

DERBYSHIRE COUNTY COUNCIL

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

6 May 2014

Report of the Strategic Director – Economy, Transport and Environment

**PETITION - SHIREBROOK, ASHBOURNE STREET – TO
PREVENT BUSES PARKING OPPOSITE THE ENTRANCE TO
ASHBOURNE COURT**

(1) **Purpose of the Report** To inform the Cabinet Member of investigations undertaken following receipt of a petition to prevent the parking of buses opposite the entrance to Ashbourne Court, Ashbourne Street, Shirebrook.

(2) **Information and Analysis** At the meeting on 4 March 2014, the Cabinet Member acknowledged receipt of a petition. It contained 27 signatures to prevent the parking of buses opposite the entrance to Ashbourne Court, Ashbourne Street, Shirebrook.

Ashbourne Street currently has a Clearway Order in place. This is identified by the blue and red sign with a red cross. The red cross means no stopping, not even to pick up or set down passengers. The sign is used to indicate a 24-hour clearway. On a 24-hour clearway, the prohibition of stopping applies to the main carriageway. There is also an exception for buses and taxis and, as such, facilities are in place on Ashbourne Street in the form of a bus stop and Taxi rank.

Local Member Comment

Councillor Marian Stockdale supports the petitioners request to prevent the parking of buses opposite the entrance to Ashbourne Court, Ashbourne Street, Shirebrook.

Officer Comment

As mentioned previously, there is a Clearway Order in place on Ashbourne Street, which prohibits stopping, even to pick up or set down passengers. However, there is an exception for buses and taxis, which can lead to misinterpretation of the Clearway Order.

Public

The Council has received comments in the past from Councillor Stockdale regarding the operation of the existing clearway and, as such, officers looked at the suitability of this restriction.

Officers felt that the Clearway Order and the exceptions were confusing to motorists. It was felt that a more appropriate restriction to achieve the same outcome as a Clearway Order would be the introduction of a Traffic Regulation Order (TRO) for 'No Waiting and No Loading at Any Time'. The bus stop and taxi rank would also be removed as part of this process (See Appendix 1 for details).

The proposal to introduce a TRO for a 'No Waiting and No Loading at Any Time' restriction was advertised from 26 September to 18 October 2013. No objections were received during the advertisement period. The next stage is for the Order to be legally sealed and approved, and the necessary lining and signing to be installed on Ashbourne Street.

(3) **Financial Considerations** The sum of approximately £2,000 for the introduction of the new TRO with the necessary works is to be met from the Local Transport Capital Programme for 2014/15 (Scheme No. 02-02-07).

(4) **Legal Considerations** Section 1 of the Road Traffic Regulation Act 1984 enables a traffic authority to make a TRO if it considers it expedient for a number of purposes.

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) (i) 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** No.

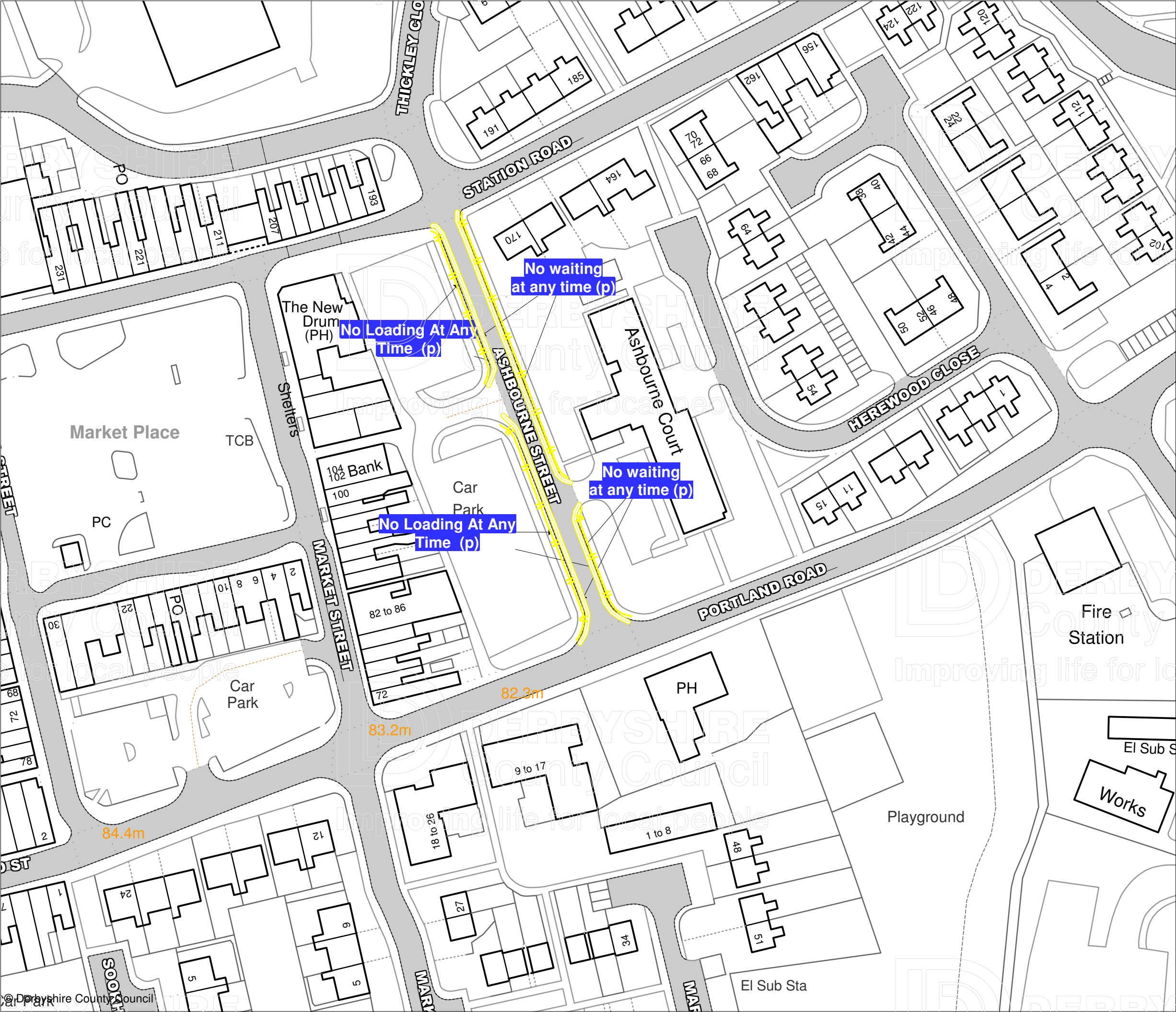
(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file in the Traffic and Safety Section of the Economy, Transport and Environment Department. Officer contact details – Dan O'Neill, extension 38166.

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

- 8.1 The Authority approves the 'No Waiting and Loading at Any Time' Traffic Regulation Order for Ashbourne Street, Shirebrook.
- 8.2 The Authority makes necessary arrangements for the introduction of the signing and lining associated with this Traffic Regulation Order.
- 8.3 The lead petitioner and local Member be informed accordingly.

Mike Ashworth
Strategic Director – Economy, Transport and Environment



**Prohibition and Restriction
of Waiting, On Street
Parking and Clearways.**

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Ashbourne Street
Proposed No Waiting
and No Loading
At Any Time



IAN W.STEPHENSON BSc., CEng.,MICE,MIHT
Strategic Director of Environmental Services

DRAWING TITLE

Shirebrook

SCALE 1 : 1000

DATE 14/03/2013

DRAWING No. NTA/DON/1/13

DRAWN BY DON