

Decision maker: Cabinet Member for Traffic & Transportation
Date: 26th September 2013

Subject: Traffic Regulation Order:
The Portsmouth City Council (Various Roads) (Disabled Persons' Parking Places & Amendments) (No.28) 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 except for the bays in Amberley Road, Bredenbury Crescent, Lucknow Street (installation and removal) and Nelson Avenue.

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 6 for the proposals advertised via public notice between 30th July 2013 and 20th August 2013.

4. Reasons for recommendations

The formal consultation received comments on the installation of bays in Bredenbury Crescent, Lucknow Street and the removal of the bay in Minstead Road. The bays advertised for Amberley Road and Nelson Avenue are unfortunately no longer required. The remaining bays have received no specific objections and the applicants, who have qualified under the criteria assessment, await the completion of the statutory legal process.

<u>OBJECTION</u>	<u>OFFICER COMMENTS</u>
<p>BREDENBURY CRESCENT (outside No 88)</p> <p>Objection from local resident. Concern expressed that applicant has off street parking in the form of a garage and should therefore not be eligible for a bay.</p>	<p>Following receipt of this information, contact was made with the applicant, who confirmed that they have use of a garage at the rear of their property, which they park their vehicle in. As off-street parking is available for use, we are unable to process the application any further and we do not intend installing a bay for this applicant.</p>
<p>LUCKNOW STREET (outside Nos 61-63)</p> <p>Comment from local resident that a family member would be imminently moving in with them and would be applying for their own bay as they are a blue badge holder. They would be requesting a bay in the same location and suggested adaptation of the paved area on the corner of Vivash Road to make additional parking and solve the problem.</p>	<p>This application was to relocate the bay for a resident slightly closer to their property and remove their existing bay as they currently have to cross the road.</p> <p>When their initial application was made, it was not possible to locate the bay directly outside their property, due to a build-out on the corner of Vivash Road, hence agreement by all parties to locate the bay opposite. The resident has recently asked if the bay could be relocated to outside No 61/63, hence inclusion on this order. However if a bay is going to be applied for in that same location for the use of another resident, we would then have to re-advertise the bay to go back in its existing position across the road, having removed it as part of this Order. We have therefore discussed the options with the resident, and have agreed to leave the existing bay where it is, across the road, and await a new application from the other resident.</p> <p>The request to make changes to the parking arrangements is likely to have road safety issues, as the build-out is protected by double yellow lines, along with budgetary implications and is outside the scope of this Traffic Regulation Order.</p>



OBJECTION

MINSTEAD ROAD (outside No 33)

Objection received from Councillor Hall requesting that the disabled bay in Minstead Road is not removed

OFFICER COMMENTS

The blue badge holder, who the disabled bay was installed for, is no longer a resident of Portsmouth and only returns home on weekends. This is confirmed by their latest Blue Badge being issued by Hampshire County Council, and not being listed as a resident of Minstead Road.

The vehicle that parks in the bay is, we understand, a motability vehicle, which is driven by the applicant's mother. The vehicle is likely to remain unused during the week, because, being a motability vehicle, it should only be used to support or be used for the benefit of the blue badge holder. Although the vehicle will be used at the weekend when the blue badge holder visits, this is effectively no different to other residents of the city who have regular visitors/family members who are also blue badge holders. These residents would not be eligible for a disabled bay. Disabled bays installed outside of resident's properties, are intended for the benefit of the individual Portsmouth resident blue badge holder, who lives at the property, and either has a vehicle themselves or is taken out by someone who lives permanently at the address and has a vehicle registered there.

Parking in Portsmouth residential roads is at a premium and to provide a dedicated parking place for use by a visitor, would be detrimental to other Portsmouth residents.

To allow the bay to remain when the blue badge holder is no longer a resident of Portsmouth is therefore deemed inappropriate.

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 and are likely to be in the region of £3,700.

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.

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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, 3 emails (one of which is a duplicate of the letter)	Civic Offices, Guildhall Square, Portsmouth PO1 2NE

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

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Cabinet Member for Traffic and Transportation

Public Consultation Notice for TRO 28/13

The Portsmouth City Council (Various Roads) (Disabled Persons' Parking Places and Amendments) (No. 28) 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

Amberley Road (outside no. 22)	Bredenbury Crescent (outside no. 88)
Burbridge Grove (opposite no. 3)	Chichester Road (outside no. 45)
Colwell Road (outside no. 9)	Compton Road (outside no.120)
Delamere Road (outside no. 24)	Devon Road (outside no. 23)
Earlsdon Street (opposite no. 1 Stratford House)	Gloucester Terrace (outside no. 29 Norfolk Street)
Gofton Avenue (outside no. 24)	Highgate Road (outside no. 81)
Hilsea Crescent (outside no. 41)	Kingsland Close (opposite no. 20)
Lucknow Street (outside no's. 61 & 63)	Mayles Road (outside no. 24)
Nelson Avenue (outside no. 68)	Northover Road (outside no. 25)
Sunningdale Road (outside no. 66)	Tangier Road (outside no. 233)
Tokio Road (outside no. 36)	Toronto Road (outside no. 46)
Velder Avenue (outside no.41)	Wallisdean Avenue (outside no. 35)
Westfield Road (outside no. 60)	Whale Island Way (opposite no. 129)
Whitecliffe Avenue (outside no. 42)	Wilson Road (outside no's. 6 & 8)
Wykeham Road (outside no. 46)	Wyllie Road (alongside Coronation Homes, at rear of existing bay)

B) REMOVAL OF REDUNDANT DISABLED BAYS

Aylesbury Road (outside no. 10)	Balfour Road (outside no. 50)
Bath Road (outside no. 15)	Beaulieu Road (outside no. 19)
Boulton Road (outside no. 104)	Brading Avenue (outside no. 20)
Cedar Grove (outside no. 39)	Devonshire Avenue (outside no. 155)
Dover Road (outside no. 178)	Lidiard Gardens (outside no. 66)
Locksway Road (outside no. 288)	Lucknow Street (opposite no. 57)
Minstead Road (outside no. 33)	Methuen Road (outside Eastney Church)
Mousehole Road (outside no. 16)	Oakwood Road (outside no. 7)
Ophir Road (outside no.104)	Oriel Road (outside no. 10)
Powerscourt Road (outside no. 218)	Queens Road (outside no. 125)
St Andrew's Road (outside no. 104)	St Augustine Road (outside no. 62)
St Chad's Avenue (outside no. 65)	Thurbern Road (outside no. 8)
Widley Road (outside no. 11)	Yorke Street (outside no. 72)

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 enable these parking bays to be used by the intended residents and reduce the potential for their abuse by non-authorized drivers.

A copy of the draft Order may be examined at the Information Desk, Ground Floor, Civic Offices, Portsmouth during normal office hours, and a copy of this Public Notice can be found on the City Council's website at: <http://www.portsmouth.gov.uk/living/609.html>

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 28/2013** by **20th August 2013** stating the grounds of objection/support.

Under the provisions of the Local Government (Access to Information) Act 1985, any letters of representation that 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