

Restricted Parking Zone - Town Square, Crediton

Report of the Head of Highways and Traffic Management

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that the contents of this report are noted.

1. Summary

This report details the issues surrounding the restricted parking zone in Town Square, Crediton and the actions taken to address these.

2. Background/Introduction

As part of the enhancement scheme for Town Square, Crediton, which was implemented in 2006, a restricted parking zone was introduced. A restricted parking zone applies the same restriction as yellow lines, without the need to place lines on the road. In an enhancement scheme, such as Town Square, this type of zone can offer a less intrusive way of signing the restriction of "no waiting at any time" in between marked bays. Currently a restricted parking zone entry sign is not prescribed in the Traffic Signs Regulations and General Directions, and therefore, requires a special authorisation from the Department for Transport (DfT) to utilise these signs.

Unfortunately, at the time of implementation, a special authorisation was not obtained. Following the introduction of Civil Parking Enforcement in 2008, and as enforcement was carried out by Mid Devon District Council, it was highlighted that this authorisation had not been obtained. MDCC were instructed to suspend enforcement of the restricted zone. However, due to the pressure on parking in this area, especially on the limited waiting and loading bays, and complaints received from local Councillors regarding the lack of enforcement, a decision was made to continue the enforcement of the parking bays within the zone because they were individually signed. The remaining parts of the zone, between bays, where the "no waiting at any time" restriction applied, was not enforced.

3. Proposal

When it became clear that authorisation had not been granted, officers contacted DfT and recommenced the application process. Following feedback from the enforcement team, an alternative scheme was proposed for Town Square using traditional yellow lines between the bays, rather than a restricted zone. Following the relevant consultation, it was agreed that yellow lines should be used instead of the zone entry signs.

The parking bays within the zone had been marked on the road using inset kerbs rather than white lines. Although this is quite clear to the motorist, this would also require special authorisation. A request was made to DfT to ask that the application be changed from a restricted zone to an application for the use of inset kerbs rather than white lines. DfT agreed and a detailed plan was submitted for the authorisation. When DfT subsequently

issued the authorisation, they also informed the County Council that one of the signs used within the zone to show dual use of a bay, i.e. Loading in the morning and Limited waiting in the afternoon, also required authorisation which was given. The Traffic Signs Regulations and General Directions had been interpreted to permit the use of a dual sign, which is why enforcement had continued.

Authorisation of this sign and the inset kerbs has now been received and the area is fully enforceable.

Once it became apparent that these areas required authorisation and honest mistakes had been made, it was decided, through close liaison with the County Solicitor, including independent legal advice, that steps should be taken to refund all Penalty Charge Notices (PCNs) issued in the area between May 2008 and the date of the authorisation (31 March 2011). When a person pays a PCN without challenge contact details are not kept. The legal advice was to place a notice in the local paper and on site for applications to refund. An advert was placed in the local paper on 17 May and a notice placed on site. Applications are being processed by MDDC. Members of the public had until 8 June to make an application for a refund; 16 applications have been made.

4. Financial Considerations

The cost of refunding the PCNs issued within the zone will be met by the On-street parking account which will have no negative affect on other budgets or services provided to the public.

5. Legal Considerations

The lawful implications of the course of action detailed above have been considered and taken into account. The Highways and Traffic Management Team worked closely with the County Solicitor when deciding on the course of action to take.

6. Risk Management Considerations

This proposal has been assessed and all necessary safeguards or action have been taken to safeguard the Council's position.

7. Options/Alternatives

When deciding whether to keep the restricted parking zones or change the scheme to its current form, using traditional yellow lines, the alternatives were considered and discussed with the local County Councillor and Environmental Officers. It was decided that the lines had very little impact on the street scene and wider Town Square environment, as the roads were constructed of traditional material.

Highways and Traffic Management Team worked closely with the County Solicitor when deciding on the course of action to take, after it became apparent that the limited waiting and loading bay sign also required authorisation. Following independent legal advice, it was decided to take steps to refund PCNs, despite the fact that the bays were clearly signed. Mistakes had been made; however, at each stage when this became apparent, action was taken. It was felt that refunding PCNs was the most appropriate course of action in these circumstances.

8. Reason for Recommendation/Conclusion

The decisions made to address the issues detailed above were made following independent legal advice. It is recommended that the report is noted.

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Head of Highways and Traffic Management

Electoral Division: Crediton Rural

Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Ref
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