

REGENERATION AND ECONOMIC DEVELOPMENT PORTFOLIO

DECISION RECORD

16th September 2011

The meeting commenced at 3.30 p.m. in the Civic Centre, Hartlepool

Present:

Councillor Pamela Hargreaves (Portfolio Holder for Regeneration and Economic Development)

Officers: Alastair Smith, Assistant Director (Transport and Engineering)
Mike Blair, Highways, Traffic and Transportation Manager
Philip Hepburn, Parking Services Manager
Jo Stubbs, Democratic Services Officer

Also present:

Leo Moran and Wall Hammonds

12. Enforcement of School Keep Clear No Stopping Orders – Clark Street *(Assistant Director – Transport and Engineering)*

Type of decision

Non-Key

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.

Issue(s) for consideration by Portfolio Holder

Hartlepool Borough Council recently considered a parking appeal made in relation to a Penalty Charge Notice issued on a School Keep Clear marking in Clark Street. Officers examined the signage and carriageway lining and concluded that the School Keep Clear marking was in excess of the permitted maximum length and the zig zags on either side were imbalanced. Furthermore an amended Traffic Regulation Order introduced in 2011 to extend the school markings and create 30 minute limited waiting bays outside of the Post Office sorting office was found to be invalid due to inaccuracies in the schedule description.

As a result of these findings the Penalty Charge Notice was withdrawn. It was also suggested that motorists who had previously received a Penalty Charge Notice in respect of either contravention be offered the opportunity to ask for their case to be reconsidered. Amended Traffic Regulation Orders would be prepared and advertised through the appropriate legal process to replace any inaccuracies within the existing Orders. Carriageway markings would be altered and all existing school “no stopping” orders would be reviewed and where necessary revised.

The Portfolio Holder queried how long the necessary work would take, noting that this would mean parents at the affected schools had a free pass to park where they liked. The Assistant Director advised that the physical inspection wouldn't take long and the physical markings could be amended fairly quickly. However if the Traffic Regulation Orders were found to be wrong then the legal process would need to be gone through which could take 4-6 weeks. The Portfolio Holder said it was imperative that this work be completed as quickly as possible. The Assistant Director acknowledged this, saying that any necessary Traffic Regulation Orders would be brought to the Portfolio Holder as quickly as possible in order to reduce delays. The Portfolio Holder asked that this be a priority given the amount of traffic on Clark Street and associated concerns about the safety of children.

Leo Moran was in attendance and addressed the Portfolio Holder in respect of this issue. He explained that he was the driver who been issued with a Penalty Charge Notice which had subsequently been rescinded. As part of his appeal preparation he had investigated the existing regulations and found a number of irregularities relating to the length and placing of road markings and the validity of the existing Traffic Regulation Orders. The Portfolio Holder noted these concerns and advised that the road markings around all the town's schools would be checked against the existing Traffic Regulation Orders to ensure compliance. Mr Moran asked whether the Council would be contacting affected drivers as some might live out of town. The Portfolio Holder confirmed that if there were found to be any errors then the Council had made a commitment to repay any fines issued. The Portfolio Holder felt there needed to be some degree of personal responsibility however but noted that an article would be placed in the Hartlepool Mail and Hartbeat informing drivers of their right to appeal. Mr Hammond queried why parking restrictions outside schools were enforced during school holidays. The Assistant Director indicated that many schools continued to be actively used for clubs etc during the holidays. Mr Moran further noted a discrepancy in interpretation of existing regulations by both the planning and highways departments, saying any driver that was fined illegally could sue the council for recompense. The Portfolio Holder commented that any judgment would take into account whether the Council had acted in good faith at the time.

Decision

- i. That enforcement be suspended until Traffic Regulation Orders are amended and carriageway markings corrected in order to comply

with legislation

- ii. That Penalty Charges issued in Clark Street during the period July 2005-August 2011 be reviewed on request.

13. Empire Square – Residential Controlled Parking Scheme *(Assistant Director – Transportation and Engineering)*

Type of decision

Non-Key

Purpose of report

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

Issue(s) for consideration by Portfolio Holder

Empire Square is a new housing development between Huckelhoven Way and Surtees Street. Residential controlled parking is provided to protect properties from commuter parking. Prohibition orders are also proposed to protect the junctions of Huckelhoven Way/Lynn Street and Lynn Street/Surtees Street. These restrictions would include properties on Surtees Street with direct access to the main highway thereby protecting these driveways from possible obstruction. A resident had objected to this proposal on the grounds that parking space would be limited and residents with more than 2 cars would have difficulty in accommodating all their vehicles close to the properties. He suggested an alternative proposal where the parking restrictions on Surtees Street were replaced and the area included within the resident controlled permit parking scheme.

The Portfolio Holder asked the proposed changes be enacted and that the resident be thanked for his suggestion

Decision

That the amendments as suggested in the letter of objection be approved and that 15,17,18 and 21 Surtees Street and the carriageway that fronts them be included in the proposed residents permit controlled parking scheme.

14. Highway Licensing Review *(Assistant Director (Transport and Engineering))*

Type of decision

Non-Key

Purpose of report

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

Issue(s) for consideration by Portfolio Holder

The report outlined the different highway activities and the existing and proposed licence fees, including the following:

- Skip Licence fees
- Scaffold and hoarding licence fees
- Section 171 (Road Opening) Highway licence fees
- Section 50 (New Apparatus) Highway Licence fees
- Footpath Licence fees
- Highway Storage Licence fees
- Emergency make-safe Works fees
- Road Closures fees

The proposed new licence fees reflected the current costs of licence issue and inspection and would help ensure safe working practices on the highway.

The Portfolio Holder clarified that there would be no charges for future road closures for public events. The Highways, Traffic and Transportation Manager confirmed this. The Portfolio Holder asked if there had been any feedback from developers and utilities companies regarding the proposed increases. The Highways, Traffic and Transportation Manager indicated that there had not.

Decision

That the amended and proposed licence fees be approved.

The meeting concluded at 16:10pm

P J DEVLIN

CHIEF SOLICITOR

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