

<b>Meeting:</b>	The Executive Member for Transport Decision Session
<b>Meeting date:</b>	08/10/2024
<b>Report of:</b>	James Gilchrist
<b>Portfolio of:</b>	Cllr. Ravilious. Executive Member for Transport

## **Decision Report: Stockton Lane/Seymour Grove TRO consultation.**

### **Subject of Report**

1. Consideration of alternative options for restrictions following a representation made by a resident in response to the Traffic Regulation Order (TRO) detailed at Annex A presented at the decision session held on 28<sup>th</sup> May 2024.
2. On 28<sup>th</sup> May 2024 it was resolved “To take no further action; deferring a decision at this time, in order to reach out to the speaker who objected to this proposal” and the following reason provided:  

“If the resident speaking against this TRO wishes to apply for a blue badge space this will be considered by officers and a blue badge bay can be installed, which would require the proposed plan to be altered.”
3. A decision on the proposal is important as it will provide the Council with the approval for an outcome and ensure the appropriate changes are made to the TRO to address the concerns raised by the residents.

### **Benefits and Challenges**

4. The benefits are we have met our statutory obligation to consult with relevant stakeholders providing them with the opportunity to voice their opinions and take those into consideration before reaching a final decision.

5. The challenges of the process are that any decision made may not be the desired results of all residents and may create other issues for residents.
6. Had we not consulted we would have breached our statutory obligations, as a result of which we may have been considered to have acted unlawfully in respect of due process.

## **Policy Basis for Decision**

7. The recommended option would be in line with the vision of the Local Transport Strategy and meet the following objectives:  
  
Support an inclusive, accessible and affordable City.  
Improve the local environment by reducing air pollution and noise.  
Enhance the reliability of the transport system.
8. The recommended option will remove the obstructive footpath parking that is currently occurring and help to improve availability of footpath in the area for all users. The length of road has bus stop on both sides of the road, so the removal of parking from that length of road will help to improve reliability of the local bus service.
9. One of the key themes of the Local Transport Strategy is the improvement of walking, wheeling and cycling, the recommended option will help to improve by removing the footpath/carriageway parking, which will provide a safe route for cycling, walking and wheeling, which will give all active travel users greater priority on road and at junctions.

## **Financial Strategy Implications**

10. The proposed amendment to the Traffic Regulation Order was undertaken as part of the annual review process which reduced the cost associated with an amendment to traffic regulation Orders but batching the works together. The Council was able to advertise the proposed amendments of 70 different restrictions

across the city, which has reduced the costs of press adverts (statutory requirement) and officer time.

11. If the recommended option is approved the lining work will need to be undertaken, although the lining contractor is still working through the previously approved works, and this could be added to the current programme to help control costs of the implementation.

## **Recommendation and Reasons**

12. It is recommended that the Executive Member consider the original proposal with all representations received and make a decision from the options given.
  - a) Implement as Advertised- recommended.
  - b) Implement a lesser restriction than advertised – not recommended.
  - c) take no further action- not recommended.
13. Reasons:
  - a) It is recommended to implement the originally advertised proposal as shown in annex A. The original proposal removes the obstructive footpath and carriageway parking that is currently occurring. Vehicles parked in the area are not only reducing visibility of vehicles exiting Seymour Grove, but also leading to vehicles approaching the roundabout in the centre of the carriageway and into the path of vehicles exiting the roundabout.
  - b) The parking is therefore causing a safety concern and danger for other highway user, including cyclists and delays to the bus service, when travelling in the area. The recommended option will reduce those concerns and dangers.

## **Background**

14. The original request was received from residents who raised an issue of vehicles parking on Stockton Lane close to the junction of Seymour Grove and in the approach to the roundabout of Stockton Lane. The area does currently have a number of vehicles parking

for an extended duration on both the carriageway and footpath which is obstructing the use of both.

15. The request was placed within the annual review of traffic restrictions project. The recommendation to advertise the extension of the no waiting at any time restrictions on both sides of the carriageway of Stockton Lane, to include 12m into Seymour Grove from its junction with Stockton Lane to improve visibility and free flow of traffic in the approach to the roundabout was approved to go to Statutory Consultation. During the Statutory Consultation we received two representations in support and one objection to the proposal. The representations are provided in Annex C.
16. The representations were presented to the Executive Member at a decision session on 28<sup>th</sup> May 2024 and a resident also made a further representation at the meeting. The resident raised a concern regarding available parking amenity for visitors to their property. The resident also had concerns due to her husband being unwell and may require carers to visit their property in the future.
17. The Executive Member deferred the decision and requested we reach out to the resident to discuss the option of installing a disabled parking bay if this would be required. This would then require an amendment to the proposed plan of restrictions.
18. The introduction of a Blue Badge bay was not progressed as the property has off street parking and it would therefore not be eligible for consideration. A Council Officer spoke to the resident about the concerns raised and created an alternative proposal for the area, that would allow for some parking on Stockton Lane between Seymour Grove and the roundabout controlled junction with Malton Road (Annex D).

## **Consultation Analysis**

19. Contact was made by telephone with the resident, and they were advised they would not qualify for a disabled parking bay as they have off-street parking amenity for two vehicles.
20. Residents can apply for a disabled parking bay outside their property if:
  - They are a Blue Badge Holder.

- They have a substantial problem parking their vehicle near to their home.
  - Do not have access to off-street parking areas.
21. During the conversation an alternative option of a lesser restriction was discussed. A plan of the lesser restriction is detailed in Annex D.

## **Options Analysis and Evidential Basis**

### **Option 1 (Recommended Option)**

22. Implement the originally advertised proposal (Annex A).
23. This is the recommended option as it removes the obstructive parking that is currently occurring, which is reducing visibility of vehicle exiting Seymour Grove. Vehicles parking between Seymour Grove and the roundabout are also leading to vehicles approaching the roundabout in the centre of the carriageway and into the path of vehicles exiting the roundabout.

### **Option 2**

24. Implement the lesser restriction (Annex D).
25. This is not the recommended option, although it will improve the visibility at the junction of Seymour Grove, it will still leave an availability for parking between Seymour Grove and the roundabout, which will lead to the continuation of footpath parking in the area.

### **Option 3**

26. Take no further action.
27. This is not the recommended option as it will leave the obstructive parking in place and residents of Seymour Grove would continue to have issue with visibility when exiting Seymour Grove.

## Organisational Impact and Implications

28.

- **Financial**, None, the implementation of any approved restriction will be covered by the signs and lines budget.
- **Human Resources (HR)**, None, any enforcement of approved restrictions will fall to the Civil Enforcement Officers necessitating an extra area onto their work load, although they are already receiving reports of vehicles parked in the area and not currently able to enforce, which is creating work.
- **Legal**,  
The Council regulates traffic by means of traffic regulation orders (TROs) made under the Road Traffic Regulation Act 1984 which can prohibit, restrict, or regulate the use of a road, or any part of the width of a road, by vehicular traffic. In making decisions on TROs, the Council must consider the criteria within Section 122 of the Road Traffic Regulation Act 1984 and, in particular, the duty to make decisions to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians).

The proposal would require an amendment to the York Parking, Stopping & Waiting Order 2014

The statutory consultation process for TROs require public advertisement through the placing of public notices within the local press and on-street.. Formal notification of the public advertisement is given to key stakeholders including local Ward Members, Town and Parish Councils, Police and other affected parties.

The Council, as Highway Authority, is required to consider any objections received within the statutory advertisement period of 21 days, and a subsequent report will include any such objections or comments, for consideration. Where the Council does not “wholly accede” to any objection, it is required to provide reasons for this in its notification of the making of an order to any person that has objected.

The Council has discretion to amend its original proposal if considered desirable, whether or not, in the light of any objections or comments received, as a result of such

statutory consultation. If any objections received are accepted, in part or whole, and/or a decision is made to modify the original proposals, if such a modification is considered to be substantial, then steps must be taken for those affected by the proposed modifications to be further consulted.

The recommendation in this report is for the decision maker to consider the representations received during the statutory consultation period and make the TRO as advertised. This will enable the Council to comply with the requirements of both the Road Traffic Act 1984 and the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 (LATOPR), and reduce the risk of a public inquiry that can arise where, subject to the conditions set out in Reg 9(3) of LATOPR, objections (which are not considered frivolous, irrelevant or withdrawn) remain in place when the TRO is made.

- **Procurement**, Any public works contracts required at each of the sites as a result of a change to the TRO (e.g. signage, road markings, etc.) must be commissioned in accordance with a robust procurement strategy that complies with the Council's Contract Procedure Rules and (where applicable) the Public Contract Regulations 2015. Advice should be sought from both the Procurement and Legal Services Teams where appropriate.).
- **Health and Wellbeing**, There are no Health and Wellbeing implications.
- **Environment and Climate action**, There are no Environment and Climate Action implications.
- **Affordability**, There are no affordability implications.
- **Equalities and Human Rights**, The Council recognises its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions). The impact of the recommendation on protected characteristics has been considered as follows:

- Age – Positive, the introduction of parking restrictions will remove obstructive parking and conflict of movement, which will make a safer environment for all road users;
- Disability – Positive, the introduction of parking restrictions will remove obstructive parking and increase the available area for use by all user, whilst the introduction of 'No Waiting at any time' restrictions would allow for vehicles displaying a Blue Badge to park to park for 3 hours;
- Gender – Neutral;
- Gender reassignment – Neutral;
- Marriage and civil partnership– Neutral;
- Pregnancy and maternity - Neutral;
- Race – Neutral;
- Religion and belief – Neutral;
- Sexual orientation – Neutral;
- Other socio-economic groups including :
  - Carer - Neutral;
  - Low income groups – Neutral;
  - Veterans, Armed Forces Community– Neutral

It is recognised that individual traffic regulation order requests may impact protected characteristics in different ways according to the specific nature of the traffic regulation order being considered.

- **Data Protection and Privacy**, The response to the proposal had been received by residents, Ward Cllrs and Parish Council and this report does not contain any personable information.
- **Communications**, There are no communications implications.
- **Economy**, There are no economy implications

## Risks and Mitigations

29. No detrimental risks have been identified

## Wards Impacted

30. Heworth

## Contact details



For further information please contact the authors of this Decision Report.

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## Background papers

<https://democracy.york.gov.uk/documents/s176640/Annual%20Review%20of%20Traffic%20Regulation%20Order%20Requests.pdf>

## Annexes

Annex A, Plan of original proposal advertised in the Statutory Consultation

Annex B, Notice, letter and plan received by residents and stakeholders

Annex C, Representations received during the Statutory Consultation

Annex D, Plan of lesser restriction discussed during contact with the resident