

CABINET

Date of Meeting	Tuesday, 25 th April 2023
Report Subject	Parking Outside Schools and Enforcement
Cabinet Member	Deputy Leader of the Council and Cabinet Member for Streetscene and Regional Transport Strategy
Report Author	Chief Officer (Streetscene & Transportation)
Type of Report	Operational

EXECUTIVE SUMMARY

At the Environment & Economy Overview & Scrutiny Committee (E&EOSC) on 11th October 2022, members suggested that an item on parking outside schools and enforcement should be considered by the Committee due to concerns being raised about inappropriate and inconsiderate parking and traffic congestion outside schools at the start and end of the school day. It was agreed that a report should be taken to the Education, Youth & Culture Overview & Scrutiny Committee and that members of the Environment & Economy Overview & Scrutiny Committee should be invited to attend to discuss the matter.

The purpose of this report is to provide Cabinet members with an overview of the problems currently experienced within the vicinity of the county's schools, whilst also outlining the roles and responsibilities of all parties concerned with a view to seeking a collaborative approach and effective solution.

At the Scrutiny meeting on 23rd March 2023, it was resolved that a joint task and finish group should be set up, which will involve elected members from the two Scrutiny Committees, officers from both the Education & Youth and Streetscene & Transportation portfolios, the Police and Head Teachers to explore the issues in further detail and develop a collaborative and preventative approach with key stakeholders. The task and finish group will report to each Scrutiny Committee in turn. Cabinet approval is therefore being sought to support the creation of this group.

RECOMMENDATIONS

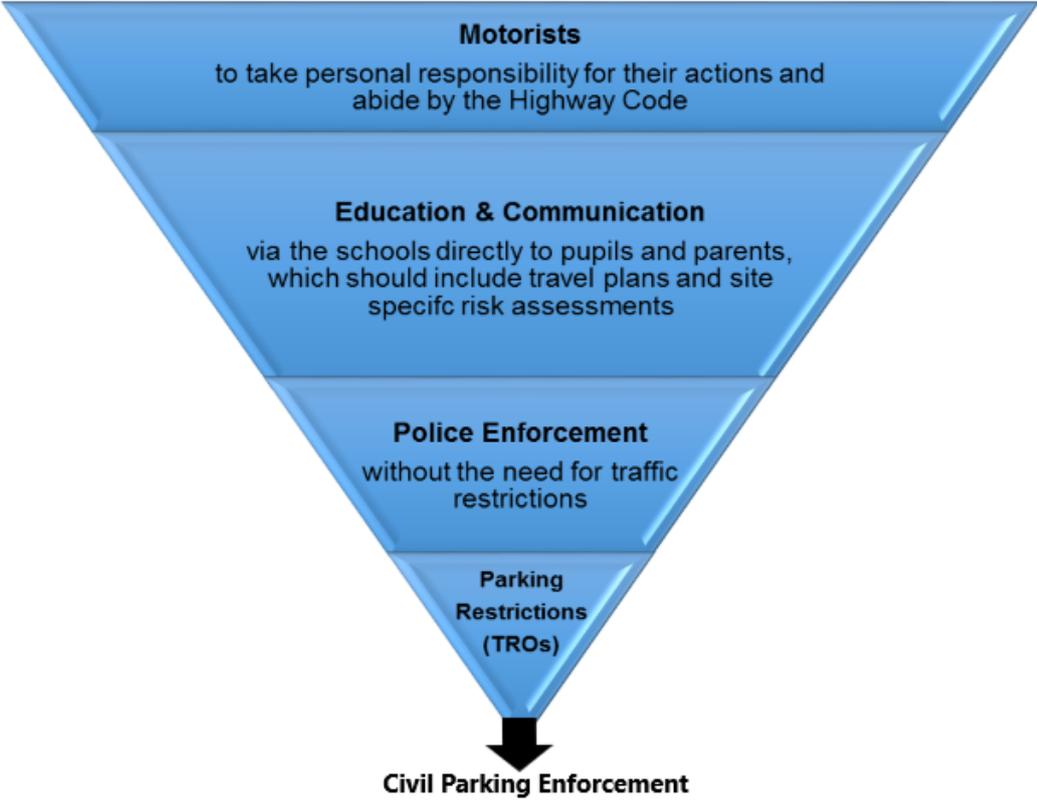
1	That Cabinet notes the historical issues associated with parking within the vicinity of schools and recognises the responsibilities of highway users in accordance with the requirements of the Highway Code.
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2	That Cabinet notes the hierarchy of responsibility in relation to the management of traffic within the vicinity of schools and acknowledges the role of enforcement as a reactive measure rather than a means to prevent initial occurrence.
3	That Cabinet supports the creation of a joint task and finish group, which will involve elected members from the two Scrutiny Committees, officers from both the Education & Youth and Streetscene & Transportation portfolios, the Police and Head Teachers to explore the issues in further detail and develop a collaborative and preventative approach with key stakeholders.

REPORT DETAILS

1.00	EXPLAINING THE PROBLEMS ASSOCIATED WITH PARKING OUTSIDE SCHOOLS AND ENFORCEMENT RESPONSIBILITIES
1.01	Parking within the vicinity of schools is a longstanding problem and many schools are located within densely populated and built-up residential areas on narrow roads, where much of the infrastructure and buildings were constructed at a time when vehicle usage was significantly lower than the present day. Inappropriate, inconsiderate, and sometimes, dangerous parking is an increasing issue around schools and puts the safety of children and other road users at risk. There is no one single solution to resolve the issue and it will require a range of measures applied regularly throughout the school year and commitment from the school, school community and wider local community.
1.02	Nowadays, many parents / guardians take their children to school by car on their way to work, rather than using more sustainable means of travel such as public transport or walking or cycling (active travel). Whilst much work and investment has been targeted at the implementation of active travel infrastructure across the county and most children live close enough to walk or cycle to school, many parents continue to have perceived concerns about the safety of walking routes to and from school. This is, in part, due to the high volumes of vehicular traffic combined with an inability (in some cases) to provide the required infrastructure due to historical site constraints.
1.03	As a result, the travel choices adopted by many people directly contribute to the unsuitable environment we have all become accustomed to in and around the county's schools, which in turn has exacerbated the problem. The number of vehicles on the school run is often cited as one of the main contributors to congestion on the roads at peak times, as well as increased environmental pollution and carbon emissions.
1.04	Notwithstanding the above, all road users, particularly motorists, have a duty of care to act in accordance with the requirements of the Highway Code which includes: <ul style="list-style-type: none"> ➤ <u>To drive</u> in accordance with the conditions of the carriageway. ➤ <u>To obey</u> the legally prescribed speed limit. ➤ <u>Not to park</u> in such a way that causes a dangerous obstruction (both physical and visual) to the highway or its users (including double-parking, parking on footways) ➤ <u>Not to prevent</u> access to formalised dropped crossings (driveways / crossing points)

	<p>➤ <u>Not to</u> contravene the requirements of formal Traffic Regulation Orders, including single and double yellow lines and clearways (school entrance markings).</p>
1.05	<p>Despite the mandatory requirements placed upon drivers, it is apparent that a high proportion of motorists show limited regard to the duties outlined within the Highway Code, which in effect, places the most vulnerable road users at risk. In addition, many residents who reside within the vicinity of schools complain that they are plagued with poor driver behaviour, which can have an impact on their property (both in terms of value and access) and even impact on personal mental health and wellbeing.</p>
1.06	<p>As is the case in many local authorities, Flintshire County Council receives a high volume of complaints and concerns about parking and traffic congestion outside schools, along with requests to resolve the issues or carry out road safety reviews or introduce parking restrictions.</p> <p>However, local authorities do not have the powers or the resources to deal with all perceived parking and traffic problems outside schools. Although any dangerous or inconsiderate parking that is causing an obstruction is a matter for the police to enforce, the police also have limited resources available to carry out enforcement for such localised traffic matters.</p>
1.07	<p>Unfortunately, the Council is also constrained by resources. Currently, we rely upon a very small team of transport strategy officers to design, bid for grant funding, and implement safer routes and active travel infrastructure schemes (including the implementation of legal Traffic Regulation Orders), along with a small team of Civil Parking & Environmental Enforcement Officers who can enforce formal traffic restrictions.</p>
1.08	<p>The diagram below is intended to illustrate the hierarchy of responsibility regarding the management of traffic and parking within the vicinity of schools: -</p>

	 <p style="text-align: center;">Motorists to take personal responsibility for their actions and abide by the Highway Code</p> <p style="text-align: center;">Education & Communication via the schools directly to pupils and parents, which should include travel plans and site specific risk assessments</p> <p style="text-align: center;">Police Enforcement without the need for traffic restrictions</p> <p style="text-align: center;">Parking Restrictions (TROs)</p> <p style="text-align: center;">Civil Parking Enforcement</p>
1.09	<p>The Civil Parking and Environmental Enforcement (CPEE) service is a multifunctional team of ten officers covering enforcement for on street and off-street parking contraventions, environmental crimes (littering; dog fouling; fly tipping; side waste; household duty of care), as well as delivering educational campaigns on such matters. The team is required to cover these duties seven days a week due to the nature of the work they undertake, including out of hours as and when required.</p>
1.10	<p>Out of the 78 schools across the county, 25 currently have traffic restrictions which the CPEE team can actively monitor and patrol. Each school can have a different type and extent of traffic restriction ranging from solely “School Keep Clear” markings outside of the main gates to an extensive network of restrictions, which can extend beyond the school boundary into the surrounding residential areas.</p>
1.11	<p>The enforcement officers are scheduled to attend the schools that are the most problematic on a frequent basis. Officers attending the schools are on duty at their assigned school from 8:30am to 9:15am and 2:30pm to 3:15pm. Generally, the concerns received about the schools tend to centre around the afternoon pick-up when people arrive early looking for spaces to park to collect a pupil.</p>
1.12	<p>When officers are in attendance, most parents abide by the restrictions and park appropriately meaning that the officers do not have the opportunity to issue a Penalty Charge Notice (PCN). Quite often members of the public know the regulations and limitations of enforcement in that they know that they are allowed time to let passengers alight from the vehicle even when parked on a traffic restriction, again meaning the officer cannot issue a PCN.</p>

1.13	Each school requires a different level of enforcement and presence depending on the restrictions in place. Some schools may only require one officer to attend any one time while others require up to three or four officers to ensure that the restrictions are monitored comprehensively. Unfortunately, the Council does not have sufficient resources to be able to effectively monitor the full extent of the traffic restrictions currently in place at every school every day.
1.14	Parking restrictions through Traffic Regulation Orders (TROs) can prevent parking or waiting between certain hours of the day or at all times; however, the needs of the local community as a whole will need to be considered before any such Order is made. The statutory legal process required for the implementation of TROs can be complex and unpredictable, and can take up to six months to complete, as well as requiring funding for implementation.
1.15	<p>Remote enforcement opportunities, such as Automatic Number Plate Recognition (ANPR) cameras/CCTV are currently being explored; however, the availability and suitability of such technology is not yet sufficient to enable widespread use and funding would be required to purchase such a system.</p> <p>In any case, given TRO legislation permits the act of setting down and picking up passengers within a recognised discretionary time period, such technology can only be effectively utilised for enforcing clearways such as 'School Keep Clear' zig-zag markings and it does not account for people who might be able to park legitimately with a blue badge in the windscreen.</p>
1.16	As detailed within the body of this report, there is no single solution to fix the problems of parking and congestion within the vicinity of schools and commitment from all parties including individual schools and the wider school community will be required. If the issues are to be addressed effectively, a range of different options will need to be considered, including education and communication (to deliver the behavioural change required), improved infrastructure (to facilitate active travel and reduce vehicle usage), and lastly, parking restrictions and subsequent enforcement. It does, however, need to be acknowledged that enforcement (of any nature) is a purely reactive measure and should only be considered as the last resort when all other avenues have been exhausted.
1.17	At the Scrutiny meeting on 23 rd March 2023, it was resolved that a joint task and finish group should be set up, which will involve elected members from the two Scrutiny Committees, officers from both the Education & Youth and Streetscene & Transportation portfolios, the Police and Head Teachers to explore the issues in further detail and develop a collaborative and preventative approach with key stakeholders. The task and finish group will report to each Scrutiny Committee in turn. Cabinet approval is therefore being sought to support the creation of this group.

2.00	RESOURCE IMPLICATIONS
2.01	The Civil Parking and Environmental Enforcement (CPEE) service is a multifunctional team of only ten officers who are required to provide enforcement across a broad spectrum over 7 days.

2.02	The Council's Transport Strategy and Road Safety team consist of a small number of officers who are required to implement safer routes and active travel infrastructure schemes (including the implementation of legal Traffic Regulation Orders).
2.03	Limited funding opportunities and a worsening financial climate dictate that the implementation of improved infrastructure can only be provided via a targeted, incremental approach.
2.04	Advancements in technology are required before remote enforcement opportunities are a viable option.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	Not required.

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	Deputy Leader of the Council and Cabinet Member for Streetscene and Regional Transport Strategy.
4.02	The creation of a joint task and finish group, which will involve elected members from the two Scrutiny Committees, officers from both the Education & Youth and Streetscene & Transportation portfolios, the Police and Head Teachers, in order to explore the issues in further detail and develop a collaborative and preventative approach with key stakeholders. Members will be appointed on a task and finish basis to assist in the key aspect of policy development, working with the relevant Cabinet Members for Education & Youth and Streetscene & Transportation.

5.00	APPENDICES
5.01	None.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None.

7.00	CONTACT OFFICER DETAILS
7.01	Contact Officer: Anthony Stanford, Transportation Manager Telephone: 01352 704817 E-mail: anthony.stanford@flintshire.gov.uk

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8.00 GLOSSARY OF TERMS

8.01 **Active travel:** – for the purposes of this document ‘active travel’ refers to walking and cycling for everyday journeys – such as to go to work, or education or access services.

Traffic Regulation Order (TRO): - TROs are legal documents that restrict or prohibit the use of the highway network, in line with The Road Traffic Regulation Act 1984. They are used to manage the highway network for all road users and aim to improve road safety and access to facilities.

Penalty Charge Notice (PCN): - A PCN is a notice issued by or served by a Civil Enforcement Officer for contravention of parking regulations in accordance with the provisions of the Road Traffic Regulation Act. It can be paid, contested by appeal, or contested by defending a claim for payment under the small claims track of the county court.

Civil Parking and Environmental Enforcement (CPEE) Service: -Is a multifunctional team environmental crimes (littering; dog fouling; fly tipping; side waste; household duty of care) as well as delivering educational campaigns on such matters.