

April 2011	ITEM
Delegated Decision Report	
NELSON ROAD, SOUTH OCKENDON OBJECTION TO A DISABLED PERSONS PARKING PLACE	
Portfolio Holder: Councillor Val Morris-Cook - Environment	
Wards and communities affected: Ockendon Ward	Key Decision: No
Accountable Head of Service: Andrew Millard, Head of Planning and Transportation	
Accountable Director: Bill Newman, Corporate Director of Sustainable Communities	
This report is Public	
Purpose of Report: To consider objections to a proposal to implement a disabled persons parking place in Nelson Road, South Ockendon.	

EXECUTIVE SUMMARY

Two individual objections have been received to a proposal to implement a disabled persons parking place in Nelson Road, South Ockendon. A letter signed with 25 signatures was also received.

The proposal was made following the receipt of a request from Occupational Therapy to implement a disabled persons parking place.

1. RECOMMENDATIONS:

- 1.1 It is recommended that the objections to the proposed disabled bay are over-ruled and that the disabled bay is implemented as advertised.**

2. INTRODUCTION AND BACKGROUND:

- 2.1** Funding is allocated each year within the Integrated Transport Programme to implement disabled persons parking places at various sites around the borough where requests have been received from the Occupational Therapy department following an assessment of a service user. Upon receipt of the request, a site visit is carried out by the Traffic Team to ascertain the suitability

of the site for a bay. Current policy states that disabled bays will not be provided if the resident's garden can facilitate a vehicle.

A request was received from Occupational Therapy, to install a bay for a service user in North Road, South Ockendon. Due to the nature of North Road, it is not possible to provide a bay outside the service user's house. The closest location that can facilitate a bay is in Nelson Road. The consultation on the proposal to implement a bay in Nelson Road was carried out between 4th March 2011 and 25th March 2011. 2 objections were received, 1 from a resident of Wilsman Road and 1 from a resident of Nelson Road, South Ockendon. A petition was also received, signed by 25 signatories. However, no addresses were provided for the signatories, it was therefore not recorded as a petition and has been regarded as an individual letter.

3. ISSUES AND/OR OPTIONS:

- 3.1 The nature of all the objections is that the service user does not live in Nelson Road and the fact that the property has a garage within the garden. In this instance, the service user has a garage in the back garden. However, it is not practical for a wheelchair user due to the narrow width of a standard garage. One objector also states that there are already parking problems in Nelson Road and feels a disabled bay will exacerbate the problem.
- 3.2 Disabled Persons Parking places can be used by any Blue Badge Holder. Even though an assessment is carried out for one service user, this does not reserve the bay for sole use by that person.
- 3.3 The cost of implementing the disabled persons parking place as recommended will be approximately £1050 and will be funded from the Capital Disabled Parking allocation code E1843 9881 T3429.

4. CONSULTATION (including Overview and Scrutiny, if applicable)

Ward Members were consulted on the content of this report between 22nd July 2011 and 29th July 2011. Cllr A Arnold requested for the double yellow lines on the junction to be reduced so that an additional parking space could be created. This action is not recommended due to the need for the restrictions to remain on the junction for safety reasons. No other comments were received.

5. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

- 5.1 These actions accord with the Council priorities to create a safer environment.

6. IMPLICATIONS

- 6.1 **Financial**

Implications verified by: Meinir Hall
Telephone and email: 01375 65147
mhall@thurrock.gov.uk

Should the disabled persons parking place be implemented as recommended, the cost will be approximately £1050 which will be funded from the Capital Disabled Parking code E1843 9881 T3429 within the 2011/2012 Integrated Transport Programme.

6.2 **Legal**

Implications verified by: Remi Aremu Planning Solicitor
Telephone and email: 01375 652 994 raremu@thurrock.gov.uk

At a general level, it is important to ensure that delegated decisions are taken by the appropriate officer, and that the origin of the delegation can be readily identified in case of future challenge.

In this instance, should parking restrictions be carried forward to implementation, they would be subject to the making of a Traffic Regulation Order (TRO). Under the provision of the Road Traffic Regulation Act 1984, local authorities can implement TROs, designed to regulate, restrict or prohibit the use of a road or any part of the width of a road by vehicular traffic or pedestrians. A TRO may take effect at all times or during specified periods, and certain classes of traffic may be exempted from a TRO.

Permanent TROs are subject to the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996, which impose various legal requirements prior to the making of an order. These requirements include publishing a notice of the proposals in a local newspaper and allowing potential objectors 21 days to make representations. It is incumbent on the Council to take account of any representations made as a consequence of such an advertisement.

6.3 **Diversity and Equality**

Implications verified by: Samson DeAlyn
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sdealyn@thurrock.gov.uk

The Equality Act 2010 places an obligation on the Council to make reasonable adjustments for disabled residents. The provision of a disabled parking bay would be regarded as making such an adjustment. The statutory requirement should be given due consideration in making such a decision. Should the recommendations be upheld, the disabled parking bay will be available for use by any blue badge holder.

6.4 **Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental**

None

7. CONCLUSION

7.1 All Blue Badge holders are permitted to park within a designated disabled parking bay. There is no alternative location available to provide the bay.

BACKGROUND PAPERS USED IN PREPARING THIS REPORT:

- Objections

APPENDICES TO THIS REPORT:

- None

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