

DERBYSHIRE COUNTY COUNCIL

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

30 September 2014

Report of the Strategic Director - Economy, Transport and Environment

**PETITION - RUTLAND AVENUE, MATLOCK – REQUEST FOR
ACCESS ONLY RESTRICTION**

(1) **Purpose of the Report** To inform the Cabinet Member of the results of an investigation undertaken following receipt of a petition signed by 15 residents of Rutland Avenue, Matlock who request the introduction of an Access Only restriction for Rutland Avenue, to prevent parking on this road by non-residents.

(2) **Information and Analysis**

Background

The receipt of the petition was reported to the Cabinet Member on 15 July 2014 (Minute No. 109/14 refers). The petition is accompanied by a covering letter with 15 points outlining a variety of concerns, annoyances and queries that the residents have relating to parking on Rutland Avenue, Matlock.

The petitioners claim that residents of other roads and County Council staff park on their road, causing them problems such as blocking drives and footways, reducing available parking for Rutland Avenue residents and making deliveries and bin collections difficult. They also claim that a local garage is parking illegally and using Rutland Avenue to run their business.

The petitioners request an Access Only restriction for their road, and the accompanying letter states that the residents do not agree to a permit parking scheme (although it is worth noting that the recent consultation undertaken shows that at least three residents do in fact agree with the introduction of such a scheme). A further request in the covering letter suggests that current legislation dealing with the enforcement of Access Only restrictions be changed, to decriminalise the offence, and states that the residents are prepared to cover the cost of the signs, enforce an Access Only restriction themselves and only involve the Police to have cars removed or tickets issued.

Site Details

Rutland Avenue contains a mixture of semi-detached and terraced housing, the majority of which does not have off-street parking facilities. There are footways on both sides of the carriageway, and the road is street lit. There is a dead-end sign at the entrance to the road, and double yellow lines around its junction with Rutland Street. Further in to Rutland Avenue the double yellow lines change to a single yellow line which continues around the junction of and into the entrance of Wellfield Court. The road is not a through road and there have been no recorded injury accidents on this road over the last three years.

Officer Comments

The issue of limited parking for residents in the Matlock area surrounding County Hall, has recently been the subject of a widespread consultation to determine the views of residents regarding the potential introduction of a Residents' Parking Permit Scheme.

Various issues and concerns relating to Residents' Parking Permit Schemes are raised in the covering letter, and it is considered that this petition has arisen as a result of the above consultation. However, these issues are being dealt with in a separate report relating to the recent consultation and it is not therefore appropriate that this report should deal with such matters whilst another report about this issue is being considered.

With regard to the other matters raised in the letter, illegal parking and instances of obstruction can be dealt with by enforcement agencies if reported by residents, and the issue of running a business from the highway is a planning issue which needs to be raised with Derbyshire Dales District Council. The amendment of legislation is not something that can be undertaken by the County Council and as such, needs to be raised with the local Member of Parliament if the residents or petition organiser wish to take this matter further.

A report dealing with the future use of Access Only Orders was considered by the Cabinet Member in January 2014. This report related to the inadvisability of using Access Only restrictions to deal with parking concerns, and the problems of enforcing such restrictions. The Cabinet Member resolved that no further Access Only Orders be introduced, and that existing Access Only Orders be considered for revocation when resources permit.

Although the offer made by the residents to cover the cost of the signs and undertake their own enforcement is appreciated, this is not a practical option. The enforcement of such restrictions are problematical for the Police and involve legislative powers that members of the public do not have. It is also possible that any attempt by residents to prevent other road users from

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parking on Rutland Avenue may lead to further problems, resulting in calls for service from the Police.

Local Member Comment

Councillor Botham has been consulted and supports the recommendations.

(3) **Financial Considerations** There are no financial considerations associated with this report.

(4) **Legal Considerations** Section 1 of the Road Traffic Regulation Act 1984 ("the 1984 Act") enables a traffic authority to make a Traffic Regulation Order (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;
- 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.

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- 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.

(4) **Key Decision** No.

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

(6) **Background Papers** Correspondence held on file 44XT within the Economy, Transport and Environment Department. Officer contact details - Dawn Bryan, extension 38695.

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

- 7.1 The request for an Access Only restriction for Rutland Avenue, Matlock, be refused.
- 7.2 The local Member and petitioners be informed accordingly.

Mike Ashworth
Strategic Director – Economy, Transport and Environment

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