

To: Infrastructure, Land and Environment Policy Board

On: 04 November 2020

Report by: Director of Environment & Infrastructure

Heading: The Renfrewshire Council (Disabled Persons' Parking Places) (Various Locations, Renfrewshire) Number Six Order 20*, Sustained Objections

1. Summary

- 1.1. The making of a Traffic Regulation Order (TRO) under the Road Traffic Regulation Act 1984 is delegated to the Director of Environment & Infrastructure after consultation with the Convener of the Infrastructure, Land and Environment Policy Board and the local ward members.
 - 1.2. On the 15th January 2020 a TRO relating to new Disabled Persons' Parking Places was advertised, four objections were received and not withdrawn. The objections are set out in full at Appendix A to D of this report.
 - 1.3. This 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 (Procedure) (Scotland) Regulations 1999' and the Council's procedures, the Board may now decide how to proceed; to either make the order, make the order in part or not make order. The type of proposed restriction does not automatically require the appointment of an independent Reporter to decide on the objections. The Board is therefore free to choose either to decide on the objections itself or to appoint a Reporter to do so.
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2. Recommendations

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

- 2.1. Considers the objections made and not withdrawn, in relation to the Renfrewshire Council (Disabled Persons' Parking Places) (Various Locations, Renfrewshire) Number Six Order 2020.
 - 2.2. Subject to recommendation 2.1 and the objections not being upheld, approves the implementation of the Traffic Regulation Order as advertised and authorises the Director of Environment & Infrastructure in conjunction with the Convener of the Infrastructure, Land & Environment Policy Board to make the Traffic Regulation Order.
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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 driver's parking bays enforceable.
- 3.2. The proposal went through a two-stage consultation process as is normal. The first stage was issued on 2nd December 2019 where the proposals were issued to emergency services, public utilities, local road user groups, local community groups and all local members with a response date of 23rd December 2019. With no objections or comments forthcoming, the TRO went to 2nd stage consultation and was advertised in the Paisley and Renfrewshire Gazette on Wednesday 15th January 2020. Notices were also placed on-street in the vicinity of the proposals at that time.
- 3.3. As a result of the 2nd stage consultation there were four separate objections made at this stage and the objections remain in place as they have not been withdrawn. The objectors were residents from:
 - Abbey Road, Elderslie.
 - Burnhaven, Erskine.
 - Braids Road, Paisley.
 - Falcon Road, Johnstone.
- 3.4. The objections are set out in full at Appendix A to D of this report.

4. Consideration of the objections

- 4.1. 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 public hearing to consider the objections.
- 4.2. If the 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, as a whole or in part, and authorise the Director of Environment & Infrastructure to make the Order.

- 4.3. If the Board decides to choose the public hearing, it should be recognised that the Reporter's deliberations could take approximately 15 weeks. Thereafter, the Board has an obligation to consider the report and recommendation made by the Reporter and to decide on whether to proceed with the order.
 - 4.4. The cost of arranging an independent Reporter to hold a public hearing is estimated at £5000. Therefore, it is recommended that the Board considers the objections itself.
 - 4.5. The disabled bay road markings are lined shortly after requested as a courtesy to the applicant. This advisory disabled bay is available for use while the Order undergoes its consultation procedure. Should the Policy Board approve the implementation of the restrictions as advertised, officers will arrange for the works required to make the disabled bay enforceable to take place. This will include the installation of the appropriate sign to accompany the existing road lining.
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Implications of the Report

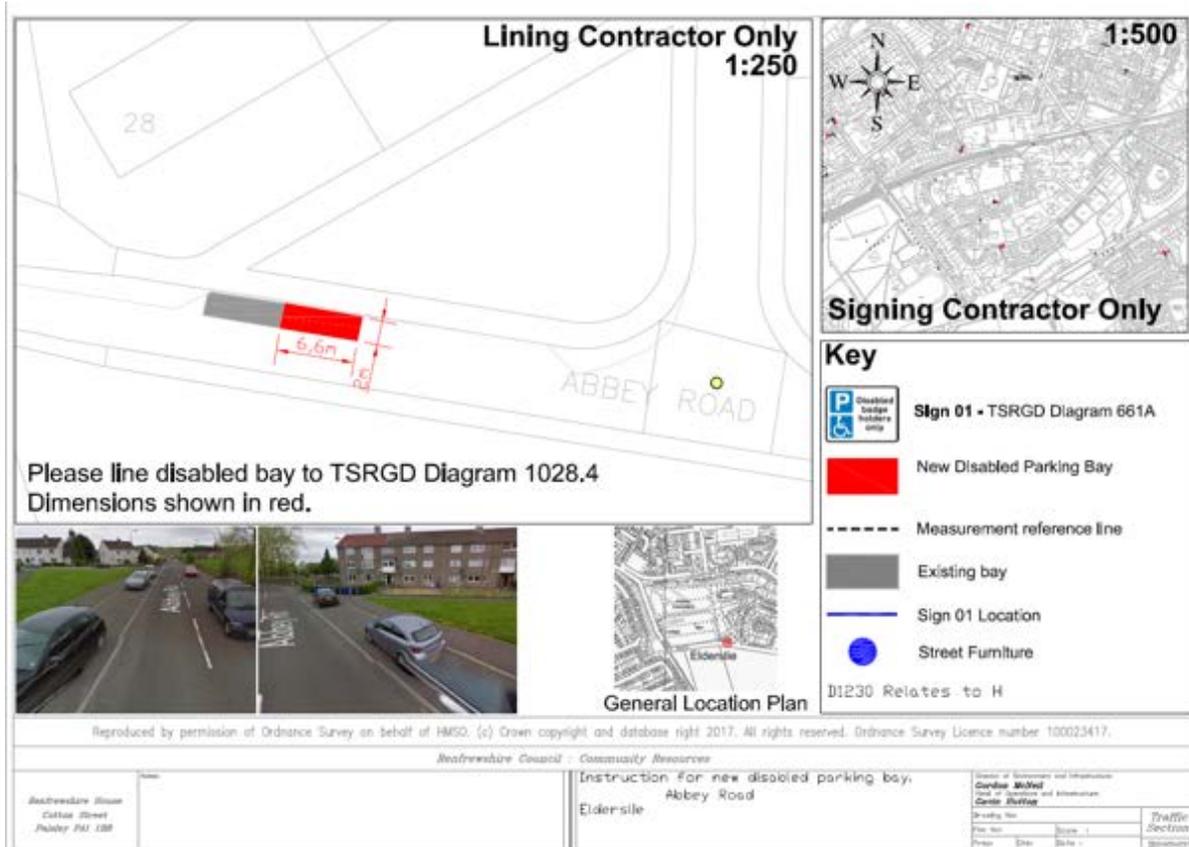
1. **Financial** - *the nominal capital and revenue costs of implementing and maintaining the proposed disabled bay lines can be accommodated within existing budgets.*
2. **HR & Organisational Development** – *None*
3. **Community Planning** - *None*
4. **Legal** – *Statutory process is set out within the board report.*
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** – *None*
9. **Procurement** – *N/A*
10. **Risk** - *None*
11. **Privacy Impact** – *N/A*

12. **CoSLA Policy Position** – *N/A*.

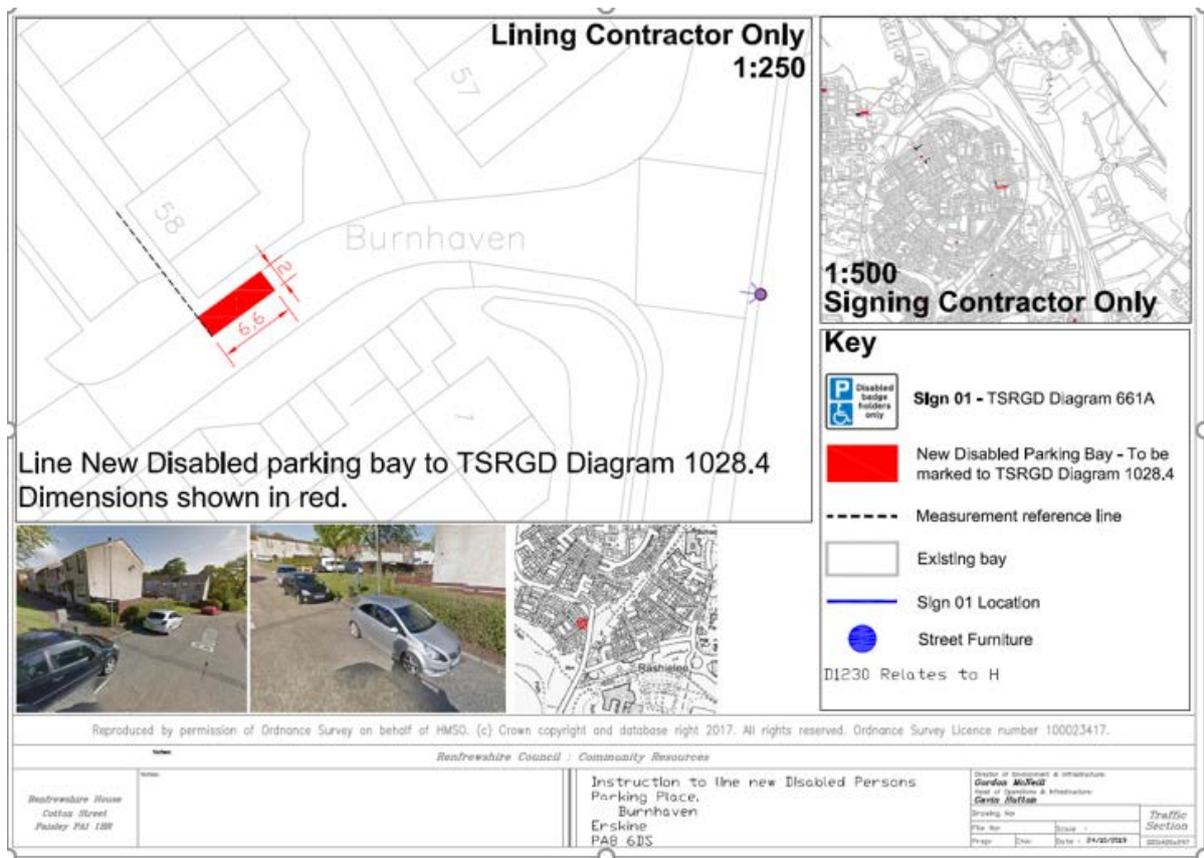
13. **Climate Risk** – none

List of Background Papers - none

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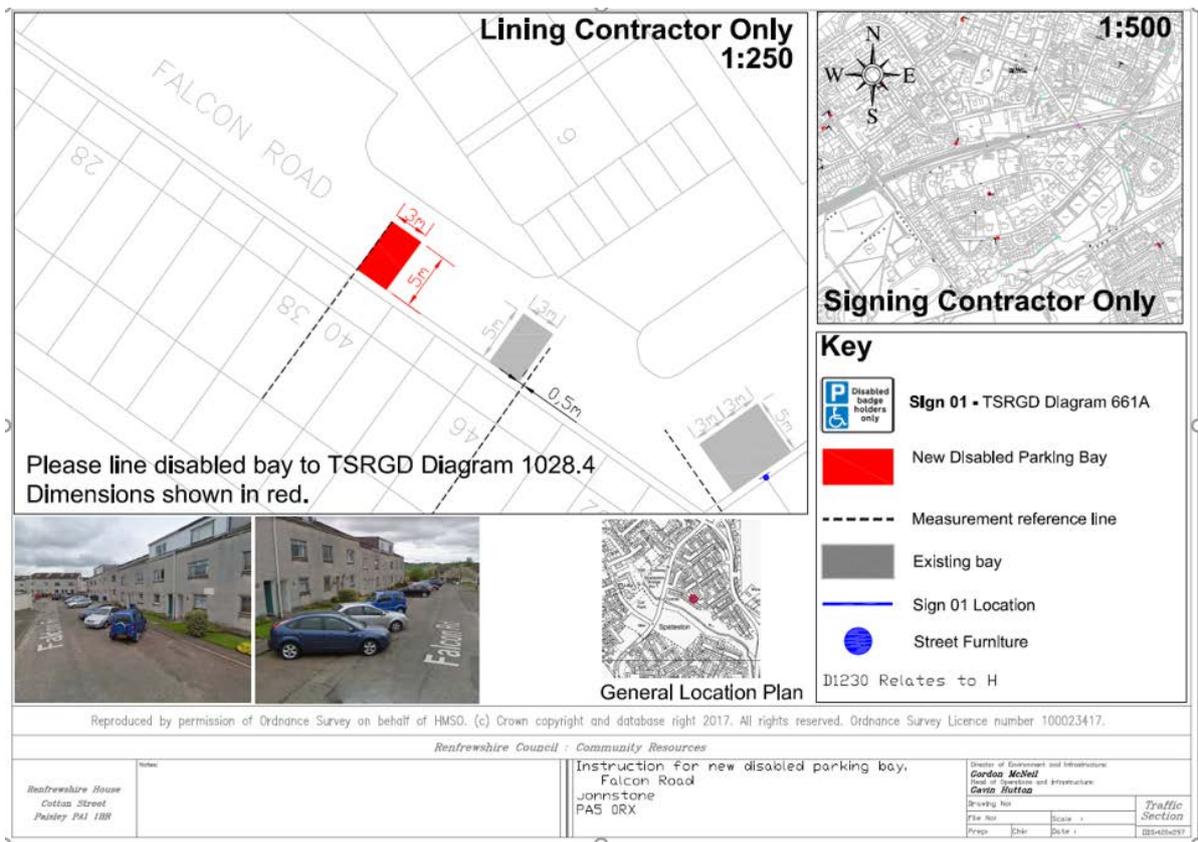
<p>Objection</p>	<p>Objector indicates that the placement of the new bay outside her residence next to the existing bay in place at Abbey Road, Elderslie is causing major issues for the other residents due to lack of parking space for them. Stating that the two disabled bays are taking up the room of 4 parking spaces. Objector is unhappy at the number of bays in the layby and the size of the bays.</p>
<p>Response to Objection</p>	<p>Disabled bays are lined in accordance with the TSRGD national guidance. Their size is defined and fixed and cannot be changed. An email response was sent to the objector advising that the disabled bay has been lined at the position closest to the disabled applicant's residence and at the correct size. The objector was not satisfied with this response and is therefore unwilling to withdraw the objection.</p>



<p>Objection</p>	<p>Objector is unhappy about the installation of this new bay to the side of their property, its position and that the bay is lined for a person who doesn't drive. The objector believes the bay should be situated in the car park area and not on the access road. The objector also states that they are planning to have a driveway created at their property with access from the side garden and the bay will adversely affect their plans to do this. They feel like the location and size of the bay in relation to the applicant's home is not the best option and the bay should be relocated to the car park.</p>
<p>Response to Objection</p>	<p>An email response was sent to the objector to advise that the applicant met the criteria set by Renfrewshire Council and as such the bay was lined in accordance with the TSRGD at 6.6m length. They were also advised that should they apply to install a driveway, that the access would be looked at and the disabled bay location reassessed at this time. The applicant had requested that the bay be lined on street rather than in the car park as they cannot negotiate the steps down from the car park. This was the closest location to the applicant's residence with no stairs involved and also a place where local parking behaviour suggests a car to be parked.</p> <p>The objector is not willing to retract their objection and states that now they have seen the bay being used they stands by their objection more and thinks the bay should be relocated to the car park. Applicant has not been back in touch to advise of any problems with the bay.</p>



<p>Objection</p>	<p>Objector advised that installation of this new bay next to the existing bay causes problems as parking is already difficult. Objector states that the person using the bay is not the person who the bay is allocated to and the car parked in the bay is mainly abandoned half in and half out of the space with vehicle hanging out into the road which obscures other residents view when parking. Objector also states that the person using the bay does not reside at that house.</p>
<p>Response to Objection</p>	<p>An email response was sent to the objector to advise that as this is just an advisory bay at present the most we could do was to write out to the applicant and ask that they park more considerately and within the confines of the bay, However it was also noted that when the bay is made enforceable Renfrewshire Council Parking Attendants would be able to enforce correct parking within the bay. The applicant meets Renfrewshire Council's criteria for a disabled bay and provided proof of residency.</p> <p>The objector is not willing to retract her objection based on the fact objector thinks someone from the next close is now using the bay without the use of a blue badge.</p> <p>If the bay was made enforceable Renfrewshire Council Parking Attendants would be able to issue a fixed penalty notice to anyone parked in the bay without a blue badge.</p>



<p>Objection</p>	<p>Objector misunderstood and thought that the notice erected on site meant an additional disabled bay was being lined. It was however only to advise that the existing bay was to be included in a Traffic Regulation Order. The objector then objected on the basis that there are too many bays lined in Falcon Road and it is hard enough to find parking on the street. They then stated that the applicants are on holiday for weeks at a time and the bay lies empty.</p>
<p>Response to Objection</p>	<p>An email response was sent to the objector to clarify the position on the disabled bay. The objector still wanted to object on basis they feel that there are too many bays on Falcon Road and this bay is lying empty at times. The council has no jurisdiction over the frequency of use of disabled bays.</p>