce the feasibility of allowing vehicles to park in the location.
16. Road safety implications are a key consideration the decision whether or not to issue a Dispensation. Whilst the onus is always on the driver to park safely and appropriately, South Gloucestershire Council will not give permission for dangerous or discourteous parking.
17. The vehicle must not:
 - obstruct other motorists either physically or their line of site
 - be parked too close to a busy junction,
 - Be parked in such a way as to obstruct pedestrians.
 - park adjacent to a vehicular dropped curb; unless it is the one that gives access to the property they are working on.
 - park adjacent to a pedestrian dropped kerb.
18. The use of the GPRS system will give the officers on street "Real time updates" of dispensations issued.
19. All dispensations may be cancelled or suspended at any point, and the driver of a vehicle displaying a dispensation may be required to move their vehicle if instructed to do so by a Civil Enforcement Officer, Police Officer or any local authority official.
20. Dispensations are only to be used for the reasons outlined, and the manner outlined, any abuse of the service may result in the dispensation being cancelled and further applications being rejected.

21. Under exceptional circumstances South Gloucestershire Council may issue a dispensation free of charge. For example, where a resident has applied and paid for a permit to park in a resident only space but it is still in the post. These will be considered under the discretion of the parking management.
22. Registered health visitors, doctors, nurses and Police officers would be issued a dispensation/waiver for a period of six months at a time. There would be no charge for this waiver.
23. There will be two separate forms of waiver / dispensation for tradesmen:
 - Green dispensations
 - Red dispensations

Case history from other authorities shows that 90% of all applications for parking dispensations fall into the Green category.

Green Dispensations

24. A Green dispensation is used for situations where limited waiting already exists. These include:
 - Limited waiting bays
 - Car parks, short stay
 - Controlled Parking Zones
 - Residents Permit areas
25. A Green dispensation is applied for by the contractor requiring the parking on line as the primary option with an application form provided on the Councils Web site.
26. As the Council's parking management database already holds a full list of the restrictions listed above the application can automatically be linked to the restriction in place. A charge of £10.00 per day is levied and paid using the same process as members of the public currently use for paying a Penalty Charge Notice.
27. Once the application and the vehicle details are received after payment this information is sent via GPRS to the Officers on patrol in real time to allow the Parking session to commence without fear of receiving a Penalty Charge Notice.
28. Since this type of dispensation would normally be applied for on the day it is needed real time connection ensures minimal office intervention saving officer cost and time.
29. The proposed charges would cover the full cost of processing and issue including the charge from the software provider and the GPRS system that would be needed for the Hand Held units carried by the Civil Enforcement Officers, and office time.

Red Dispensations

30. Red dispensations would apply to areas where there is no current provision for parking such as
 - Loading areas
 - Single and Double yellow lines
 - Pedestrian only zones
31. A Red dispensation must be applied for at least one week in advance of use to allow proper proportionate assessment of the restrictions to be taken into account.
32. As these dispensations require further intervention by Office staff it is proposed that the charge levied should be £15.00 per day.