

Report to Deputy Leader & Cabinet Member for Transportation

Decision to be taken on or after 2nd March 2020

**Decision can normally be implemented at least
3 working days after decision has been signed.**

Cabinet Member Report No. T06.20

Title: Various Roads in Chesham, Proposed Waiting
Restrictions (Amendment 1029)

Date: 21st February 2020

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Local members affected: Cllr Noel Brown, Chess Valley;

For press enquiries concerning this report, please contact the media office on 01296 382444

Is the report confidential? No

Summary

This report summarises the results of the statutory consultation for formalising the “No waiting at any time” restrictions in Albert Road, Franchise Street, Gladstone Road, Higham Road, Queen’s Road, Townsend Road, Upper Gladstone Road and Victoria Road in Chesham.

Recommendation

- **That the Deputy Leader and Cabinet Member for Transportation authorises the Executive Director Transport, Economy, and Environment to make the Traffic Regulation Order.**

- **That responders to the Statutory Consultation be informed of the Deputy Leader & Cabinet Member for Transportation Decision.**

A. Narrative setting out the reasons for the decision

- 1.1 The restrictions are designed to control competing demands for available kerb side space and in line with legislative requirements the restrictions were advertised as proposed, although already being in place in-formally. The aim is to formalise the current restrictions thereby allowing the council to provide enforcement activities at the location which is identified on the Traffic Regulation Order maps W28 &W29 (Appendix 3 & 4 – Maps W28 & W29) in relation to Albert Road, Franchise Street, Gladstone Road, Higham Road, Queen’s Road, Townsend Road, Upper Gladstone Road and Victoria Road in Chesham.
- 1.2 A public consultation period took place from 4th October 2019 to 25th October 2019.

B. Other options available, and their pros and cons

- 1.3 Not to make the Traffic Regulation Order, will make the current restrictions invalid and un-enforceable and would therefore need to be removed from the public highway.

C. Resource implications

- 1.4 None.

D. Value for Money (VfM) Self Assessment

- 1.5 Any income from the ongoing issue of penalty charge notices (PCN) will continue to be retained by BCC and will contribute to the running cost of parking enforcement across the County.

E. Legal implications

- 1.6 The Road Traffic Regulation Act 1984 provides the legal basis for making of TRO’s. It also places a duty on Buckinghamshire County Council as the traffic authority to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.
- 1.7 In making of the TRO, the traffic authority is expected to follow the procedure laid out in The Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 1.8 If this key decision report is approved, the Traffic Regulation Order will be made and advertised in the local press; notices will also be placed on site and sent to statutory consultees in accordance with the Regulations. The responders to the consultation will be informed of the decision made, and the TRO will be signed and re-advertised by Buckinghamshire County Council.

F. Property implications

- 1.9 None identified.

G. Unitary Council

- 1.10 None identified.

H. Other implications/issues

- 1.11 Equality and Diversity Issues – Equality Act 2010. This proposal will not have any disproportionate effect upon people with protected characteristics.

I. Feedback from consultation

- 1.12 Transport for Buckinghamshire (TfB) received two responses to the consultation; the responses to the statutory consultation are contained in Appendix 1 – Comments.
- 1.13 The first response questioned the difference between “No waiting at any time” and “Double Yellow Lines”, will delivery drivers be able to make deliveries, if permit scheme is withdrawn where will residents park, does “waiting” have a legal definition and how can no waiting be enforced.
- 1.13.1 A response has been sent clarifying the points raised, in that “No waiting at any time” is the legal term for “Double Yellow Lines”, national legislation allows for loading and unloading on the “No waiting at any time” restriction for which enforcement officer are required to observe the vehicle for a set time before issuing a penalty charge notice. That the aim of the scheme is not to remove the permit scheme but to formalise the “No waiting at any time” restrictions already in place and is valid 24 hours a day.
- 1.14 The second response advised that: - The restrictions were already present the consultation was a waste of public funds – Need to re-think the “no waiting” restrictions as there is not enough spaces - Vehicles are parking on the grass verge - Disabled residents get preference and have specific bays marked stopping the use by permit holders - Civil Enforcement Officer ignore some vehicles - Permit holder only hours should be increased – Roads should be resurfaced - Mark out individual parking bays - Use smaller refuse vehicles.
- 1.14.1 The purpose of the scheme is to formalise the current advisory restrictions to enable enforcement of inappropriate parking to ensure that emergency vehicles can access all locations.
- 1.14.2 The current advisory restrictions were designed to support Highway Code rule 242 which states that “You MUST NOT leave your vehicle or trailer in a dangerous position or where it causes any unnecessary obstruction of the road.” Consideration has been given to allow parking at locations that would not obstruct the highway; unfortunately this does limit the number of available kerb side parking.
- 1.14.3 The grass verge on Victoria Road is private land and subject to enforcement by the land owner, the parking services enforcement team is unable to assist in this matter.
- 1.14.4 In the county of Buckinghamshire it is policy to assist blue badge holder who are residents and drive by providing dedicated disabled parking spaces close to their home subject to set conditions which are detailed in the application form, a copy of which can be accessed via our website. These parking spaces can be used by any blue badge holder displaying a valid blue badge.
- 1.14.5 Legislation covering the use of restrictions sets out activities which are exempt from enforcement activities, vehicles covered by these exemptions will be left unticked by the parking enforcement officers. Details of exemptions are part of the Traffic Regulation Order which is the legal document that allows a council to provide parking enforcement activities.

- 1.14.6 The introduction of longer permit holder only hours would require a feasibility study to ascertain the practicality of such a scheme for which additional funding would be required. These comments will be forwarded to the Local Area Forum Manager to be included for consideration at the next meeting of Community Board covering this location.
- 1.14.7 The maintenance of the roads in Chesham is subject to the Transport for Buckinghamshire inspection and maintenance policy for highways. Frequency of inspections is subject to road category, traffic use, characteristics and trends, characteristics of adjoining network elements and a wider policy or operational considerations. Reporting an issue on our highway system can be done in several ways which include by letter, telephone or internet.
- 1.14.8 The decision to mark out individual parking bays or use multi vehicle parking bays is subject to individual locations. Generally it is preferred to mark out multi vehicle parking bays as this does not limit the number of vehicles that can park at the location but is dependent on vehicle lengths. However, in areas where inappropriate spacing is being left the council subject to evidence can convert a multi vehicle parking bay into individual spaced bays. Currently we do not hold evidence of inappropriate spacing being a problem at this location.
- 1.15 The size of refuse vehicles varies subject to need generated by the geographic area being covered in a working day. The use of smaller vehicles would increase operating costs which would then reflect in Council Tax rates and the carbon footprint created by this service.

J. Communication issues

- 1.16 All consultees and responders to the consultation will be contacted by either e-mail or letter and will be informed of the decision and where they can find the details of the statutory consultation and the decision taken. This report will be published on the County Council's web page.

K. Progress Monitoring

- 1.17 The parking services manager reviews all locations across the county monthly in relation to complaints, penalty charge notices issued and income received from penalty charge notices and pay and display.

L. Review

- 1.18 No further review of waiting restrictions in Chesham are proposed at present, the restrictions will be monitored by via parking services.

Background Papers

- Appendix 1 - Comments.
- Appendix 2 - Statement of Reasons
- Appendix 3 - Traffic Regulation Order Map W28.
- Appendix 4 - Traffic Regulation Order Map W29.

Your questions and views

If you have any questions about the matters contained in this paper please get in touch with the Contact Officer whose telephone number is given at the head of the paper.

If you have any views on this paper that you would like the Cabinet Member to consider, or if you wish to object to the proposed decision, please inform the Democratic Services Team by 5.00pm on 28/02/2020. This can be done by telephone (to 01296 382343), or e-mail to democracy@buckscc.gov.uk