

THE DOWNS COMMITTEE

Clifton and Durdham Downs (Bristol) Act 1861

Meeting of the **Downs Committee** to be held at **2.00 pm on Monday, 16th November, 2020 at Virtual Meeting - Zoom Committee Meeting with Public Access via YouTube.**

Agenda

16. Vehicle Dwellers on the Downs (Mark Sperduty) (Pages 3 - 7)

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BRISTOL CITY COUNCIL
DOWN'S COMMITTEE
MOVEMENT AND PLACE SUB-GROUP

16th November 2020

Title: Vehicle Dwellers on the Downs
Ward: Stoke Bishop / Westbury-on-Trym / Henleaze
Officer Presenting Report: Mark Sperduty, Road Safety and Local Engineering Manager
Contact Telephone Number: 0117 903 6448

RECOMMENDATION

- i) This report is for discussion only.

Summary

This report outlines the concerns around the continual presence of vehicle dwellers on the roads around the Downs and discusses options for trying to address this using existing powers of enforcement. It does not explore the situation with regards to parking on the grassed areas of the Downs and therefore any related existing bylaws. The report is for discussion in order to help the consideration of potential changes to the existing parking restrictions.

Policy

1. The proposals meet the objectives of the Council's overall transport strategy as set out in the Joint Local Transport Plan 2011-2026. Parking controls are recognised as a key part of sustainable urban transport policy, which in itself is vital to the development of a greener, healthier city. They help to reduce and better manage traffic entering the central area, especially during the peak periods when traffic congestion is at its worst.

Consultation

2. **Internal**
Not applicable, this report is for information.
3. **External**
Not applicable, this report is for information.

Context

4. Concerns have been raised at a number of public meetings as well as with the Mayor, Councillors and Senior Officers, over the presence of vehicle dwellers on roads across the Downs. The concerns that have been raised relate to their presence and the

potential for anti-social behaviour.

5. The Neighbourhood Enforcement Team (NET) have identified that the numbers of occupied vehicles on Parry's Lane and nearby roads have increased since lock down eased. In early September the count was over 50 occupied vehicles. NET took the decision that, on the grounds of numbers alone, this was having a high impact and issued s77CJPO Direction to Leave Notices on the occupied vehicles that were in situ during the day on 16 September (numbers increase significantly at night). These notices apply to the specific vehicle referred to and prevents that vehicle returning for 3 months.

6. A letter of claim prior to judicial review from Vehicles for Change for having taken this action. The council has rejected the claim and more notices are to be served. Numbers went down initially but have risen again in the last 2 weeks. A further legal challenge is expected.

7. Parking Services have undertaken some targeted enforcement in the area but find it difficult to enforce the current restrictions due to the practicality of the Civil Enforcement Officers (CEO) being present at the right times to be able to definitively say that a vehicle has been parked for longer than the current maximum stay (5 hours) or has returned before 2 hours has elapsed from when they left. This makes enforcement of the restrictions very difficult and resource intensive.

Existing Waiting Restrictions on the Downs

8. In order to minimise the amount of commuter parking across the Downs and maximise the parking that was available for residents and visitors to the Downs for permitted activities, the City Council introduced limited waiting parking restriction on roads across the area in 2016. The restrictions that were installed included:

- i) Sections of no waiting at any time and no waiting Monday to Friday 9am to 5pm on Stoke Road.
- ii) Sections of no waiting at any time on other roads across the Downs.
- iii) A 5 hour limit from Monday to Friday 9am to 5pm across most of the remaining parking spaces, with a no-return period of 2 hours.
- iv) Sections where there are no timed restrictions close to residential properties.

9. This was considered to be the best compromise between the needs of local residents, visitors to the Downs and short stay parking for other facilities in the general area.

10. The initial proposals recommended installing a 4 hour limit but following discussion at the Downs Committee meeting of the 6th July 2015, this was increased to 5 hours in the final scheme. This was to accommodate a request from Bristol Zoo that the proposed 4 hour limit was extended to 5 hours to facilitate longer visits to the zoo. They also requested that parking was left unrestricted on a Bank Holiday in addition to Saturdays and Sundays as proposed.

11. Concerns were also raised at the Downs Committee that a 4 hour limit or a longer no-return period would restrict other activities that they wanted to see on the Downs, such as school trips and dog walkers.

Recent Parking Enforcement Activity

11.1. The most recent analysis of general parking enforcement activity (24 Sep 19 -

14 Jan 20) that are available shows that.

- Parrys Lane 53 visits 77 Vehicle Registrations Marks (VRM) entered with 33 tickets issued
- Saville Rd 31 visits 19 VRMS entered with 9 tickets issued
- Ladies Mile 16 visits 27 VRMS entered with 13 tickets issued
- Stoke Rd 25 visits, 55 VRMs entered with 24 tickets issued
- Circular Rd 8 visits, 21 VRMs entered with 0 tickets issued

Total for area 133 visits, 199 VRMs entered, 79 tickets issued.

12. Despite this targeted activity, it does not appear to have had any impact on the levels of vehicle dwellers on the Downs.

Options for addressing this

13. A number of options have been considered that would help address this:

- i) Applying for an injunction to remove these vehicles.
 - This is an expensive (legal costs, officer time, delays) and lengthy process and resources are currently aimed at those locations where similar activity is leading to significant anti-social behaviour.
 - This would prevent return of the individual for 3 years, but they will relocate elsewhere, maybe to somewhere on the grassed areas of the Downs,.
 - It is difficult to identify the individuals involved and there can be delays in taking breach cases to court.
 - The anti-social/crime elements could be targeted by police action.
- ii) Reduce the maximum stay in the existing bays.
 - This could help the CEOs with enforcement as reducing the maximum stay would provide a longer period where they could schedule the enforcement activity. However, this provides only a limited benefit as they would still need to present regularly in order to prove that vehicles hadn't moved and returned.
 - Reducing the current maximum length of stay would limit the time that visitors to the Downs could stay, for instance visitors to Bristol Zoo, school parties and other events.
 - This could make it harder for people to use these parking spaces for short visits to the shopping on Whiteladies Road and other destinations in the area.
 - This could impact on local residents who would have to move their vehicles earlier in the day, or could not return home as early in the afternoon.
 - If people are determined to stay and not pay any ticket issued then it would not resolve the situation.
 - If people did move on as a result of this increased enforcement, they could relocate to the grassed areas of the Downs, outside the powers of the Highway Authority.
- iii) Extend the no return period from 2 hours up to 8 hours.
 - This could help the CEOs with enforcement as extending the length of the no-return period would provide a much bigger window to identify those vehicles who exceeded the maximum stay.
 - This could limit the use of the area by dog walkers who may not be able to return in the afternoon.
 - This could impact on local residents who may not be able to return and park in the vicinity of their home after short trips out.
 - If people are determined to stay and not pay any ticket issued then it would not

resolve the situation.

- If people did move on as a result of this increased enforcement, they could relocate to the grassed areas of the Downs, outside the powers of the Highway Authority.
- iv) Extend the hours of operation or extend to include the weekends.
- This could help the CEOs with enforcement as extending the hours of operation would provide a much bigger window to identify those vehicles who exceeded the maximum stay or returned within the return period.
 - CEOs do not operate overnight and so there would be limited benefit during these times.
 - A number of the motor homes do return to the Downs to camp for this night and so this will not reduce this.
 - This would impact on local residents who would not be able to park in the vicinity of their home for longer than 5 hours more of the time.
 - If people are determined to stay and not pay any ticket issued then it would not resolve the situation.
 - If people did move on as a result of this increased enforcement, they could relocate to the grassed areas of the Downs, outside the powers of the Highway Authority.
- v) Amend the TRO to restrict parking of any kind by certain vehicles.
- In terms of road traffic law the only options are to restrict types of vehicles but that would mean restricting all of that particularly type of vehicle – regardless of why it is there or what its used for. So parking places for motor cars only could be created as vans would be defined as goods vehicles, but this would limit all other parking by these types of vehicles for other uses, e.g. builders.
- vi) Increasing enforcement of the current parking restrictions.
- The existing restrictions could be enforced more rigorously with an increase in CEO's dedicated to this area.
 - This would mean that they would not be available for enforcement activities elsewhere and would be a significant cost to the Council.
 - CEOs do not operate overnight and so there would be limited benefit during these times.

Legal and Resource Implications

Legal

14. Any proposed changes to the parking restrictions would need the support of a Traffic Regulation Order to make them legally enforceable. Any changes would therefore be subject to the outcome of this statutory consultation process, and the installation of any restriction cannot be guaranteed. This process would also open up the opportunity for people to request other changes to the parking restrictions in the area.

Financial

15. There are no financial implications for The Downs Committee as any costs associated with any of these options would be need to be covered by existing BCC budgets.

(a) Revenue

Any changes that require additional enforcement of the parking restrictions by a dedicated team of Civil Enforcement Officers (CEOs) will have an additional ongoing revenue cost for the City Council.

If contested the costs of applying for an injunction to move the vehicle dwellers on would be in the region of £25k and 20 staff days. The ongoing work to issue Direction to Leave Notices requires a minimum of 40 days a year, and with legal representation and bailiffs if required would cost around £25k.

(b) Capital

Any change to the TRO would cost around £5k in legal costs. The cost of replacing all the signs across the Downs would be between £2k and £5k. Therefore with staff time to deal with the statutory consultation, the total cost could be around £15k.

Land

16. Whilst the land is under the control of the Downs Committee, the public highway falls under the responsibility of Bristol City Council as Highway Authority. No land is required for the parking restrictions, although some signs are already placed on the Downs itself.

Personnel

17. Not applicable

Equalities Statement

18. An equalities impact assessment scoping report will be undertaken if any proposal is to be considered further.

Appendices:

None

Background Papers:

None