



PETITION RESPONSE POVEY CROSS ROAD & REIGATE ROAD

**Local Committee for Mole Valley
21 June 2006**

KEY ISSUE:

To consider a response to the Povey Cross Road and Reigate Road petition presented to the Local Committee at its meeting on 13 March 2006.

SUMMARY:

Residents petitioned the Local Committee to take action against long stay on street parking in Povey Cross Road and Reigate Road, Hookwood. The publicity associated with the presentation of the petition has had a positive short-term effect on those continually parking for extended periods in these roads.

Officers of Surrey County and Mole Valley District Councils met with the Police to discuss the issues raised by the petitioners. Officers discussed the planning, highway, environmental health, legal and trading standards implications of the activities. Officers concluded that a limited waiting period parking restriction and trading standards operation where the measures most likely to have a long-term effect.

A parking restriction introduced locally to hinder continual parking is however likely to displace the activity elsewhere and require an area wide assessment to evaluate the consequences, plus it will have a direct impact on local residents.

Trading Standards Officers from Surrey and West Sussex County Councils are collaborating on a joint venture to monitor the activities of local firms and collect the required information that may result in formal proceedings.

OFFICER RECOMMENDATIONS:

The Committee is asked to note the contents of this report and support the actions of the County Council's Trading Standards Officers.

1.0 INTRODUCTION AND BACKGROUND

- 1.1 Earlier this year, before the last Committee, residents from Povey Cross Road and Reigate Road contacted the Local Transportation Service and the Divisional Member, about disturbance and the effects of long-term car parking taking place on street, which they associated with Gatwick off-airport car parking firms.
- 1.2 Residents presented a petition to the Local Committee at its meeting on 13 March 2006, to take action against long stay on street parking in Povey Cross Road and Reigate Road, Hookwood. Residents considered the extra vehicles to be a major contributor to the traffic congestion and increasing hazards along the said residential roads.
- 1.3 The publicity associated with the presentation of the petition has had a positive short-term effect on reducing the number of vehicles parked long term in the roads.

2.0 ANALYSIS AND COMMENTARY

- 2.1 County Council Officers from the Local Transportation Service, Legal Services and Trading Standards met with their counterparts from Mole Valley District Council and the Police to investigate a way forward.

Police

- 2.2 Provided vehicles are parked legally in both roads and are not causing an illegal obstruction, there was little they could do to influence the situation.

Mole Valley District Council

- 2.3 Having considered the Planning and Environmental Health issues related to these activities, they believe in general that currently the authorised Gatwick car parking organisations probably do not breach conditions attached to their respective planning permissions.
- 2.4 The noise from the parking and collection of vehicles is associated with general noise coming from a public road caused by traffic, rather than a defined piece of land and is specifically excluded from being a nuisance.
- 2.5 Therefore, Mole Valley District Council believes they would probably not pursue a case in this instance.

Surrey County Council

- 2.6 Consideration was given in the discussions to use of the public highway and whether a likely breach of trading standards had occurred.

Public Highway

- 2.7 A public nuisance in highway terms is defined as an act or omission that prevents the convenient use of the way by passengers. Therefore, there could be an obstruction of the highway, which is unreasonable in extent or duration, or an act which does not physically obstruct the highway but which renders the highway dangerous or less convenient for public passage. Injunction proceedings could be considered if the above results in a significant detriment to the asset and always provided that a robust case could be substantiated against critical examination in court. In general, the parking of vehicles in both roads is comparable with other locations experiencing problems across the County. Therefore, it is unlikely that a robust case could be demonstrated to pursue an injunction.
- 2.8 In practice, consideration should probably be given to the introduction of a limited waiting period parking restriction, with suitable enforcement to regulate long-term on-street parking. A parking restriction introduced locally to hinder continual parking is however likely to displace the activity elsewhere and require an area wide assessment to evaluate the consequences, plus it will have a direct impact on local residents.
- 2.9 However, the Committee resolved at its meeting on 13 March 2006, to introduce a trial controlled / residents parking zone in certain roads in Dorking and resources are not currently available to undertake another parking study.

Trading Standards

- 2.10 Companies offering to provide a secure vehicle parking service for customers, who then utilise the public highway for that purpose, are in clear breach of their responsibilities. County Trading Standards Officers are working in collaboration with colleagues from West Sussex County Council, in a joint venture to monitor the activities of local firms, compile and collect the necessary information required that might subsequently result in formal proceedings against one or more of the companies involved.

3.0 CONSULTATIONS

- 3.1 Consultations were undertaken with County Trading Standards, Mole Valley District Council, Police and West Sussex County Council.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There would be a cost associated with the introduction of a part time waiting restriction and local area parking assessment. However, there are no significant financial implications associated with the recommendations of this report.

5.0 SUSTAINABLE DEVELOPMENT IMPLICATIONS

5.1 There are no significant sustainable development implications.

6.0 CRIME & DISORDER IMPLICATIONS

6.1 There is potential for Trading Standards to pursue formal proceedings against local Gatwick off-airport car parking firms.

6.2 Provided vehicles are legally parked and are not causing an illegal obstruction, there is no crime and disorder implication.

7.0 EQUALITIES IMPLICATIONS

7.1 There are no significant equalities implications.

CONCLUSION AND REASONS FOR RECOMMENDATIONS

Although a limited waiting restriction may help prevent long-term parking in these roads, a local area study is required to ensure parking is not displaced to other locations. Resources are not currently available to undertake this work.

Having reviewed with the Police the options available to the County and District Councils to address the issues presented by the petition, County Trading Standards Officers will, working together with West Sussex County Council, gather relevant information that may result in formal proceedings against Gatwick off-airport car parking firms.

Report by: Geoff Wallace – Local Transportation Manager Mole Valley

LEAD/CONTACT OFFICER: Geoff Wallace

TELEPHONE NUMBER: 08456 009 009

BACKGROUND PAPERS: Petition of 13 March 2006
