
To: THE INFRASTRUCTURE, LAND AND ENVIRONMENT POLICY BOARD

On: 29 AUGUST 2018

Report by: DIRECTOR OF ENVIRONMENT & INFRASTRUCTURE

Heading: THE RENFREWSHIRE COUNCIL (DISABLED PERSONS' PARKING PLACES) (VARIOUS LOCATIONS, RENFREWSHIRE) NUMBER FIVE ORDER 2018, SUSTAINED OBJECTIONS

1. Summary

- 1.1 In terms of the Road Traffic Regulation Act 1984, the making of a Traffic Regulation Order (TRO) is delegated to the Director of Environment & Infrastructure after consultation with the Convener of the Infrastructure, Land and Environment Policy Board and local ward members.
 - 1.2 On 17 January 2018 a TRO relating to new Disabled Persons' Parking Places was advertised, two objections were received and not withdrawn.
 - 1.3 This TRO proposal will allow Renfrewshire Council to fulfil its duties under the Disabled Persons' Parking Places (Scotland) Act 2009 by making disabled driver's parking bays enforceable.
 - 1.4 In accordance with the Local Authorities Traffic Orders (Procedures) (Scotland) Regulations 1999" and the Council's procedures, the Policy Board may now decide how to proceed, either to decide on the objections itself or appoint an independent Reporter.
 - 1.5 A summary of the details of the proposal and the consultation responses are included at Appendix A and B of this report.
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2. Recommendations

It is recommended that the Infrastructure, Land and Environment Policy Board:

- 2.1 Considers and decides on the 2 objections not withdrawn, in relation to the Renfrewshire Council (Disabled Persons' Parking Places) (Various Locations, Renfrewshire) Number Five Order 2018 at the meeting of the Policy Board rather than appointing an independent reporter.

Subject to recommendation 2.1, and the objections not being upheld, then approves the implementation of the disabled parking bays as advertised on Lochfield Crescent, Paisley and Halifax Way, Renfrew and approves the Director of Environment & Infrastructure, in conjunction with the Convenor of the Infrastructure, Land and Environment Policy Board to make the traffic regulation order .

3. Background

- 3.1 This Order is considered necessary for the Renfrewshire Council to fulfil its duties under the Disabled Persons' Parking Places (Scotland) Act 2009 by making disabled drivers' parking bays enforceable.
- 3.2 The proposals have been consulted upon in accordance with statute and two objections were received.

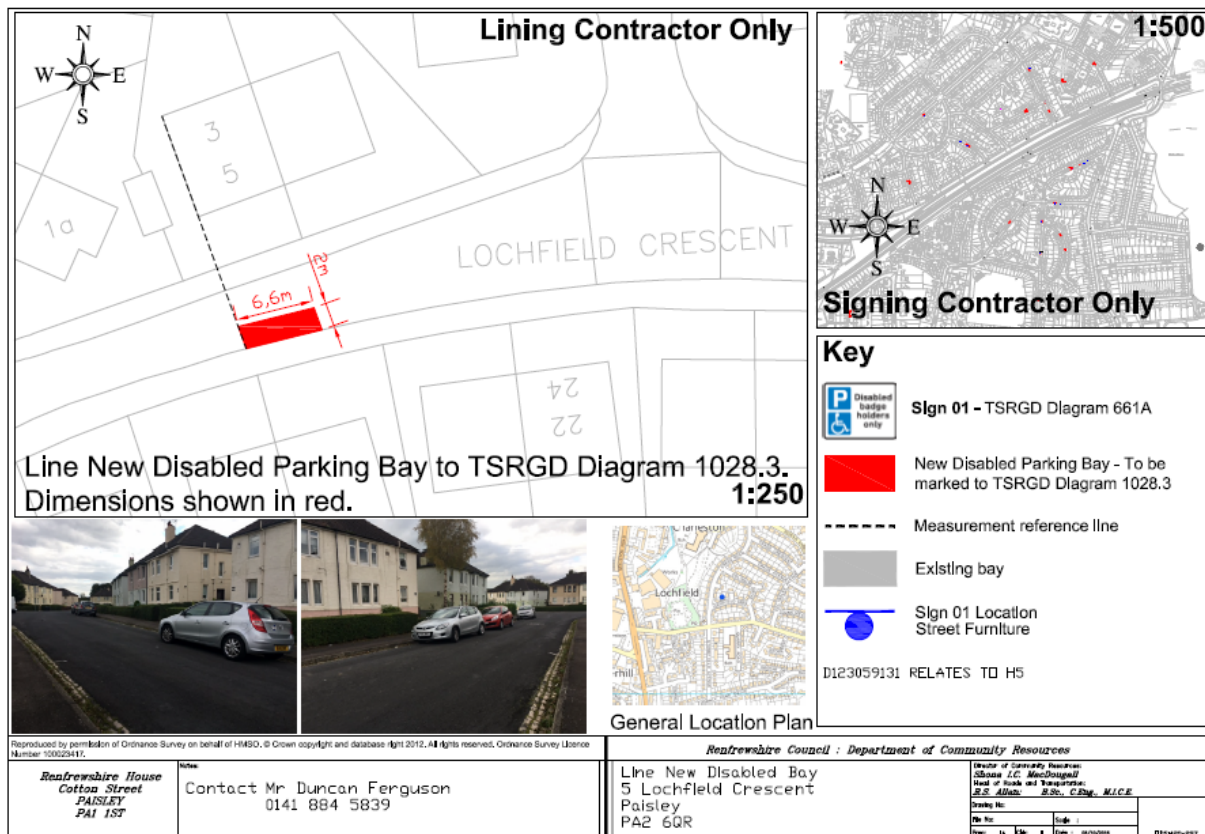
4. Consultation Results

- 4.1 The proposal went through a two-stage consultation process as is normal. The first stage was issued on 16 November 2017 where the proposals were issued to emergency services, public utilities, local road user groups, local community groups and local ward councillors with a response date of 7 December 2017. With no objections or comments forthcoming the TRO went to 2nd stage consultation and was advertised in the Paisley and Renfrewshire Gazette on Wednesday 17 January 2018. Notices were also placed on-street in the vicinity of the proposals at that time.
- 4.2 Those objections, where received related to the location of two disabled parking bays. One objection was received from a resident of Lochfield Crescent, Paisley and the second objection was received from a resident of Halifax Way, Renfrew.
- 4.3 As set out in Appendix 1 objector one's reason for objecting is the placement of the disabled bay outside his residence and the future potential to create a driveway. The Council has responded advising that should an application for a driveway be brought forward in future the bay would be repositioned to allow the driveway construction.
- 4.4 Objector two's reason for objection as set out in appendix B relates to the pressure on parking, the location of signage on path and why a lock up cannot be used. The Council has responded advising a disabled parking bay should be located as close to the person's house as possible and that signage will not create an obstruction.

5. Consideration of the objections

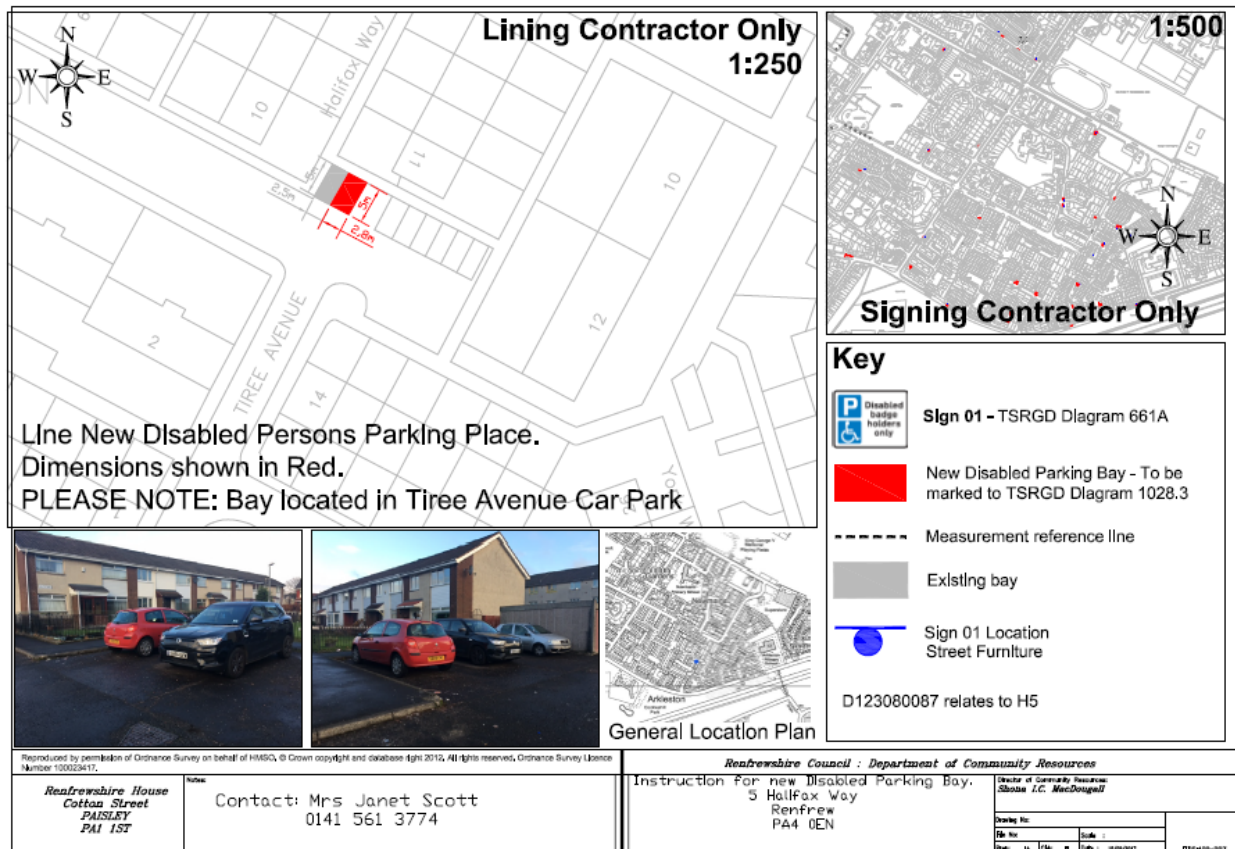
- 5.1 A TRO allows local authorities to impose restrictions on traffic for reasons such as road safety, free flow of traffic and parking controls. This involves following a statutory procedure where the proposals form a consultation process and if not opposed they can be implemented. If opposed then the objections require to be considered by the appropriate Council Policy Board, in this instance the Infrastructure, Land and Environment Policy Board.
- 5.2 The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 state that before making the order, the Council must consider all objections made and not withdrawn. In this respect, the terms of the Regulations state that the Council may consider the objections itself in fulfilment of its statutory obligation to give due consideration to all objections made and not withdrawn. Alternatively, the Council may choose to appoint an independent reporter to hold a hearing to consider the objections.
- 5.3 If the Policy Board decides to exercise its discretion and not appoint an independent reporter, then it must consider the objections and either uphold them in which case the proposal shall be dropped, or consider the objections and then approve the implementation of the restrictions as advertised, authorising the Director of Community Resources to make the Order.
- 5.4 If the Policy Board decides to choose the public hearing, it should be recognised that the reporter's deliberations could take approximately 15 weeks. Thereafter, the Council still has an obligation to consider the report and recommendation(s) made by the reporter. Therefore, once the reporter has submitted the report, it will still have to be considered by this Policy Board at a future meeting for a decision on whether to proceed with the order or not.
- 5.5 The cost of arranging an independent reporter to hold a public hearing is estimated at £5,000. Estimated cost of reporter's time @ £290 per day plus expenses for 15 days.
- 5.6 Reflecting the circumstances surrounding the traffic regulation order the Infrastructure, Land and Environment Policy Board is being asked to consider the objections itself rather than appointing an independent reporter.

Appendix A



Objection 1	Objector indicates that the placement of the new bay outside his residence at Lochfield Crescent, Paisley will cause future restrictions on him in relation to creating a driveway at his property and would also have a negative effect when selling his house. He is also unhappy at the number of bays on the street and also the size of the bay.
Response to Objection 1	An email response was sent to the objectors which detailed that the positioning of this bay was marked in such a way as to maximise the availability of on-street parking and was in keeping with the recognised behaviour of parking on one side of the street, seen at the time of the Council Officer's visit. It was also explained to the objectors that if the Council received an application to install a driveway from him we would look to move the bay to accommodate this. The disabled bay has been lined at 6.6m which is the minimum length in accordance with Government guidance and at the position closest to the disabled applicant's residence. The objector was advised that Renfrewshire Council as a Roads authority, have no powers to install driveways and that there was no evidence to support that the availability of parking space on the road outside a property directly affects its sale value. The objector was not satisfied with this response and therefor unwilling to withdraw his objection.

AppendixB



Objection 2	Objector advised that installation of this new bay next to the existing bay causes problems as parking is already difficult and spaces are at a premium. Concerned that bays will lay empty when no longer required and the signage for the bays will cause obstruction to path users. Also brings up the fact that the disabled applicants may have a lock up and should be using this instead.
Response to Objection 2	An email response was sent to the objector to advise that Renfrewshire Council hold the details of the applicants who have disabled bays and hope that when they move they alert us that bays are no longer required. We would only remove bays when we were certain they were no longer required. In relation to the position of the sign/pole, it was advised that Renfrewshire Council would locate this to not cause obstruction. The objector was also advised that Disabled Bays are located as close to the applicant's house as possible to limit the distance the applicant has to walk. Lock ups are normally some distance away and difficult for a disabled applicant to manoeuvre in and out of, therefore this would not prevent Renfrewshire Council from allocating a Disabled Bay on-street in the normal way.

Implications of the Report

1. **Financial** - the nominal capital and revenue costs of implementing and maintaining the proposed disabled bay lines can be met from within existing budgets.
2. **HR & Organisational Development** – The nominal increase in the number of Disabled Bays to be enforced by the Council's Parking Attendants can be accommodated within the current staffing levels.
3. **Community Planning** - None
4. **Legal** – The relevant legislation is the The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.
5. **Property/Assets** – N/A
6. **Information Technology** – N/A
7. **Equality & Human Rights** - 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. 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 & Safety** – The primary reason for the proposal is for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising
9. **Procurement** – N/A
10. **Risk** - no risks have been identified in relation to what is being proposed.
11. **Privacy Impact** – N/A
12. **CoSLA Policy Position** – N/A.

List of Background Papers - none

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