

	Environment Committee 11 September 2017
Title	Commercial Vehicles parking on residential roads
Report of	Strategic Director of Environment
Wards	All
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Summary

This report was requested by the Environment Committee following a Members Item being considered at the 15th March 2017 Environment Committee meeting.

At the meeting on 15th March, Councillor Devra Kay identified a problem with commercial vehicles parking in residential roads which was causing concerns amongst residents as this was making it difficult for residents to park close to their properties.

This report identifies the outcome of a review conducted by Officers which has sought to identify possible solutions to the issue.

Recommendations

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| 1. | That the Environment Committee notes the options identified within this report |
| 2. | That the Environment Committee agrees to progress with “Option 3 - Refer potential non-compliance of operator’s licence to Traffic Commissioners” and “Option 4 – Improve awareness of the issue through a publicity campaign” |

1. WHY THIS REPORT IS NEEDED

- 1.1 Concerns were raised in relation to commercial vehicles parking in residential roads at the Environment Committee of 15th March 2017 by Councillor Devra Kay through a Member’s Item.
- 1.2 Having considered the Member’s Item the Environment Committee resolved that the Commissioning Director for Environment be requested to report to a future meeting a report outlining ‘Commercial vehicles parking on residential streets’.
- 1.3 There have been a number of concerns raised, with the most concerning being that residents and their visitors were finding it difficult to park close to their own properties due to the number of commercial vehicles being parked. Other concerns included the fact that large vehicles are being left for days at a time and overnight, that they are considered to be unsightly, that they pose a security risk, can cause obstructions, take up too much parking space and block natural light to properties.
- 1.4 It has been identified that Mayfield Gardens, NW4 is one such road that is reportedly plagued by a proliferation of tall vans. Another location that officers are aware of is a business who is parking a number of commercial vehicles in Rushgrove Avenue, NW9.
- 1.5 One of the Council’s Parking Policy’s key objectives is that residents should be able to park as near as possible to their homes. Therefore, the issue of commercial vehicles being parked in local roads is detrimental to achieving this objective.
- 1.6 In most cases, action cannot be taken on the basis that a vehicle which is usually used for commercial activity is parking on a residential street. Rather, action is usually taken on the characteristics of the vehicle - most commonly the size and weight. Therefore, vehicles of a commercial nature which are of a regular car size are significantly more difficult to address. Furthermore, it should be noted that a vehicle of 3.5 tonnes gross weight, such as a Mercedes Sprinter or traditional Ford Transit van are treated, in terms of parking rules and regulations, and parking enforcement, as a regular car size vehicle.

- 1.7 It is considered pertinent however, to understand what avenues are open to the Council and other bodies to take action, as it stands.

Overnight parking prohibition

- 1.8 There is currently a prohibition on 'commercial vehicles' from parking in the borough's streets between 6.30pm and 8am the following morning, with the exception of a few roads where the prohibitions does not apply.
- 1.9 The prohibition falls under The Barnet (Commercial Vehicles) (Waiting Restrictions) (No.1) Order 1988, and specifies a commercial vehicle as '*any vehicle of which exceeds five tonnes maximum gross weight, but does not include a motor vehicle constructed or adapted solely for the carriage of not more than 12 passengers (exclusive of the driver) and their effects or a hackney carriage*'.
- 1.10 Accordingly the Parking Enforcement Service currently enforces this prohibition focussed on the weight of a vehicle.
- 1.11 An example of a vehicle which weighs in the region of 5 tonnes is certain models of a Volkswagen Crafter, although it should be noted that other models of the Crafter, plus many other large vans fall within the 3.5 tonnes category.

Highway Code

- 1.12 Rule 250 of the Highway Code states that under the terms of The Road Vehicles: Lighting Regulations 1989 and The Road Vehicles (Construction and Use) Regulations 1986 that:

'Cars, goods vehicles not exceeding 2500 kg laden weight, invalid carriages, motorcycles and pedal cycles may be parked without lights on a road (or lay-by) with a speed limit of 30 mph (48 km/h) or less if they are:

- *at least 10 metres (32 feet) away from any junction, close to the kerb and facing in the direction of the traffic flow,*
- *in a recognised parking place or lay-by.*

Other vehicles and trailers, and all vehicles with projecting loads, MUST NOT be left on a road at night without lights'.

- 1.13 Accordingly on the basis that a number of commercial vehicles would be over 2500g (2.5 tonnes), then only the police can enforce this.
- 1.14 The likelihood however, of the Police enforcing this restriction is considered to be low, due to the relatively low level of risk in comparison to the Police's limited resources.

Goods vehicle operating licences and centres

- 1.15 A business may need a goods vehicle operator's licence if they use goods vehicles above 3500kg (3.5 tonnes) gross weight or 1525kg unladen weight. As part of the application process, a business is required to state where their proposed operating centres are and information about the numbers of vehicles they will keep there.
- 1.16 Therefore, it is a requirement for some businesses to not have their vehicles parked on-street whilst they are not in use.
- 1.17 The Driver and Vehicle Standards Agency (DVSA) carries out regular roadside vehicle checks and checks on operating centres. They then submit information to Traffic Commissioners who can call the business to a public inquiry to consider if any action against their licence is necessary.
- 1.18 The licence can be taken away, suspended or restricted by traffic commissioners for a variety of reasons, including if they use a place not listed on the licence as an operating centre (to store their vehicles).

Potential options moving forward

- 1.19 Moving forward, it is considered that the Council can consider the following action to address commercial vehicle parking.

Option 1 - Additional/more stringent weight restriction – borough-wide, on individual roads or on an area/zone basis.

- 1.20 As outlined elsewhere in this report, there is a borough-wide parking prohibition on vehicles weighing 5 tonnes or more. Consideration could be given to making this a lesser weight limit either on a borough-wide, area or road by road basis as this would capture commercial vehicles not necessarily captured by the current 5 tonnes prohibition, such as a 3.5 tonnes restriction.
- 1.21 Officers consider that introducing measures on a road by road basis may not totally remove or deter problematic parking as the activity could just be displaced onto nearby streets.
- 1.22 It should be noted that DfT approval may be required to introduce such measures due to the potential need to obtain signs approval, and consideration should be given to the potential impact on “non-commercial” vehicles which may be a similar weight to commercial vehicles which may get inadvertently “caught out” by any new restriction.
- 1.23 Consultation, including a statutory consultation would be required prior to introducing such a measure.

Option 2 - Controlled Parking Zone (CPZ) in the affected streets or areas.

- 1.24 Traditional parking restrictions in the form of CPZ controls may be effective in deterring non-resident parking, which could include problematic commercial vehicle parking.

- 1.25 Yellow lines would be provided where it is considered motorists should not park, either at all, or during certain hours, and parking places would be provided where it is considered safe for motorists to park. Where parking places are designated for resident permit holders, only residents of the agreed area would be able to apply for and obtain permits to entitle them to park their vehicles in them.
- 1.26 The introduction of a CPZ could help deter the parking of commercial vehicles, although residents and businesses who reside or operate in the agreed area, and who are owners/keepers of commercial vehicles would still be eligible to obtain a permit unless specific conditions were agreed to prevent this from occurring.
- 1.27 Consideration would need to be given to the times of day when the problematic parking is an issue. If overnight, then the CPZ would need to be introduced at night to address the concern.
- 1.28 Similar to a weight restriction, the introduction of a CPZ could displace the problematic parking to neighbouring streets, and again, statutory consultation would be required before the introduction of any agreed measure.
- 1.29 It should be noted that the two roads mentioned above, Mayfield Gardens NW4 and Rushgrove Avenue NW9, will be subject to CPZ investigations in the future, as Mayfield Gardens falls within an area identified for investigation relating to the future Brent Cross Regeneration and Rushgrove Avenue falls within a future Colindale CPZ investigation.
- 1.30 The Colindale CPZ referred to will be subject to an informal consultation later this year, with a view to introducing a CPZ in the area, subject to the outcome of consultation, in 2018,
- 1.31 The Brent Cross investigations will commence in 2017 with consultation planned for late 2017/early 2018.

Option 3.- Refer potential non-compliance of operator's licence to Traffic Commissioners.

- 1.32 There is scope to refer complaints about commercial vehicle parking to the relevant licensing office to investigate and enforce. This would ensure that actual issues are directly investigated, and the relevant action taken if any operator was found to be in contravention of their licence.

Option 4 – Improve awareness of the issue through a publicity campaign

- 1.33 Through the 'Barnet First' publication and other media, the Council reaches a large number of residents of the borough, and it is considered that it could be beneficial to seek to promote sensible and 'community spirited' parking through articles in Barnet First and potentially other communications.

Conclusions

- 1.34 The current options to addressing problematic commercial vehicle parking are limited. The Council has no specific power to focus solely on parking by vehicles of a commercial nature, and also has limited powers to enforce restrictions which could impact on commercial vehicles.
- 1.35 When seeking to address commercial vehicle parking, historically the Council, has sought to focus on restricting the use of their roads by vehicles of a certain weight. In the case of parking, restrictions apply overnight to vehicles of over 5 tonnes.
- 1.36 In theory, this could be amended to any weight limit, and at certain times of day, however care would need to be given on ensuring that private vehicles owned by genuine residents are not captured as a prohibited vehicle.
- 1.37 A CPZ could be considered, however again, care would need to be taken to ensure the relevant times of day are captured. Furthermore, it is acknowledged that owners of commercial vehicles who are residents of the CPZ area would be eligible to obtain a permit.
- 1.38 Practically, the scale of the potential weight limit and CPZ solutions could be considered as excessive, given the issue, particularly in circumstances where commercial vehicle parking was taking place, and although considered problematic, was low in number.
- 1.39 There appears to be a process that the DVSA and Traffic Commissioners can investigate and seek to address contraventions of the Operator's Licence, and the Council could seek to liaise with these bodies to investigate issues as and when they arise.
- 1.40 Such action would be direct responses to particular commercial parking issues raised, although as it stands Officers are unaware of the process or timescales for their investigations, or their likely success rate.
- 1.41 Officers consider that of the options considered that, in terms of being the a response to issues raised, investigating and promoting liaison with the DVSA/Traffic Commissioners appears to be the most direct to any issue raised, although an exact process for doing so will need to be established.
- 1.42 However, it is noted that not all commercial vehicles will require an Operator's Licence and therefore would not be captured by this process.
- 1.43 It is therefore considered appropriate that Officers should seek to design and undertake a publicity campaign on the issue, through established local media, such as the Barnet First magazine, with a view to explaining the problematic parking and promoting a sensible parking regime.

- 1.44 Furthermore, Officers are aware of further concern relating to the use of skip lorries and vehicles with trailers being used to store waste, and will commit to checking whether the vehicles in questions are licensed waste carriers.

2. REASONS FOR RECOMMENDATIONS

- 2.1 It is considered that the issue of commercial vehicle parking is not easily solvable, but the recommended action seeks to go some way to seeking to resolve the concerns raised.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The Committee could choose to not progress with any further work, however this would mean that the concerns would remain unresolved and the Parking Policy aim of ensuring residents could park near their homes would not be met.
- 3.2 Alternatively, the Committee could choose to progress one or some of the options considered, however as it stands it is considered that a general 'scheme-based' solution to address the issue of Commercial Vehicle parking cannot be promoted without knowledge and understanding of the local issues and circumstances.
- 3.3 Furthermore it is considered that the measures outlined in Options 1 and 2 may cost significant amounts of money to install and enforce, depending on how widespread the issue is.

4. POST DECISION IMPLEMENTATION

- 4.1 If the recommendation is approved, this work would be added to the current programme of priorities and further detailed work will be undertaken by Officers to investigate and progress the agreed options.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The Council's Corporate Plan 2015 – 2020 states in its strategic objectives that it will work with partners to create the right environment to promote responsible growth, development and success across the borough. We want to ensure that the borough continues to be a place where people aspire to live.
- 5.1.2 The Council's Parking Policy identifies that one of its key aims is to ensure that residents can park close to their homes.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 Should the Committee agree to proceed with the recommendation there will

be costs incurred in relation to Officers in the Parking Process Team investigating and establishing a process that would be required to report issues to the DVSA/Traffic Commissioners and obtaining feedback, and engaging with the Communication Team in respect of creating a publicity campaign regarding the issue.

- 5.2.2 This would be anticipated to be in the region of £5,000 to set up a new process with minor ongoing costs in dealing with each report. As there is no other budget available to accommodate this additional activity it would need to be funded from the Special Parking Account.

5.3 Social Value

- 5.3.1 The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. This report does not relate to the procurement of services contracts.

5.4 Legal and Constitutional References

- 5.4.1 The Traffic Management Act 2004 places a duty on a local authority to appropriately manage its highway network and this includes the way in which the road space is utilised.
- 5.4.2 The Council's Constitution (Part 15, Responsibility for Functions, Annex A) gives the Environment Committee specific responsibilities for commissioning in relation to Streetscene including pavements and all classes of roads, parking provision and enforcement, and transport and traffic management.

5.5 Risk Management

- 5.5.1 The concerns that have been raised in relation to commercial vehicles parking in residential streets would need to be fully understood in the context of the roads concerned and any potential solution would look to mitigate or at least reduce any risks identified.

5.6 Equalities and Diversity

- 5.6.1 The Public Sector Equalities Duty under section 149(1) of the Equalities Act 2010, requires the Authority, in the exercise of its functions to, have regard to the need to advance equality of opportunity between persons, who share relevant protected characteristics and persons who do not share them.
- 5.6.2 Having due regards means the need to (a) remove or minimise disadvantage suffered by persons who share relevant protected characteristics that are connected to those characteristics (b) take steps to meet the needs of persons who share relevant protected characteristics that are different from the needs of people who do not share (c) encourage persons who share relevant protected characteristics to participate in public life in any other activity in which participation by such person's is disproportionately low.

5.6.3 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, sex and sexual orientation.

5.6.4 Any review carried out and potential solutions identified would take account of the need to fully consider equality impacts and ensured these are appropriately addressed.

5.7 Consultation and Engagement

5.7.1 Should the Committee agree to proceed with the recommended actions, Officers will seek to engage with the DVSA and Traffic Commissioners regarding establishing a process moving forward, and seeking to engage with the Barnet public through Barnet First magazine.

5.8 Insight

5.8.1 Insight on the issue has thus far been identified by residents to their Ward Councillors. Officers will need to conduct more detailed work to engage with other authorities to establish a process to address the issue, and this insight will inform Officers' thinking when looking to progress with the recommended actions.

6. BACKGROUND PAPERS

6.1 Members Item (Agenda Item 6) considered at the Environment Committee on 15th March and the decision made by the Committee.