

# Residents' Parking Scheme Policy



This policy is designed to help ensure that:

- Requests for the introduction of a residents' parking scheme are dealt with in a fair, consistent and transparent way.
- Schemes that are introduced have passed the criteria detailed in the policy and have been through a robust local consultation and engagement process
- Permits are allocated and the schemes are operated in a fair, consistent and transparent manner

## Background

- 1.0 The main purpose of the highway is for the movement of traffic. Neither residents nor other vehicle owners have a legal right to park on the highway. However, parking is generally allowed where it doesn't impinge on the movement of traffic; where it does not create a safety hazard; where it does not obstruct access for emergency vehicles or access to property, nor causes damage to the fabric of the highway. Parking restrictions may be introduced for a variety of reasons including highway safety and access; traffic management or for environmental reasons in protecting residential or other sensitive areas.
- 1.1 Residents' parking schemes provide formal parking arrangements (through the introduction of a legal order) and can be used in certain circumstances to prioritise the available parking space in a road or area. Schemes can help in situations where residents regularly find it difficult to park near their own home because a large proportion of spaces are taken up by other road users.
- 1.2 Schemes are most often requested and introduced in residential areas near to city or town centres or where other major sources of parking demand occur, e.g. hospitals, factories and universities. Schemes do not guarantee a parking space, but do provide better opportunity for residents to park within vicinity of their home.

## Is a residents' parking scheme the answer?

- 2.0 The introduction of a residents' scheme is one of a number of options available to address a parking problem on a road by road or area wide basis. Other, more effective options may be suitable depending on the root cause of the parking problem. For example, if parking space is being taken by parents dropping off or collecting children from school a solution could be to reduce the number of cars used, by encouraging parents to car share. A '*walking bus*' to school would also help alleviate the problem by providing a safe, car-free way to deliver children to school. If parking

problems arise because of existing restrictions then resolution might be achieved by reviewing those restrictions and changing them where they are no longer appropriate.

### **What are the advantages of a residents' parking scheme?**

- 2.1 Better management of limited parking space can be achieved through the introduction of a residents' parking scheme. A scheme can help ensure that space is provided, as far as possible, for those residents that require it. The benefits of a residents' parking scheme may include improved traffic flow, better access for emergency vehicles and servicing of premises for disabled parking, taxis and other public transport. There may also be improved safety for road users, including pedestrians and cyclists.

### **What are the disadvantages of a residents' parking scheme?**

- 2.2 To accommodate marked spaces for residents it is often necessary to prevent parking on the opposite side of the street and at junctions to ensure clear passage for vehicles. This can have the effect of reducing the overall parking capacity available and so might result in a worsened situation for those needing to park than if the scheme had not been implemented.
- 2.3 Schemes may also create problems by displacing non-residents' vehicles and lead to the inefficient use of on-street parking space. For these reasons they are often considered on an area wide basis.

### **Can a scheme be introduced anywhere?**

- 3.0 Residents' parking schemes are not suitable for all areas. Before a scheme is implemented an assessment is made to make sure that introducing a scheme is technically and financially feasible; that it provides the most effective way of addressing existing parking problems; that it will not create new or displaced parking problems, that it represents good value for money and is broadly self-supporting financially.
- 3.1 Only Schemes which are assessed as feasible and meet the criteria (set out in section 4) may be implemented.

### **How does a residents' parking scheme work?**

- 3.2 Residents' parking schemes are achieved by introducing a Traffic Regulation Order within the provisions of the Road Traffic Act 1984. The order restricts parking but exempts permits holders (residents and if

appropriate other groups) from those restrictions. Schemes can take different forms e.g. exclusive use of bays by resident permit holders or where the bays are shared with other short term parkers who would be subject to a time limit of typically one, two or three hours.

- 3.3 With such permit schemes the street or area is divided into prohibited and permitted parking and in order to park where permitted a valid permit or paid for parking ticket must be displayed. The affected or restricted area is commonly referred to as the 'zone'. Permit categories can vary and are usually made available to residents, their visitors and health care workers and may include other users, dependent on highway capacity. Any vehicles found parked without a valid permit or paid for ticket are subject to a Penalty Charge Notice (PCN).
- 3.4 Residents' parking schemes are designed by taking into account a number of factors, including the problems experienced, demand for residents' day time and overnight parking, road safety and available space for parking. Residents and other affected parties are given opportunity to provide feedback on draft proposals as part of the consultation process before they are formally published or implemented.
- 3.5 For a scheme to work, a pro-active enforcement regime is required to ensure that the terms of the order are upheld.

#### **How much does a scheme cost?**

- 3.6 The costs associated with residents' parking schemes fall into two main categories: firstly, set-up costs (including technical surveys, public engagement and consultation; changes to/introduction of the signing and lining of the areas concerned and the preparation and publication of Traffic Regulation Orders) and secondly, on-going (permit issue, administration and enforcement) costs. For full details of the necessary work involved refer to paragraph 4.8.
- 3.7 As schemes are, by their nature, of a direct benefit to a small and localised group of residents, the general principle will apply that residents' parking schemes are set up and run on a cost-recovery basis i.e. schemes are self-funding. Possible sources of funding for set-up costs include Members' community budgets.
- 3.8 On-going costs will be recovered through the charges made to residents within the area of benefit and an estimation of potential income from enforcement. In this way those who directly benefit from the scheme will contribute to the costs incurred for its ongoing administration and enforcement. The charge made for permits will be set at a level aimed to recover costs. It is recognised that there may be a surplus or a deficit in

funding of residents' schemes and this will be taken into account when permit fees are reviewed annually.

### **How much will a permit cost?**

- 3.9 The ongoing management and enforcement costs of the scheme are recovered from residents that the scheme is designed to help by charging for permits. Residents will be informed of how much permits will cost before any scheme is implemented. Permit costs may vary according to the scope of individual schemes, but whenever a new scheme is introduced, as part of the consultation process, information about the permit costs will be made available during the consultation phase.
- 3.10 Third priority permits for households outside the zone will attract a higher charge (50% higher) than first or second priority permits. An explanation of the permit prioritisation systems can be found in paragraph 5(b) below.
- 3.11 Any requests from permit applicants for a discounted permit or complete exemption will be considered on a case by case basis and means testing will be applied.

### **Criteria for residents' parking schemes**

- 4.0 To ensure that resources are used effectively all requests for the introduction of a residents' parking scheme will be assessed using the criteria described in this policy. A request for a scheme will not be progressed if it fails to meet the specified criteria. Schemes will be expected to be self sustaining financially, i.e. costs balanced by permit and enforcement income.

### **There must be a genuine need for the residents' parking scheme**

- 4.1 It is widely accepted that a scheme can help when parking problems caused by presence of vehicles parked by non-residents are regularly experienced by the residents of the area. Where problems are created by an over-demand for on-street parking from residents in relation to the space available a scheme with a reduced allocation of permit(s) for each dwelling may be helpful.

4.2 A scheme will only be considered where:

- There is only limited or no off-street parking, and
- In areas where 51% or more of the properties have no access to off-street parking:

- Residents are unable to park near to where they live because 40% or more of the available space is regularly taken by other road users
- In areas where 81% or more of the properties have no access to off-street parking:
  - Residents are unable to park near to where they live because 10% or more of the available space is regularly taken by other road users
- There is not enough space to accommodate either residents' needs or residents' and non-residents' daytime parking needs.

4.3 Where a request for a scheme does not fulfil the criteria above its introduction will **not** be considered unless:

- The introduction of a scheme will be the most effective and appropriate way to address existing road safety problems or access needs;
- The scheme is necessary to address the adverse impact from new development in a residential area;
- The scheme is to be introduced as part of a wider integrated traffic or parking management scheme or to encourage use of alternative facilities such as off-street parking or park and ride schemes.

#### **The community should support the scheme**

4.4 A scheme will not be imposed upon a community. Its purpose is to improve the quality of life for those residents who require on-street parking and its success will rely on the support and cooperation of the residents living in the proposed parking scheme area. For this reason a scheme will only be considered (and implemented) where there is clear support from residents affected by the scheme. Therefore, a scheme will only be considered where an initial request for the introduction of a scheme is supported by at least 10 residents (or representatives from 25% of households) from the road or area experiencing problems.

4.5 Subject to paragraph 4.6 below, where it is determined that there is a genuine need for a scheme, it will be implemented only where the majority (at least 51%) of households in the proposed area agree to its introduction. The level of support for a scheme will be determined through consultation with residents.

4.6 Notwithstanding the requirement set out in paragraph 4.5 above, in areas where 20% or more of the total number of properties are Houses in Multiple Occupation (HMOs) or in areas where an Article 4 direction has been made under the Town and Country Planning (General Permitted Development) (England) Order 2015, a scheme can be introduced if 33% of households respond to the consultation, and, of those who respond, 80% are in favour.

### **Prioritisation of requests for schemes**

- 4.6 Requests for schemes will be considered annually during a defined period. Potentially viable schemes will undergo a feasibility test according to the criteria described in paragraphs 4.1 to 4.3 above. If the proposed scheme fails the assessment it will not be progressed any further.
- 4.7 At times it may not be possible to progress all requests for feasible schemes e.g. where demand exceeds available resources. Where it is not possible to accommodate all requests they will be prioritised using the assessment factors below. Any requests left over after prioritisation has taken place will be placed on a waiting list.
- Frequency of the problem (i.e. how often residents parking is taken by non-residents);
  - Existing accessibility problems for emergency vehicles and public transport;
  - Number of properties affected

### **Process for introducing a residents' parking scheme**

- 4.8 A number of steps are involved from the initiation to the implementation of a scheme including:
- Feasibility study to assess demand and availability of spaces;
  - Public engagement and consultation with residents and other local interests
  - Drafting and publication of a Traffic Regulation Order
  - Statutory consultation for the order in the local press and with key stakeholders and consideration of objections)
  - Work on the road to lay markings and put up signs
  - Processing permit applications and issuing permits.
- 4.9 During the initial stages, work will be carried out to assess the area under consideration including measuring available kerb-side space and carrying out a survey to establish the type of parking that occurs and the residents demand. Only if this assessment indicates that a scheme is feasible will a request progress. The next stage (when a scheme is assessed as feasible) involves engagement with local residents to identify support for or objections against a scheme. Where consultation reveals majority support from residents needing on street parking facilities for the scheme a formal process is started by publication of Traffic Regulation Orders. All objections received will be considered and referred to the portfolio holder for

community and environment for a final decision. Before any scheme is activated, road markings and signing of the scheme area are required and permit applications processed and permits issued. Once a scheme goes 'live' enforcement of the restrictions is carried out by Civil Enforcement Officers employed by the Local Authority.

#### **Process for extending a residents' parking scheme**

- 4.10 An extension to the area covered by an existing scheme or to the hours of operation of an existing scheme will only be considered where an initial request for the extension is supported by at least 10 residents (or representatives from 25% of households) from the road or area experiencing problems.
- 4.11 Where the requirement set out in paragraph 4.10 is satisfied, and provided that the extension is considered viable, the area of the existing scheme and/or the hours of operation of the existing scheme can be extended through a system of 'implied consent'. This means that, following the request for an extension, initially supported by 10 residents or 25% of households (stage 1), there will be a period of consultation during which a letter explaining and illustrating the proposed changes is sent to all affected households. Residents will be given the opportunity to raise an objection. If there are no valid or relevant objections, the extension will be approved.

#### **General terms and conditions**

- 5.0 Each residents' parking scheme will be designed to suit the needs of the community where the scheme is being introduced e.g. a community experiencing problems from commuters during the week is likely to need a different solution than a community with problems on a weekend only from shopper parking.

General terms which apply to all schemes are given below.

- a) Types of permit  
When a scheme is designed the types of vehicle allowed to park will be defined. Vehicle types will vary according to area e.g. residents permits, visitor permits, health carer permits, business vehicle permits or permits for motorbikes may or may not be required or be appropriate. When a scheme is drafted and consulted upon it will include details of proposed permitted vehicles.
- b) An application for a reduced cost carer's permit must be accompanied by:  
Either:



A doctor's letter and a letter from the applicant's care provider with their application

Or:

A copy of the applicant's notification letter from the Department for Work and Pensions (DWP) of a relevant benefit (Attendance Allowance, Disability Living Allowance (Care) or Personal Independence Payment (Care)) and a letter from their care provider with their application

c) Allocation of permits

The allocation of permits per dwelling or household will be decided based upon the number of dwellings requiring on-street parking during the daytime and the length of kerb space safely available in each road for parking purposes. In most cases, only one permit will be issued for each parking space available, but the Council may increase the ratio of permits to spaces issued on a zone-to-zone basis following a survey to determine the current usage of parking spaces within the zone and following consultation with residents. Permit allocation to residents will vary from one permit per household where space is limited to three per household where road space is widely available. Permit allocation will be restricted prorata for each off-street parking space available to each dwelling. A prioritisation system for permit allocation will operate as follows:

- First priority: permits are issued to households within the zone that do not already have a permit
- Second priority: if any permits are available after first priority permits have been issued, second priority permits may be issued to households within the zone applying for a second permit, provided that the Council is satisfied that any off-street parking the household may have is inadequate for the household's needs
- Third priority: if any permits are available after first and second priority permits have been issued, third priority permits may be issued, including to households just outside the zone, provided that the Council is satisfied that any off-street parking the household may have is inadequate for the household's needs. This benefits residents who live in a location where it is not possible to have a scheme (for example, on a highway with double yellow lines or on the Rows in Chester).

Priority two and priority three applications are only considered if there are available spaces (i.e. no waiting list) and there is no automatic entitlement to a permit or to permit renewal.

d) Eligibility for a resident's permit

To qualify for a resident's permit an individual must permanently reside at an address within the road or scheme area where off-street parking for the appropriate number of vehicles is not available (but need not be the

property) owner and should own or have the use on a regular basis of a vehicle of the type permitted to park in the residents' parking scheme area.

- e) Permanent resident  
Proof of residency at an address within the relevant residents' parking scheme area must be provided in order for an application for a permit to be considered. Acceptable forms of proof include:
- Current (within last 3 months) utility bill
  - Driver's licence
  - Mortgage/rent agreement for at least 3 months
  - Current Council Tax Bill
- f) Ownership/Use of vehicle  
Proof of ownership or the regular use of vehicle must be provided in order for an application for a permit to be considered. Acceptable forms of proof include vehicle registration document (Form V5C) and a valid vehicle insurance certificate.
- g) Blue badge holders  
Blue badge holders are allowed to park in a residents' parking bay if a valid blue badge is displayed.
- h) Transfer of permits  
Permits cannot be transferred from one vehicle to another. When a resident changes their vehicle they should apply for a new permit if they wish to park that vehicle within the residents' parking scheme.
- i) Householders without a vehicle  
Householders living within a residents' parking scheme who do not own or have regular use of a vehicle are not eligible for a residents' permit. However, provision is usually made in each scheme to accommodate parking by visitors to a resident e.g. friends, relatives, carers, regardless of whether the resident has a permit themselves.
- j) Renewals  
Residents' permits are subject to annual renewal. It is the responsibility of the permit holder to ensure that they apply to renew their permit. Existing permit holders will usually be invited to renew their permit, and subject to meeting the eligibility criteria, will be issued with a new permit. Where a resident fails to renew their permit before the expiry date it will be assumed that the resident does not wish to renew. In these cases, after a period of 10 working days from the expiry date, the permit will be made available to other residents.

- k) New applications  
Residents living within a residents' parking scheme area may request a permit by submitting an application to the Council at any time. Each scheme will be designed to accommodate a certain level of permit provision per dwelling, i.e. one, two or three as detailed above.
- l) Refunds  
Where a resident no longer requires their permit they should return the permit to the parking team in order to receive a refund. Refunds will be made for any full months remaining on the permit after an administration fee has been deducted. Refunds will not be given in relation to any permits which have been defaced or tampered with.
- m) Lost/stolen permits  
Where a permit is lost or stolen a resident can obtain a replacement by applying to the parking team. A replacement permit will be issued subject to an administration fee and provided that the resident still meets the eligibility criteria.
- n) Moving home  
Where a resident moves out of the residents' parking scheme area they should return their permit to the Council in order to receive a refund. Refunds will be made for any full months remaining on the permit after an administration fee has been deducted. Refunds will not be given in relation to any permits which have been defaced or tampered with.
- o) Misuse  
The Council reserves the right to revoke any permits issued to individuals who abuse the residents' parking scheme system e.g. tampering with permits or supplying permits to others who are not entitled to use them. The Council may refuse to provide a permit to individuals who have failed to comply with the terms of a residents' parking scheme.
- p) Scheme area or zone  
This is the road or geographic area described in the Traffic Regulation Order which introduces restricted parking and allows parking with a permit.
- q) Allocation of permits  
When a scheme is designed, details of how permits will be allocated will be included, for example, the number of permits available per household.
- r) Household  
Where a building is made up of separate, self-contained dwellings (e.g. flats) each separate dwelling will be treated as a separate household.
- s) Off-street Parking

## Residents' Parking Scheme Policy

In case of dispute over whether off street parking is adequate the space will be considered as adequate if the following dimensions are met:  
2.4 metres x 4.8 metres (or if flanked by a wall on one or both sides 2.5 metres x 4.5 metres)

Where a garage is used for off street parking it will be considered adequate if it is at least 2.5 x 4.5 metres.

t) Waiting lists

In cases where all available permits have been allocated new applicants will be placed on a waiting list. As permits become available (e.g. as existing permit holders no longer require their permit when they move out of the area) those on the waiting list will be invited to apply for that permit on a first come first served basis.

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