



Democratic Services

Location: Phase II

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CMD No: 260

**To: COUNCILLOR JOHN RILEY
CABINET MEMBER FOR PUBLIC SAFETY AND
TRANSPORT**

c.c. All Members of the Public Safety & Transport
Select Committee

c.c. Ward Councillors for Hillingdon East

c.c. Perry Scott – Infrastructure, Transport & Building
Services

c.c. Caroline Haywood, Infrastructure, Transport &
Building Services

c.c. Conservative and Labour Group Offices
(inspection copy)

Date: 20 August 2021

Non-Key Decision request

Form D

PETWORTH GARDENS, HILLINGDON - OBJECTION TO PROPOSED DISABLED PERSON PARKING BAY

Dear Cabinet Member

Attached is a report requesting that a decision be made by you as an individual Cabinet Member. Democratic Services confirm that this is not a key decision, as such the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 notice period does not apply.

You should take a decision **on or after Tuesday 31 August 2021** in order to meet Constitutional requirements about publication of decisions that are to be made. You may wish to discuss the report with the Corporate Director before it is made. Please indicate your decision on the duplicate memo supplied and return it to me when you have made your decision. I will then arrange for the formal notice of decision to be published.

Jack Roberts
Democratic Services Apprentice

Title of Report: PETWORTH GARDENS, HILLINGDON - OBJECTION TO PROPOSED DISABLED PERSON PARKING BAY

Decision made:

Reasons for your decision: (e.g. as stated in report)

Alternatives considered and rejected: (e.g. as stated in report)

Signed Date.....
Cabinet Member for Public Safety and Transport

PETWORTH GARDENS, HILLINGDON - OBJECTION TO PROPOSED DISABLED PERSON PARKING BAY

Cabinet Member	Cllr John Riley
Cabinet Portfolio	Public Safety and Transport
Officer Contact	Caroline Haywood, Transport & Projects
Papers with report	Appendices A, B and C

HEADLINES

Summary	To inform the Cabinet Member that objections have been received to the proposed disabled bay on Petworth Gardens, Hillingdon.
Putting our Residents First	The request can be considered as part of the Council's annual programme of road safety initiatives.
Financial Cost	The cost associated with the recommendations to this report is estimated at £500 and will be met from within existing revenue budgets for the Transportation Service.
Relevant Select Committee	Public Safety and Transport
Relevant Ward	Hillingdon East

RECOMMENDATIONS

That the Cabinet Member for Public Safety and Transport:

1. notes the application for a disabled parking bay on Petworth Gardens, Hillingdon;
2. considers the objections to the proposed disabled persons parking bay on Petworth Gardens, Hillingdon; and
3. approves the amendment to the installation of the proposed disabled persons parking bay on Petworth Gardens, as shown in Appendix C to this report.

Reasons for recommendations

The formal disabled parking bay is intended to benefit disabled people by designating a parking space for the use of Blue Badge holders.

Alternative options considered / risk management

None at this stage.

Select Committee comments

None at this stage.

SUPPORTING INFORMATION

1. Petworth Gardens is a mainly residential road within Hillingdon East Ward and is in close proximity to local shops and Ryefield Primary School on Ryefield Avenue. It appears that some of the properties in the area do not have access to any off-street parking facilities and rely upon the available kerbside spaces. A plan of the area is shown on Appendix A to this report.
2. The Council received an application for a disabled parking bay from a resident of Petworth Gardens. The application fully met the Council's assessment criteria for the provision of an on-street disabled parking bay. As a result, a proposal was developed for an on-street disabled parking bay close to the resident's property, whilst maintaining as much parking for other residents as possible.
3. Approval was subsequently granted by Delegated Officer's Action to progress this proposal to the statutory consultation stage. Formal notice was given of the Council's intentions for statutory consultation on the proposal shown in Appendix B to this report, and a 21-day notice of intent was duly published. During this period, the Council received three emails objecting to this proposed disabled parking bay.
4. The first objector stated "*We are extremely concerned about the parking issues that we already have on our road. The proposed space is where either me or my husband usually park if it is available. Due to the current lack of parking spaces if either me or my husband are home late (past 6pm) it is not uncommon for us to be parked right at the beginning of the road or even in the road behind. We have small children and as you can imagine it is not ideal for us to have to park such a distance especially when we have shopping to carry too.....There was a proposal last year for yellow lines to be added outside but this was refused as it would have taken too many spaces away from the residents. I also believe that there is a current application for a dropped kerb to be added directly opposite the proposed disabled space this again will be taking away the very limited parking that we have.We are not against a disabled space being made if there was more additional parking added first. Otherwise, it would be a total nightmare for us and many residents on our already cramped road.*"

5. The second objector stated *"I would like to say that I totally support the need for a disabled parking space for any resident who may need one. I do however have some concerns. My first concern is with the fact that our road is extremely busy for parking at the best of times and having a space taken away for other residents is going to cause my husband and I further problems when accessing our driveway. Over the last year we have had on at least 5 occasions been unable to exit our driveway due to the parking of the cars on the road....."*
6. The third objector stated *"I object to this as parking is hard enough as it is and by doing this you will be taking away 3 parking spaces as the kerb opposite the proposed bay will not be able to accommodate 2 cars that already park there as it will make the road too narrow for traffic to pass through.....I struggle already to get parked plus also being refused a dropped kerb.....I would not object if it was to be placed half & half as residents of Petworth gardens already park like this and therefore a bay of this design will not take away any parking spaces."*
7. The comments from the objectors are acknowledged. However, from Council officers' site observations and detailed investigations, the applicant meets the Council's assessment criteria for an on-street disabled parking bay. The proposed formal disabled parking bay in Petworth Gardens would be available for any Blue Badge holder to use without time limit. The Council continually reviews the use of on-street disabled parking bays and will consider their removal if they are no longer required due to either a change in circumstances, are reported to be unused or if the resident has moved away.
8. The local Ward Councillors have been consulted and two have responded and have reservations about the provision of a blue badge disabled parking bay due to the existing parking pressures in the road.
9. However, following detailed discussions with the Council's Principal Access Officer, we have been advised that under the Equality Act 2010 (EqA) the Local Highways Authority has a responsibility to ensure that disabled people have reasonable access to convenient parking facilities. This is known as the 'duty to make reasonable adjustments'. What is reasonable depends on several factors. However, in this instance, the disabled resident meets the criteria for an on-street parking bay and many residents do have access to off-street parking. It would be a reasonable adjustment to 'guarantee' this resident a parking spot close to their home.
10. Notwithstanding the three objections received and the concerns raised by two Ward Councillors, it would be entirely appropriate within the ambit of the EqA s.13(3) to treat the disabled resident more favourably, as access to parking close to the home is likely a matter of necessity, not convenience.
11. To deny this resident an on-street parking bay, despite them meeting the criteria could be challenged under the Equality Act 2010.

12. However, following careful consideration comments of the three objectors it is proposed to adjust the location of the bay and place it with two wheels on the footway, allowing the existing parking arrangements to remain on the other side of the road and maintain as much parking as possible.
13. Whilst it is understood that the provision of Blue Badge disabled bays can lead to strong feelings both for and against their introduction, the Council's criteria have been met in this instance. It is, therefore, recommended that the Council proceeds with the amendment to the proposed formalisation of the disabled parking bay on Petworth Gardens, as shown in Appendix C to this report.

Financial Implications

The estimated cost of installing the proposed disabled parking bay and signpost is £500 and will be managed within existing revenue Transportation budgets.

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon Hillingdon residents, service users and communities

The proposed disabled parking bay is intended to benefit disabled people by designating a parking space for the sole use of Blue Badge holders.

Consultation carried out or required

Consultation has been carried out on this proposal through a notice on site and in the local press. Local Ward Councillors have also been consulted.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance has reviewed the recommendations to this report and concurs with the financial implications as set out above.

Legal

The Council's power to make orders to implement a disabled person's parking bay is set out in the Road Traffic Regulation Act 1984. The power to create/provide designated parking places is set out in Part IV of the Road Traffic Regulation Act 1984.

The Traffic Signs Regulations and General Directions 2016 govern road traffic signs and road markings and there are no special circumstances drawn to our attention that would prevent the scheme proceeding provided that the appropriate statutory procedures are followed. The consultation and order making statutory procedures that should be followed in this case are set out in The Local Authorities' Traffic Orders (Procedures) (England and Wales) Regulations 1996 (SI 1996/2489).

In exercising any of the powers under the Road Traffic Regulation Act 1984 (as amended), the Council have to consider their statutory duty to secure the expeditious, convenient and safe movement of vehicular and other traffic including pedestrians, and the provision of suitable and adequate parking facilities on and off the highway. These powers must be exercised so far as practicable having regard to the following matters:

- a. the desirability of securing and maintaining reasonable access to premises;
- b. the effect on the amenities of any locality affected including the regulation and restriction of heavy commercial traffic so as to preserve or improve amenity;
- c. the national air quality strategy;
- d. facilitating the passage of public service vehicles and securing the safety and convenience of their passengers; and
- e. any other matters appearing to the Council to be relevant.

These powers must be balanced with the concerns raised by the objector.

Availability for any Blue Badge holder to use the disabled parking bay outside No 25 / 23 Petworth Gardens is a relevant consideration in deciding whether to make this form of order. In considering the consultation responses, decision makers must ensure there is a full consideration of all representations arising including those which do not accord with the officer's recommendation. The decision maker must be satisfied that responses from the public were conscientiously taken into account.

When making decisions, the Council should be mindful of its public sector equality duty under section 149 of the Equality Act 2010.

Infrastructure / Asset Management

There are no property implications resulting from the recommendations set out in this report.

Comments from other relevant service areas

None at this stage.

BACKGROUND PAPERS

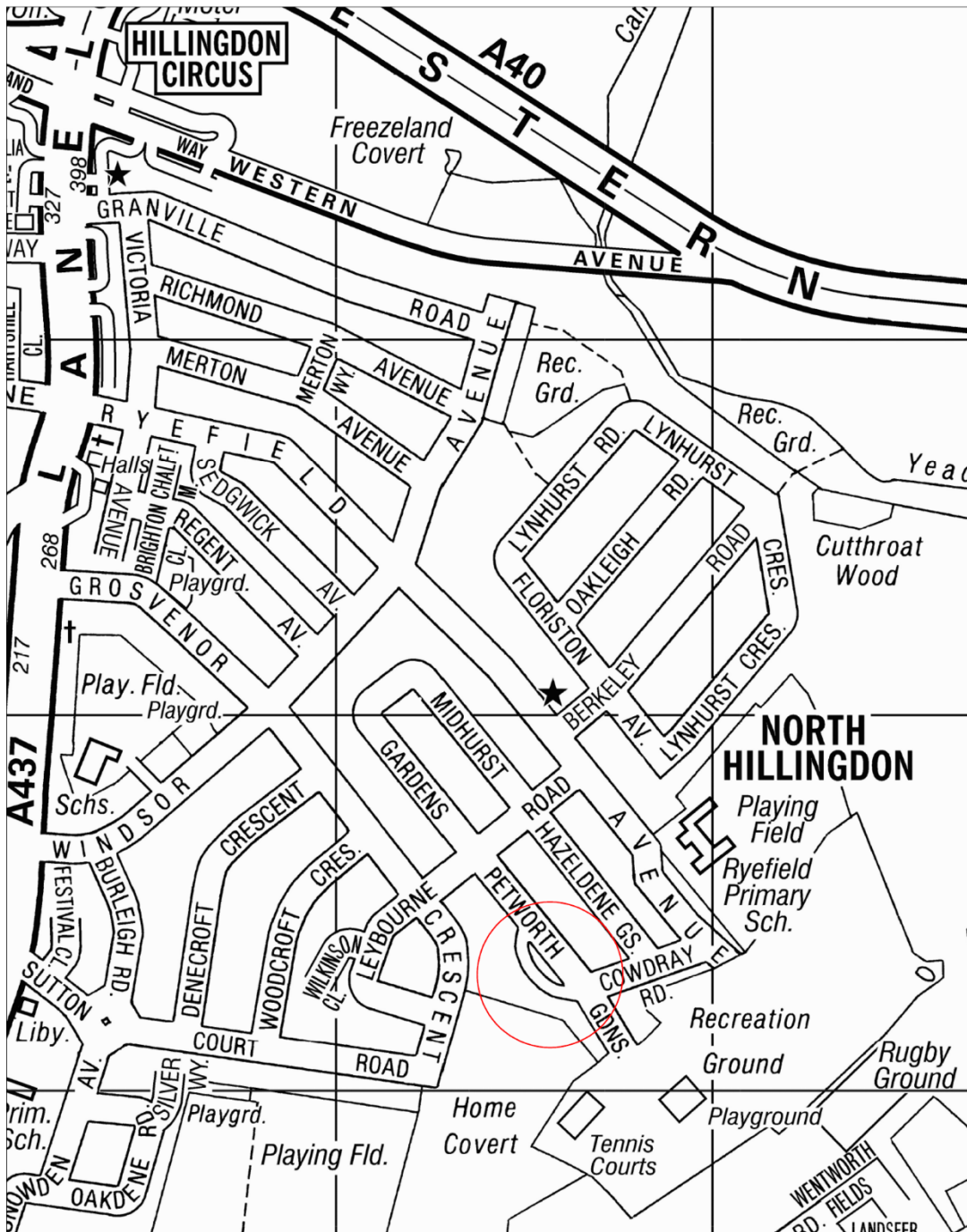
- Traffic order
- Objection emails

TITLE OF ANY APPENDICES


Appendix A - location plan
Appendix B - plan of proposal
Appendix C – revised proposal

Appendix A - location plan

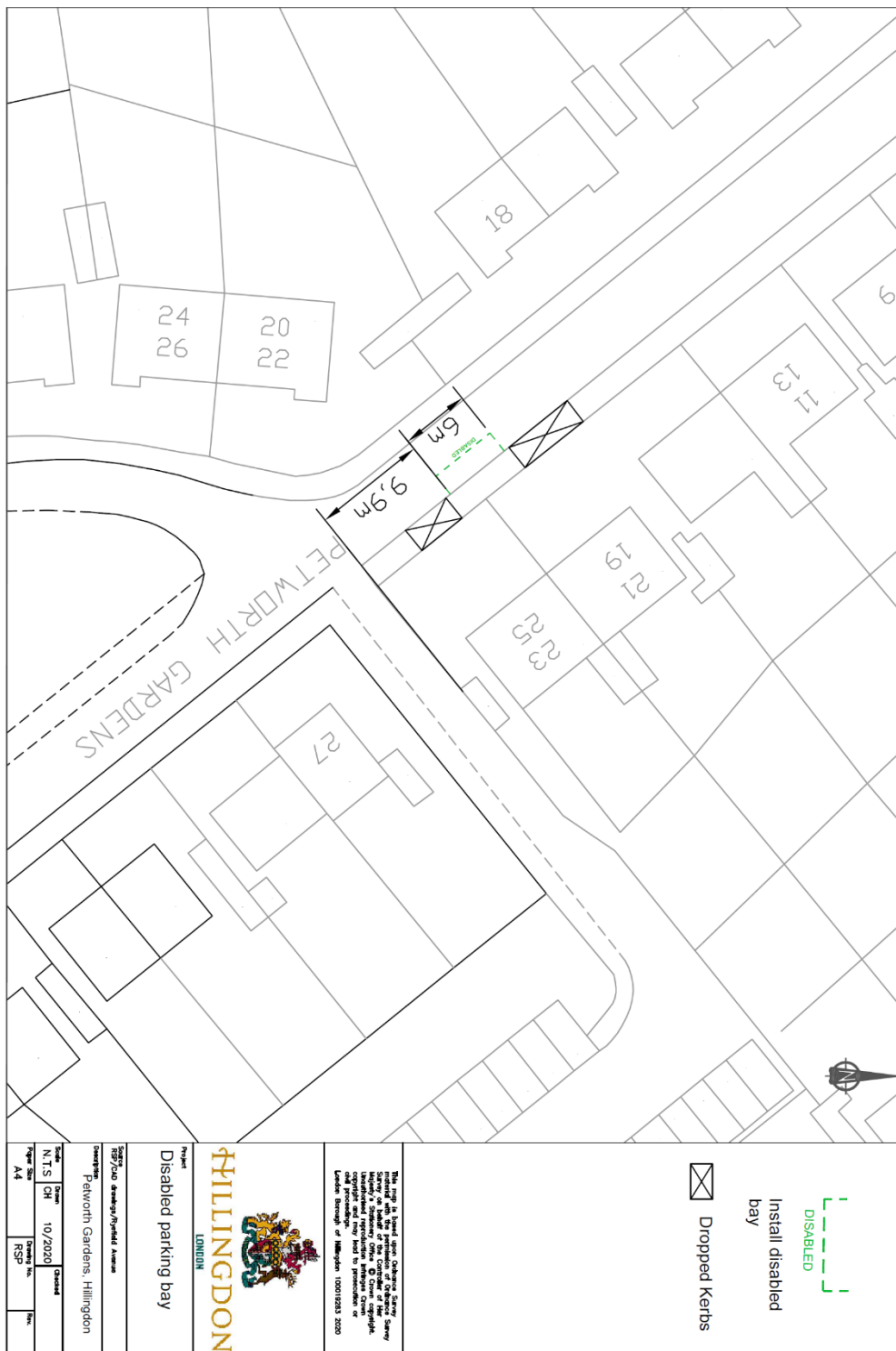
APPENDIX A



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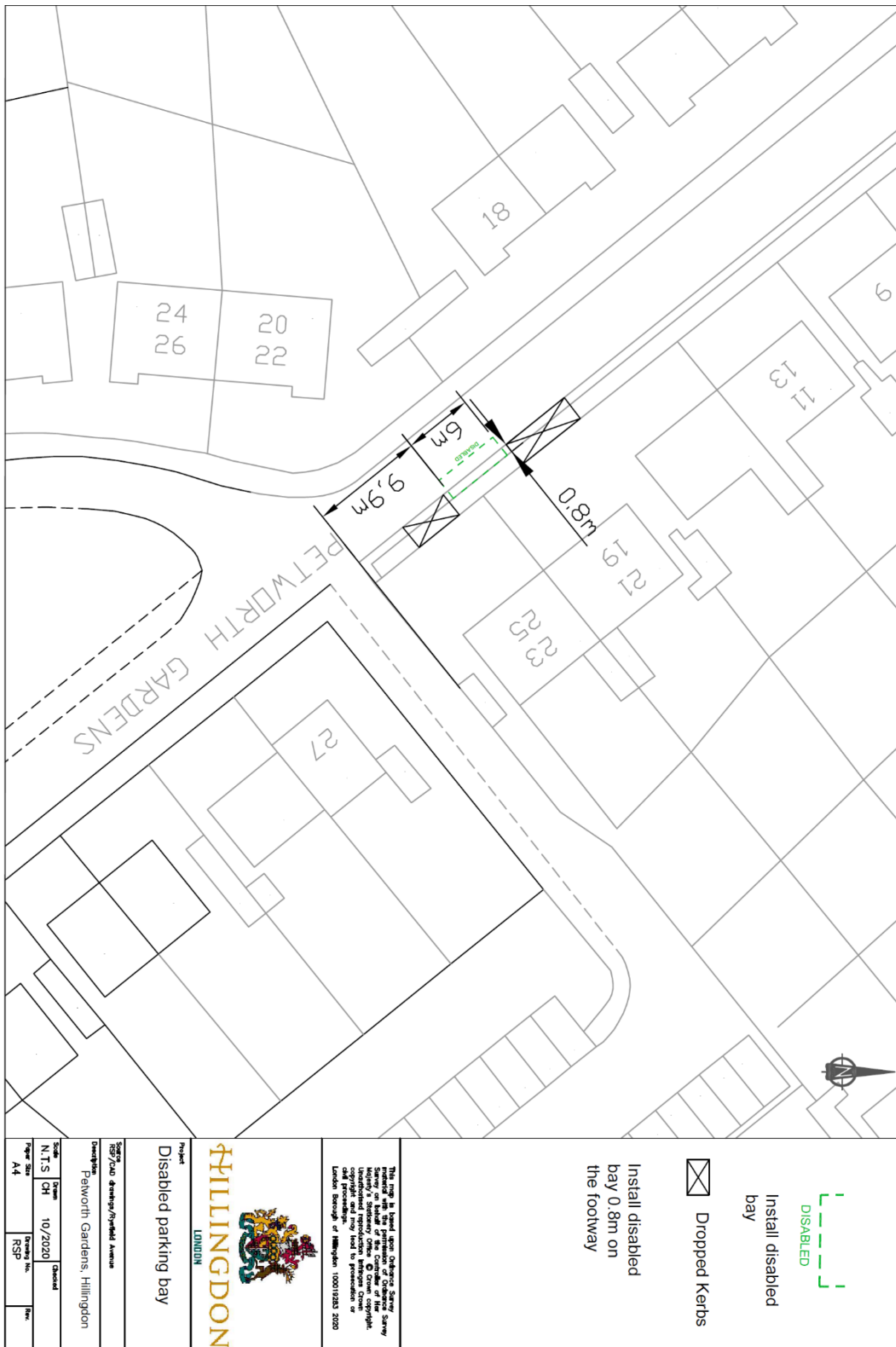
 Petworth Gardens

Appendix B - plan of proposal



APPENDIX B

Appendix C – revised proposal



APPENDIX C