

Notice of Non-key Executive Decision

Subject Heading:	Scheme SCH725 – Wellingtonia Avenue – Objection Report (Minor Parking Schemes)
Cabinet Member:	Cllr Osman Dervish
SLT Lead:	Barry Francis Director of Neighbourhoods
Report Author and contact details:	Gurch Durhailay Business Unit Manager Gurch.durhailay@havering.gov.uk 01708 431723
Policy context:	Havering Local Development Framework (2008)
Financial summary:	Estimated cost of £0.0005m to be funded from cost centre A26910, Parking – Minor Safety Improvements budget
Relevant OSC:	Environment
Is this decision exempt from being called-in?	No

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The subject matter of this report deals with the following Council Objectives

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This Executive Decision approves the implementation of the following minor parking scheme which following the close of statutory consultation received an objection:

- (a) Scheme SCH725 – Wellingtonia Avenue – Request to introduce waiting restriction and review existing restrictions in Wellingtonia Avenue as follows:

The north side: to introduce ‘at any time’ waiting restrictions on the junction of Bower Farm Road (east side) in to Wellingtonia Avenue extending east for a distance of 43m; and

The south side: extending the existing ‘at any time’ waiting restrictions which start opposite the junction of Bower Farm Road further east for a distance of 7m;

as shown on drawing reference SCH725.

AUTHORITY UNDER WHICH DECISION IS MADE

Council’s Constitution

Part 3

3.8.3. Assistant Director of Environment Delegated Powers

(s) To authorise minor alterations to traffic management orders to enable implementation of approved proposals or continuation of traffic management schemes.

(u) To authorise the creation, amendment and removal of disabled persons’ parking bays and footway parking bays and at any time waiting restrictions at bends and road junctions

STATEMENT OF THE REASONS FOR THE DECISION

The proposed minor parking scheme (detailed further in the following parts to this report) was designed to improve road safety, traffic flow and rationalise parking, whilst maintaining access for agricultural, emergency and Council vehicles. The proposal has been reviewed for ‘road safety’ implications as well as implications for general accessibility and impact on existing parking provision.

An Executive Decision dated 19th November 2019 authorised commencement of statutory consultation of the minor parking scheme. At the close of consultation on 13th December 2019 one representation in objection to the scheme or elements of the scheme was received by the Council. The following parts of this report detail the objection received and the officer response to the objection resulting in a recommendation to progress with the scheme as originally proposed.

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OTHER OPTIONS CONSIDERED AND REJECTED

The option to not progress the scheme was considered but rejected. The primary purpose of the scheme is to ensure to free movement of vehicles along the carriageway and to prevent obstruction of the carriageway by parked vehicles. Officers consider this to be an overriding duty that outweighs any perceived loss of parking.

PRE-DECISION CONSULTATION

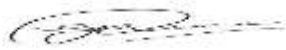
The proposals have been publically consulted as per the Council's legal obligations to publicise changes to the traffic orders for a period no less than 21 days commencing 22nd November 2019. This report considers the results of the consultation.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Garth Nunn

Designation: Business Unit Manager

Signature:



Date: 07/08/2020

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Title Of Proposal: Wellingtonia Avenue	
SCH Numbers: SCH725	Ward: Havering Park
Description:	
<p>Wellingtonia Avenue proposed waiting restrictions was publicly advertised on the 22nd November 2019. The consultation period ended on the 13th December 2019.</p> <p>To note, the local authority have followed all statutory measures when formally advertising the proposals, such as the notice published in the ordered papers, notices placed on street furniture at site, and letters sent to those residents deemed affected by the proposals.</p> <p>Following the consultation, the Council received one response to the consultation, objecting to the proposals set out in the table below:</p>	
<u>Respondent</u>	<u>Summary of comments</u>
Wellingtonia Avenue (Objection)	<p>Residents advises <i>there are very few places to park anyway without any more restrictions.</i></p> <p>Resident advises <i>This is being proposed to satisfy one man</i></p> <p>Resident raises concerns over damage to highway by the large vehicles using the road and who will pay for any required repairs (Wellingtonia Avenue has not been adopted and therefore not maintained by the Council)</p>
Officer Comments:	
<p>Having analysed the objection to the consultation and liaised with the local Ward Councillors, there is a clear demand from the Ward Councillors for this scheme to be progressed and urgently with the obstruction issues caused by parked vehicles in Wellingtonia Avenue a great concern to them.</p> <p>The objectors concerns are acknowledged and their comments have been considered. Whilst Wellingtonia Avenue is not maintained at Council's expense, it is nonetheless a highway where the public have a right to pass and repass over it. . The safe and unhindered passage of both vehicles and pedestrians is of the highest importance and therefore outweighs the loss of perceived parking provisions.</p> <p>It is therefore recommended to proceed with the proposals as advertised.</p>	
Financial Implications	
<p>The estimated cost of implementation of this scheme - £500</p>	
Member Support	
<p>All 3 ward councillors are aware of the objection but are all in support of progressing the scheme regardless.</p>	

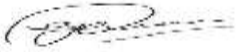
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Recommendation:

To agree the implementation of the proposed 'at any time' waiting restrictions as shown on drawing reference SCH725.

Street Management seeks the approval of the Assistant Director of Environment, to proceed with the making of Traffic Management Orders for the designation of a new disabled persons parking bay.

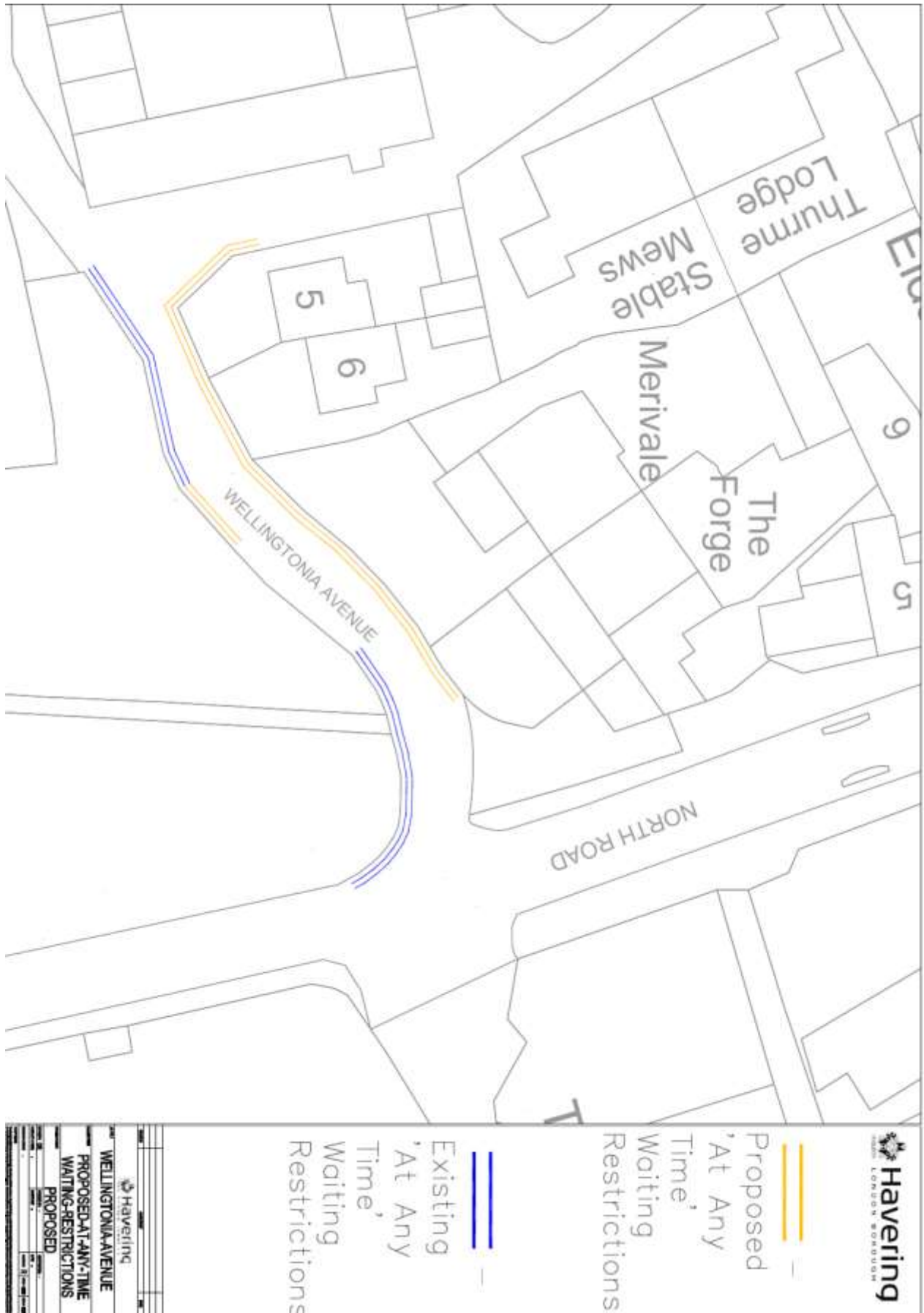
Signed Originating Officer –



Signed Manager -

Non-key Executive Decision

Drawing reference SCH725



Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

Here Officers seek approval for the implementation of an 'at any time' waiting restriction parking scheme that pursuant to the Council's Constitution requires an executive decision by the Assistant Director of Environment.

The Council's power to make an order regulating or controlling vehicular traffic on roads is set out in Part I of the Road Traffic Regulation Act 1984 ("RTRA 1984") with the power to designate parking places set out under part IV of the RTRA 1984.

Before an Order is made, the Council should ensure that the statutory procedures set out in the Local Authorities Traffic Orders (Procedure)(England & Wales) Regulations 1996 (SI 1996/2489) are complied with. The Traffic Signs Regulations & General Directions 2016 govern road traffic signs and road markings.

Section 122 RTRA 1984 imposes a general duty on local authorities when exercising functions under the RTRA. It provides, insofar as is material, 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. This statutory duty must be balanced with any concerns received over the implementation of the proposals.

In considering any responses received during consultation, the Council must ensure that full consideration of all representations is given including those which do not accord with the officer's recommendation. The Council must be satisfied that any objections to the proposals were taken into account.

In considering any consultation responses, the Council must balance the concerns of any objectors with the statutory duty under section 122 RTRA 1984.

FINANCIAL IMPLICATIONS AND RISKS

The estimated costs of £0.0005m which include advertising costs and implementing the proposal as described above and shown on the attached plan will be met from the 2020/21 A26910, Minor Parking Schemes budget which at the time of this report has sufficient available budget.

This is a standard project for Environment and there is no expectation that the works cannot be contained within the cost estimate. In the unlikely event of an overspend, the balance would need to be contained within the overall Environment budget.

Disabled persons parking bay		Estimated Cost £
Wellingtonia Avenue	Total	£ 500.00
		£ 500.00

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

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The proposal can be delivered within the standard resourcing within Street Management, and has no specific impact on staffing/HR issues.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

Havering has a diverse community made up of many different groups and individuals. The council values diversity and believes it essential to understand and include the different contributions, perspectives and experience that people from different backgrounds bring.

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The council demonstrates its commitment to the Equality Act in its decision-making processes, the provision, procurement and commissioning of its services, and employment practices concerning its workforce. In addition, the council is also committed to improving the quality of life and wellbeing of all Havering residents in respect of socio-economics and health determinants.

There is a provision for disabled people within this scheme.

BACKGROUND PAPERS

Non-key Executive Decision

Part C - Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

1. The introduction of further 'at any time' waiting restrictions in:-
 - a) Wellingtonia Avenue

Details of decision maker

Signed



Sue Harper (Interim Assistant Director of Environment)

Date: 08/09/20

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

Non-key Executive Decision

For use by Committee Administration

This notice was lodged with me on _____

Signed _____