

To: Infrastructure, Land and Environment Policy Board

On: 4 November 2020

Report by: Director of Environment & Infrastructure

Heading: Traffic Regulation Order – School Parking Exclusion Zones

1. Summary

- 1.1 At its meeting on 28 February 2019, Council committed £0.1M of recurring revenue resources to continue to tackle the issue of irresponsible parking around schools in Renfrewshire. Previous papers have been presented to the Communities, Housing and Planning Policy Board in May 2019 and January 2020 to outline the approach for implementation of this proposal.
- 1.2 The proposal to implement school parking exclusion zones was considered across the Council's school estate and agreement was reached at the Communities Housing and Planning Policy Board of January 2020 that there would be a pilot exercise undertaken at 4 primary schools in Renfrewshire, the 4 schools being:
- St Charles Primary School (Paisley)
 - Lochfield Primary School (Paisley)
 - St Catherine's Primary School (Gallowhill, Paisley)
 - Barsail Primary School (Erskine)
- 1.3 It was proposed that the pilot period be set for a 9 month period to allow for monitoring and evaluation of the success of the pilot exercise to determine if appropriate to be rolled out across additional schools in Renfrewshire with the requirement of a Traffic Regulation Order to change the restrictions on the roads around the 4 schools.
- 1.4 In terms of the Road Traffic Regulation Act 1984 and the Council's Scheme of Delegation, the making of a Traffic Regulation Order (TRO) is delegated to the Director of Environment & Infrastructure after consultation with the Convener of the Infrastructure, Land and Environment Policy Board and the local ward Members.

- 1.5 The TRO required for the schools parking pilot was advertised for public consultation on 28 February 2020 and closed on 29 March 2020. There were objections raised, across the 3 of the 4 schools, the majority of objections were from teachers and school based staff, one from a school based trade union representative and one from a member of the public. Many of the objectors raised multiple objections. The objections are set out in full at Appendix 1 of this report, however a summary of the objections and proposed mitigations are set out at section 3.12 of the report.
- 1.6 As a result of the significant majority of objectors being school staff, discussions were held with the headteachers of each of the schools affected. It has been agreed that an appropriate number of emergency passes will be provided to each school to be used at the discretion of the Headteacher to address the objections raised, resolving the overwhelming majority of the objections raised.
- 1.7 In accordance with the 'Local Authorities' Traffic Orders (Procedures) (Scotland) Regulations 1999' and the Council's procedures, the Board may now decide how to proceed; to either make the order, make the order in part or not make order. The type of proposed restriction does not automatically require the appointment of an independent Reporter to decide on the objections. The Board is therefore free to choose either to decide on the objections itself or to appoint a Reporter to do so.
- 1.8 Plans for the proposed TRO locations are included as Appendix 2 to the report.
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2. Recommendations

It is recommended that the Infrastructure, Land & Environment Policy Board:

- 2.1 Considers and decides on the objections made in relation to The Renfrewshire Council (Renfrewshire, school streets) (part time prohibition of motor vehicles) Experimental Order 2020 at the meeting of this Policy Board rather than appointing an independent reporter.
- 2.2. Subject to recommendation 2.1 and the objections not being upheld, approves the implementation of the Traffic Regulation Order as advertised and authorises the Director of Environment & Infrastructure in conjunction with the Convener of the Infrastructure, Land & Environment Policy Board to make the Traffic Regulation Order.
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School Parking Exclusion Zones

- 3.1 Following a desk top review of all primary schools across Renfrewshire and discussions with Children's Services, 4 schools were chosen to pilot school parking exclusion zones. These zones will prohibit cars from entering/leaving at set times during the day at the start and end of the school day.

- 3.2 Whilst generally supportive of the project, Children's Services were keen to stress that the schools required to be fully involved in the pilot from the outset. As a result, specific consultation sessions took place with the schools, with parents and residents invited to each of the sessions prior to the wider public consultation process taking place.
- 3.3 The schools selected for the pilot where there was evidence of a potential conflict between vehicles and children and the road was potentially able to be closed i.e. it was not a busy thoroughfare. This restricted the choice available for pilot schools, with the location of several schools making them unsuitable for roads to be closed.

Selection Criteria

- 3.4 The selection criteria that were used to identify whether a school could be considered for the pilot exclusion zones were:
- geographical spread
 - the school's location on the road network
 - historical evidence of high car use on the school journey
 - high level of congestion at school gates and irresponsible parking
 - historical evidence of complaints regarding school zone safety and school travel
 - number of permits required, and number of residents affected by change
 - minimising impact of enforcement on Police Scotland resources
- 3.5 There are schools within Renfrewshire that experience similar problems with congestion and parking but do not meet the above criteria and therefore have been discounted from the pilot. Other initiatives will be considered for these schools to try and improve safety. In the first instance all schools have received promotional banners and materials to attempt to change driver behaviours.

Evaluation and Implementation

- 3.6 As part of the pilot, an evaluation of the effectiveness of the scheme will be undertaken. Initially a baseline assessment will be carried out before the pilot to assess the challenges currently faced, counts of vehicles in streets and where any displaced traffic may go when streets are closed.
- 3.7 Some of the Key Performance Indicators (KPIs) are qualitative as well as quantitative, however, measures of success will include:
- Counts of vehicles entering zones
 - Number of penalty charges issued to vehicles entering the zones
 - Number of issues raised by schools
 - Near misses/accidents
 - Reduction in traffic congestion
 - Increase in Walking/Cycling and reduced car journeys

- Survey and speaking to parents/carers, teachers, children, Elected Members to see if pilot effective.

- 3.8 As part of the pilot, certain streets will be closed around the schools. The timings are 45 minutes in the morning and afternoon (8.30am – 9.15am and 2.30pm – 3.15pm, (2.45pm – 3.30pm for Barsail Primary)). During this time, the street will become a pedestrian zone and any driver entering or exiting (unless exempt) could be issued with a Fixed Penalty Notice.
- 3.9 Subject to the approval of the Traffic Regulation Order by the Policy Board, it is intended that the pilot will run for approximately 9 months (October 2020 – June 2021). This will allow time for the initial change to be communicated and implemented, for initial issues and challenges to be resolved or mitigated and for the longer term running of the exempt periods to bed in and be fully evaluated in terms of longer-term issues and benefits.
- 3.10 As the offence is a moving vehicle offence, Police Scotland are the enforcing authority. Due to resource demands, Police Scotland cannot commit to attending each school every day. However, discussions have taken place with Police Scotland with the proposal that there will be a targeted approach as the pilots are established followed by spot checks on a random basis following the initial activity. While enforcement activity cannot be carried out by Community Safety Wardens under the terms of the legislation, they will support Police Scotland in communicating the approach and being a visible presence as resources allow. They will also work with the Road Safety Officer to raise awareness of the safety issues around the school at key times in an attempt to change parents/carers behaviour.

Traffic Regulation Order Consultation

- 3.11 The proposal went through a dual consultation process with the standard Traffic Regulation Order consultation taking place between 28 February and 29 March 2020. Prior to this separate consultation events were held within each of the schools with teachers, parents and local residents invited to attend.
- 3.12 The objections are set out in full at Appendix 1 of this report, however a summary of the objections is set out below:
- **Teachers vehicles should be considered school transport – This objection was raised by 6 objectors.** Teachers personal cars are their choice of mode of transport to and from their workplace and are not considered school transport.
 - **Teachers should be given exemption passes for the exclusion zones – this objection was raised by 21 objectors -** In terms of the Road Traffic Regulation Act 1984 teachers are not distinguished from any other commuter group of employees unless a Resident or in receipt of a Blue Badge or being a commercial vehicle or public service vehicle. To address the fact that a percentage of teachers may requires access or egress the exclusion zone at

prohibited times, Headteacher will be provided with a number of emergency passes for the school to be used at their discretion.

- **Teachers need to travel to training courses and other appointments – This was raised by 21 objectors** - To address the fact that a percentage of teachers may require access or egress the exclusion zone at prohibited times, Headteacher will be provided with a number of emergency passes for the school to be used at their discretion. Where possible attendance at courses and appointments need to be planned to allow for the parking exclusion zone arrangements.
- **The issuing of Fixed Penalty Notices to teachers was raised as a concern by 2 objectors** – The enforcement of the restrictions will be carried out by Police Scotland as it is a moving vehicle offence. As with all enforcement activities, there will be a graduated approach with education about the new restrictions being the key message when the restrictions are implemented.

- 3.13 In response to these objections, officers have stated that although the hope is that these measures will reduce the number of cars in the area, should the proposal displace parked cars into surrounding roads, consideration will be given to promoting further TROs to extend restrictions into these roads (with the proviso that such TROs are subject to public consultation and cannot be guaranteed to be made).

Consideration of the objections

- 3.14 The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 state that before making the order, the Council (in the form of its Infrastructure, Land and Environment Policy Board) must consider all objections made and not withdrawn. In this respect, the terms of the Regulations state that the Board may consider the objections itself in fulfilment of its statutory obligation to give due consideration to all objections made and not withdrawn. Alternatively, the Board may choose to appoint an Independent Reporter to hold a hearing to consider the objections.
- 3.15 If the Board decides to exercise its discretion and not appoint an Independent Reporter, then it must consider the objections and either uphold them, in which case the proposal shall be dropped, or consider the objections and then approve the implementation of the restrictions as advertised, as a whole or in part, and authorise the Director of Environment & Infrastructure to make the Order.
- 3.16 If the Board decides to choose the public hearing, it should be recognised that the Reporter's deliberations could take approximately 15 weeks. Thereafter, the Board has an obligation to consider the report and recommendation made by the Reporter and to decide on whether to proceed with the order.
- 3.17 The cost of arranging an independent Reporter to hold a public hearing is estimated at £5000. Therefore, it is recommended that the Board considers the objections itself.

Implementation

- 3.18 Should the Policy Board approve the implementation of the restrictions as advertised, officers will arrange for the required works to take place. This will include the installation of signage and road lining with an expectation that the pilot can commence in January 2021.
- 3.19 The emergency exemption passes would be issued from January 2021 to the end of the school term in June 2021. New passes would then be issued from the start of the school term in August to review the need for emergency passes and to ensure that only active passes were being utilised.
- 3.20 An Equalities Impact Assessment has been undertaken as part of this pilot project to assess the impact against the requirements of the public sector equality duty. Exemptions will be granted for residents and disabled badge holders.
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Implications of the Report

1. **Financial** – None
2. **HR & Organisational Development** – None
3. **Community & Council Planning** –

Our Renfrewshire is safe - By looking to reduce irresponsible parking around schools, it will ensure children are safe when getting to and from school.
4. **Legal** – None.
5. **Property/Assets** – None
6. **Information Technology** – None.
7. **Equality & Human Rights** - The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. Some potential negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. Mitigating actions are detailed in section 3.20 of this report. A full copy of the Equality Impact Assessment undertaken is available from the report author. Following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored.

The results of the assessment will be published on the Council's website.
8. **Health & Safety** – None.
9. **Procurement** – None.

10. **Risk** – None.
11. **Privacy Impact** – None.
12. **CoSLA Policy Position** – none
13. **Climate Risk** – The issues addressed within this report will continue to contribute to positive climate change.

List of Background Papers: Appendix – Traffic Regulation Order Location Plans and list of objections

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