

**Document control – Resident parking scheme policy**

<b>Version</b>	<b>Date issued</b>	<b>Description of change</b>	<b>Reason</b>	<b>Next review date</b>
2.0	1 January 2017	Consolidation of the 1999 and 2013 resident parking policies into one document	Audit recommendation	1 January 2020
2.1	1 June 2017	Introduce scope to propose schemes in wider areas.	Development	1 June 2020
2.2	4 Oct 2018	To reflect approved changes to Hereford parking schemes	Development	1 June 2020
2.3	17 Dec 2018	To reflect the Traffic Regulation Orders in regards to HMO's	Consistency	1 June 2020
2.4	11 June 2020	Criteria expanded to allow limited number of residential properties in commercial areas if capacity allows	Development	1 June 2022
2.5	11 June 2020	Terms for visitor permit use expanded for clarity and to reduce misuse	Development	1 June 2022

## Residents Parking Schemes

### Policy and Criteria – June 2020

#### **Policy**

##### **Introduction**

All existing and new schemes will be covered under the terms and conditions of this policy.

Public highways are, and always have been, provided for the movement of people, vehicles and goods. There is no legal right that allows residents to park outside their house. In general, where parking is not otherwise prohibited by a legal Traffic Regulation Order (TRO), kerbspace is available to any road user, subject to the laws of obstruction.

However, it is recognised that in some areas residents have particular difficulty in parking by virtue of the demand for parking by non-residents. This is generally when the location is close to other amenities that attract either commuters and/or other visitors.

The residents parking scheme is a method of restricting parking in an area or street by means of a legal Traffic Regulation Order whilst allowing, primarily residents, but also their visitors, to park by the provision of residents' permits.

The purpose of such schemes is to prevent and/or restrict parking by commuters and non-residents, thereby providing a better opportunity for residents to park close to where they live.

##### **Initiating a Residents Parking Scheme**

If a resident or ward member believes that the area in which they live would benefit from a resident parking scheme they should initially seek the support of the other local residents as although one person may want such a scheme others may not. The resident(s) will also need to take their proposal forward to both their local Parish/Town/City Council and Local County Councillor. Any such scheme is only introduced following an investigation and consultation with interested parties, this may include others streets which are in the area.

The introduction of a residents' permit parking scheme requires the creation of a new legal Traffic Regulation Order to allow for the proper enforcement of the new restrictions and is subject to a lengthy legal process in which the following points need to be taken in to account:

- Those wishing to propose a new scheme should contact both the local Parish/Town/City Council and Local County Councillor to discuss the request for residents' permit parking restrictions and the possible impact on the wider area if they are implemented.
- If the Parish/Town/City Council and Local County Councillor support the scheme, they need to submit a formal request via email or post.

- A formal request should be accompanied by any background information that is felt relevant and that clearly demonstrates that such a scheme would benefit the majority of residents in the area concerned.

### **Criteria**

The main criteria for justifying a residents parking scheme is that there is insufficient space in which the residents of the scheme (being considered) can park as a result of existing restrictions and/or the presence of vehicles as a result of visitor or commuter parking. The assessment will take into account whether:

- (i) A majority of residents or survey respondents report difficulty in finding a parking space and support the introduction of a permit parking scheme.
- (ii) The kerb space in the area under consideration is regularly occupied by extraneous vehicles.
- (iii) The availability of parking off-street for residents and their visitors.
- (iv) The majority of property which fronts the roads concerned is residential, or there is deemed sufficient capacity in a commercial area for a limited number of residential permits (subject to review).
- (v) Proposals in nearby or adjacent streets are likely to have a detrimental impact on the locality
- (vi) The views of the ward councillor and / or parish council.

Full consultation with residents directly affected by the proposal will be undertaken to attempt to find an acceptable solution to resolve the parking issues. However in some circumstances, traffic management needs such as road safety may limit the options available.

Schemes will be implemented by means of appropriate Traffic Regulation Orders.

### **Scheme considerations**

When resident's parking schemes are introduced careful assessment will be made regarding the available parking. Whilst every attempt will be made to maximise the available parking space, parking restrictions will remain (or be proposed) where it is considered that parking would cause a danger or obstruction to other road users in accordance with the Manual for Streets.

The main element of any such scheme is that all extraneous parking is displaced by enforceable restrictions. Several styles of resident parking are available, however in all cases some provision has to be allowed for visitors and deliveries i.e.:-

- (i) Some lengths of kerbspace may be prescribed for limited waiting by general visitors/shoppers and other lengths may be identified as being for residents only.
- (ii) Some lengths of kerbspace may be prescribed for limited waiting for any purpose, residents being exempt from any limit on waiting.

Since a major feature of any such scheme is the displacement of large numbers of parked cars, particular thought must be given to where those vehicles will go thereafter. To avoid them simply being displaced into other residential streets, outside the limits of the scheme under consideration the proposal may include the wider area where these vehicles may be displaced to. If not the displaced vehicles would simply replicate the same problem again in another nearby area.

In any urban area there is always some extraneous parking. It follows that a major improvement to the environment can be achieved by such a scheme and the residents obtain considerable benefits in both convenience and improved surroundings.

The aim of any particular scheme should be carefully determined and properly reflected in the restrictions within the Traffic Regulation Order. For example, where there is a high and conflicting demand for the limited number of parking spaces between residents and shoppers, and where as a consequence residents have little chance of finding a parking space close to where they live, particular care should be taken to ensure the terms of the Traffic Regulation Order reflect this tension. Consideration of any schemes should take into account specific local facts and the views of the local member.

Resident parking zones will be marked out by way of surface markings and/or signage which meets the current national regulations.

A Residents Parking Scheme may be made up of one street or a number of adjacent streets. Each scheme will be given a unique reference – this is known as a zone.

The zone will form a catchment area for defined area(s) of parking. The catchment area may include streets that do not contain any parking. The number of permits will not generally be limited to the amount of available parking, but to the maximum number of permits allowed.

All parking spaces will be available for all permit holders within that specified zone unless the Traffic Regulation Order makes a special exception such as a reserved space(s) for specific parking such as shared car club parking bays. In areas where the demand is greater than the parking availability, the council may prioritise the issue of permits to properties without any off street parking, particularly on first issue of the permits.

Whilst the issue of permits is at the discretion of the Council, permit issue outside of the eligibility and entitlement for a zone, will only be considered in exceptional circumstances and for the period these circumstances apply. Any such exceptional permit issue will only apply to the applicant and not the property, unless there is a change to the permit eligibility for a zone. Any assessment may take into account the following circumstances and may be subject to an extended decision period.

- An exceptional (non-commercial) need for the applicant to have access to on-street parking in the vicinity of their property
- The availability of on-street parking in the locality and time when parking is most likely to occur;
- Whether the applicant has access to alternative parking
- Whether other similar requests would be expected to be fulfilled (e.g. from households in the same development or street);
- The support and promotion of sustainable travel in the locality.

It should be noted that “exceptional circumstances” does not include ability or objection to paying to park at nearby public car parks.

Permit holders will not be guaranteed a space although the aim of the scheme is to help residents to be able to park within the zone in which they live.

Schemes will normally operate Monday to Saturday but local circumstances may mean that Monday to Sunday, or other combinations of days, is more appropriate.

Where a scheme is introduced a charge will be made for permits and will be reviewed annually.

### **Disabled badge holders**

Disabled badge holders will not be given an automatic exemption from resident permit only bays i.e. bays reserved specifically for resident permit holders only.

Badge holders will however have an exemption from any limited waiting element of a restriction i.e. where there is a time limit to other road users with (or without) an exemption for residents to park as long as required.

### **Houses of multiple occupation (HMO's)**

Where a property is divided into units with shared facilities such as a kitchen and/or bathroom and the property is liable for council tax based on a single property, the property will be considered as a one property for the purpose of issuing permits. As such the maximum number of permits permitted will be based on that allowed for each property within the zone.

### **Permits**

Residents who have a car can purchase a vehicle specific permit, to be displayed inside the windscreen when it is parked in a prescribed area, providing exemption of the limited waiting period. Residents can also purchase one visitors permit irrespective of whether they have a car or not. As the scheme is primarily designed to facilitate parking by residents, residents cannot purchase two visitors permits even if they do not require a vehicle specific permit.

The purchase of a permit does not entitle the resident to park in any particular space, neither is any space guaranteed.

**The actual number of permits allowed in each individual zone may be detailed in the Traffic Regulation Order for that area. Where they are not they are listed on the councils website.**

It is possible that residents who live in an area where there is limited on-street parking will have a scheme where residents can apply for less permits per household than residents who live in an area where there is more on-street parking availability. In circumstances where on-street parking is very limited the Council may consider prioritising and limiting permit allocation.

With the exception of the visitors permit the permits are vehicle specific. Each car has to be registered to the residents address, or in the case of a company vehicle

evidence of sole use will be required, and the permit will only be valid for that specific vehicle.

Residents must provide a VQ5 document showing that the vehicle is registered at the address when making an application for a permit. If the vehicle is registered to a company then a letter must accompany the permit application on company headed paper confirming the vehicle is provided for the applicant's sole use. If a company knowingly provides false information in order for a resident to obtain a permit, all residents permits issued through that company will be revoked.

The council is committed to reducing congestion and CO<sup>2</sup> emissions and, whilst schemes seek to assist residents, there needs to be a check and balance to disincentivise the unnecessary purchase of multiple permits. This check and balance is provided by the price of permits being on a sliding scale which increases as the number of permits per household increases (where the permit entitlement allows).

Permits which are not vehicle specific (with the exception of the visitors permit) will not be issued.

A visitor's permit is designed to enable visitors and tradesman to be able to park within a resident's parking zone whilst they are visiting or working on the property, and to be able to stay longer than the maximum permitted waiting time. The council will not issue visitors permits directly to tradesmen or visitors.

The costs of resident and visitor permits are detailed within the explanatory information document.

During operational times there will be standard exemptions for activities such as loading and unloading, setting down and picking up passengers and for carrying out work within the highway. Emergency vehicles attending an emergency will be exempt.

Enforcement will be the responsibility of Herefordshire Council or an authorised agent, and although enforcement will not be carried out on demand, all zones will be patrolled on a regular basis.

#### **General terms and conditions of issue.**

- 1) Occupiers of each dwelling can apply for up to the maximum number of permits permitted for their zone subject to proof of residency and to the vehicles being registered to that address (or company car).
- 2) The permits which remain the property of Herefordshire Council will be issued upon receipt of an appropriate completed form identifying the name and address for which the application is made. In addition to completing the application you will need to provide the following:

Vehicle permit – Proof of vehicle ownership (VQ5 document) and residency  
Visitors permit – proof of residency

The reverse of the application form will list other acceptable documentation.

- 3) A permit does not give any right to the provision of a parking space, but simply allows a vehicle displaying a valid permit to park in excess of the permitted period laid down or in designated resident parking areas.
- 4) A permit will be issued in respect to a motorcar, motorcycle (with or without side-car), or motor vehicle constructed or adapted for the purpose of carrying goods but **not exceeding 3½ tonnes maximum gross weight**. Visitor permits can be given to tradesmen who have a vehicle exceeding 3½ tonnes as long as the vehicle is being used as part of the work that is taking place at the property.
- 5) The permits are invalid once the holder vacates the property, or disposes of a vehicle identified on a vehicle permit. Any invalid permits must be surrendered to Herefordshire Council. If a vehicle displays an invalid permit they will be issued with a penalty charge notice.
- 6) The permits are **only** valid in the streets which are included in the particular zone applied for and must not be used in any other location.
- 7) Where a visitor permit is displayed on a vehicle, the vehicle must be driven away in order for the visitor permit to be displayed on another vehicle, It cannot be moved from one vehicle to another whilst the original vehicle remains parked to make use of any limited waiting period.
- 8) **Vehicles must NOT be parked in anticipation of a permit being received or whilst awaiting a replacement or renewal. Any vehicle not displaying a valid permit is liable to receive a Penalty Charge Notice.**
- 9) **A visitor's permit can only be used in a vehicle when the driver/passenger is visiting the property to which the permit was issued or the driver of the vehicle permanently resides at the address to which the permit was issued.**
- 10) **For the avoidance of doubt, "visiting the property" requires the driver to make a visit to the premises of the owner of the visitor permit for a reasonable period of time, or leave the property with the occupier of the house to go elsewhere. It is not reasonable to visit the property for a short period, then go to work, or another place without the property occupier for a long period.**
- 11) **Visitor permits cannot be given or sold to a friend, relative or any other person for the purpose of providing convenient parking such as commuter or shopping purposes etc.**
- 12) Permits must not be re-sold or copied
- 13) The council will investigate all allegations of misuse, or where there are suspicions of misuse of permits such as in points 9, 10 and 11. Any misuse of the permits will lead to penalty charge notices being issued. The council will also issue a warning letter to the permit holder for the first offence. If there is a second offence the permit will be deemed invalid and the resident will have to return the permit back to the council. The resident will not be permitted to apply for another permit for a period of twelve months from the date it is returned. If the permit is not returned and it continues to be used, penalty charge notices will be issued on the basis that the permit is no longer valid.

- 14) Lost vehicle specific permits – a vehicle specific permit will be replaced if the original is lost. It can be replaced for the remainder of the period on payment of the appropriate fee or a new 12 month permit can be issued on receipt of a fully completed application form and appropriate fee
- 15) Lost visitor permits – a visitor's permit will not be replaced if the original is lost. A new permit will only be issued once the lost permit has expired and on receipt of a new application.
- 16) Change of vehicle – There will be an administration fee for a replacement permit to change a vehicle registration number. A replacement permit will not be issued until the old one has been surrendered.

In exceptional circumstances where a resident has individual specific circumstances which the policy does not best cover, they should contact the council's Parking Services section (01432 260974) to discuss what arrangements may be made. The council may exercise its discretion to make specific arrangements.

**Cost of permits (per household), which includes the visitors permit.**

The cost for the permits reflects the cost of providing the implementation, enforcement and administration of residential parking schemes. The council's charging principles require that the council should seek to recover all costs.

The current charges are listed within the explanatory information document and can be viewed on the residents' parking permits page of the Herefordshire Council website.

There is a charge to replace a lost permit or to change the vehicle details.