

LANGLAND COURT, NORTHWOOD – PETITION REQUESTING FOOTWAY PARKING

Cabinet Member

Cllr Keith Burrows

Cabinet Portfolio

Planning, Transportation and Recycling

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Appendix A

HEADLINE INFORMATION

Purpose of report

To inform the Cabinet Member that a petition has been submitted from residents of Langland Court, Northwood requesting cars be allowed to park on the footway.

**Contribution to our
plans and strategies**

The request can be considered as part of the Council's strategy for on-street parking.

Financial Cost

There are none associated with the recommendations to this report.

**Relevant Policy
Overview Committee**

Residents' and Environmental Services

Ward(s) affected

Northwood

RECOMMENDATION

That the Cabinet Member

1. Considers the petitioners' request for footway parking in Langland Court, Northwood.
2. Asks officers to add Langland Court to the programme for Footway Parking Exemption Schemes so that design, feasibility and subsequent consultation with residents can be undertaken when resources permit.

INFORMATION

Reasons for recommendation

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It would appear it has been common practice for vehicles to park on the footway in Langland Court due to the width of the carriageway. Officers will investigate if the layout of Langland Court will allow footway parking to take place in accordance with the Council's criteria.

Alternative options considered

None as the petitioners made a specific request to park on the footway.

Comments of Policy Overview Committee(s)

None at this stage

Supporting Information

1. A petition with 20 signatures has been received from residents of Langland Court under the following heading;

"I support the proposal that parking on the pavement is permitted at Langland Court, Northwood."

The petition contains signatures from 20 out of the 21 households of Langland Court supporting the petition.

2. Langland Court is a small cul-de-sac from The Avenue, Northwood comprising of 21 apartments. Its location is indicated on the plan attached as Appendix A. It is a residential road with tarmac footway approximately 2.0 metres wide and a carriageway approximately 5.5 metres wide. There is also a private parking area off the adopted highway and 21 garages at the end of the close which would appear to be associated with the properties.

3. The Cabinet Member will be aware the Council can exempt roads from the Footway Parking Regulations providing it conforms with approved criteria. This requires a minimum of 1.5 metres of footway remaining for the safety and convenience of pedestrians although in cul-de-sacs this can be reduced to 1 metre on one side only. Parking on the footway should not take place within 15 metres of a junction and the footway construction must be of a flexible nature and not surfaced with paving slabs.

4. It would appear from initial investigation that Langland Court conforms with the Council's criteria for footway parking which may give sufficient flexibility for residents and retain access for emergency and delivery vehicles. However, it is recommended that the request is added to the footway parking scheme programme for detailed site inspection. If the road conforms with the Council's criteria a scheme can be designed for consultation with residents. Following consideration of the results from this consultation the Council will then be in a position to consider a formal decision on whether a Footway Parking Exemption Scheme can be installed in Langland Court.

Financial Implications

Investigation, design and consultation are undertaken within normal staff resources. The cost of introducing parking schemes will depend on the final details and this would not be known until

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consultation has been completed. The eventual cost of the work will need to be funded from the accumulated surplus of the Parking Revenue Account.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

To add the request to the Council's programme for Footway Parking Exemption Schemes, so that subsequent design and consultation can be carried out. All residents of Langedland Court will eventually be consulted on a formal Footway Parking Exemption Scheme.

Consultation Carried Out or Required

Consultation with local residents would be carried out if suitable measures could be identified to address the petitioners concerns.

CORPORATE IMPLICATIONS

Legal

At this stage there are no legal implications arising from the recommendations above.

However, following further investigation by officers and where statutory consultation takes place, resources permitting, the proposed introduction of footway parking may be introduced using powers conferred under section 6 of the Road Traffic Regulations Act 1984 to make Traffic Regulation Orders (TRO's) to regulate the speed, movement and parking of vehicles and to regulate pedestrian movement.

Section 122 of the Act provides that when making a road traffic order the Council is under a duty to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and provide suitable and adequate parking facilities on and off the highway.

In performing this duty the Council must, so far as is practicable, have regard to the following matters (section 122(2) of the Act):

- (a) the desirability of securing and maintaining reasonable access to premises;
- (b) the effect on the amenities of any locality affected and ... the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
- (bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);
- (c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
- (d) any other matters appearing to . . . the local authority . . . to be relevant.

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The duty under section 122(1) of the Act is subject to the provisions of Part II of the Road Traffic Act 1991 (section 122(3) of the Act).

Procedures for making road traffic order

In making any road traffic order the Council must comply with the procedures set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

Regulation 13 requires that the Council consider any objection or petition received and not withdrawn following public notification of the road traffic order.

Regulation 14 allows the Council to modify an order in response to objections received. Pursuant to Regulation 14 (3) if the Council does modify an order it must take such steps as appear appropriate to it, in order to:

- i. inform persons likely to be affected by the modifications;
- ii. give those persons an opportunity of making representations; and
- iii. ensure that those representations are duly considered by the Council

Accordingly, the Council must balance the concerns of the objectors with its statutory duty to secure the expeditious, convenient and safe movement of vehicular and other traffic.

The Council must conduct any consultation in accordance with the expected legal standards. The leading case on consultation is the High Court decision *R v Brent London Borough Council, ex parte Gunning* (1985) 84 LGR 188. In this case, Hodgson J drew attention to four elements that should exist in the proper performance of a statutory duty to consult.

Members must be satisfied that:

- a. Consultation took place at a time when proposals were still at a formative stage;
- b. Sufficient reasons for the proposal were given to permit intelligent consideration and response;
- c. Sufficient time was allowed for consideration and response; and
- d. That responses from the public were conscientiously taken into account when finalising the statutory process.

Accordingly, the Council must balance the concerns of the objectors with its statutory duty to secure the expeditious, convenient and safe movement of vehicular and other traffic.

BACKGROUND PAPERS

Petition dated 9th June 2011

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