



Report to Leader (Logistics Portfolio)

Date: 16 September 2020

Reference number: LG03.20

Title: Mary Macmanus Drive, Buckingham, Proposed Parking Restrictions

Relevant councillor(s): Cllr W Whyte, Cllr S Cole, Sir B Stanier and Cllr T Mills

Author and/or contact officer: Ian Thomas Tel: 01296 382694

Ward(s) affected: Buckingham East

Recommendations:

It is recommended that:

The Leader authorises the Service Director (Highway and Technical Services) to make the Traffic Regulation Order (TRO) as set out in this report.

That responders to the Statutory Consultation be informed of the decision.

Reason for decision: These proposals were requested by the Vale of Aylesbury Housing Trust (VAHT), who currently own and control the use of these locations and enforcement is undertaken by a private company.

The restrictions are already in place and are designed to control the use of the parking bays associated with the retirement housing to assist residents and essential staff with parking near to the development.

AVHT would like Buckinghamshire Council to undertake administration and enforcement of this area to ensure enforcement is appropriate and permit costs are in line with other council run schemes across the county.

The additional income received from permits and penalty charge notices will support Buckinghamshire Council in providing regular patrols in the town of Buckingham.

Executive summary

- 1.1 This scheme is to formalise restrictions in the private parking bays in Mary Macmanus Drive. The restriction “Permit Holder Only” will allow the council to administer the issue of permits and control the use of the parking bays via enforcement by our officers already on patrol in the area. Locations of the parking bays are detailed in Appendix 3.

Content of report

- 1.2 Buckinghamshire Council is responsible for the highway network within its boundary; this includes the provision, management and enforcement of waiting, parking and loading restrictions.
- 1.3 The proposal is to introduce “permit holder only” restrictions to ensure residents, their visitors and essential staff at the VAHT site are able to park near the development which comprises of assisted living/retirement housing.

Other options considered

- 1.4 Not to proceed with the proposed restrictions will require the VAHT to continue to employ a private enforcement contractor to enforce these locations. Private enforcement contractors are not required to sign up to the independent adjudication services and the level of the fine is subject to overall costs which are generally higher than those issued by councils.
- 1.5 To partially proceed with these changes may disadvantage users of the scheme and may lead to penalty notices being issued in error subject to the scheme set up, causing distress to residents, visitors and staff at the VAHT site.

Legal and financial implications

- 1.6 The proposed scheme is being linked to other amendments to the Traffic Regulation Order in the Aylesbury Vale District and aligns with the available budget.
- 1.7 Section 122 of the Road Traffic Act 1984 places a duty on Buckinghamshire Council to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

Regulation 14 of the TRO Regulations state that an Order making authority may modify an Order. Whether in receipt of any objections or otherwise, before it is made. However, before proceeding to make the modified order it must inform persons likely to be affected by the modifications, giving those persons an opportunity to make representations and ensuring that such representations are duly considered. In these instances, the respective councillors for the areas have been advised of the

representations received and asked for feedback on the proposed recommended way forward in each case.

- 1.8 When the decision is taken and recommendations agreed, the Traffic Regulation Order will be made, signed and brought into operation. The respondees to the consultation and persons likely to be affected will be informed of the decisions made and representations considered.

Corporate implications

- 1.9 No property implications have been identified.
- 1.10 Equality and Diversity Issues – Equality Act 2010. This proposal will not have any disproportionate effect upon people with protected characteristics.
- 1.11 All works including this consultation are funded by Parking Services.

Consultation and communication

- 1.12 These measures were advertised and promoted locally through a Statutory Consultation process carried out between Friday the 22nd November 2019 and Sunday the 15th December 2019 in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ("the TRO Regulations") copies of the Statutory Consultation Documents can be found in the appendices below.
- 1.13 The Police, Fire and Rescue Service and Ambulance Service were made aware of the consultation. No response has been received for the proposal as advertised.
- 1.14 Details of the proposed scheme were placed on the authorities' web site (see appendix 4) and notices were placed on site informing the public of the formal statutory consultation and the road names and locations affected and how they could obtain more information and provide feedback. The draft notice was also advertised in the local press.
- 1.15 In addition to this Vale of Aylesbury Housing Trust held an open event for the residents of the development where they explained what was being consulted and the likely effects on the residents.
- 1.16 The area falls in the Buckingham East ward and the councillors for this ward have been contacted with details of this consultation and comments were received from Cllr W Whyte and Cllr T Mills, both of whom support the scheme as advertised.
- 1.17 Buckingham Town Council asked if they could submit any comments after the 20th January 2020, which was the date for their planning meeting. Confirmation was sent confirming that we would accept the Town Council's comments on the scheme after that date. However no comments were submitted by the Town Council after 20th January 2020.

1.18 From the formal consultation Transport for Buckinghamshire (TfB) received eleven responses to the consultation; the responses to the statutory consultation are contained in Appendix 1 – Comments and are summarised as seven emails supporting the introduction of the permit scheme managed by Buckinghamshire Council, three objections and one undecided (which was Buckingham Town Council).

1.19 Details of the comments are:-

1.19.1 Comment received stated “No direct communication to residents on Stratford Road”.

1.19.1.1 National legislation sets out the communication requirements a council must follow when looking to create or update a Traffic Regulation Order (TRO), which states that a notice must be published in the local paper and the authority must notify statutory organisations or the public directly affected by the proposals (in this case the Police, NHS, Fire Services, freight associations, the public currently holding permits to park in this location and any additional new permit households). In addition to the legal requirements we inform both the District and Town Councils as well as placing street notices in the affected locations on Mary Macmanus Drive in Buckingham.

Stratford Road are not currently entitled to permits for this private off-street parking location and are not being included in this permit scheme, therefore householders on Stratford Road are not affected by this change in administration and enforcement of the private parking locations and there is no legal requirement to directly contact householders from Stratford Road.

1.19.2 A relative of one of the residents at the retirement home stated that during the internal Vale of Aylesbury Housing Trust (VAHT) meeting held for residents at the retirement home they voiced their objections to the two ladies chairing the internal meeting and were told that this meeting was not about objections but merely to inform residents how it was going to work. The relative stated that the VAHT staff member quoted “it is a done deal”. The relative thought this was a consultation period up until the 15th December.

1.19.2.1 The meeting referred to was a private meeting undertaken by VAHT to inform their residents of the proposed scheme and what it would mean to residents. The VAHT meeting was not part of the formal public consultation and thus details are not available for this private meeting. In relation to the comment “it is a done deal”, it is a decision for VAHT regarding their preferred provider for parking permit administration and enforcement.

1.19.3 The relative of the resident asked “is it possible to have a copy of the minutes of the meeting held within the VAHT building in Mary Macmanus Drive as this obviously had to be minuted”.

1.19.3.1 The meeting referred to was a private VAHT meeting undertaken within a private building by VAHT staff, any request for a copy of these minutes should be directed to VAHT directly and not Buckinghamshire Council.

1.19.4 A relative of the resident stated "As I understand it only one permit is to be issued to residents and only one car registration number can be allocated to the resident's permit, I assume the most regular visitor's car will be registered to receive the parking permit".

1.19.4.1 The Council's permit scheme operates on the basis that annual permits are only issued to resident with use of a dedicated vehicle or to businesses users where the business address is within the permit area for which proof is required. In addition resident can purchase daily visitor permits (50 per quarter) which allow non-resident drivers to temporarily park for a period of up to 24 hours for each permit (these are non-transferable). No permits are available for the public (resident outside the permit area) or businesses base (outside the permit area). For a permit to be valid it must have a dedicated vehicle registration.

Visitor permits are purchased and activated via the Buckinghamshire Council on-line system and can be completed at the time of arrival or in advance.

1.19.5 A comment was received "Due to the age and mobility of the shelter's residents they receive several visitors which include friend's some with disabilities, non-professional carers/cleaners, gardeners and odd job people. As well as professional carers such as chiropodist".

1.19.5.1 The public highway known as Mary Macmanus Drive is mainly unrestricted except for double yellow lines at the junction with Stratford Road and private VAHT permit holder only parking bays. Should this scheme be approved, visitors to the shelter will have a choice of parking on the on-street unrestricted areas of the public highway or subject to approval by a resident in the form of the issue of a visitor permit in the permit holder only bays.

Professional carers can already apply for an all zone healthcare permit from Buckinghamshire Council which will allow them to park within any on-street permit holder parking bay across the county.

Currently the VAHT permit scheme does not allow visitors to park in the private parking bays.

1.19.6 A comment was received "Fair enough to apply restrictions but why can the Residents Permits not be "open" to enable residents to place them into visitors' cars whilst they are visiting and then pass the permit back to the resident when they leave. This would be a much easier system".

1.19.6.1 The current permit scheme was approved by the councillors and is designed to remove where possible any fraudulent activities in relation to lost, stolen or misused

permits. Due to the demographic of the residents in this proposed scheme VAHT staff at the site have offered to assist residents with all aspects of the permit process (applying for and activating visitor permits).

1.19.7 A comment was received “Most old people do not have access to the internet or indeed smart phones”.

1.19.7.1 VAHT have offered to assist any residents of the shelter who do not have internet access, by allowing residents access via VAHT staff computers. This will ensure no resident is disadvantaged by the scheme.

1.19.8 A comment was received “The idea of people visiting is surely to be able to be spontaneous not having to think ahead because sometimes a visit it fitted in with something else they may be doing”.

1.19.8.1 The public highway known as Mary Macmanus Drive has large areas of unrestricted kerb space where parking is permitted, in addition to this visitors will be able to use permit holder only spaces when there is no kerb side space available on the public highway. Currently visitors are not entitled to use the permit holder only private bays, therefore should this scheme be approved visitors will have more parking options available to them.

1.19.9 A comment was received “Often when I am out my mother will phone me and ask me to collect shopping or medication for her. This would mean that if I was in my car not my wife’s I would have to go back home 3 or 4 miles just to change cars (this is absolutely ridiculous)”.

1.19.9.1 The public highway known as Mary Macmanus Drive has large areas of unrestricted kerb space where parking is permitted, in addition to this visitors will be able to use permit holder only spaces when there is no kerb side space available on the public highway. Currently visitors are not entitled to use the permit holder only private bays, therefore should this scheme be approved visitors will have more parking options available to them. The allocation of visitor permits will be down to the shelter resident, if a visitor has multiple vehicles and has already had a visitor permit allocated to one of the vehicles, it will be the driver’s choice to change vehicles or request a further visitor permit if needed to cover the second vehicle if there is no on-street parking on Mary Macmanus Drive.

1.19.10 A comment was received “The introduction of parking fees is going to be a real financial problem and could result in people less likely to visit”.

1.19.10.1 Shelter residents with vehicles will be required to pay an annual fee for a permit if they wish to park the vehicle in a permit holder only parking space, this fee is kept as low as possible. Visitors have a choice to park on-street where possible free of charge or if there is no space request a visitor permit to park in the permit holder parking bays for which there will be a nominal charge set by the council to cover costs payable by the resident. These fees are to cover the costs of administration and regular enforcement activities which will ensure the parking bays are free for permit holders.

1.19.11 A comment stated “Parking has become increasingly difficult in the past few years. Largely due to the ill-informed introduction of the yellow lines on Stratford Road”.

1.19.11.1 Parking in the area around Mary Macmanus Drive is under high demand due to its close proximity to Buckingham Town centre, the restrictions put in place on Stratford Road are in line with Highway Code guidance to ensure access is maintained for emergency services vehicles and to ensure there is a free flow of movement along the A422 (which is High Street and Stratford Road) running through Buckingham. These restrictions were put in place after public consultation, unfortunately it is not possible to accommodate all view during public consultations and a balance has to be made taking into account highway code guidance on where drivers should not stop or park.

1.19.12 A comment stated that they “Would like a review of the parking spaces which were re-allocated to the shelter, which were originally assigned to the houses on Stratford Road”.

1.19.12.1 Any decision previously made to relinquish ownership of land to the VAHT would have been subject to scrutiny at that time. This Council has no power to reverse this decision.

1.20 All consultees and responders to the consultation will be contacted by either e-mail or letter and will be informed of the decision and where they can find the details of the statutory consultation and the decision taken. This report will be published on the County Council’s web page.

Next steps and review

Transport for Buckinghamshire will, if this report is approved make the amendment to the traffic regulation order coving this location, replace the existing signs with council permit holder parking bays signs, make available the on-line permit database for applications and instruct the enforcement team to include this location within regular patrols or if this report is not approved we will advise VAHT of the decision.

The Parking Services Manager will then review the location monthly in relation to complaints, penalty charge notices issued and income received from penalty charge notices.

Background papers

Appendix 1 - Comments.

Appendix 2 - Statement of Reasons.

Appendix 3 – TRO Map Tile V36.

Appendix 4 - Previous consultation details

Your questions and views (for key decisions)

If you have any questions about the matters contained in this report please get in touch with the author of this report. If you have any views that you would like the cabinet member to consider please inform the democratic services team. This can be done by telephone 01296 382343 or email democracy@buckinghamshire.gov.uk

