

Decision maker: Cabinet Member for Traffic & Transportation
Date: 14th March 2013

Subject: Traffic Regulation Order:
The Portsmouth City Council (Various Roads) (Disabled
Persons' Parking Places) (Amendments) (No.4) Order 2013

Report by: Head of Transport and Environment

Wards affected: All

Key decision (over £250k): No
Budget & policy framework decision: No

1. Purpose of report

To consider the responses to the formal public consultation of this order, which is a statutory requirement whenever comments are received about proposals.

2. Recommendation

That the order is made as advertised with the exception of Romsey Avenue (outside No 10) which is no longer required.

3. Background

The order is required to install disabled bays on behalf of qualifying residents, with the aim of improving their quality of life. Following the introduction of a Traffic Regulation Order the parking facilities become enforceable by the council's Civil Enforcement Officers to prevent abuse by non-disabled drivers.

See Page 5 for the proposals advertised via public notice between 25th January 2013 and 15th February 2013.

4. Reasons for recommendations

The formal consultation received comments on one proposed disabled bay (details below). The remaining bays have received no objections: the applicants, who have qualified under the criteria assessment, await the completion of the statutory legal process.



OBJECTION

TINTERN CLOSE (outside No 5)

A resident of Tintern Close has written in to object to the disabled bay on the grounds that the Council undertook some works 18 months ago which included installation of a hard-standing for parking purposes and that the resident concerned had previously applied for a parking bay but had said it was not required because of their hardstanding. In answer to the residents' initial telephone query, we had advised them that the Council could not condone the unlawful crossing of the highway without a dropped kerb in place and the resident answered in response that the Council should have put in a dropped kerb at the time that hardstanding was put in. The resident also expressed concern at the limited amount of parking in the road and that this would put additional pressure on the parking situation.

OFFICER COMMENTS

Following receipt of the resident's objection, contact was made with Paulsgrove Housing Office who undertook works to the address 18 months ago. They have confirmed that the concrete area that they installed was just the pathway leading to the front door and not the wider area which is currently used as a parking place. This pathway was to give level access to the property to assist the disabled resident in accessing their home as they use a wheelchair. This was in conjunction with advice from Occupational Therapists.

It is not known when the rest of the concrete area was installed and Paulsgrove Housing suggested that from the age of the concrete it had been there a significant number of years.

They also confirmed that had a hardstanding been installed for parking purposes, they would have ensured that an associated dropped kerb would also have been required at the same time.

As advised directly to the resident objecting to the installation of the bay, the Council cannot condone the unlawful crossing of the highway without a constructed dropped kerb being in place and therefore as the hardstanding was not created for parking purposes the applicant does not have any off-road parking facilities that would affect their application.

Although we appreciate the difficulty in the parking situation, the applicant fully meets the eligibility criteria for a bay and the location suggested is as close as possible to the applicant's address as due to the narrowness of the road parking takes place on one side only which is on the opposite side of the road to the applicant's address.

5. Equality impact assessment (EIA)

This report has undergone an effective equality impact assessment and there are no equality issues arising from this report.

6. Head of Legal Services' comments

- 6.1** Traffic Regulation Orders (TROs) can be made for a number of reasons, including avoiding danger to persons or other traffic using the road, for preventing damage to the road or any building on or near the road, for facilitating the passage on the road of traffic (including pedestrians) or preserving or improving the amenities of the area through which the road runs.
- 6.2** A TRO may include provisions prohibiting or restricting the waiting of vehicles or the loading and unloading of vehicles. A TRO may also make a provision prohibiting, restricting or regulating the use of a road or any part of the width of a road by vehicular traffic of a particular class specified in the order subject to such exceptions as may be so specified or determined, either at all times or at times, on days or during periods so specified.
- 6.3** A proposed TRO must be advertised and the public given a 3- week consultation period where members of the public can register their support or objections. If objections are received to the proposed order the matter must go before the appropriate executive member for a decision whether or not to make the order, taking into account the comments received from the public during the consultation period.
- 6.4** The City Council has a duty to provide sufficient disabled bays around the City to meet the needs of disabled people.

7. Head of Finance's comments

The advertising and changes to parking restrictions contained within this order are to be funded from the existing on street parking revenue budget.

The cost includes advertising proposals in The News, advertising proposals On-Street furniture, On-street line marking, On-street line removal, and signage.

Total £5,200

There will be no additional on-going enforcement costs as result of the changes in this Traffic Regulation Order.

A commuted sum is not applicable here as the maintenance and installation of disabled bays are not part of the PFI Highways maintenance contract.

.....
Head of Transport and Environment

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
1) 1 letter	Parking Office, Alec Rose Lane, PO1 2BX

The recommendation(s) set out above were approved/ approved as amended/ deferred/
rejected by on

.....
Cabinet Member for Traffic and Transportation

Public Consultation Notice for TRO 4/13

The Portsmouth City Council (Various Roads) (Disabled Persons' Parking Places and Amendments) (No. 4) Order 2013

Notice is hereby given that the Portsmouth City Council proposes to make the above Order under Sections 1 – 4 of the Road Traffic Regulation Act 1984. The effect would be as follows:

To install enforceable 24-hour disabled bays for qualifying residents. The bays would be available for use by Blue Badge holders only. The Blue Badge or relevant permit issued by the council must be displayed in the windscreen of the vehicle at all times when using the bay

A) DISABLED PERSONS' PARKING BAYS

Allaway Avenue (outside no. 65)	Alverstone Road (outside no. 63)
Aylesbury Road (outside no. 10)	Balliol Road (outside no. 53)
Blakemere Crescent (outside no. 13)	Chasewater Avenue (outside no. 56)
Curzon Howe Road (outside no. 14)	Eastfield Road (outside no. 131)
Farmlea Road (outside no. 6)	Frensham Road (outside no. 53)
Hale Street South (outside block 7-10)	Kestrel Road (outside no. 3)
Kingsley Road (in the layby between Godiva Lawn and Torfrida Court)	Lichfield Road (outside no. 37)
Leominster Road (outside no. 24)	New Road (outside no. 299)
Moneyfield Avenue (outside no. 29)	Romsey Avenue (outside no. 10)
Powerscourt Road (outside no. 86)	St Georges Road, Eastney (outside no.5 Eastern Terrace)
St Paul's Square (outside block 1-12)	St Simon's Road (outside no. 31)
Seymour Close (outside block 86-108)	South Road, Fratton (outside no. 25)
Stride Avenue (outside no. 91)	Sutherland Road (outside no. 13)
Tintern Close (outside no. 5)	Torrington Road (outside no. 18)
Walden Road (alongside no. 61 Widley Road)	Westfield Road (outside nos. 152 and 210)

B) REMOVAL OF REDUNDANT DISABLED BAYS

Allens Road (outside no. 3)	Balfour Road (outside no. 66)
Chesterfield Road (outside no. 81)	Colesbourne Road (opposite no.5)
Cornwall Road (alongside no.63 Thorncroft Road)	Ernest Road (outside no. 118)
Fordingbridge Road (outside no. 33)	Fordingbridge Road (outside no. 50)
Kimbolton Road (outside no. 80)	Langstone Road (outside no. 80)
Ledbury Road (outside no. 19)	London Road, Hilsea (outside no. 372)
Lower Derby Road (outside no. 87)	Lower Drayton Lane (outside no. 10)
Meryl Road (outside no. 14)	Old Rectory Road (outside no. 3)
Paulsgrove Road (outside no. 79)	Penhale Road (outside no. 58)
Portchester Road, North End (outside no. 133)	Preston Road (outside no. 2)
Prince Albert Road (outside no. 92, entrance in Landguard Road)	Stubbington Avenue (outside no. 150)
Prince Albert Road (outside no. 123)	Talbot Road (outside no. 98)
Talbot Road (outside no. 64)	Woodmancote Road (outside no. 12)
Wallisdean Avenue (outside no. 15)	

C) REASONS FOR THE ORDER

To install disabled bays for qualifying residents, to be enforced by the city council's Civil Enforcement Officers. The aim is to allow these parking bays to be used by the intended residents and reduce the potential for their abuse by non-authorized drivers. The order will also remove existing disabled bays that are no longer required.

A copy of the draft Order may be examined at the Information Desk, Ground Floor, Civic Offices, Portsmouth during normal office hours. Persons wishing either to object to or support these proposals may do so by sending their representations in writing to Nikki Musson, Transport and Environment, Portsmouth City Council, Civic Offices, Portsmouth PO1 2NE, or via email to

engineers@portsmouthcc.gov.uk quoting ref: **TRO 4** by 15th February 2013 stating the grounds of objection/support.

Under the provisions of the Local Government (Access to Information) Act 1985, any letters of representation, which are received, may be open to inspection by members of the public.

SIMON MOON, Head of Transport and Environment

Portsmouth City Council
Civic Offices
Portsmouth
PO1 2NE

Dated: 25th January 2013