


<b>Mayoral Decision</b>  July 2017	 <b>TOWER HAMLETS</b>
<b>Report of: Ann Sutcliffe:</b> Acting Corporate Director of Place	<b>Classification:</b> Unrestricted
<b>Title: IMPLEMENTATION OF TRAFFIC MANAGEMENT ORDERS ON WATTS GROVE</b>	

<b>Lead Member</b>	<b>Cllr Islam</b>
<b>Originating Officer</b>	<b>Susmita Sen</b>
<b>Wards affected</b>	<b>Bromley South</b>
<b>Key decisions</b>	<b>No</b>
<b>Community Plan theme</b>	<b>Great Place to Live</b>

### **Executive Summary**

Watts Grove is a new build development of 148 properties set in the Lincoln area and upon completion will be managed by Tower Hamlets Homes ("THH"). It has been designated as a car free development and only seven disabled parking spaces will be available on this estate.

Despite the car free designation, it is anticipated that there is potential for unauthorised parking by those who live on the estate or in the vicinity or by visitors to the area unless parking controls are implemented. Gates have been installed on some areas of the estate to deter entry but the fact that there is open access for disabled resident spaces raises the likelihood that this could be abused by others. There is an urgent need to ensure that parking control is in place in order to prevent difficulties arising when tenants move into their new homes in July 2017.

### **Recommendations**

That the Mayor

- 1. Authorises the Divisional Director of Public Realm to undertake informal and Statutory Consultation in relation to introducing controlled parking on the Watts Grove Estate;**
- 2. Authorises the Divisional Director of Public Realm the decision making ability to make the necessary Traffic Management Order at Watts Grove and to consult with the Mayor if any objections/representations are received during the consultation period;**
- 3. Authorises the Divisional Director to make the appropriate contractual arrangements to enforce the Traffic Management Orders which shall provide a contractor with the authority to issue Penalty Charge Notices on the Watts Grove Estate on behalf of the Council; and**



## **2 ALTERNATIVE OPTIONS**

- 2.1 The Council could wait to implement a Traffic Management Order ("TMO") on the Watts Grove Estate at the same time as TMOs are implemented on other sites across the Borough; however, in the meanwhile the Watts Grove Estate could be vulnerable to parking abuses outlined in 3.6 below. The impact of unauthorised parking caused by the lack of parking enforcement could have serious consequences for residents in terms of the disturbance it could cause. Also, uncontrolled parking on the new estate may impact on safety and access required by emergency providers and service providers such as refuse collection. Additionally, disabled residents will be seriously affected by the likelihood of access to their vehicle being blocked by inconsiderate parking.

## **3 DETAILS OF THE REPORT**

- 3.1 In September 2014 the then Minister for Transport, Robert Goodwill circulated a letter to all Local Authorities advising that the use of contract law to control parking on Housing Revenue Account ("HRA") land was unlawful and that Local Authorities should be employing the use of TMOs to control traffic on off-highway land.
- 3.2 Since this date, the Council along with many other authorities have found parking increasingly difficult to administer under contract law and there has been an increase in unauthorised and inconsiderate parking on LBTH estates.
- 3.3 Additionally, the Council has lost a significant amount of income which no longer covers the cost of enforcement.
- 3.4 To robustly counter these Borough-wide problems, a report will be presented to the Cabinet in August which recommends the implementation of TMOs as a means of parking enforcement on all LBTH estates or HRA Land. However, this will be too late to stop those issues outlined in 3.6 from arising.
- 3.5 Watts Grove is a new build scheme of 148 properties much of which is family size accommodation. Those moving into the development are subject to a car free agreement which means that parking is not available to residents both within the new estate and on the public highway. However, those who hold rights under the Council's permit transfer scheme will have permission to transfer to on street parking within the vicinity.
- 3.6 As there are 71 three or four bedroom properties on the new estate, it is anticipated that many of these families will qualify to transfer with an on-street permit. Parking within the area is therefore likely to be scarce and some will inevitably attempt to park on areas of the estate. In addition, some residents may ignore their car free commitment and park on an estate area if they are aware that there is no parking regulation. This is likely to be further exacerbated by the increasing awareness amongst residents both inside and outside the Borough that parking through the use of contract law is currently difficult to enforce on THH managed estates.
- 3.7 There are seven spaces in total which shall be available within the vicinity of this estate. Six shall be provided as off street parking on the Watts Grove Estate and one space shall be provided on Yeo Street which is a highway in close proximity to the Watts Grove Estate. All spaces shall be general use disabled bays which can be used by any blue badge holder. These disabled bays may need to be converted into "Personalised Disabled Bays" as and when new residents move in. This is a Council specific scheme which enables residents with severe disabilities the

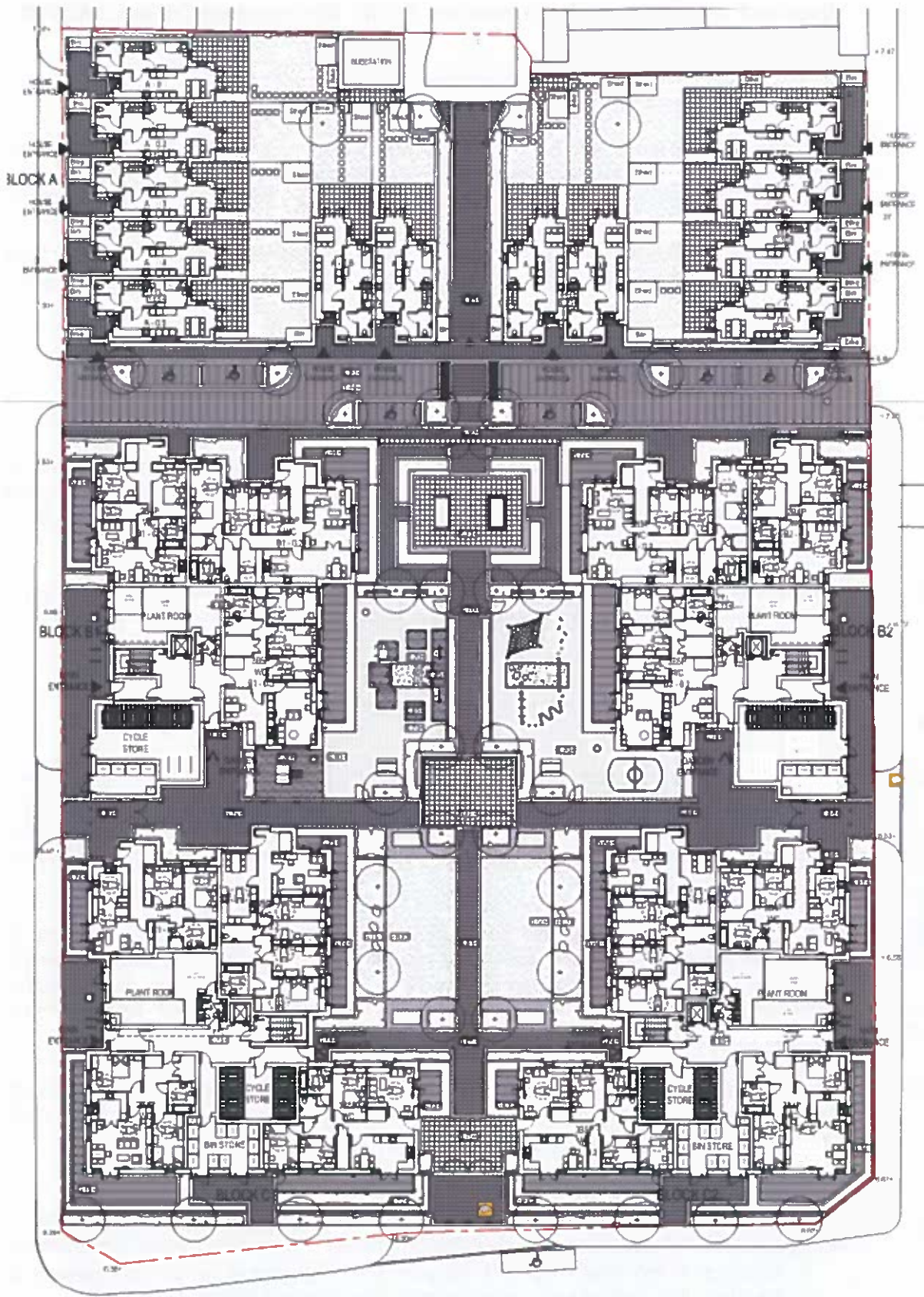
opportunity to apply for a personalised disabled-parking bay near their home. Permits will generally only be issued to disabled drivers and are vehicle and bay-specific. (No other permit or blue badge is valid for use within the allocated bay except the bay-specific permit.)

- 3.8. This report recommends that the potential problems outlined above can therefore only be prevented from the onset by the imposition of a TMO.

### 3.9 **Plan of the Estate**

The map shows that part of the estate (through Watts Grove or Glaucus Street) is ungated and fully open to traffic whilst there are barriers in the other access points for allowing occasional removals and deliveries. Such barriers can be accessed relatively easily by those who gain access to FB (fire brigade) keys.

Accessibility to the area would be necessary as the parking provision within this section of the estate is for disabled accommodation.





### **3.10 Proposed timetable for implementing Traffic Management Orders on Watts Grove**

Following Mayoral agreement, the following would take place;

- All prospective tenants will be written to advise them that the Council shall be implementing TMO's to control unauthorised parking on Watts Grove, pursuant to the Council's powers under the Road Traffic Regulation Act 1984 ("RTRA 1984") provisions.
- Upon handover of this estate, a statutory consultation period will occur. During which time, a draft TMO will be published and displayed on the estate. This will take 21 days.

## **4 COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 The report seeks the approval of the Mayor to implement a Traffic Management Order in pursuant to the Council's powers under the Road Traffic Regulation Act 1984 ("RTRA 1984") provisions on the Watts Grove Estate. The TMO will be subject to the necessary statutory consultation taking place on the introduction of controlled parking on the Estate. The costs of the TMO of £3,500 and consultation will both be met from the Housing Revenue Account.
- 4.2 Income from penalty charge notices issued on the Estate will go the Parking Control Account and offset the cost of enforcement under the TMO.

## **5 LEGAL COMMENTS**

- 5.1 The Council has the power to make a TMO to provide off street parking places under sections 32 and 35 of the RTRA 1984 and to provide on street parking places under section 45 of the RTRA 1984. Section 124 of the RTRA 1984 requires the Council to have regard to Schedule 9 of the same act which sets out the procedure for making a TMO.
- 5.2 Part III of Schedule 9 gave the Secretary of State the power to make regulations which set out the procedure that must be followed before a TMO can be made. These regulations are in the form of the Local Authorities Traffic Order Procedure (Regulations) 1996 (the "Regulations") which explain in detail the procedure that must be followed before and after a TMO has been made.
- 5.3 The Regulations require the Council before making a TMO to ensure that there has been adequate publicity so as to ensure people have an opportunity to respond. The Regulations require the Council to:
- i. publish a copy of the notice in a paper which circulates in the local area;
  - ii. display the notice in roads or other places affected by the consultation; and
  - iii. deliver the notice and a copy of the proposals to residents on the Watts Grove Estate and the chief officer of the police for the area in which the highway is situated (this should take place no later than the requirements above).
- 5.4 For a period of six weeks, beginning with the date on which the notice is first published in the newspaper, the Council is required to make available for public inspection at the Town Hall:

- i. a copy of the notice of proposals;
- ii. the draft TMO;
- iii. a map showing the location and effect of the proposed TMO; and
- iv. a statement setting out why the Council proposes to make the TMO.

Any person may object to the making of the TMO within 21 days of the publication of the notice.

- 5.5 If any objections/representations are received during the consultation period the Council shall be required to consider these and officers will need to seek authorisation from the Mayor again at this stage.
- 5.6 If there are no objections/representations received during the consultation period the Council has two years from the date on which the notice was first published to proceed with making the TMO. If any objections are received, officers are recommended to consider these in consultation with the Mayor.
- 5.7 A TMO may designate a parking place for use (either at all times or at times specified in the order) only by such persons or vehicles, or such persons or vehicles of a class specified in the order, as may be authorised for the purpose by a permit from the authority and also with or without charge and subject to such conditions as to duration of parking or times at which parking is authorised.
- 5.8 In determining what parking places are to be designated under section 45 of the RTRA 1984 the authority shall consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular the matters to which that authority shall have regard include:
- i. the need for maintaining the free movement of traffic;
  - ii. the need for maintaining reasonable access to premises; and
  - iii. the extent to which off-street parking accommodation, whether in the open or under cover, is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designation of parking places under this section.
- 5.9 When considering the recommendations in this report, regard must be given to the public sector equalities duty to eliminate unlawful conduct under the Equality Act 2010. The duty is set out at Section 149 of the 2010 Act. It requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination (both direct and indirect discrimination), harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic.

## **6 ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1 The estate includes seven disabled bays, six of which are to be let to residents under the Council's Personalised Disabled Bay policy. Any further applications from the new residents requiring Personalised Disabled Bays will not be provided on-street. These residents need to have a parking facility close to their home and without parking enforcement; available access to disabled spaces will be at risk of

being subject to unauthorised parking. Housing officers will adopt the on-street policy and procedures for processing Personalised Disabled Bays.

- 6.2 An Equality Impact Assessment has been carried out as a part of this process.

## **7 BEST VALUE IMPLICATIONS**

- 7.1 The delivery of the TMO and the subsequent management will need to be formalised in a contract with the relevant supplier(s). The appointment of these suppliers will be subject to procurement processes which will ensure the Council receives the best value in delivering services which meet the Council's requirements.

- 7.2 The Council is currently losing revenue because of the difficulty in enforcing contract law on HRA land. . The implementation of a TMO will enable the Council to enforce parking contraventions under Part 6 of the Traffic Management Act 2004 and recover the revenue which will fund this scheme.

## **8 SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 8.1 In keeping with the Council's policy, Watts Grove is a car free development and the making of the TMO will be instrumental in ensuring that this objective is achieved by preventing unauthorised car use. This is also consistent with the objectives that are set out in the clean air strategy.

## **9 RISK MANAGEMENT IMPLICATIONS**

- 9.1 Ensuring that parking is strictly controlled on the Watts Grove estate will limit the reputational risk that could occur if the new estate was subject to repeated unauthorised parking.

- 9.2 Central Government has produced guidance advising local authorities in England that their off-street parking arrangements should be operated in accordance with the statutory regime under s32(1) of the RTRA 1984 and not enforced through contract law. The implementation of this TMO is in accordance with this advice and therefore the Council is at less risk of legal challenge from Central Government and members of the public.

## **10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 10.1 The lack of parking control allows easy access to those who drive on to LBTH estates to engage in criminal activity. The establishment of parking controls using TMO's will allow the Council to tackle and track such illegal parking and link up with the current initiative led by THH to tackle anti-social behaviour directly on LBTH estates.

## **11 SAFEGUARDING IMPLICATIONS**

- 11.1 There are no specific safeguarding implications arising from this report.



## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- NONE

### **Appendices**

- NONE

### **Background Documents**

- NONE

### **Officer contact details for documents:**

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