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Southend-on-Sea City Council

Executive Director (Strategy, Change and Governance):

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20 February 2023

Dear Councillor

TRAFFIC REGULATIONS WORKING PARTY - MONDAY, 20TH FEBRUARY, 2023

Please find enclosed, for consideration at the meeting of the Traffic Regulations Working Party taking place on Monday, 20th February, 2023, a copy of the report in respect of Agenda Item No 7 regarding the Review of Minimum Vehicle Hard-standing Sizes as part of the Vehicle Crossover (PVX) Policy. Unfortunately, the report for the following Agenda Item had been duplicated in error. Please accept my apologies for this error and any confusion caused.

Tim Row
Principal Democratic Services Officer

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Southend-on-Sea City Council

**Report of Executive Director
(Neighbourhoods and Environment)
to**

Traffic Regulations Working Party & Cabinet Committee

On

20 February 2023

Report prepared by: Sharon Harrington,
Head of Traffic Management & Highways Network

**Agenda
Item No.**

7

Review of minimum vehicle hardstanding sizes as part of the vehicle crossover policy

Relevant Scrutiny Committee(s): Place Scrutiny
Cabinet Member: Councillor Steven Wakefield

1. Purpose of Report

- 1.1 Cabinet at its July 2021 meeting agreed a new domestic vehicle crossover policy for Southend (minute No. 226). This was ratified by Council at its September 2021 meeting (minute No. 309). The policy includes a minimum hardstanding size based on the UK minimum parking bay guidance as part of the approval process.
- 1.2 In response to Member queries about the need for removing a minimum parking bay standard, this report sets out some additional background to the rationale for the Highways service stipulating parking bay size requirements as part of the vehicle crossover policy.
- 1.3 This report outlines the potential risks of removing a minimum size.
- 1.4 Officers recommend that for Southend the UK parking bay size is retained as a minimum with the recommendation that the ideal minimum parking bay size is increased in line with the other Essex authorities to 2.9m x 5.5m.

2. Recommendation

- 2.1 **Cabinet are recommended to approve the Officer recommendation to increase the hardstanding size to a preferred 2.9m x 5.5m and a minimum bay size (in exceptional circumstances) of 2.4m x 4.8m to be consistent with the adopted policies for the Essex local authorities.**

3. Background

- 3.1 For around 50 years the UK guidance for an off-street parking bay size has been 2.4m x 4.8m (7'10"x15'8"). This is considered a minimum size needed to enable a normal family size vehicle to park and safely manoeuvre into and out of the parking space and for the driver/passengers to be able to access the vehicle. This remains the industry standard. All local authorities have adopted a minimum off-street parking bay size based on the UK minimum standard.

- 3.2 Over the years, car sizes have been increasing, in part with added safety (side impact bars etc), to a point where a number of popular cars do not comfortably fit in the parking bay. Government ministers are reported to be supportive to an increase in the UK parking bay guidance, but this will take time to implement.
- 3.3 Many local authorities have already reacted to the trend for larger cars and have revised their policies and increased the minimum off-street parking bay size. A review of neighbouring authorities to Southend shows all have adopted larger minimum parking bay sizes. **The summary of the research is contained in Appendix A.**

Legal opinion

- 3.4 In preparing this report, a legal opinion was obtained relating to the UK parking bay size guidance. The counsel opinion confirmed it is guidance only and not a legal requirement. Local authorities can deviate from the guidance but:-

“in reaching such a decision it would need to demonstrate that the decision made must be fair, just, reasonable and take account all impacts of that decision before implementing it. It must consider all guidance available; it is advisable to consider the actions of authorities on the same/similar topic as to deviate wildly from what other authorities do could amount to unreasonableness”.

- 3.3 Officers do not recommend reducing or eliminating the requirement for a minimum parking bay size in Southend for the following reasons:-
- It ignores national guidance;
 - It ignores the UK trend of increasing car sizes which do not fit within the existing minimum standard bay;
 - It ignores the likelihood that the UK minimum size guidance will be increased by government;
 - It would be inconsistent with the actions of neighbouring authorities;
 - Reputational damage;
 - A risk such a decision would be unreasonable and may lead to a judicial review;
 - It could result in an increase of vehicles overhanging the footway/highway;
 - Vehicles overhanging the footway impede the safe movement of pedestrians, particularly the disabled, wheelchair users and pedestrians pushing buggies. This could result in additional claims against the Council;
 - It would compromise the ability of the Council to carry out enforcement action against overhanging vehicles if its policies were seen to condone such behaviour.

Recommendation

- 3.4 While the Council can ignore national guidance on the minimum UK parking bay size the legal opinion advises that there is a significant reputational and legal risk in doing so. There is no justification for such a decision and it is likely to have a negative impact on pedestrian safety if vehicles overhang the footway. It would also compromise the ability of the local authority to take enforcement action against overhanging vehicles under primary legislation.

- 3.5 Officers recommend that the UK minimum parking bay size is retained as a minimum in exceptional circumstance and the standard parking bay size is increased to 2.9m x 5.5m to be consistent with the minimum standard adopted for the whole of Essex.

4. Corporate Implications

4.1 Contribution to the Southend 2050 Road Map

The retention of the existing vehicle crossover policy with the adoption of the recommendations in 2.1 is seen as key contributors to the Road Map particularly in the ability to deliver the requirement of the Local Government Ombudsman and to deliver a programme of work more efficiently and cost effectively and to reduce potential delays in decision making.

- 4.2 A reduction in the minimum hardstanding size has added risk and the implication on adopting such a policy would need to be fully assessed on the financial implications to applicants, and an assessment provided on the additional administrative, financial, and reputational implications for the Council.

5. Financial Implications

- 5.1 There are no financial implications to the officer recommendations.

- 5.2 There would be financial implications if there was a reduction in the minimum vehicle hardstanding size as it would involve additional administrative time considering the risk assessment for individual cases and the potential additional legal costs for approval/enforcement. At a time when there is a need for cost savings across the Council, any potential for additional cost should be resisted unless it is absolutely necessary and only where there is a clear financial assessment of the true costs to the Council of such a decision.

6. Legal Implications

- 6.1 If Cabinet Committee is minded not to accept the Officer recommendation, further work would need to be done in accordance with the legal opinion to work up legal procedures for the approval vehicle crossovers/hardstanding's below the UK minimum size and enforcement where vehicles overhang the highway.

7. Consultation

- 7.1 N/A

8. Equality analysis

- 8.1 The equality analysis is set out in Appendix B to the report.

Background Papers

The Local Government Ombudsman (Reference 19_013_407)

Other local authority parking bay standards

A comparison of published minimum standards for a number of other local authorities adjacent to Southend was carried out and the results are set out below.

Organisation	Minimum parking space size
Kent & Medway (p2006)	2.5m x 5m
Essex design guide (p2018)	2.9m x 5.5m
Rochford DC (p2010)	2.5m x 5m
Suffolk guidance for parking (p2015)	2.5m x 5m
Thurrock (p2020)	2.9m x 5.5m
Norfolk (p2007 u2020)	2.5m x 5m

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