

Report to Overview and Scrutiny Committee on 10 April 2007

Report Title: **Highways Service Report on the Call-in of a decision taken by the Executive on 20 March 2007 - Crouch End and Muswell Hill, Stop and Shop Schemes- Results of Statutory Consultation at minute 182**

Forward Plan reference number (if applicable):

Report of: **Tony Kennedy, Group Manager Traffic and Road Safety**

Wards(s) affected: **Muswell Hill, Fortis Green, Alexandra, Crouch End and Hornsey**

Report for: **Consideration by Overview and Scrutiny committee**

1. Purpose

1.1 To respond to matters raised in the call in of the report titled 'Crouch End and Muswell Hill Stop & Shop Schemes – Results of Statutory Consultation' that was presented to the Council Executive on 20 March 2007.

2. Recommendations

2.1 That members note the response to matters raised in the call in.

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3. Local Government (Access to Information) Act 1985

3.1 The following background papers were used in the preparation of this report;

- The report on Crouch End and Muswell Hill Stop & Shop Schemes – Results of Statutory Consultation presented to the Executive on 20 March 2007.

4. Matters raised in the Call-in Strategic Implications

- 4.1 The report agreed by the Executive Contains errors in the reporting of responses and petitions which the Committee needs to consider.
- 4.2 The Executive was given misleading information in relation to free parking and these needs to be considered by the Committee.
- 4.3 A number of proposed pay and display bays will be enforceable by CCTV outside of the bays operating hours leading to confusion and the possibility of large numbers of penalty notices being issued.
- 4.4 The Council has brought disrepute onto this process by failing to properly consider the views of the local community.

5. Response to Matters Raised

- 5.1 **The report agreed by the Executive contains errors in the reporting of responses and petitions which the Committee needs to consider.**
- 5.2 Paragraphs 11.4 and 11.5 of the report to the Executive on 20 March 2007 outlines the representations and petitions received during both phases of Statutory Consultation.
- 5.3 Following clarification from Cllr Newton it was confirmed that the petition which contained close to four thousand signatures, received during phase 2 Statutory Consultation, was the petition brought into question.
- 5.4 The petition was sent to the Chief Executive by Lynne Featherstone MP on the 11 December 2006.
- 5.5 The report presented to the Executive notes the petition and outlines the exact wording that was used on the petition, which is as follows:

I support the petition to amend parking restrictions outside 219-500 Muswell Hill Broadway, N10.

- 1. *To allow parking from 9.30am to 4.30pm, Monday to Saturday, for 2 Hours (no return for 2 hours) on single yellow lines.*
- 2. *For 4 Large signs clearly displaying camera enforcement from 7am to 9.30am and from 4.30pm to 6.30pm, Monday to Saturday*
- 3. *I have not signed this petition in any other shop.*

- 5.6 The petition is requesting for parking provision to be provided from 9.30am to 4.30pm on Monday to Saturday outside 219-500 Muswell Hill Broadway, N10. The petition does not indicate whether it is in support or opposed to the Council's proposed scheme.

- 5.7 **The Executive was given misleading information in relation to free parking and this needs to be considered by the Committee.**
- 5.8 Free parking provides enforcement implications that require the presence of parking attendants to patrol the area throughout the operational period of the free bays. This makes enforcement laborious and expensive. It is widely acknowledged that pay and display parking has a greater compliance than time limited free parking.
- 5.9 Any scheme that does go ahead must be self financing and allow for the cost of enforcement to be met from the fees charged. Any surplus may be spent on road safety, highways maintenance and on concessionary travel.
- 5.10 The Council's neighbouring boroughs (Camden, Islington, Enfield, Barnet and Hackney) do not offer this facility.
- 5.11 **A number of proposed pay and display bays will be enforceable by CCTV outside of the bays operating hours leading to confusion and the possibility of large numbers of penalty notices being issued.**
- 5.12 Members will be reminded that the Council has a legal obligation to enforce restrictions along the public highway. Vehicles that infringe on the restrictions, during their hours of operation, are causing an offence and are liable to received a penalty charge notice (PCN) regardless of the mechanism used for enforcement.
- 5.13 The Council's Highways Group will ensure that clear and concise signage is used to inform of the operating hours of the parking bays and waiting restrictions. The signs will be in accordance with the Traffic Signs Regulations and General Directions 2002.
- 5.14 A similar scheme is operating along Green Lanes Harringay where CCTV enforcement is used to enforce the waiting restrictions and bus lane outside of the pay and display operating hours. This type of enforcement has not resulted in large numbers of tickets being issued but it has resulted in greater compliance of the restrictions.
- 5.15 It is the responsibility of the driver to ensure that they are not parking on waiting restrictions during their hours of operation regardless of the mechanisms used to enforce the restrictions.
- 5.16 **The Council has brought disrepute onto this process by failing to properly consider the views of the local community.**
- 5.17 Before making the relevant Traffic Management Orders the Council must consider all duly made objections submitted in response to the consultation. The report presented to the Executive provides a response to objections received during the statutory process and clearly shows that all representations have been considered.
- 5.18 **Phase 1 Statutory Consultation** - Of the 771 representations received during phase one 371 were of a standard template objecting to the proposals but providing no reason or grounds of objection. A further 124 were of a standard template objecting on

the grounds of a reduction of residents' parking spaces without considering the introduction of a CPZ.

5.19 Of the remaining 276 individual representations the main issues centred on:

- Parking Charges
- Displacement / also consider a CPZ
- Consultation process

5.20 Taking into account issues highlighted during the phase one consultation process and raised at workshop style discussions, when traders' and residents' representatives were invited to discuss the proposals, amendments were made to the scheme consisting of:

- Parking bays proposed along the residential side roads of Muswell Hill were removed.
- The proposed charges for pay and display were reduced.
- Proposed start time of 8.00am was changed to 9.30am.

5.21 **Phase 2 Statutory Consultation** – During this process 92 representations were received. The vast majority of representations received did not object to the scheme itself but the charging element of the scheme. There was also support for the consideration of residents parking, particularly in Woodberry Crescent.

5.22 A petition signed by 86 traders favoured short term parking controls but not the charging element of the scheme.

5.23 As stated in Para 5.5 a petition, signed by close to four thousand signatures, requested parking outside 219-500 Muswell Hill Broadway from 9.30am to 4.30pm, Monday to Saturday, for 2 Hours (no return for 2 hours) on single yellow lines.

5.24 The report to the Executive clearly demonstrates that the Council fulfilled its statutory requirements when consulting on the proposals. Indeed it provided a consultation period of 100 days, which is beyond the minimal statutory requirement of 21 days and our own corporate requirement of 28 days. The representations received further indicate that consultation was well publicised and provided the opportunity for interested parties to make their views known.

6. Variation of Action Proposed

6.1 **The overwhelming majority of responses were in favour of free parking and the Council should alter the scheme to at least include the first period of operating time free.**

6.2 The Council has investigated the possibility of providing a pay and display scheme that allows for the first half hour to be free. It was however found that there are a number of issues that make this proposal open to abuse and therefore unsuitable for Muswell Hill. These include:

- Abuse of system with people using free tickets more than once, i.e. starting the free half hour period again by displaying a new ticket.
- Social abuse of system by, for example, young people constantly pressing the free ticket button and using up stock of tickets, littering the area with tickets.
- More enforcement time required as the technology does not at this time provide a system of recording and storing an identifier, i.e. car registration. Therefore, there is no efficient way of recording if a vehicle has stayed longer than the free half hour if they obtain a new ticket.

6.3 It should be noted that the original proposed charges were reduced following feedback received from the phase one consultation process. The proposed fees are now amongst the lowest within the Borough with the proposed charges as follows:

- 20mins £0.20
- 45mins £0.50
- 1hr £1.00
- 2hr £2.50

6.1 **The proposed scheme will have a significant impact on the local community and this should therefore be subject to an early review after 6 months during normal busy period (not a holiday period and without major roads works or other disturbance to normal operation) with a commitment that if this scheme, or parts of this scheme, remain unwanted by the local community they will be removed. Furthermore there should be a commitment that the Stop- and –Shop scheme is not used to introduce CPZs at a later date.**

6.2 Subject to agreement to proceed, the Council will conduct Parking Beat Surveys within the Muswell Hill area prior to introducing the measures on site. This will provide duration and capacity data that will be used for monitoring purposes.

6.3 If implemented, the Council will review the scheme twelve months post implementation.

6.4 There are no proposals at this time to introduce a CPZ scheme in the Muswell Hill area. There are however roads, particularly Woodberry Crescent, that have expressed support for the consideration of a scheme to prioritise parking for residents. Initiatives to address this issue will be investigated during the 2007/08 fiscal year.

6.5 Any further consideration of a parking scheme for the residential roads of Muswell Hill will be subject to demand/requests from residents.

7. **Comments from Head of Legal Services**

7.1 When considering whether to make a Traffic Management Order Members are bound to consider all objections duly made but they are not bound to follow the views of the majority of those responding to consultation. Members must also consider and give appropriate weight to the traffic parking and amenity issues.

8. **Comments of Director of Finance**

8.1 The comments of the Director of Finance are contained in the original report presented to the Executive on the 20 March 2007.

8. Recommendation

9.1 That Members note the responses to the matters raised in the call in.