

To: Audit, Scrutiny & Petitions Board

On: 28 November, 2016

Report by: Director of Finance and Resources

Heading: Petition: Parking Bays, Renfrew Road, Paisley

1. Summary

- 1.1 A petition, comprising 15 signatures, was received from Leslie Hunter in the following terms:

“I would like Renfrew District Council to remove the safety hazard caused by the position of parking bays outside my house at 86a Renfrew Road. I would like a Health and Safety assessment of the risk and I would like the pavement to be re-instated and metal bollards on the pavement to prevent on pavement parking.”

- 1.2 The petition has been considered previously at meetings of the Board held on 25 January and 21 March 2016

- 1.3 Mr Hunter has been asked to attend this meeting of the Board in order that the Board may give further consideration to the petition.

- 1.4 The role of the Board is to consider the petition, hear and ask questions of the petitioner and take the appropriate action in respect of the petition which will be one of the following:

(a) that no action is taken, in which case the reasons will be specified and intimated to the petitioner;

(b) that the petition be referred to the relevant director and/or policy board for further investigation, with or without any specific recommendation; or

(c) refer the petition to another organisation if the petition relates to that organisation.

2. Recommendation

- 2.1 That the Board resumes consideration of the petition.
-

3 Background

- 3.1 At the meeting of the Board held on 25 January 2016, the Head of Amenity Services intimated that the lay-bys should remain. They performed the function for which they were created in 2006, which was to provide a location in the local area that made up for the shortfall in residential and visitor parking while maintaining two free-running lanes and a right turn filter lane to West College Scotland. A clear passage was particularly relevant to ensure buses into Paisley along the inside lane of this route were not delayed. Prior to the construction of the lay-bys, residents and visitors would park either on the footway creating a danger and obstruction to pedestrians or on the carriageway which created congestion on this main approach into Paisley.
- 3.2 He also advised that a Traffic Regulation Order (TRO) had been considered. However, as this would have required agreement, through the statutory TRO process, of those residents along this route who would be displaced and had no feasible alternative parking location, it was not considered viable at that time. The design of the lay-bys and associated parking access visibility splays (2m by 20m for a 30 mph restricted road) accord with the former Strathclyde Region Roads Development Guide Section 5.2.4, a document used at that time because it was the most appropriate, there being no Renfrewshire Council guidance available at that time.
- 3.3 The Head of Amenity Services further advised that:
- (a) Although the frontagers are, as stated in the title deeds, owners of the solum of the road, the road and footways adjacent to 86 Renfrew Road, Paisley, are adopted by Renfrewshire Council who is responsible for their maintenance. Therefore, any proposed alteration to adopted roads and footways requires approval by Renfrewshire Council;
 - (b) Accident statistics show there has been no injury accidents for the three-year period from January 2012-December 2014 at this location;
 - (c) Should further evidence be produced showing vehicles parking on the footway at the entrance to the petitioner's driveway then consideration will be given to installing bollards to prevent this;
 - (d) The parking bays in question were provided some years ago in order to remove vehicles which were parking on the road at this location causing congestion on Renfrew Road which is the main arterial route from the M8 motorway into Paisley town centre and there is no justification to support reducing the on-road parking provision at this location; and
 - (e) A site visit took place at 10 am on 22 January 2016.

- 3.4 The Board at its meeting held on 21 March 2016 resumed consideration of the petition. At that meeting the Board agreed to further continue the petition in order that the Board could be provided with all information in relation to this matter.
- 3.5 Subsequent to this decision, the Head of Amenity Services advises that Mr Hunter entered into an email exchange with Community Resources, on 30 June 2016 by asking “When RDC installed parking bays on the pavement of my house at 86A Renfrew Road, Paisley, did they know that the land was in fact owned by me and that they were in breach of the agreement contained in the Title Deeds? If yes, why did they not consult and seek the consent of the owners?”

It was explained to Mr Hunter that when a road becomes a public road the Council has the right and duty to manage and maintain it as it sees fit. The installation of the parking bays on Renfrew Road falls into the category of works that the Council is allowed to do as part of its duty as local roads authority to manage and maintain the public roads. Virtually all public roads are built on land owned by others. Very often the householders either side of the road own land up the centre line of the road. However, the ownership of land and the ability of the Council to manage and maintain the public road are different things. The fact that the road is public gives the Council rights over it and means that the Council does not need to seek permission of the owner to make such changes.

- 3.6 On 1 July 2016 Mr Hunter then asked, “Does this mean that the RDC did not know that they had a legal agreement with the residents of Renfrew Road and that by installing the parking bays that they would breach the agreement?”

Mr Hunter was advised that the road in question is listed in terms of the roads legislation, and so the Council is entitled by statute to carry out certain works upon it, notwithstanding that the land may be owned by other parties. The owners' consent is not required for this purpose.

The Council's view is that it has not acted in breach of any prior agreement, but, if Mr. Hunter is unsure about the position, he may wish to obtain his own legal advice in this connection.

Implications of this report

1. **Financial Implications – none**
2. **HR and Organisational Development Implications – none**
3. **Community Plan/Council Plan Implications – none**
4. **Legal Implications – none**
5. **Property/Assets Implications – none**
6. **Information Technology Implications – none**

7. Equality and Human Rights Implications

- (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because for example it is for noting only. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

8. Health and Safety Implications – none

9. Procurement Implications – none

10. Risk Implications – none

11. Privacy Impact – none

List of Background Papers – petition

Author: Lilian Belshaw, Democratic Services Manager, 0141 618 7112