

Highways Committee

24 October 2008



Objections to Traffic Regulation Orders advertised for City of Durham District

Report of John Richardson, Corporate Director, Environment

1.0 Purpose of the Report

- 1.1 To advise Members of 3 objections received following advertisement of Traffic Regulation Orders for City of Durham District, the effect of which would be to formalise the existing restrictions. There will be no change to the current parking arrangements.
- 1.2 This report requests that Members endorse the proposal to proceed with making the Traffic Regulation Orders.

2.0 Background

- 2.1 Members will be aware that progress is being made to introduce Civil Parking Enforcement (CPE) in the City of Durham District.
- 2.2 The Secretary of State for Transport's statutory guidance to Local Authorities on the Civil Enforcement of Parking Contraventions states "an appraisal should ensure that parking policies apply at the right place and time. It is particularly important to check that the policies are properly underpinned by TROs that are valid, up-to-date and properly indicated with traffic signs and road markings. A parking contravention is often a breach of a provision of a TRO, which must have been made under the correct section of the Road Traffic Regulation Act 1984 (RTRA). Flawed orders may be unenforceable, and can damage both the aims of CPE and the public perception of how it is managed."
- 2.3 In order to comply with the above guidance, all parking restrictions have been surveyed on site and new TRO's written to reflect the existing situation.
- 2.4 In accordance with Statutory Instrument 2489 (The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996) the orders have been advertised and three objections received (see attached plans).

**3.0 Objector 1 Age Concern, 7 Atherton Street, Durham City.
Objection to Durham City North West (Traffic Management) Order
2008**

3.1 Age Concern Durham County have an employee who has a blue badge. The objector is concerned that the advertised Order will mean that this employee will no longer be able to park on double yellow lines for the duration of her working day (7.5 hours). The objector also requests parking bays to be changed to blue badge holder bays to accommodate their employee. The objector also believes the County Council have a legal duty under the Disability Discrimination Act (DDA) to ensure that disabled people in employment are able to park adequately near their place of work and has formally objected to the Order "because it does not make provision for disabled drivers who work full time".

3.2 Response

3.3 *The blue badge scheme operates throughout the UK and is not open to local interpretation. The concessions provided under the scheme apply to on-street parking only. Badge holders may park on single or double yellow lines for up to three hours in England and Wales, except where there is a ban on loading or unloading. Given that there are over 40,000 blue badges issued in County Durham alone, in the interest of being fair and equitable, it would not be appropriate for this Authority to enter into local agreements with individual badge holders. A blue badge holder parking for over 3 hours, on a yellow line may receive a Penalty Charge Notice.*

3.4 *When bays are specifically reserved for use by a particular class of vehicle/user such as blue badge holders, there is always a time limit associated with their use to encourage a reasonable turnover of spaces thus making the spaces available for the maximum amount of users of that class to access services.*

3.5 *Durham County Council have a requirement under the DDA to make reasonable adjustments or take positive steps to make **services** accessible to disabled people. In Durham badge holders may park free of charge and without time limit in any on-street pay-and-display bays.*

3.6 *Under the DDA it is an **employer's** duty to make 'reasonable adjustments' to ensure that a disabled person is not put at substantial disadvantage by employment arrangements or any physical feature of the workplace. Age Concern at Hopper House have some off street parking available to them and it would appear that a solution to the problem would be to adjust these bays for use by the employee who is experiencing difficulty.*

4.0 Objector 2, The Avenue, Durham City. Objection to Durham City South West (Traffic Management) Order 2008

4.1 The objector is dissatisfied that the order was advertised during the school holidays and also requests notices to be written in plain English. The objector is concerned that restriction on Crossgate Peth is inadequate to accommodate parents waiting to pick up children from school leading to parking in restricted areas.

4.2 Response

4.3 *In respect of the advertising of the above order, it is unfortunate that this was not during term time, however, the notice was advertised in the Durham Advertiser as well as on the affected streets so was available to a wider audience for comment. The content of the notice is governed by Statutory Instrument 2489 "Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996" which stipulates the content of the notice.*

4.4 *Under CPE powers, the County Council (through our agents NCP Services) will take over parking enforcement from the Police. With our officers dedicated to parking enforcement, there will be a vast improvement particularly with regard to Crossgate Peth. The stretch of Crossgate Peth where it is safe to park vehicles, which is where parents can legitimately wait to drop off and pick up children, is often inadequate for the number of vehicles trying to use it and vehicles inevitably park in areas that are unsuitable. With CPE, these vehicles are much more likely to receive a Penalty Charge Notice. Additionally our Travel Planning Team are working closely with the school to implement measures to displace parental vehicles. These measures include education for parents and children as well as the setting up of a walking bus initiative.*

5.0 Objector 3, Hylton Road, Newton Hall. Objection to Brasside, Pity Me, Newton Hall and Framwellgate Moor)(Traffic Management) Order 2008

5.1 Objector concerned parents will park outside the area where waiting is prohibited causing difficulty accessing Hylton Road and Langley Road.

5.2 Response

5.3 *The advertised order purely formalises the existing restrictions. There are no changes to the current arrangement.*

6.0 Local Member Consultation

6.1 Councillors Martin, Simmons, Hopgood and Holland, the Local Members, have been consulted and support the proposal.

7.0 Recommendations and Reasons

7.1 It is recommended that Members endorse the proposal to set aside the objections and seal the Orders as advertised.

Background Papers

Objectors' letters

Statutory Instrument 2489 ('The Local Authorities' Traffic Orders
(Procedure)(England and Wales) Regulations 1996)

Copies of correspondence have been placed in Members' Resource Centre.

Contact: Dave Lewin Tel: 0191 383 4635

Appendix 1: Implications

Local Government Reorganisation

None

Finance

None

Staffing

There are no adverse implications.

Equalities and Diversity

There are no adverse implications.

Accommodation

None

Crime and Disorder

There are no adverse implications.

Sustainability

None

Human Rights

There are no adverse implications.

Localities and Rurality

Durham City Centre

Young People

There are no adverse implications.

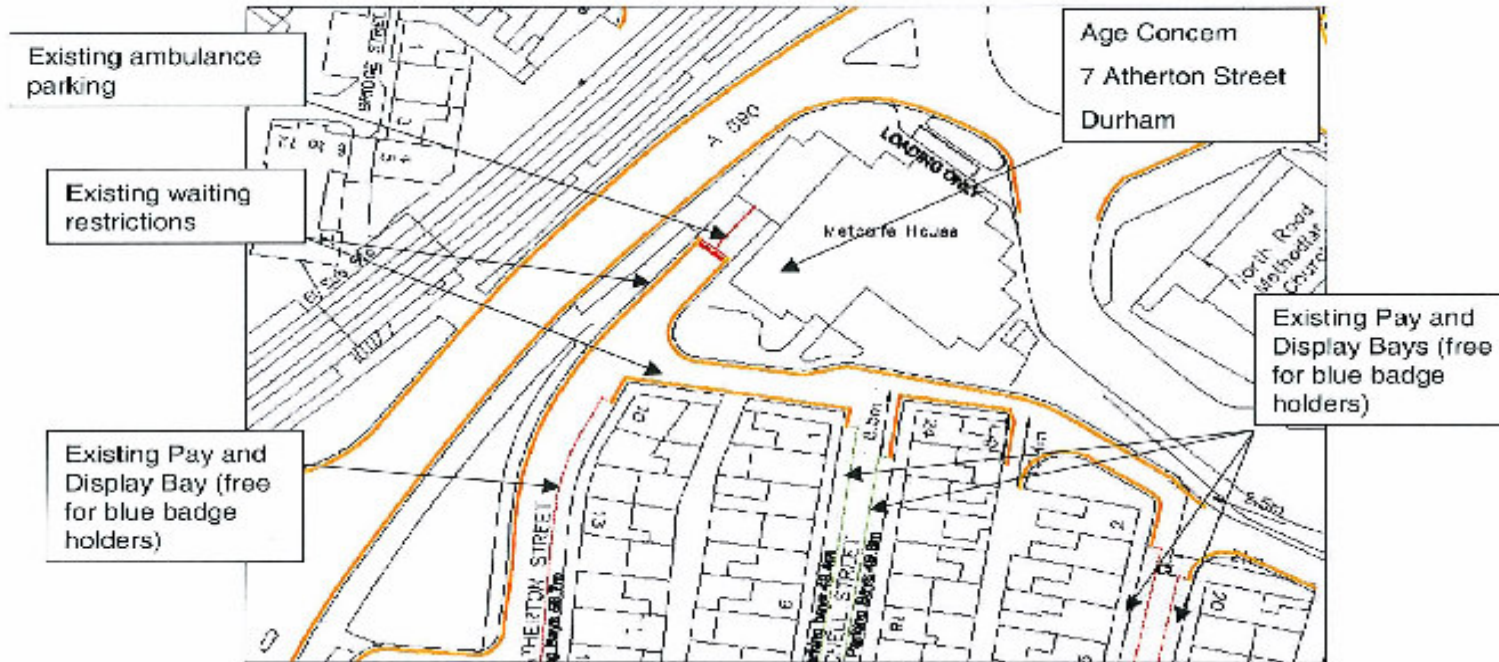
Consultation

Full consultation was carried out prior to commencing the scheme.

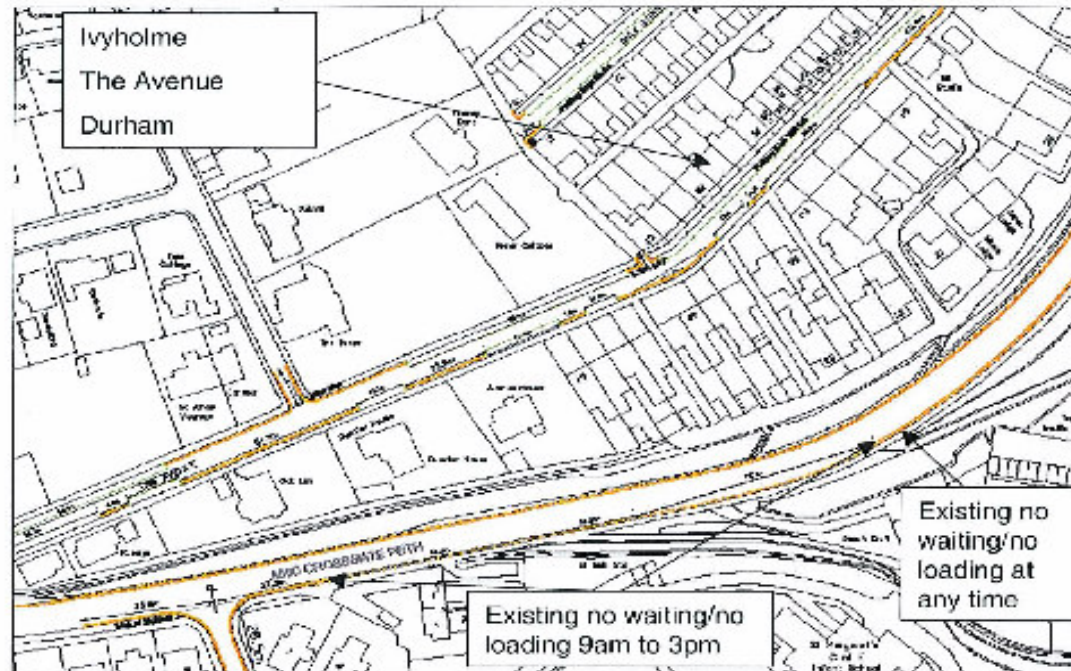
Health

There are no adverse implications.

Objector 1 location



Objector 2 location



Objector 3 location

