

	<h2>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER</h2>
<p style="text-align: center;"><b>Title</b></p>	<p><b>Objections received following a statutory consultation on a proposal to implement a Disabled Parking Bay in Derwent Avenue, EN4</b></p>
<p style="text-align: center;"><b>Report of</b></p>	<p>Strategic Director for Environment</p>
<p style="text-align: center;"><b>Wards</b></p>	<p>East Barnet</p>
<p style="text-align: center;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: center;"><b>Enclosures</b></p>	<p>Drawing no. SCR189-6</p>
<p style="text-align: center;"><b>Officer Contact Details</b></p>	<p>Susan Fuller – Engineer (Parking) Traffic and Development  <a href="mailto:Highways.correspondence@barnet.gov.uk">Highways.correspondence@barnet.gov.uk</a></p>

<h3>Summary</h3>
<p>Statutory consultation has been carried out regarding the proposed introduction of a designated disabled parking space, in Derwent Avenue.</p> <p>This report summarises the objections received to the proposal and determines whether the proposal should be introduced or not, and if so, with or without modification.</p>

<h3>Recommendation</h3>
<ol style="list-style-type: none"> <li>1. That the Strategic Director for Environment note the outcome of the consultation as detailed within this report and authorise officers to implement the proposed measure as shown on drawing no. SCR189-6 through to the making of the relevant Traffic Management Order.</li> </ol>

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 Following receipt of an application to provide a disabled parking bay within close proximity of No.56 Derwent Avenue, the application was assessed and was considered to have met the Council's criteria, for the provision of a disabled parking space.
- 1.2 As part of the statutory consultation process, the proposal was advertised by way of notices in the local press newspapers and in the London Gazette. In addition, similar notices were erected on-street in the vicinity of the affected road and letters and plans outlining the proposal were delivered to premises in close proximity to the proposal.
- 1.3 In response to the statutory consultation, we received two objections to the proposed disabled bay on the basis that:
- 1.4 The proposal could be considered a waste of public funds should the applicant vacate the property. Additionally, Derwent Avenue is a quiet road, neighbours are co-operative regarding parking. Parking within close proximity is never usually a problem and there is ample space available.
- 1.5 It is claimed that the parking bay could be used to facilitate the charging of an electric vehicle. A charging point would therefore be a better use of resource as opposed to a disabled bay.
- 1.6 Concerns regarding the success of future dropped crossing applications on Derwent Avenue, as a result of a disabled bay being provided at the proposed location.
- 1.7 It is felt that there is often space outside of the applicant's property, however, it is not always utilised.
- 1.8 Officer comments to the objections are as follows:
- 1.9 The bay is being proposed to assist a vulnerable person with a protected characteristic to park near their home. The Council, in having a policy to provide disabled bays, have acknowledged that priority for that particular kerbside space will be given to disabled people, and particularly with designated disabled bays, have acknowledged that the individual in question will be prioritised.
- 1.10 The primary purpose of a disabled parking bay is to provide parking, close to in this instance, a residential property as a result of proven mobility impairment.
- 1.11 The Council can only comment on the current proposal. The authority welcomes applications from residents wishing to lower their kerb to facilitate an off street parking provision. Each application is assessed within a reasonable timeframe following the submission of an application.

- 1.12 A designated parking bay will formalise parking. For example, a vehicle must be parked within the bay, displaying a permit and valid blue badge. At locations where bays are not being utilised, the Parking Team will investigate and review the bay requirement.

## **2. REASONS FOR RECOMMENDATIONS**

As part of the Council's statutory duty to ensure efficient levels of traffic flow and ensuring road safety is maintained on the road network throughout the borough, it is considered that the measures are required to accommodate the provision of a disabled person's parking, and allow a resident to park as close as possible to their home to assist their mobility needs.

### **2.1 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 2.2 Alternative options could be to not introduce a designated disabled bay; however, it is considered that the proposed way forward is more suitable, having considered the content of the objection received and the demand for parking spaces as well as the impact on the disabled applicant.

## **3. POST DECISION IMPLEMENTATION**

- 3.1 The introduction of the designated disabled bay, if approved, will require the applicant and objectors to be written to, to advise of the outcome, the relevant road markings and signage to be introduced, and the making of the relevant Traffic Management Order (TMO).

## **4. IMPLICATIONS OF DECISION**

### **4.1 Corporate Priorities and Performance**

- 4.1.1 The Council's Corporate Plan states that strategic objectives that 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 future success of the Borough depends on effective transport networks.

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

- 4.2.1 The introduction of the proposed measure will require no amendments to existing Traffic Management Orders (TMO's).

- 4.2.2 The costs of implementing the restrictions would be met from the 2018/19 Local Implementation Plan (LIP) allocation for Disabled Parking Provision. The allocation is £75k as set out in the LIP report agreed by Environment Committee in March.

- 4.2.3 The approximate implementation cost for the disabled bay is £230.

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

### 4.3 **Social Value**

4.3.1 The potential social benefits of making the proposed amendment would include an improved accessibility for a disabled resident to parking in their street.

### 4.4 **Legal and Constitutional References**

4.4.1 Section 16 of The Traffic Management Act 2004 places a duty on the Council as the local traffic authority for the Barnet administrative area to manage its road network to secure the expeditious movement of traffic on its road network. The network must be managed with a view to achieving the objective of the duty, so far as may be reasonably practicable, having regard to the Council's other obligations, policies and objectives. The action the Council may take in performing the duty includes the exercise of any powers affecting the use of the network, whether or not those powers were conferred on the Council in its capacity as a traffic authority.

4.4.2 Furthermore, section 17 of The Traffic Management Act 2004 provides that the local traffic authority shall make such arrangements as they consider appropriate for planning and carrying out the action to be taken in performing the duty.

4.4.3 The Road Traffic Regulation Act 1984 gives the Council, as the Traffic Authority, the necessary legal powers to introduce or amend Traffic Management Orders (TMO's) as recommended in this report.

4.4.4 Statutory consultation has been carried out with all affected frontages, Ward councillors and relevant stakeholders in accordance with the provisions of section 6 of The Local Authorities' Traffic Order (Procedure) (England and Wales) Regulations 1996.

4.4.5 With regards to the financial expenditure to the Council, Article 9 of the Council's Constitution gives Chief Officers 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.'

### 4.5 **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 ensured that members of the public have had the opportunity to comment in the statutory consultation on the proposed measure which have been considered within this report.

## **5.6 Equalities and Diversity**

5.6.1 The 2010 Equality Act 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 The proposals in this report are designed to improve access for a person with a protected characteristic.

## **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 has been carried out with the local community, and relevant stakeholders.

## **5.9 Insight**

5.9.1 Not applicable 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: Jamie Blake**

**Dated: 30<sup>th</sup> July 2018**