

	<h2>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER</h2>
<b>Title</b>	<b>Objections received following a statutory consultation on a proposal to amend the parking layout in Montagu Road NW4</b>
<b>Report of</b>	Strategic Director for Environment
<b>Wards</b>	West Hendon
<b>Status</b>	Public
<b>Enclosures</b>	Drawing no. SCR147 - 16
<b>Officer Contact Details</b>	Gavin Woolery-Allen, Senior Engineer <a href="mailto:gavin.woolery-allen@barnet.gov.uk">gavin.woolery-allen@barnet.gov.uk</a> Tel: 020 8359 3555

<h3>Summary</h3>
<p>Statutory consultation has been carried out regarding a proposed amendment of a parking place to accommodate a proposed vehicle crossover in Montagu Road NW4.</p> <p>This report summarises the objections received to the proposal and determines whether the proposals should be introduced or not, and if so, with or without modification.</p>

<h3>Decisions</h3>
<p><b>1.To authorise officers to implement the proposed measures as shown on drawing no. SCR147-16 through to the making of the relevant Traffic Management Orders.</b></p>

**1. WHY THIS REPORT IS NEEDED**

- 1.1 Following receipt of an application for a vehicle crossover to be provided on Montagu Road NW9, which met the Council’s criteria, a proposal was

developed to remove a resident permit parking space to accommodate the new crossover.

- 1.2 As part of the statutory consultation process the proposals were advertised in notices published in the local Press newspapers and in the London Gazette. In addition, similar notices were erected on-street in the vicinity of the affected roads and letters and plans outlining the proposals were delivered to premises in close proximity to each proposal.
- 1.3 In response to the statutory consultation, an objection was received to the proposed parking place removal on the basis that it would cause a loss of on street parking for the public and residents in an already overused residential road, and that the off street parking will not reduce the strain of on street parking but enhance it.
- 1.4 Other comments made included that:
  - the relevant part of the road has high pedestrian usage particularly by children & families due to its close proximity to the school and it would create a hazard.
  - the front of the particular house (courtyard, front yard) has insufficient space to park an average small sized car and is too small. Therefore, off street parking has no private benefit for the property in question and is of no public interest due to the above.
  - It(s approval) would set a precedent for others and multiply all of the above.
- 1.5 Officer comments to the objections are as follows:

Loss of parking/Impact on residents' ability to park near their homes
- 1.6 Montagu Road falls within the West Hendon 'WH3' Controlled Parking Zone (CPZ) which currently operates as follows:
  - between 10am and 7pm, Monday to Friday, and between 8am and 2pm on Saturday.
  - Between 10am and 5pm, Monday to Friday
- 1.7 Current records indicate that there are 57 resident permits and 2 carers permits issued to residents of Montagu Road. At this time, there are approximately 65 dedicated resident permit parking spaces and 2 spaces which can be used by resident permit holders, business permit holders and those wishing to pay by phone in the road.
- 1.8 The proposal intends to amend the parking layout so that there would be approximately 64 dedicated resident permit parking spaces and 2 spaces which can be used by resident permit holders, business permit holders and those wishing to pay by phone.

- 1.9 On this basis alone, there appears to be a sufficient number of resident permit parking spaces in the road to accommodate all resident permit holders and carers permit holders who may wish to park in the road during the operational period of the CPZ at any one time.
- 1.10 Furthermore, visual surveys have been undertaken in Montagu Road during the operational period of the CPZ. These surveys showed that there were up to 31 spaces available at any one time in the road.
- 1.11 Assuming that the changes proceed as proposed, there appears to be minimal risk that there would be fewer dedicated resident permit spaces than resident permit holders wishing to park in the road at any one time.
- 1.12 *Having considered the content of the objections, it is considered that the proposed removal of one space outside No. 9 Montagu Road NW4 should proceed.*

## **2. REASONS FOR DECISIONS**

- 2.1 It is considered that the measures are required to accommodate the provision of a vehicle crossover, and allow a resident to park on their hardstand on their property.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 3.1 Alternative options could be to abandon or modify the proposal; however it is considered that the proposed way forward is appropriate, having considered the content of the objections received and the local demand for parking spaces.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 The amendment to a parking space to accommodate access to a vehicle crossover, will require the applicant to be written to in order to advise of the agreed way forward, with a view to implementing the changes once the requisite fees are received.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 The Council's Corporate Plan states in its strategic objectives that it will work with local partners to create the right environment to promote responsible growth, development and success across the Borough. In particular the Council will maintain a well-designed, attractive and accessible place, with sustainable infrastructure across the borough. The plan also acknowledges that the future success of the Borough depends on effective transport networks.

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 The introduction of the proposed measures would require amendments to existing Traffic Management Orders (TMO)

5.2.2 The costs will be sought from the applicant as a fees and charges item. The income would be paid into the Parking Design income account.

5.2.3 The works will be carried out under the existing LOHAC term maintenance contractual arrangements.

### 5.3 **Social Value**

5.3.1 None in the context of this report

### 5.4 **Legal and Constitutional References**

5.4.1 Article 9 of the Council's Constitution states that Chief Officers have the delegated powers;

'to make decisions and approve expenditure relating to their functions and the functions of their Department... providing (1) that the sum expended is within the approved budget for the Department and/or relevant portfolio, and (2) the amount in relation to any single matter does not exceed £181,302.'

5.4.2 The Traffic Management Act 2004 places obligation on authorities to ensure the expeditious movement of traffic on their road network. Authorities are required to make arrangements as they consider appropriate for planning and carrying out the action to be taken in performing the duty.

5.4.3 The Council as the Highway Authority has the necessary legal powers to introduce or amend Traffic Management Orders through the Road Traffic Regulation Act 1984.

5.4.4 Statutory consultation with all affected frontages, Ward councillors and relevant stakeholders in accordance with the provisions of The Local Authorities' Traffic Order (Procedure) (England and Wales) Regulations 1996 has been carried out.

### 5.5 **Risk Management**

5.5.1 It is not considered that the issues involved are likely to give rise to policy considerations as the proposed measures have a specific purpose and benefit which has been outlined within the consultation material.

5.5.2 It is considered that the issues involved in proposing or introducing the measures may lead to some level of public concern from local residents who feel that they do not wish for the measure to be introduced, or from residents/motorists in the area concerned about parking being displaced into their road or network of roads. However, for both issues, it is considered that adequate consultation across a sufficient area has ensures that members of the public have had the opportunity to comment in any statutory consultation on any proposed measure which has been considered within this report.

## **5.6 Equalities and Diversity**

5.6.1 The Equality Act 2010 outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups
- foster good relations between people from different groups.

5.6.2 In designing the proposal and having considered the response to the statutory consultation, it is considered that the proposed changes will not negatively impact on the requirements of the Act.

5.6.3 It is therefore considered that the Council has met its public sector equalities duty in considering these issues.

## **5.7 Corporate Parenting**

5.7.1 Not applicable in the context of this report.

## **5.8 Consultation and Engagement**

5.8.1 A statutory consultation on the proposed changes has been carried out with affected business frontages and various stakeholders.

## **5.9 Insight**

5.9.1 None in the context of this report

## **6 BACKGROUND PAPERS**

6.1 None

## **7 DECISION TAKER'S STATEMENT**

7.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with*

*the decision-making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations. The decision is compliant with the principles of decision making in Article 10 of the constitution.*

**Chief Officer: Jamie Blake**

**Signed:**

A handwritten signature in black ink, appearing to read 'J. Blake', written in a cursive style.

**Dated: 24<sup>th</sup> August 2018**