

	<h2>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER</h2>
<b>Title</b>	<b>Objections received following a statutory consultation on a proposal to implement a Disabled Parking Bay in The Approach Dentistry, NW4</b>
<b>Report of</b>	Strategic Director for Environment
<b>Wards</b>	Hendon
<b>Status</b>	Public
<b>Enclosures</b>	Drawing no. SCR189-5
<b>Officer Contact Details</b>	Susan Fuller – Engineer (Parking) Traffic and Development <a href="mailto:Highways.correspondence@barnet.gov.uk">Highways.correspondence@barnet.gov.uk</a>

<h3>Summary</h3>
<p>Statutory consultation has been carried out regarding the proposed introduction of a disabled parking space in The Approach. The proposed hours of operation include Monday to Friday between the hours of 08:30am to 17:30pm, with a maximum stay of 2 hours, and vehicles are not permitted to return within 1 hour.</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>
<p><b>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. SCR189-5 through to the making of the relevant Traffic Management Order.</b></p>

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

- 1.1 Following receipt of an application to provide a disabled parking bay within close proximity of The Approach Dentistry, the application was assessed and was considered to have met the Council's criteria, for the provision of disabled parking bay.
- 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 three objections to the proposed disabled bay on the basis that:
- 1.4 The proposal will take away another general parking area on this small street and the demand for parking is high.
- 1.5 There is ample parking available at The Approach Dentistry. Disabled parking in their off-street area could be provided, rather than reserving this for employee parking.
- 1.6 The bay will provide residential parking for a host of other badge holders from neighbouring streets, most of whom not attending the dental surgery. It will therefore not always provide patients with parking.
- 1.7 The majority of disabled patients attending the dental surgery arrive by taxi or dropped off.
- 1.8 A sign post is not welcome outside of a neighbouring residential property in relation to the proposed disabled bay.
- 1.9 The bay will not benefit Golders Green residents in any way.
- 1.10 The average dental appointment is between 15 minutes and 1 hour. The bay is unlikely to be used by disabled patients regularly throughout the day. The bay will remove general parking for a longer period of time.
- 1.11 Officer comments to the objections are as follows:
- 1.12 A regulated parking bay will remove a parking space for non-disabled users, however, a high percentage of residents have an existing off street parking provision in the form of a driveway. As a result, not all residents will require an

on-street parking space. Additionally, a “general” parking bay is proposed, allowing residents with valid blue badges to also utilise the bay if/when required.

- 1.13 An off-street parking provision has been considered, however, the space and access requirements needed would remove more than one vehicular space at the dentistry. The removal of employee parking space would therefore have a greater negative impact on neighbouring streets as the on-street parking demand would increase.
- 1.14 It is envisaged that the proposed bay will predominantly serve the dentistry, due to the positioning of the proposal; however, this will be available for other blue badge holders, subsequently serving the community.
- 1.15 Patients may feel that they have no alternative other than to arrive by taxi / brought and dropped off in the absence of a disabled parking provision at present. A short stay disabled bay will allow for a turnover of vehicles, increasing the likelihood of parking being available nearby.
- 1.16 It is proposed to implement the bay outside of the dentistry, rather than in front of any other property. The positioning of the bay and sign will not impact negatively on local residents in any way.
- 1.17 The proposed bay is a “general bay” which can be utilised by local residents, including Golders Green. Those wanting to make use of the bay must clearly display a valid blue badge. The authority will monitor it’s usage to ensure it is being utilised for its intended purpose.
- 1.18 A 2 hour bay is proposed to allow sufficient time for treatment and any possible delays. Should local residents wish to park their cars in the proposed bay, rather than in an unrestricted area, the same number of vehicles parking remains the same.
- 1.19 *Having considered the content of the objections received to the proposal, it is considered that the proposed disabled parking bay outside of The Approach Dentistry NW4 should proceed.*

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 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 patients and visitors to park as close as possible to the dentistry to assist their mobility needs

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 Alternative options could be to not to introduce a general disabled bay, however, it is considered that the proposed way forward is more suitable, having considered the content of the objections received and the demand for parking spaces as well as the impact on disabled patients and visitors.

#### **4. POST DECISION IMPLEMENTATION**

- 4.1 The introduction of the general disabled bay, if approved, will require the requestor and objectors to be written to, to advise of the outcome, the relevant road markings and signage to be introduced, and the relevant Traffic Management Orders amended to reflect the revised layout.

#### **5. IMPLICATIONS OF DECISION**

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

- 5.1.1 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.

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

- 5.2.1 The introduction of the proposed measures would require no amendments to existing Traffic Management Orders (TMO's).

- 4.1.1 The costs of amending 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.

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

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

##### **5.3 Social Value**

- 5.3.1 The potential social benefits of making the proposed amendment would include an improved accessibility for a disabled patients and visitors attending the dental surgery, including nearby residents.

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

- 5.4.1 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.

5.4.2 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.

5.4.3 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.

5.4.4 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.

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

## 5.5 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**