

**DERBYSHIRE COUNTY COUNCIL**

**MEETING OF CABINET MEMBER – JOBS, ECONOMY AND  
TRANSPORT**

**21 January 2014**

Report of the Strategic Director – Economy, Transport and Environment

**REPORT INTO THE USE OF ACCESS ONLY ORDERS**

(1) **Purpose of the Report** To bring before the Cabinet Member for consideration the use of Access Only Orders in the future.

(2) **Information and Analysis**

**Background**

There are a large number of Access Only Orders currently in place in Derbyshire. They are most suitable to reduce through traffic on roads used as short cuts ('rat runs') but have also been introduced on cul-de-sacs to deter parking by non-residents, although waiting itself is not a contravention of an Access Only Order.

**Enforcement**

The contravention of an Access Only Order is a moving traffic offence and, in Derbyshire, is enforceable by the Police. The Orders raise residents' expectations but are widely abused by drivers. The Orders can take up a large amount of Police Officer time as ideally, two people are needed, one to observe the route taken by a driver and the other, (a regular Officer), to stop the vehicle and deal with the incident as appropriate.

Feedback from Derbyshire Constabulary suggests that alternative actions, such as cost effective technology or physical traffic calming measures, would increase compliance with these Orders but, as matters stand, any new Access Only Orders will create enforcement issues from the outset.

**Officer Comments**

Parking problems are best addressed using Traffic Regulation Orders (TROs) that either prohibit or restrict parking and which can then be enforced by Civil Enforcement Officers (CEOs). As mentioned elsewhere in this report, Access Only Orders may prevent non-residents from using a road but they do not, in themselves, prevent parking or make the road concerned a parking area for residents only. The only way to achieve such an outcome is within a

## Public

residents' parking scheme which would have to be assessed against the County Council's criteria for such schemes.

Bearing in mind the comments received from Derbyshire Constabulary regarding enforcement, it is recommended that no further Access Only Orders be introduced within the County and the revocation of existing Access Only Orders which were introduced to address parking issues be considered as and when County Council resources permit. In the meantime, the road signs relating to these Orders should be removed.

(3) **Financial Considerations** The removal of an individual Access Only Order would cost in the region of £2,500, which includes the cost of the TRO and removal of equipment. Greater value for money could be achieved if a number of Access Only Orders to be revoked were advertised as part of the same TRO.

(4) **Legal Considerations** Section 1 of the Road Traffic Regulation Act 1984 ("the 1984 Act") enables a traffic authority to make a TRO if it considers it expedient for a number of purposes. Schedule 9 of the 1984 Act provides that the power to make a TRO includes the power to make an Order to vary or revoke a previous TRO.

Section 2 of the 1984 Act states what a TRO may provide for and this includes requiring vehicular traffic (either generally or a specified class) to proceed in a specified direction or prohibiting it from doing so; specifying the part of the carriageway to be used by such traffic proceeding in a specified direction; prohibiting or restricting the waiting or loading and unloading of vehicles; prohibiting the use of roads by through traffic; prohibiting or restricting overtaking. Notice of proposals must be given in accordance with Regulation 7 of the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 and at least a minimum of 21 clear days for the receipt of written objections must be allowed. Objections can then be considered by the Local Authority.

Section 122 of the 1984 Act states that it shall be the duty of every Local Authority exercising the functions in that Act (so far as practicable having regard to the matters listed below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities both on and off the highway.

The matters referred to above are:-

- 1) The desirability of securing and maintaining reasonable access to premises;

## Public

- 2) The effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to improve the amenities of the areas through which the roads run; 2ii) the national air quality strategy prepared under Section 80 of the Environment Act 1995.
- 3) 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
- 4) Any other matters appearing to the Local Authority to be relevant.

Having considered all the objections made, the Council may determine to introduce the new restrictions. The Order will need to be formally made, advertised and the requisite signs erected and road markings placed on site in accordance with the new Order. No Order can be made until after the last date for objections. No Order can be made more than two years after the date of the publication of the notice of proposals. No part of a TRO can come into force before that date when it is intended to publish a notice of making.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(5) **Key Decision** Yes.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** None. Officer contact details – Dan O'Neill, extension 38166.

(8) **OFFICER'S RECOMMENDATIONS** That:

8.1 No further Access Only Orders be introduced.

8.2 Access Only Orders previously introduced to address parking by non-residents be considered for revocation as and when resources permit.

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Environment**