

**RIGHT TO CHALLENGE PARKING POLICIES – PROPOSED ADDITIONAL
PETITIONS PROCEDURE**

- To:** Constitution and Ethics Committee
- Date:** 23rd June 2015
- From:** LGSS Director Law, Property and Governance
- Electoral division(s):** All
- Purpose:** To consider new requirements under Network Management Duty Guidance to have in place a petitions procedure to enable residents to challenge parking policies.
- Recommendation:** The Committee is asked to recommend to Council:
- a) that a new, separate Petitions Scheme, as set out in Appendix A, is agreed to comply with new requirements to have in place a petitions procedure to enable residents to challenge parking policies
 - b) that this be reflected in the Council's Constitution by incorporating the amendments set out in Appendices B, C and D
 - c) to authorise the Monitoring Officer, in consultation with the Chairwoman of the Constitution and Ethics Committee, to make any other minor or consequential amendments to the Constitution necessary for, or incidental to, the implementation of these proposals.

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1. BACKGROUND

- 1.1 The Government wants to make it easier for local residents and firms to challenge unfair, disproportionate or unreasonable parking policies. New statutory guidance issued by the Secretary of State under Section 18 of the Traffic Act 2004 introduces a right to challenge parking policies.
- 1.2 The Network Management Duty Guidance issued in March 2015 by the Department for Communities and Local Government requires local authorities to have in place a petitions procedure and to have the right for a review to be undertaken with a final decision to involve elected members.

2. PURPOSE OF THE GUIDANCE

- 2.1 The Guidance proposes a petition scheme that allows people and businesses to raise petitions about the parking restrictions at a specified location. However, it also acknowledges the responsibility of local authorities to put in place parking strategies that reflect the needs of all road users which includes pedestrians, cyclists, and people with disabilities and the needs of residents, shops and businesses.
- 2.2 The Government recognises that a local authority can expect people raising a petition to demonstrate that their challenge is supported by local residents, businesses and /or others affected by the parking policy. The Guidance therefore suggests local authorities should set thresholds for the minimum number of signatures to be locally achievable, even where the issues raised are of concern to only a minority of those affected. The example given in the guidance is at around 20 petitioners, which is seen as a reasonable number to seek a review of a specific parking issue which may only involve a small number of residents / households. The Council's current petitions scheme requires 50 signatures to be able to speak at a committee / Council meeting.

3. PROPOSALS TO IMPLEMENT GUIDANCE

- 3.1 It is proposed that in order to implement this new requirement, a separate procedure to cover requests for parking reviews, much like the separate procedure for petitions relating to planning applications, is created.
- 3.2 Given that elected councillors will have the final decision in considering reviews triggered by a petition, it is proposed that they should be presented to either the Highways and Community Infrastructure Committee (if it is a strategic parking issue anywhere in the county or involves a local parking issue outside Cambridge City) or the Cambridge City Joint Area Committee (if it involves a Cambridge City local parking issue).
- 3.3 A draft procedure for managing petitions requesting a review of parking policies is attached as **Appendix A**.

4. CONSEQUENTIAL CHANGES TO THE CONSTITUTION

- 4.1 It is proposed to amend the Constitution to reflect the power of the Highways and Community Infrastructure Committee and of the Cambridge City Joint Area Committee to consider petitions requesting a review of parking policies.
- 4.2 The proposed revision of Part 3B of the Constitution (Committees of Council – Highways and Community Infrastructure Committee) is attached as **Appendix B**. The additional wording is underlined.
- 4.3 The proposed revision of Part 3C of the Constitution (Joint Committees – Cambridge City Joint Area Committee) is attached as **Appendix C**. A new power is added as number 2 (underlined), with the subsequent four powers renumbered.
- 4.4 The proposed revision of the section on Exclusions in rule 9.4 of Part 4.1 of the Constitution (Council Procedure Rules) is attached as **Appendix D**. The additional wording is underlined.

Source Documents	Location
Right to Challenge Parking Policies - Traffic Management Act 2004: Network Management Duty Guidance March 2015	https://www.gov.uk/government/publications/right-to-challenge-parking-policies

PETITIONS PROCEDURE FOR CHALLENGING PARKING POLICIES

1. Petitions wishing to challenge parking policies must include the following:

- A clear statement identifying the area / roads to be addressed and the issue you would like the authority to review.
- The name and contact details of the Petition Organiser, who should be a local person*. This may be either a postal address or e-mail (*the Council has an ePetitions facility available on its website*). This is the person we will contact to explain how we will respond to the petition and to discuss matters of process.
- The name (preferably in block capitals) and full address of each local person* who signs it. This will help the Council assess the extent to which the views expressed represent a particular locality. Where the petition is in paper form, this should also include an actual signature. Where the petition is submitted in electronic form, a list of the names and addresses will suffice.

2. Management of Petitions

The authority will usually accept a petition for consideration, unless there are exceptional circumstances or the petition is considered vexatious** or consultation on a scheme has recently been completed. The authority will:

- ensure the petitioner has a clear understanding of what aspects of its parking policies will be reviewed, and what that review will involve, including any requirement for public consultation.
- ensure the petitioner has a clear understanding of the timescale, provide regular progress updates and in particular provide details on the timing and nature of any public consultation.
- publish details of the petition and of the scheduled review.
- notify the petitioner of when the matter will be considered for decision
- invite the petitioner to address the relevant committee before a final decision is made, if their petition has the necessary minimum number of signatures.

3. Speaking at Committee Meetings

In order to speak at a committee the petition must include the signatures of at least 20 'local people'* who have an interest in the subject of the petition.

The Petition Organiser, or their nominee*** will be able to speak at the same meeting at which the officer review report will be presented. They will be asked to:

- make their presentation at the beginning of the relevant item so that the Committee can take into account the views expressed in the petition when reaching a decision on the issue.
- speak for 3 minutes only. The Chairman/woman of the meeting may extend the time allowed, but only in exceptional circumstances.
- respond to questions about the petition from Councillors. The person presenting the petition will not be allowed to take part in the subsequent debate on the petition unless the Chairman/woman considers it appropriate with the agreement of the Committee.

4. **Decision process**

A decision will be made at the Committee meeting. If the Petition Organiser is not present and is not represented at the meeting, he/she will receive from the Chairman/woman of the meeting a written confirmation of the outcome of their petition within ten working days of the meeting.

5. Following a decision made by the relevant committee, there will be no further review of the same policy / parking issue raised in the petition for a minimum period of six months from the date of the decision, unless there has been a substantial change in policy or local conditions since the last review⁺.

Key

- * *A local person is anyone who lives, owns a business, or works in the area (business address to be recorded where appropriate), or who attends a school or college in the area at the time the petition is submitted.*
- ** *Vexatious includes petitions calling for a review of many traffic regulation orders over too wide an area, or a series of petitions from a small or non-resident group addressing a particular aspect of the parking policies over a number of areas.*
- *** *County Councillors / District Councillors will not usually be allowed to present petitions under this procedure as they have other opportunities to make their views known. This may however be allowed where the Councillor has a prejudicial interest preventing them from speaking to a report, or where the Petition Organiser or other representative of the petitioners is unable to attend the meeting. In these circumstances the Chairman/woman of the meeting concerned will be consulted and asked to exercise their discretion to allow the Councillor to present the petition.*
- + *examples of substantial changes include major housing developments of more than 10 dwellings, new commercial developments, population shifts or significant changes in traffic flow as a result of revised highway layouts.*