

REGENERATION AND ECONOMIC DEVELOPMENT PORTFOLIO DECISION SCHEDULE



Friday 16 September 2011

at 3.30 pm

in Committee Room C, Civic Centre, Hartlepool

Councillor Pamela Hargreaves responsible for Regeneration and Economy will consider the following items.

1. KEY DECISIONS

No items.

2. OTHER ITEMS REQUIRING DECISION

- 2.1 Empire Square – Residential Controlled Parking Scheme – *Assistant Director (Transport and Engineering)*
- 2.2 Enforcement of School Keep Clear No Stopping Orders – Clark Street – *Assistant Director (Transport and Engineering)*
- 2.3 Highway Licensing Review – *Assistant Director (Transport and Engineering)*

3. ITEMS FOR INFORMATION

No items.

REGENERATION & ECONOMIC DEVELOPMENT PORTFOLIO

Report To Portfolio Holder
16th September 2011



Report of: Assistant Director – Transport and Engineering

Subject: EMPIRE SQUARE – RESIDENTIAL
CONTROLLED PARKING SCHEME

SUMMARY

1. PURPOSE OF REPORT

- 1.1 To report on a letter of objection which has been submitted following the formal advertising of a residential controlled parking scheme in Empire Square.

2. SUMMARY OF CONTENTS

- 2.1 The report considers the implications of an objection by a resident affected by the proposal and a request to include part of Surtees Street within the resident only permit controlled scheme.

3. RELEVANCE TO PORTFOLIO MEMBER

- 3.1 The Portfolio Holder has responsibility for Traffic and Transport issues

4. TYPE OF DECISION

- 4.1 Non Key

5. DECISION MAKING ROUTE

Regeneration and Economic Development Portfolio on 16th September 2011.

6. DECISION(S) REQUIRED

That amendments as suggested in the letter of objection be approved and that 15, 17, 19 & 21 Surtees Street and the carriageway that fronts them be included in the proposed residents permit controlled parking scheme.

Report of: Assistant Director – Transport and Engineering

Subject: EMPIRE SQUARE – RESIDENTIAL
CONTROLLED PARKING SCHEME

1. PURPOSE OF REPORT

- 1.1 To report on a letter of objection which has been submitted following the formal advertising of a residential controlled parking scheme in Empire Square.

2. BACKGROUND

- 2.1 Empire Square is a new housing development built between Hucklehoven Way and Surtees Street. The development has a planning condition attached which requires a residential controlled parking scheme be provided in order to protect the properties from envisaged commuter parking.
- 2.2 Vehicular access to Empire Square is off Surtees Street and leads into a cul-de sac. Residential parking provision is a combination of dedicated off street parking and unallocated on street spaces.
- 2.3 Although many of the properties front Hucklehoven Way and Lynn Street, existing parking restrictions either prevent or restrict residents from parking directly outside the front door entrances. All resident / visitor parking is therefore allocated within Empire Square itself.
- 2.4 **Appendix A** shows a location plan of the properties and the proposed advertised parking restrictions.
- 2.5 To complement the permit controlled scheme, a number of prohibition orders were also proposed to protect the junctions of Hucklehoven Way / Lynn Street and Lynn Street / Surtees Street. The original plan extended the Parking Prohibition Order in front of a number of properties in Surtees Street where driveways had direct access onto the main highway. The restrictions would protect the driveways from possible obstruction.
- 2.3 A letter of objection has been received to this element of the proposal (a copy of the letter will be made available at the Portfolio meeting) in which a resident has expressed concern that the restrictions would limit the amount of parking space available and for those residents with more than 2 cars it would be difficult to accommodate the vehicles close to the properties.

3. PROPOSALS

- 3.1 The letter of objection has suggested an alternative proposal in which the prohibition of parking restriction directly in front of 15, 17, 19 & 21 Surtees Street is replaced and that the area is instead included within the resident controlled permit parking scheme. This would allow residents to utilise the additional on street parking provision creating additional on street parking space for their own vehicles.
- 3.2 The parking spaces would still only be available to permit holders but there is a risk that the site could be used as an overflow area if the remaining Empire Square parking areas became full. The letter of objection recognises this fact, but points out that this has not been an issue since the properties were occupied.

4. FINANCIAL CONSIDERATIONS

- 4.1 The cost of the signing and associated carriageway markings will be met from the parking services operational budget. Permits will be offered to residents at an annual cost of £5 per permit. This is consistent with other resident controlled parking schemes operating within the town centre.

5. LEGAL CONSIDERATIONS

- 5.1 The legal orders have been advertised as part of this process but the letter of objection must be considered by the Portfolio Holder.

6. RECOMMENDATIONS

- 6.1 That amendments as suggested in the letter of objection be approved and that 15, 17, 19 & 21 Surtees Street and the carriageway that fronts them be included in the proposed residents permit controlled parking scheme.

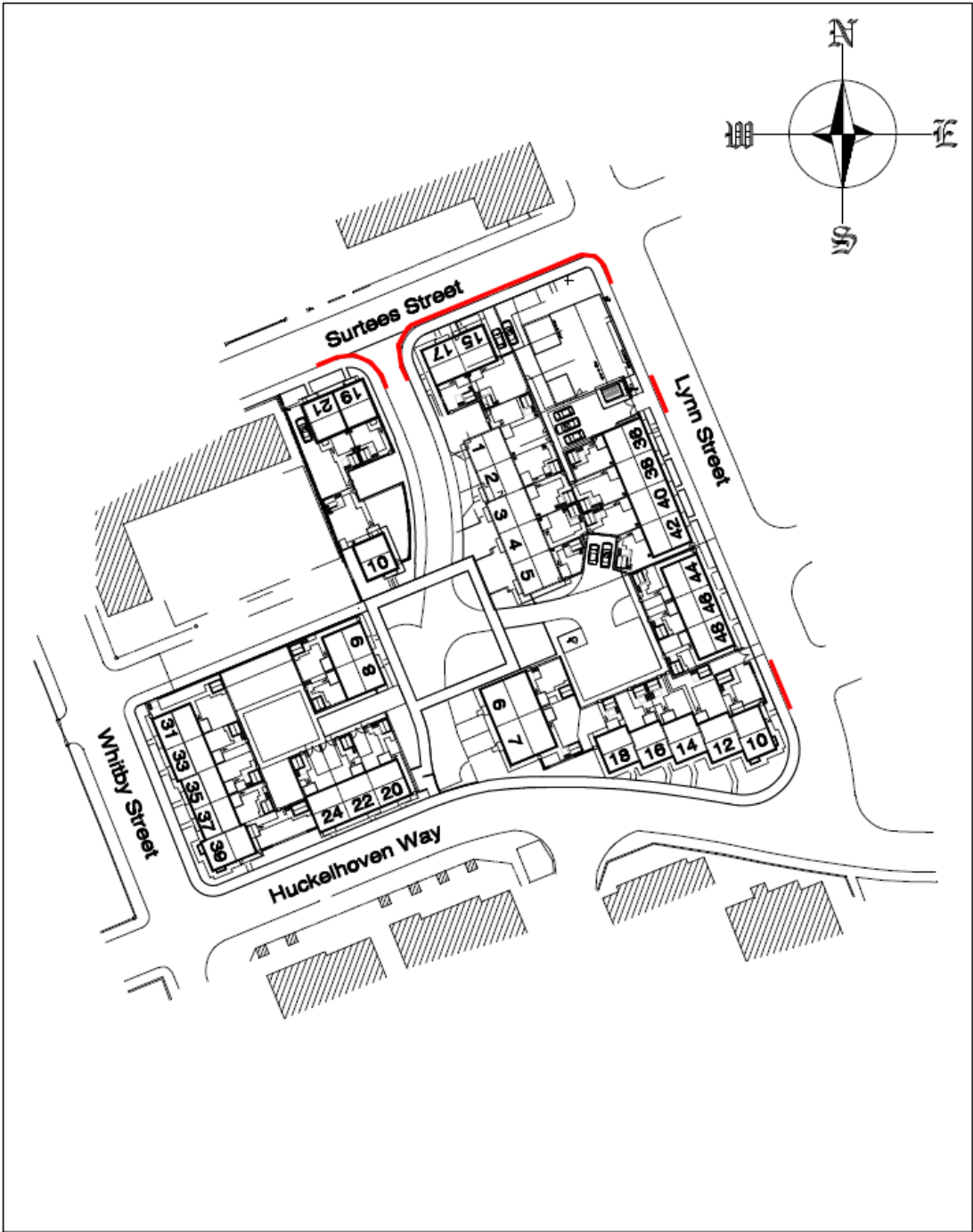
7. REASONS FOR RECOMMENDATIONS

- 7.1 To meet the views of the residents that the corrective measures will then allow the reintroduction of enforcement.

8. CONTACT OFFICER

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Parking Services Manager
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Tel: 01429 523258

APPENDIX A



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|--|--|----------|----------|
| TITLE | | | |
| HBC (Surtees St/ Lynn St Area)(Prohibition of Waiting) order 2008 Amendment order 2011 | | | |
| BOROUGH OF HARTLEPOOL | | DRAWN | CHECKED |
| REGENERATION & NEIGHBOURHOODS DEPARTMENT | | M.R. | . |
| TRANSPORTATION & ENGINEERING SECTION | | SCALE | DATE |
| ASSISTANT DIRECTOR: A.Smith | | N.T.S. | June '11 |
| | | DRG. NO. | REV. |

REGENERATION & ECONOMIC DEVELOPMENT PORTFOLIO

Report To Portfolio Holder
16th September 2011



Report of: Assistant Director – Transport and Engineering

Subject: ENFORCEMENT OF SCHOOL KEEP CLEAR NO
STOPPING ORDERS - CLARK STREET

SUMMARY

1. PURPOSE OF REPORT

To report on the need to amend the carriageway markings at some schools in Hartlepool and assess the potential impact on enforcement.

2. SUMMARY OF CONTENTS

The report considers the implications of a representation made in relation to the issue of a parking Penalty Charge Notice and examines the corrective changes needed in order to fully comply with the legislative requirements.

3. RELEVANCE TO PORTFOLIO MEMBER

The Portfolio Holder has responsibility for Traffic and Transport issues

4. TYPE OF DECISION

Non Key

5. DECISION MAKING ROUTE

This is an executive decision by the Portfolio Holder

6. DECISION(S) REQUIRED

- That enforcement is suspended until the Traffic Regulation Orders are amended and the carriageway markings are corrected in order to comply with required legislation.
- That Penalty Charges issued in Clark Street during the period July 2005 – Aug 2011 be reviewed on request.

Report of: Assistant Director – Transport and Engineering

Subject: ENFORCEMENT OF SCHOOL KEEP CLEAR NO STOPPING ORDERS – CLARK STREET

1. PURPOSE OF REPORT

- 1.1 To report on the need to amend the carriageway markings at some schools in Hartlepool and assess the potential impact on enforcement.

2. BACKGROUND

- 2.1 Parking enforcement in Hartlepool was decriminalised in July 2005 when many parking contravention transferred under the jurisdiction of Hartlepool Borough Council from the Police.
- 2.2 All decriminalised parking enforcement is now legislated under the powers of the Traffic Management Act 2004. Parking restrictions are set out in Traffic Regulation Orders created by the local authority. The requirements for appropriate and permitted signs together with any carriageway markings are specified within the Traffic Signs Regulations & General Directives (TSRGD) Order.
- 2.3 Traffic Regulation Orders must comply with the specifications of the TSRGD or be a permitted variation of approved signs and carriageway markings otherwise specific approval from the Secretary of State for Transport would be required.
- 2.4 Hartlepool Borough Council recently considered a parking appeal which was made in relation to a Penalty Charge Notice issued on a School Keep Clear marking in Clark Street. The appeal underlined a number of perceived inadequacies within the Traffic Regulation Orders and highlighted that several of the carriageway markings present did not always conform to the required legislation. The appellant argued that the orders were unenforceable and that the Penalty Charge Notice should therefore be withdrawn.
- 2.5 Officers have examined the signage and carriageway lining present at this site and have concluded that in this case the School Keep Clear marking (which had been extended over time to address the relocation of the school entrance) was in excess of the of the permitted maximum length as specified within the legislation. The zig zags on either side of the marked legend were also imbalanced which again is not permissible under the regulations.

- 2.6 The School Keep Clear markings were originally installed by Cleveland County Council, although the subsequent amendments have been made by Hartlepool Borough Council. The situation was further complicated by an amendment Traffic Regulation Order which was introduced in 2011 to extend the school markings and created 30 minute limited waiting bays outside of the Post Office sorting office. This Traffic Regulation Order contained inaccuracies in the schedule description invalidating enforcement.
- 2.7 The appeal in relation to the parking contravention has resulted in the Penalty Charge Notice being withdrawn, however there are a number of other Penalty Charge Notices which have also been issued in Clark Street and have subsequently been recovered and settled. The Head of Legal Services is of the opinion that the Authority has operated in good faith in relation to both the enforcement of the Traffic Regulation Orders and the recovery of the Penalty Charge Notices however he has advised that the Authority should reconsider any cases where motorists consider they may have been wrongly issued with a Penalty Charge Notice.
- 2.8 Our records show that 30 Penalty Charge Notice's have been issued for parking contravention of the School Keep Clear markings in Clark Street by Hartlepool Borough Council. 5 cases between 2005 – 2007 when the restrictions were enforced under The Road Traffic Act 1991 and a further 25 between 2008 and present day under the Traffic Management Act 2004. 27 of the Notices have been paid whilst 3 cases currently remain unresolved.
- 2.9 Records show that a further 24 Penalty Charge Notices have been issued within the limited waiting bays on Clark Street which were subject to the incorrect Order schedule. 21 of which have been paid.
- 2.10 Enforcement action at Clark Street has been temporarily suspended until the Clark Street Traffic Regulation Orders are amended and the road markings corrected to meet legislative requirements. In addition officers are currently reviewing the restrictions in place at all schools to ensure any enforcement is fully compliant.

3. PROPOSALS

- 3.1 Motorist who have received a Penalty Charge Notice for contravening either the School Keep Clear restrictions or the limited waiting controls can ask for their case to be reconsidered and where appropriate any payment they may have made will be refunded.
- 3.2 Amended Traffic Regulation Orders will be prepared and advertised through the appropriate legal process to replace any inaccuracies within the existing Orders.

- 3.3 The carriageway markings will be altered to comply with the Traffic Signs Regulations and General Directive.
- 3.4 All existing school “no stopping” Orders will be reviewed and where necessary revised and consolidated to reflect any inconsistencies.

4. RISK IMPLICATIONS

- 4.1 By continuing to enforce traffic regulations orders which are incorrect, the authority would be acting unlawfully. Any Penalty Charge Notice would be unenforceable and the Council would risk repayment of any charges it may have recovered.

5. FINANCIAL CONSIDERATIONS

- 5.1 The current number of Penalty Charge Notice's affected by the School Keep Clear markings in Clark Street could result in the Authority refunding up to 27 Penalty Charge Notice payments. In most cases a £35 payment has been made in relation to each charge. A further 21 payments have been made in relation to contraventions on the limited / restrictive waiting area. This could therefore result in the Authority potentially refunding approximately £1,680. This cost will have to be met from the parking services operational budget.
- 5.2 The cost of advertising the legal orders and the remarking of the carriageway in Clark Street is estimated at £250. This cost will again be met from the parking Services operational budget as will any further remedial work which may be required at other sites.

6. LEGAL CONSIDERATIONS

- 6.1 The Head of Legal Services is of the opinion that the Authority has operated in good faith in relation to both the enforcement of the Traffic Regulation Orders and the incorrect recovery of the Penalty Charge Notices, however he has advised that as a result of the irregularity of the Traffic Regulation Orders, any further enforcement should be suspended until the Legal Orders and carriageway markings are compliant. He has further recommended that HBC should review any cases where motorists consider they may have been wrongly issued with a Penalty Charge Notice.

7. RECOMMENDATIONS

- 7.1 That enforcement is suspended until Traffic Regulation Orders are amended and the carriageway markings are corrected in order to comply with legislation.
- 7.2 That Penalty Charges issued in Clark Street during the period July 2005 – Aug 2011 be reviewed on request.

8. REASONS FOR RECOMMENDATIONS

- 8.1 To ensure no further Penalty Charge Notices are issued in error and to ensure that the corrective measures will then allow the re-introduction of enforcement.

9. CONTACT OFFICER

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REGENERATION & ECONOMIC DEVELOPMENT PORTFOLIO

Report to Portfolio Holder
Date 16th September 2011



Report of: Assistant Director (Transport and Engineering)

Subject: HIGHWAY LICENSING REVIEW

SUMMARY

1. PURPOSE OF REPORT

To review the activities which take place on the highway and the associated charges.

2. SUMMARY OF CONTENTS

The report outlines the different highway activities and the existing/proposed licence fees.

3. RELEVANCE TO PORTFOLIO HOLDER

The Portfolio Holder has responsibility for Traffic and Transportation issues.

4. TYPE OF DECISION

Non key.

5. DECISION MAKING ROUTE

This is an executive decision by the Portfolio Holder.

6. DECISION(S) REQUIRED

That the report be noted, and the amended and proposed licence fees be approved.

Report of: Assistant Director (Transportation and Engineering)

Subject: HIGHWAY LICENSING REVIEW

1. PURPOSE OF REPORT

- 1.1 To review the activities which take place on the highway and the associated charges.

2. BACKGROUND

- 2.1 There are various activities which take place on the public highway, and these are regulated to ensure the safety of operatives and members of the public. Licence fees have been unchanged since their introduction several years ago, and this report seeks to update those fees in line with the administration and inspection costs.

3. CONSIDERATION OF ISSUES

3.1 Skip Licence Fees

- 3.1.1 Skip licence fees have remained at **£10.00** per licence since the introduction of fees in 2003. Licence fees were introduced to cover the cost of location placement check, processing licence documentation and postage.
- 3.1.2 Licence fees have remained constant over the past several years while the cost of processing a licence has increased, therefore, an increase to **£12.50** is proposed. It is also proposed that the licence duration, currently 28 days, be reduced to 14 days.

Retrospective Skip Licence Issue (New)

- 3.1.3 An ongoing problem is the placement of skips on the highway without a valid licence. Operatives can, at times, fail to apply for a licence if they feel the skip is placed in an inconspicuous location, thereby saving the licence fee.
- 3.1.4 It is proposed to introduce an increased fee of **£25.00** for the retrospective issue of a skip licence, due to the need to send an inspector to site for the purpose of owner identification. The introduction of this increased fee will also ensure regular applicants do not attempt to circumvent licence application fees.

3.2 Scaffold & Hoarding Licence Fees

- 3.2.1 Again, there has been no increase in this licence fees for the past several years. The existing fee is **£50.00** for a 'reasonable' period. This fee usually covers a single inspection/site meeting, processing and issue/postage of the licence.
- 3.2.2 It is proposed that the licence fee is increased to **£75.00**, with the licence being valid for a maximum duration of **4 weeks**, and an additional reduced fee of **£25.00** thereafter for every additional 4 week period, or part of.

Retrospective Scaffold/Hoarding Fee (New)

- 3.2.4. An increased fee for retrospective licence issue is proposed for operatives erecting scaffold/hoarding without a valid licence. Again, this usually requires investigatory works at the Council's expense, to determine ownership of the equipment. A retrospective fee of **£95.00** should be introduced to cover the additional costs, and to discourage unlicensed works taking place.

3.3 Section 171 (Road Opening) Highway Licence

- 3.3.1 Section 171 highway licensing covers private contractors working in the public highway. The fee is currently at **£105.00**. Works usually consist of 2 x work-site inspections, plus processing/issue of licence and registration on the Street Works register.
- 3.3.2 It is proposed that this fee be increased to **£145.00** in order to cover the above costs.

Retrospective Section 171 (Road Opening) Highway Licence (New)

- 3.3.3 Additional investigatory works need to be undertaken for unlicensed works being undertaken in the highway. It is proposed that an increased fee for retrospective licence issue be set at **£175.00**. This will cover the costs of investigatory works and additional inspections if required, while again discouraging unlicensed works.
- 3.3.5 It is important to note that works taking place under Section 171 (Road Opening) Highway Licences will reduce from October 2011.
- 3.3.6 New Government legislation instructs Water/Sewer Companies to adopt all private sewer pipe-work/ lateral drains that were previously the responsibility of home/property owners. Home/property owners will then only be responsible for drains, pipe-work etc within the internal boundaries of their properties.
- 3.3.7 Northumbrian Water Ltd (for the Hartlepool area) will adopt all private sewer pipe-work and lateral drains running from properties to their

main sewer system from 1st October 2011 and works will be carried out and encompassed within regular street works operations.

3.4 **Section 50 (New Apparatus) Highway Licence**

3.4.1 The fee currently stands at **£275.19** made up as follows:

Payment in advance of:-

- i) £90 Administration Fee (non returnable)
- ii) £100 Capitalised Fee in lieu of annual charge
- iii) £85.19 Inspection Fee for each 200m length of opening or part thereof.

3.4.2 Again, this fee has remained unchanged for several years. It is proposed that this fee be increased to **£365.00** to reflect the additional works that are now involved in managing section 50 work sites, and associated administration.

3.5 **Footpath Licence (New)**

3.5.1 A new licence could be introduced for working from the public highway as opposed to working in the highway. Builders undertaking works to domestic properties/ boundary walls regularly use the footpath for materials storage, mixing materials i.e. concrete, etc.

3.5.2 A check needs to be made to ensure safe pedestrian access past the works, and that the area is left clean and tidy with all materials and debris removed from site.

3.5.3 A nominal fee of **£20.00** is proposed to cover the cost of a licence.

3.6 **Highway Storage Licence (New)**

3.6.1 Builders, suppliers and contractors regularly deposit building materials on the public highway, posing a danger to both pedestrian and vehicular traffic. A regular example of home owners having materials deposited on the highway is for building works and new driveways.

3.6.2 Where possible this should be discouraged, as depositing any (non-approved) materials on the public highway is, by definition of the Highways Act 1980, an illegal activity.

3.6.3 However, a licence could be introduced for approval for depositing/ storing materials on the highway.

3.6.4 A licence fee of **£50.00** is proposed to off-set the cost an inspector checking the highway in respect of 'safe' storage.

3.7 **Safety Considerations**

3.7.1 The legal implications and consequences of introducing the new footpath and storage licences need to be considered. If a licence is

issued for operatives to utilise the public footpath to undertake works, we will be condoning the use of part of a public highway as a worksite.

- 2.7.2 Strict rules apply to any persons working on the public highway, i.e. utilities, local authorities and private contractors working under licence, regarding the signing and guarding of works to ensure the safety of the public. Appropriate measures will need to be put in place to protect the public.
- 3.7.3 Consideration would need to be given regarding each application on merit, e.g. type of materials to be stored, and site location suitability. Materials deposited on site would require some form of clear identification to the affected area i.e. protective (reflective) highway barriers and possibly some form of 'warning signs'. There is an opportunity to hire-out this equipment for a nominal fee (Initial set-up charge followed by a daily rate for the duration of the highway usage).
- 3.7.4 The daily rate should encourage the removal of the stored materials as soon as is practicable, thereby returning the highway to normal use.

3.8 **Emergency Make-safe Works**

- 3.8.1 Where an 'emergency make-safe' of illegal materials deposited on the highway is required, the site would be made safe with barriers/ signs and the persons responsible recharged a licence fee for depositing the material on the highway, together with associated costs.

3.9 **Road Closures**

- 3.9.1 When works need to take place which require a road closure, legal advertising notices need to be placed which incur significant costs. The current standard rate charged to utilities/ contractors is £650, however this has not changed for a number of years and has been found not to cover the actual costs.
- 3.9.2 A comparison exercise with other Tees Valley Authorities has found that Redcar and Cleveland charge £1,000, Stockton £2,000 and Middlesbrough £3,000. To fall in line with the average, and best reflect updated advertising and administration costs, it is proposed to amend the fee to **£2,000**.

4. **FINANCIAL IMPLICATIONS**

- 4.1 These works produce income for the Council rather than expenditure, and the amended charges reflect the current costs of licence issue and inspection.

5. RECOMMENDATIONS

- 5.1 That the report be noted, and the amended and proposed licence fees be approved.

6. REASONS FOR RECOMMENDATIONS

- 6.1 To more accurately reflect the up to date costs of licence issue and inspection, and to help ensure safe working practices on the highway.

7. CONTACT OFFICER

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