

<b>September 2013</b>		<b>ITEM</b>
<b>Delegated Decision Report</b>		
<b>MILL ROAD, AVELEY – OBJECTIONS TO A PROPOSAL TO IMPLEMENT A DISABLED BAY</b>		
<b>Portfolio Holder:</b> Councillor A Gaywood – Public Protection		
<b>Wards and communities affected:</b> Aveley and Uplands Ward	<b>Key Decision:</b> No	
<b>Accountable Head of Service:</b> Andrew Millard, Head of Planning and Transportation		
<b>Accountable Director:</b> David Bull, Director of Planning and Transportation		
<b>This report is</b> Public		
<b>Purpose of Report:</b> To consider the objections to a proposal to implement a disabled bay in Mill Road, Aveley.		

## **EXECUTIVE SUMMARY**

Two objections have been received to a proposal to implement a disabled parking bay in Mill Road, Aveley. The disabled bay is currently marked out on site but is not supported by a Traffic Regulation Order and therefore enforcement cannot be carried out. The proposal was made following requests from a disabled resident who regularly experiences difficulties accessing the disabled bay.

### **1. RECOMMENDATIONS:**

**1.1 It is recommended that following consideration of the objections, the disabled bay is implemented as proposed. It is further recommended that the objectors are notified accordingly.**

### **2. INTRODUCTION AND BACKGROUND:**

**2.1** Funding is allocated each year within the Integrated Transport Programme to implement disabled parking bays 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. The garden in this instance is not large enough to accommodate a vehicle.

- 2.2 In this instance the disabled bay is currently marked out on site within the parking area fronting the property but is not supported by a Traffic Regulation Order and therefore enforcement cannot be carried out.
- 2.3 The consultation on the proposal to implement a bay in Mill Road was carried out between 1<sup>st</sup> March 2013 and 22<sup>nd</sup> March 2013. 2 Objections were received by 2 residents of Mill Road, both of which were concerned at losing parking spaces. 2 letters of support were received from residents of Mill Road, one of them being a resident blue badge holder.

**3. ISSUES AND/OR OPTIONS:**

- 3.1 The nature of the objections is that the parking area is currently over subscribed and implementing a disabled bay would create further problems. However, the bay is already marked out so this would not result in a loss or reduction in parking spaces.
- 3.2 The nature of the letters of support is that the blue badge holder cannot park in the marked disabled bay and struggles to get to their property. Blue Badge holder parking bays can be used by any blue badge holder. Even though an assessment is carried out for one service user to determine implementation, 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 £500 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 14<sup>th</sup> and 21<sup>st</sup> October 2013. No comments were received during this period.

**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: Mark Terry  
 Telephone and email: 01375 652150     mterry@thurrock.gov.uk

Should the recommendations be upheld the cost of implementing the Disabled Bay would be approximately £500.00 and would be funded from the capital Community Request code E1843 9881 T3429. There are sufficient funds within this code to meet this cost.

**6.2 Legal**

Implications verified by: Alison Stuart- Principal Solicitor  
 Telephone and email: 01375 652 040

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 the restricted parking bay 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  
 Telephone and email: 01375652472  
 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 Following consultation and consideration of the objections, it is considered that the parking bay is implemented as proposed as per the recommendations in this report.

**BACKGROUND PAPERS USED IN PREPARING THIS REPORT:**

- Letters of objection

- Letters of support

**APPENDICES TO THIS REPORT:**

- None

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