

## Minutes

### PETITION HEARING - CABINET MEMBER FOR RESIDENTS' SERVICES

22 June 2022

Meeting held at Committee Room 6 - Civic Centre,  
High Street, Uxbridge



	<p><b>Cabinet Member Present:</b> Councillor Eddie Lavery, Cabinet Member for Residents' Services</p> <p><b>Ward Councillors Present:</b> Councillor Darran Davies, Ward Councillor for Charville</p> <p><b>LBH Officers Present:</b> Stephanie Waterford, Head of Trading Standards, Environmental Health, Licensing &amp; ASBET Steve Clarke, Democratic Services Officer</p>
5.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> <i>(Agenda Item 1)</i></p> <p>There were no declarations of interest.</p>
6.	<p><b>TO CONFIRM THAT THE BUSINESS OF THE MEETING WILL TAKE PLACE IN PUBLIC</b> <i>(Agenda Item 2)</i></p> <p>It was confirmed that all items were in Part I and would be considered in public.</p>
7.	<p><b>TO CONSIDER THE REPORT OF THE OFFICERS ON THE FOLLOWING PETITION RECEIVED:</b> <i>(Agenda Item 3)</i></p>
8.	<p><b>PETITION REQUESTING AMENDMENT TO PUBLIC SPACES PROTECTION ORDER IN RESPECT OF DRIVING INSTRUCTORS ISSUED FIXED PENALTY NOTICES IN COUNCIL OWNED CAR PARKS</b> <i>(Agenda Item 4)</i></p> <p>The Cabinet Member welcomed all who were present to the hearing and briefly ran through the petition hearing process noting that he had received the petition and considered the officer report in the agenda; further to this he introduced himself and the officers present.</p> <p>The petition organiser was present and addressed the Cabinet Member. Within their address, the petition organiser highlighted a number reasons for raising the petition, these points included:</p> <ul style="list-style-type: none"><li>• They had been a driving instructor in the local area for 39 years;</li><li>• Hillingdon residents who were learning to drive needed to be able to practise bay parking in a safe environment in order to acquire the skills needed to park safely and to be aware of they types of hazards encountered when parking;</li><li>• Most alternatives to Council owned car parks were privately owned and although</li></ul>

some did allow learners to practise, many did not;

- Once an individual had passed their driving test, they were likely to be using Council owned car parks on a regular basis and it was important that they had sufficiently been able to practise;
- It was noted that the presence of instructors and learners in car parks was a useful deterrent in car park based crimes;
- It was rare to encounter more than one learner driver in a car park at any one time as it was not feasible for instructors to wait for another learner to finish practising;
- Chestnut Avenue car park was raised as an example of a car park with 70 spaces that would on a regular basis only be utilised by 3 or so cars, most often parked up to walk their dog, this left approximately 67 bays free on a regular basis;
- All driving instructors were required to have regular checks with the Driver and Vehicle Standards Agency (DVSA) with the emphasis always on safety. To remain on the driving instructor register all instructors must be a fit and proper person;
- It was understood that the condition within the current Public Spaces Protection Order (PSPO) which prohibited the use of public car park spaces for the purpose of instructing learner drivers had been adopted in response to historical issues occurring in 2018 and 2019 at just one car park which was Lake Farm Drive; this car park was noted to be within close proximity to the Hayes Driving Test Centre which often experienced overuse with those having lessons nearby and those taking their driving test;
- With regard to paragraph nine of the officer report, it was noted that the signage added to Lake Farm Drive car park was minimal and easy to miss. Further to this, the incident mentioned in paragraph nine was known to be an isolated incident and the instructor in question should have been reported to the DVSA; the incident was not representative of the Borough's driving instructors.
- The Hayes Driving Test Centre had closed in late 2019 which was thought to have addressed the cause of the issues in Lake Farm Drive;
- The officer report noted that a public consultation took place in 2020 on the implementation of the new PSPO, however driving instructors were not included in that consultation to the petition organiser's knowledge; this was deemed unfair as driving instructors were directly affected by the PSPO and it was believed that the impact upon instructors and the ability to carry out their work had not been duly considered;
- The petition organiser requested that the Cabinet Member trust instructors that they will act responsibly when teaching in Council owned car parks.

The Cabinet Member requested some clarifications from officers with regard to the organisations and individuals consulted with as part of the consultation which took place ahead of the implementation of the current PSPO. It was noted that PSPOs were introduced on a rolling three-year period and a public consultation took place before any new PSPO was adopted, officers were satisfied that all legal requirements for the consultation had been followed and agreed to seek the information requested regarding the specific consultees and feed this back to the Cabinet Member.

It was noted that the Equality and Human Rights Impact Assessment was a requirement under the Equalities Act 2010. Although the petitioner organiser's comments about the lack of consideration given to driving instructors as a group in the Equalities Assessment were understood, it was highlighted that the Equalities Assessment pertained solely to those groups specifically protected under the Act and driving instructors as a group would not come under one of the protected groups.

The Cabinet Member queried whether the PSPO could be more prescriptive in that it could be applied to specific Council owned car parks. Officers noted that the PSPO currently applied to all Council owned car parks but there was the ability to conduct a review of the PSPO which could lead to a more prescribed approach for the implementation of the PSPO to specific locations. Should this be the case, it was noted that communication of this would primarily be through signage in the areas affected but also through public consultation. The Cabinet Member appreciated that a more prescriptive approach was a potential option, however also noted that the numerous car parks owned by the Council experienced varying demand on a weekly, seasonal and annual basis and the matter of prescribing which car parks could be exempt from the PSPO was a complex one.

Officers noted that the consultation for the 2023 PSPO would begin in the Spring or Summer of 2023 and that driving instructors could form part of that consultation in some form; the PSPO 2023 was due for implementation in October 2023. The Cabinet Member agreed to take away the possibility of bringing forward the consultation, and potentially the implementation, of the PSPO 2023; however, also noted that if it was decided that this timeframe would be brought forward, it would be at the expense of other projects and could therefore not commit to changing the timeframe at the petition hearing.

The petition organiser queried whether the issuing of Fixed Penalty Notices for the offence of instructing learner drivers in Council owned car parks could be stopped before the implementation of a new PSPO. It was highlighted that all offences under the current PSPO, which would apply until the implementation of a new PSPO, were zero tolerance and therefore Fixed Penalty Notices would still be issued.

**RESOLVED That the Cabinet Member for Residents' Services:**

- 1) Met with petitioners and listened to their request for an amendment to the current Public Spaces Protection Order (PSPO) 2020 with regard to the prohibition of the use of public car park spaces for the purpose of instructing learner drivers; and**
- 2) Instructed Officers to explore options for bringing forward the public consultation and implementation process for the new PSPO 2023.**

The meeting, which commenced at 6.00 pm, closed at 6.25 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Steve Clarke on 01895 250693. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.