



**Author/Lead Officer of Report:** *Simon Botterill  
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**Report of:** *Director City Growth*

**Report to:** *Cabinet Member for Transport and Development*

**Date of Decision:**

**Subject:** *Edward Street and Oxford Street Flats  
Traffic Regulation Orders*

Is this a Key Decision? If Yes, reason Key Decision:-

Yes ☐ No ☒

- Expenditure and/or savings over £500,000

☐

- Affects 2 or more Wards

☐

Which Cabinet Member Portfolio does this relate to? *Transport & Development*

Which Scrutiny and Policy Development Committee does this relate to? *Culture, Economy and Sustainability*

Has an Equality Impact Assessment (EIA) been undertaken?

Yes ☒ No ☐

If YES, what EIA reference number has it been given? 297

Does the report contain confidential or exempt information?

Yes ☐ No ☒

If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-

*"The (**report/appendix**) is not for publication because it contains exempt information under Paragraph (**insert relevant paragraph number**) of Schedule 12A of the Local Government Act 1972 (as amended)."*

**Purpose of Report:**

This report describes measures which have been advertised to deal with parking issues at two locations. When formally advertised the proposals received some objections. These are detailed within the report together with officers' responses to the objections. The intention is to enable the Cabinet Member for Transport and Sustainability to make a decision on the best way forward with respect to the proposals taking into consideration the comments and objections received.

**Recommendations:**

Having considered the responses to the consultation it is recommended that the proposals be introduced as detailed in the report and the Traffic Regulation Orders be made and implemented in accordance with the Road Traffic Regulation Act 1984;

Inform the objectors accordingly.

**Background Papers:**

Traffic Regulation Order proposals plans

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Julie Currey
		Legal: Richard Cannon/Victoria Clayton
		Equalities: Annemarie Johnston
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>EMT member who approved submission:</b>	Edward Highfield
3	<b>Cabinet Member consulted:</b>	Councillor Jack Scott
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<b>Lead Officer Name:</b> Simon Botterill	<b>Job Title:</b> Transport & Transport, Design & Delivery Manager
	<b>Date: 15 November 2018</b>	

## **1. PROPOSALS**

- 1.1 Officers in the City Council's Housing and Neighbourhoods Service requested the introduction of waiting restrictions and controls on parking at two locations to deal with parking. The locations were Edward Street Flats and Oxford Street Flats.

### **1.2 Edward Street Flats**

Within Edward Street flats there are parking spaces on housing land intended for use by residents of the flats. In the past Housing issued permits to residents, free of charge, and contracted a private enforcement company to carry out enforcement on their behalf to ensure that non-residents did not park.

The private enforcement company withdrew from the contract leaving the car parking spaces unenforced and leading to complaints from residents about unauthorised parking.

This offered the opportunity of formalising control of the car park, by means of a Traffic Regulation Order (TRO), enabling our Parking Services Civil Enforcement Officers to patrol and deal with unauthorised parking.

Informal consultation with residents was carried out to let them know what was being considered, including the introduction of charges for permits which had previously been issued free of charge, and there was a level of support expressed which encouraged Housing officers to ask us to proceed.

The intention to introduce a formal permit system backed by a TRO was advertised in May 2018, all residents received full details of the proposals and were given opportunity to comment and/or object.

Edward Street Flats are situated within an area adjacent to the city centre which has for a number of years been subject to on street waiting restrictions and permit parking controls aimed at reducing congestion, improving the ability of residents to park near their properties and reducing the availability of long term commuter parking. Introducing similar measures within the Edward Street Flats will help alleviate congestion by reducing the number of motorists entering the flats seeking uncontrolled parking spaces and reduces the need for residents and their visitors to drive round adjacent streets seeking parking spaces. Controlling where vehicles can be parked within the flats will reduce the occurrence of obstructive parking and improves access within the flats for the emergency and care services, delivery and servicing vehicles and pedestrians, particularly those with mobility problems.

The proposed layout is shown on the plan attached at Appendix A.

### 1.3 **Responses To TRO Consultation**

132 letters were sent to residents within the Edward Street flats complex, street notices were placed within the car park and a press notice published in the Sheffield Telegraph, all explaining the proposals and how to comment and/or object.

20 responses were received – 14 supported the proposals and 6 were against. Copies of the responses are attached at Appendix B and are summarised below.

### 1.4 The points raised in the objections included:-

There isn't a problem with non-residents parking in the car park,  
The problem is insufficient car parking spaces,  
The formalisation of parking spaces will reduce the capacity,  
The cost of permits will cause financial hardship,  
The proposals are a money making exercise with respect to permit charges and parking fines,  
Having a permit won't guarantee a parking space,  
Permits should be free of charge,  
There's no provision for disabled parking,  
There will be problems displaying permits when they have to be fetched to the vehicle from a resident's flat, particularly for visitors,  
Cities such as Leeds and Nottingham issue permits without charge,

### 1.5 **Response to objections**

There had been a period of 14 months (from April 2017) since the arrangement with the private enforcement company ceased. During that period there were a number of complaints from residents about unauthorised use of the car parking spaces,

If the proposals are introduced there will be approximately 58 parking spaces available within the Edward Street flats complex. At present there is probably a few more than that but it is difficult to quantify due to the current practice of parking in 'unofficial' parking spaces. However any shortfall will be more than made up by allowing residents, and their visitors, to park in bays on several streets adjacent to the flats. To do so vehicles must display a permit which has been issued for use within the Edward Street Flats.

It is acknowledged that under the previous arrangement permits were available to residents free of charge.

The proposed permit charges are:-  
£36 for a resident's first vehicle, and  
£72 for a resident's second vehicle.

In both cases there is a 50% discount applied for vehicles classed as low

emission vehicles (Vehicle Excise Duty Band A or B)

These charges will be in line with the charges currently in place in permit schemes elsewhere in Sheffield.

There will also be additional parking opportunities for residents and their visitors in parking bays on several adjacent streets.

The income generated by the charges will be used to cover the cost of administering the permit scheme, enforcement of the parking restrictions and maintenance of the signing and lining. Any surplus must be used for parking/transport purposes

Parking spaces will not be allocated or guaranteed (as with all resident parking schemes) but as mentioned there will be significantly more spaces available for residents and their visitors to make use of with the inclusion of parking bays on adjacent streets.

All residents were asked whether they had disabled parking requirements. Only one expressed interest and consideration will be given to providing a disabled parking space at a suitable location within the flats.

Permits for residents' vehicles will be 'electronic permits' i.e. vehicle details will be logged on hand held devices carried by enforcement officers, there will be no permit to be displayed in the vehicle.

Permits for visitors will have to be collected from tenants' flats, and displayed in vehicles, but the standard 5 minutes observation period before a PCN is issued should enable that to take place. If this becomes an issue then consideration will be given to addressing it.

Some local authorities issue permits to residents free of charge and presumably fund their parking schemes by other means. Other local authorities charge for residents permits – Birmingham £17, Newcastle £25 and York £136 for example. Sheffield's policy has always been that the residents who benefit from a permit scheme will contribute towards the cost of administering, enforcing and maintaining that permit scheme.

#### 1.6 **Submission of Support**

14 responses were received from residents expressing support for the introduction of the permit scheme in Edward Street Flats without making any further comment.

#### 1.7 **Oxford Street Flats**

There have been long term problems caused by vehicles being parked on the access and service areas adjacent to Oxford Street flats. This has caused concerns with respect to access for emergency vehicles and also servicing/maintenance vehicles.

The proposed waiting restrictions are shown on the plan at Appendix C and are intended to keep the perimeter of the flats clear of parked vehicles. Two permit bays will also be provided for use by vehicles carrying out maintenance/servicing at the flats.

These measures will improve access to the flats for the emergency and care services, delivery and servicing vehicles and pedestrians, particularly those with mobility problems.

#### 1.8 **Responses To TRO Consultation**

102 letters were sent to residents within the Oxford Street flats, street notices were placed within the vicinity of the flats and a press notice published in the Sheffield Telegraph, all explaining the proposals and how to comment and/or object.

3 responses were received of which 1 was in favour of the proposals and 2 were objecting. Copies of the responses are attached at Appendix B and are summarised below

The points raised as objections included:-  
There isn't a parking problem, and  
Permit parking should be introduced.

#### 1.9 **Response To Objections**

Obstructive parking at the flats has been the subject of complaints and a source of concern with respect to access for emergency vehicles.

This particular block of flats does not have an off street car parking area on which parking controlled by permits could be introduced.

There are currently no plans to introduce permit parking on the adjacent streets in this area. If that changes then residents would be eligible to apply for permits.

#### 1.10 **Submission Of Support**

One resident expressed full support for the proposals.

### 2. **HOW DO THESE DECISIONS CONTRIBUTE?**

The proposed waiting restrictions will improve the ability for tenants to park within the Edward Street flats and improve access at the Oxford Street flats. There is no anticipated impact on climate change and there is no anticipated economic impact. The situation will, however, be improved for residents at the Edward Street flats who choose to buy permits and their visitors and also for the emergency services and delivery/maintenance vehicles and motorists. Vehicle owners in the habit of parking in the problem areas at Oxford Street will be faced with finding

alternative parking. On balance the proposals are considered to improve the customer experience.

### 3 **HAS THERE BEEN ANY CONSULTATION?**

Housing and Neighbourhood Services conducted informal consultation with residents of Edward Street flats with respect to the introduction of permit parking within the flats. Formal consultation with respect to the Edward Street flats and Oxford Street flats proposals followed in line with the legal requirements associated with the TRO procedure – a notice was placed in the local press and notices placed on street at each location and in addition letters were sent to all property owners at both locations. The proposals were also brought to the attention of local councillors, the Police, Fire and Ambulance services and other statutory consultees.

The responses received have been detailed within this report.

### 4 **RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

#### 4.1 **Equality of Opportunity Implications**

Overall the proposed car park control measures at Edward Street flats will benefit all residents or visitors who have a car, as it will improve parking opportunities for residents and their visitors. It will particularly benefit visitors and residents who use a car and are disabled, carers, pregnant women and pushchair users (among others). However there is a potential negative financial impact due to the introduction of charges for permits and this may have a disproportionate impact on BME and disabled people. This will be mitigated for disabled residents through consideration to providing a disabled parking space at a suitable location within the flats.

The removal of obstructive parking at Oxford Street Flats will increase safety by improving access for the emergency services

#### 4.2 **Financial and Commercial Implications**

The total cost of implementing the Edward Street proposals is estimated to be £5000. The works are off the highway, on housing land, consequently there will be no commuted sum payable under the Highways PFI contract associated with the work. The cost of the works will be funded from Housing Revenue Account budget in 2018-19. Any future maintenance work required will be undertaken by Housing Services and funded from the Housing Revenue Account's responsive repair budget.

The total cost of implementing the Oxford Street proposals is estimated to be £1500. A short section of lining will be on the highway and the commuted sum for this section is estimated to be £150.

The majority of the works are off the highway, on housing land, and any future maintenance work required which will be undertaken by Housing Services.

The cost of the works, commuted sum under the Highways PFI contract for the short stretch of work on the adopted highway, and future maintenance works required on Housing Land will be funded from Housing Revenue Account's responsive repairs budget.

#### **4.3 Legal Implications**

The Council has the power under section 32 of the Road Traffic Regulation Act 1984 ('the Act') to provide off street parking places in its area for the purposes of relieving or preventing congestion of traffic where it appears necessary. The Council can make a Traffic Regulation Order (TRO) under section 35 of the Act to regulate the use of those parking places, including setting charges to be paid in connection with their use.

The Council can also make a TRO so as to impose waiting restrictions on roads where it appears to the Council that it would be expedient to make it for, inter alia, facilitating the passage on the road or any other road of any class of traffic (including pedestrians) or improving the amenities of the area through which the road runs.

Before the Council can make a TRO, it must consult with relevant bodies and publish notice of its intention in a local newspaper in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ('the Regulations'). The Council has complied with these requirements. Where objections are received the Regulations place a duty on the Council to ensure that the objections are duly considered. In making its decision the Council must also be satisfied that the approved scheme will secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians). Provided the Council is so satisfied it is acting lawfully and within its powers.

#### **4.4 Other Implications**

The measures will be delivered using existing staff resources. There are no other implications.

### **5 ALTERNATIVE OPTIONS CONSIDERED**

Alternative options, as suggested by the objectors, have been given consideration.

### **6 REASONS FOR RECOMMENDATIONS**

The proposed measures will address complaints received regarding unauthorised use of the Edward Street flats car park and inconsiderate



and obstructive parking the Oxford Street flats.