

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

23 January 2020

Report of the Executive Director – Economy, Transport and Environment

PETITION - STAFFORD CLOSE, SMALLEY – PARKING ISSUES

(1) **Purpose of Report** To inform the Cabinet Member of investigations undertaken following receipt of a petition requesting measures to stop vehicles parking on Stafford Close, Smalley, and to recommend that no further action be taken.

(2) **Information and Analysis** At the meeting on 19 September 2018, the Cabinet Member acknowledged receipt of a 16-signature petition, requesting measures to restrict parking on Stafford Close other than for the residents and their visitors (Minute No. 81/18 refers).

A summary of the petition is:

“We are writing to you in the matter of the above mentioned issue which is causing great concern and problems to the residents of Stafford Close”.

Background

Stafford Close is a small complex of sheltered housing, which consists of bungalows and apartments for people over 60 years old. The housing has limited parking facilities for both residents, family members and medical professionals in attendance.

Stafford Close is located off the A608 Main Road, opposite the junction with the A609 Dobholes Lane in Smalley. This busy road junction caters for traffic travelling between Heanor, Belper and Derby. The Richardson Endowed Primary School is located approximately 100m south of Stafford Close on the Main Road. There is also a Nursery School located at the rear of the main building which access can be gained from Kerry Drive. There is also a pedestrian right of way that links Main Road to Kerry Drive that runs through Stafford Close. (See Appendix 1).

The residents have therefore requested that a large notice be erected at the entrance of the Close, stating that parking is for residents and their visitors only, and that this is then monitored by all parties involved.

The petitioners' letter has also been sent to the Richardson Endowed Primary School, Amber Valley Borough Council and Futures Housing Group.

Ext: 38569

The petitioners state that they want to ensure that the residents and their visitors can park their cars safely and in close proximity to their homes without any form of abuse or harassment from motorists that is alleged to occur at present.

Within the covering letter for the petition, it is alleged by the residents that vehicles parked on the Close are also owned by some of the residents of Derby Road and by employees of the local garage.

Officer Comment

Parking in residential areas can be the source of much local concern, particularly with regard to impeded access. However, it is rarely practicable to pursue parking controls in such circumstances. For instance, yellow lines apply equally to all drivers and are often deemed overly restrictive to the residents themselves and their visitors.

One element of the residents' frustrations is the absence of a former sign that was in situ on the Close, which stated that parking in the area was for residents only. This sign has subsequently gone missing. Unfortunately, the County Council does not have a record of this sign and it would not have been something which the County Council would have installed as the sign is not a permitted one contained within the Traffic Signs Regulations and General Directions 2016. All signs used on the public highway must conform to these regulations. As the entire length of Stafford Close is adopted public highway, the County Council does not have the authority to provide a sign that states that parking is only permitted for certain members of the public.

The main focus of the petition is the consistent use of the Close for parking by parents of the children attending the nearby Richardson Endowed Smalley Primary School. The parking at school arrival and dispersal times has generated a growing resentment and verbal exchanges between both parents and the residents, which has resulted in abusive and threatening behaviour. Concerns have also been expressed that access for the Emergency Services might be obstructed.

Whilst the County Council can appreciate the residents frustrations with regard to the parking, it is important to note that all members of the public have equal rights over the public highway, and if a vehicle has valid tax, insurance and MOT, and is parked in accordance with the Highway Code, no offence is being committed.

With regard to parking in general, it is generally accepted that car ownership has, in many cases, outstripped the capacity of the existing infrastructure to accommodate parking. It is not strictly a duty or a responsibility of the County Council to provide an individual with parking.

Parking of this nature is a common occurrence on residential roads next to schools and a case could be argued for parking restrictions at many locations

Ext: 38569

such as junctions, corners and turning heads. In actual fact, there are already laws in place that can be applied to address such matters. Rule 242 of the Highway Code states “*You MUST NOT leave your vehicle or trailer in a dangerous position or where it causes any unnecessary obstruction of the road.*” The laws which apply in that case are the Road Traffic Act 1988 (Section 22) and The Road Vehicles (Construction and Use) Regulations 1986 – Regulation 103. Section 137 of the Highways Act 1980 makes it an offence to wilfully obstruct the free passage along a highway.

The Police are responsible for enforcing such moving traffic offences and it may therefore be appropriate for the residents concerned to contact the Police via their Local Safer Neighbourhood Team.

With regards to residents’ parking schemes, there are a number of conditions that prospective sites should meet before a residents’ parking scheme can be considered. One of the main requirements is that the scheme should cover a self-contained residential area. There is the danger that promoting residents’ parking schemes on isolated streets will only transfer the problems from competition for parking onto adjacent streets. In such instances where such schemes are appropriate, an area-wide approach is adopted. Typically, such schemes are best suited to the outskirts of large town centres where alternative parking is available in the form of car parks.

Any residents’ parking scheme also has to be self-financing to the County Council and the majority of residents must be supportive of the proposals for the scheme to be successful. Currently, the costs of annual parking permits are £35 for the first vehicle and £50 for any additional vehicles. A single visitor permit is also available per household and this is charged at £13 per year. Sufficient revenue needs to be generated to cover the management and enforcement necessary for a scheme to work. It should also be noted that such a scheme does not guarantee permit holders a parking space.

In this case, it is likely that the displaced parental parking associated with the school could migrate onto St John’s Road and Kerry Drive, which are located off Main Road, both of which have access to off-street parking. It is therefore likely that these residents would not have a need to take part in any future scheme, as they have dedicated off-street provision.

The Petition asks the County Council, along with other agencies, to work together to resolve this issue. In compiling this report, contact was made with Richardson Endowed Primary School, Future Housing Group and Amber Valley Borough Council. The following responses have been received from these agencies:

The Head Teacher of Richardson Endowed Primary School is aware of these parking concerns and below is a synopsis of their thoughts:

Ext: 38569

"I am aware that the school has a small minority of parents who choose to park without consideration of our neighbours. The school therefore does make attempts to regularly send out messages reminding parents and their carers to adhere to the Highway Code and to not obstruct driveways, accesses and road junctions.

Unfortunately the previous access to the Bell Inn Public House car park has been withdrawn by the landlord due to concerns over it becoming unsafe for use. The school has asked for some possible assistance from the Local Safer Neighbourhoods Team to be a visual presence at school arrival and dispersal times.

The school have been informed that the Tennis Club on the outskirts of the village does allow use of its car park for parents at school times, however the Head has received nothing official to state that this is the case."

The Neighbourhood Officer from Future Housing Group provided a response to the lead petitioner:

"In terms of actions that can be taken by Futures Housing I believe that we are very limited in this case. As long as a vehicle is taxed and not contravening any other traffic laws, drivers are allowed to park anywhere on a public highway (but not on footpaths/pavements) where it is legal to do so. Road users have the right to park outside another person's home providing they are not contravening the Highway Code.

It appears from your letter that the main issues occur during school pick up and drop off times. I would advise that you speak to the school as they will be able to highlight any concerns with parking to parents as appropriate. Alternatively you can contact the Police on 101, particularly if drivers become abusive or threatening. Futures Housing Group have made the decision to remove all non-enforceable signage, therefore we will not be re-instating any signs regarding residents only parking etc."

A response was received from the Parking Manager at Amber Valley Borough Council:

"The CEO's (Civil Enforcement Officers) visit as often as they can. The days that a CEO visits result in a change in parking behaviour which then returns on the days when the CEO is not in attendance. I feel that we need to try to tackle this issue as education for both parents and children alike.

With this in mind I attach a leaflet that has been produced by the Office of the Police and Crime Commissioner in partnership with the Council's Community Safety Unit. I am asking if you could possibly print these leaflets and distribute to the children for them to take home." (Appendix 2).

Ext: 38569

In light of the feedback, the Highway Authority has received from the interested stakeholders and the constraints with regard to the requests made in the petition, the County Council is not in a position to undertake any physical measures in regard to the parking on Stafford Close, Smalley.

Local Member Comment

The Local Member, Councillor Kevin Buttery, is fully supportive of the school's approach to reminding parents and carers throughout the school year to adhere to the Highway Code and respect the local residents' needs by not parking over their driveways.

(3) **Financial Considerations** There are no financial implications in relation to this report.

(4) **Legal Considerations** Any signing that could be erected within the extents of the public highway would have to be in accordance with the permitted variants in the Traffic Signs Regulations and General Directions 2016.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file within the Economy, Transport and Environment Department.

(8) **OFFICER'S RECOMMENDATIONS** That:

8.1 The Cabinet Member notes that no further action be taken to Stafford Close, Smalley.

8.2 The Local Member and lead petitioner be informed of the decision.

Mike Ashworth
Executive Director - Economy, Transport and Environment

Appendix 1 – Location Plan

Stafford Close – Smalley



Crime Prevention Advice

A message from the police

No waiting No parking No excuse

Parking outside school?

Please park in a safe and legal manner and consider others when leaving your vehicle.



find us on
facebook.



follow us on
twitter



101

in an emergency always call 999

www.derbyshire.police.uk



Parking outside school ?

Park safely • Park legally

- **DO NOT** stop or park near a school entrance keep off school keep clear markings
- **DO NOT** double park to pick up or drop off children from vehicles
- **DO** consider parking further away from the school and walking the last 5 or 10 minutes
- **DO** consider local residents and whether they have immediate access onto and off their driveway
- **DO** remember that people in wheelchairs or using push chairs may need to pass by your car on the pavement

The police can remove your unattended vehicle if you cause an obstruction. This means blocking a driveway or a path even for a short amount of time.

Civil Enforcement Officers can issue you with a penalty charge notice for stopping on school keep clear/entrance markings so keep them clear.

Please park in a safe and legal manner and consider others when leaving your vehicle.