

North Yorkshire County Council
Business and Environmental Services

Executive Members

26 June 2019

Proposed 'No Waiting at Any Time' restrictions, Cemetery Road, Thirsk

Report of the Assistant Director – Highways and Transportation

1.0 Purpose Of Report

- 1.1 The purpose of the report is to advise the Corporate Director, Business and Environmental services (BES) and the BES Executive Members of the outcome of a consultation exercise to introduce a Prohibition of Waiting Traffic Regulation Order (double yellow lines) on Cemetery Road Thirsk and to seek approval for a recommended way forward.

2.0 Background

- 2.1 Cemetery Road Thirsk is an unclassified road which links the B1448 Kirkgate and C168 Newsham Road on the northern side of Thirsk. The road provides access to St Mary's Church, the Cemetery and a number of residential properties, as shown on the plan in Appendix 1.
- 2.2 Cemetery Road is predominantly used by local traffic and is narrow with limited areas of footway. At the eastern end of the road there is a series of blind bends immediately adjacent to St Marys Church and the Cemetery.
- 2.3 Indiscriminate parking by visitors to the town has resulted in difficulties for local residents, businesses and the passage of through traffic, for some time. It is considered that this parking activity is as a result of displacement from the disc parking zone on the neighbouring streets and parking charges in the nearby off street car parks.
- 2.4 During the Summer of 2018 Officers conducted a trial of parking restrictions by placing 'no waiting' cones along the extent of the area of concern to assess if any further displacement on to the highway would take place if the proposed restrictions were implemented. The trial was well received by the local residents and no displacement issues were identified.

3.0 Consultation

- 3.1 In September 2018 a consultation and public advertisement was carried for the introduction of 'No Waiting at Any Time' restrictions (double yellow lines) in line with the experiment described in 2.4 above and shown on the plan in Appendix 1
- 3.2 The consultation documentation was sent to affected properties including St Marys Church and key stakeholders including the Elected Member and Town Council.

4.0 Consultation Results/Officer comments

- 4.1 The results of the consultation are attached as Appendix 2. The table shows three objections were received to the proposal. Whilst no formal response was received from the Elected Member for the area, Councillor Dadd has verbally communicated to officers his support for the restrictions to be implemented. An invitation to attend the meeting scheduled for 26 June 2019 has been sent to Councillor Dadd.
- 4.2 The objections received are in relation to the affect the proposed restrictions will have on the Cemetery and Church users particularly for weddings funerals and disabled users. Within Traffic Regulation Orders (TRO's) for double yellow lines there is an exemption for vehicles to park within the restrictions which are associated with weddings and funerals; this is with particular regard to wedding cars and hearses. All TRO's for double yellow lines also carry an exemption for blue badge holders to enable them to park within the restrictions for a period of up to three hours if it is safe to do so.
- 4.3 A further comment was also received with regard to the proposed restrictions not resolving traffic issues on the road and that a one way system should be introduced. Officers have previously considered this following a request from the elected Member to do so. A one way system would not resolve the parking issues and would result in restricting residents' access and impacting on congestion in Thirsk Market Place.

5.0 Financial implications

- 5.1 The budget is available to introduce the waiting restrictions from the existing Signs Lines and TRO budget held by the Area Office.

6.0 Legal Implications

- 6.1 Consideration has been given to the potential for any legal implications arising from the recommendation.
- 6.2 A new process for the consideration of objections to TRO's was approved by the Executive on 29 April 2014 and County Council on 21 May 2014. The consideration of objections to TRO's is now a matter for the Executive and the role of the Area Constituency Committee is changed to a consultative role on wide area impact TRO's. The consideration of objections has been delegated by the Executive to the Corporate Director – BES in consultation with BES Executive Members. The new decision making process relates to the provision and regulation of parking places both off and on the highway where an objection is received from any person or body entitled under the relevant statue. A wide area impact TRO is classed as a proposal satisfying all of the three criteria set out below:
- The proposal affects more than one street or road and;
 - The proposal affects more than one community and;
 - The proposal is located within the ward of more than one County Councillor.
- 6.3 The proposed TRO has not been classed as a wide area impact TRO and therefore the Area Constituency Committee's views have not been sought.

- 6.4 In the event that the BES Executive Members and BES Corporate Director resolve to follow the recommendations contained in this report, then in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, the County Council will be required to make a Traffic Regulation Order (with or without modifications) and publish a notice of making the Order in the local press. The County Council will also be required to notify the objectors of its decision and the reasons for making that decision within 14 days of the Order being made.
- 6.5 Where an Order has been made (i.e. sealed), if any person wishes to question the validity of the Order or any of its provisions on the grounds that it or they are not within the powers conferred by the Road Traffic Regulation Act 1984, or that any requirement of the 1984 Act or of any instrument made under the 1984 Act has not been complied with, they may apply to the High Court within six weeks from the date on which the Order is made.
- 6.6 In recommending the implementation of the proposed TRO as advertised for the reasons set out in this Report, Officers consider that the County Council is complying with its duty under Section 122 of the Road Traffic Regulation Act 1984 and has carried out the required balancing exercise in coming to that decision. A copy of the Statement of Reasons for the proposed TRO is attached as Appendix 3.

7.0 Equalities Implications

- 7.1 Consideration has been given to the potential for any adverse equality impacts arising from the recommendation. It is the view of officers that the recommendation does not have an adverse impact on any of the protected characteristics identified in the Equalities Act 2010. A copy of the Equalities Impact Assessment is attached at Appendix 4.

8.0 Recommendations

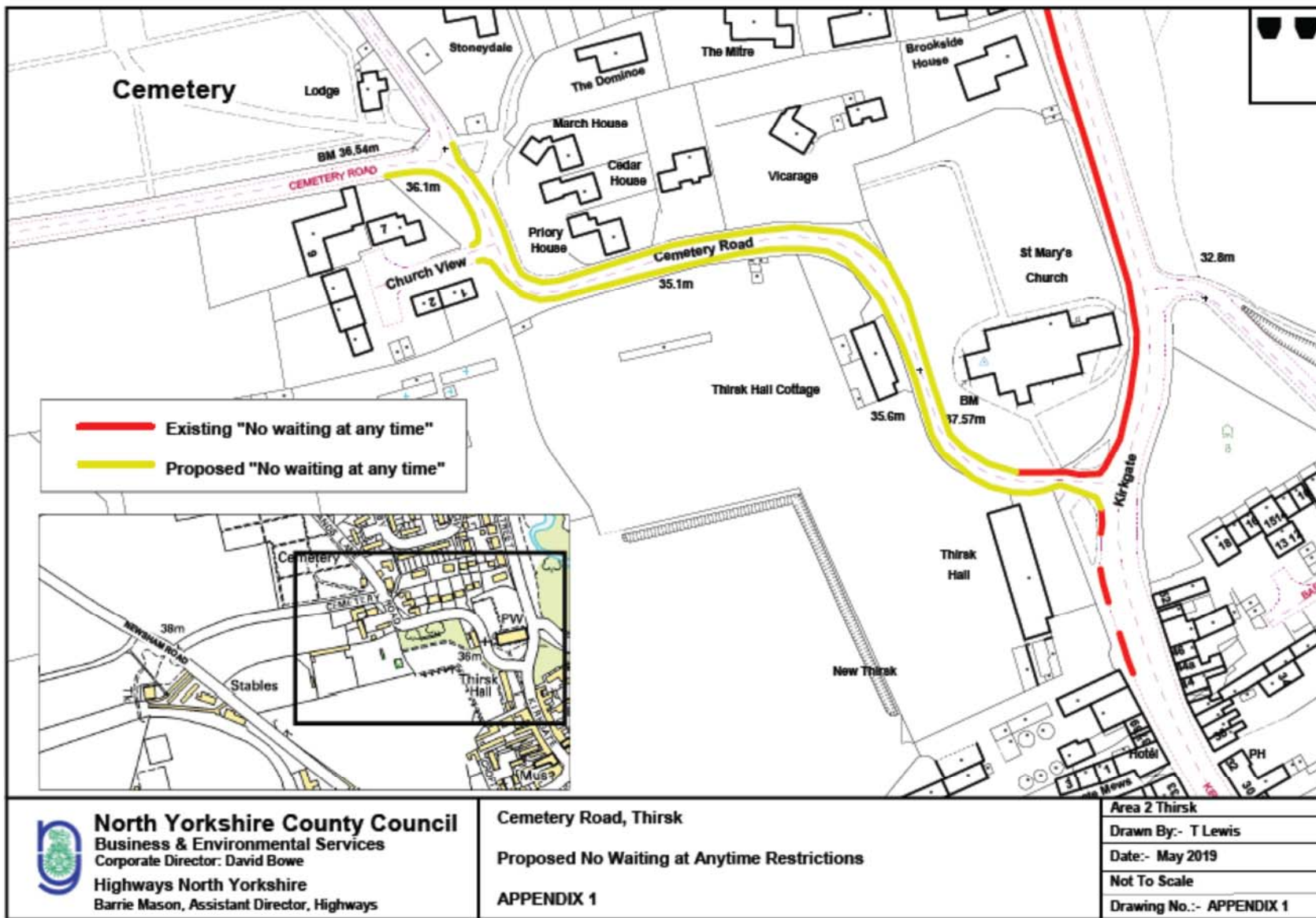
- 8.1 It is recommended that:-
- a) the results of the consultation exercise are noted
 - b) the Corporate Director, BES, in consultation with the BES Executive Members approve the introduction of the No Waiting at any time restrictions shown in Appendix 1.
 - c) the objectors are notified of the decision and the reasons for making that decision within 14 days of the Order being made.

Barrie Mason
Assistant Director – Business and Environmental Services

Author of Report: Jayne Charlton

Background Documents: None

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**Proposed 'No Waiting at Any Time' restrictions,
Cemetery Road, Thirsk**

Schedule of consultation responses

Respondent	Support/object	Comment	Officer Comment
Resident Cemetery Road, Thirsk,	Neutral	Raises concerns regarding the removal of the Disc Parking zone, and addition of the NWAAT outside the Church entrance. Advises of the implications during events (weddings and funerals) with vehicles being unable to park, The Revd suggests the addition of a loading bay within that area would resolve his concerns.	There is an exemption within the Traffic Regulation Order for wedding cars and hearses. All guests will be able to park nearby on Kirkgate within the Disc zone or within the nearby public car park.
Resident Cemetery Road, Thirsk	Objects	Suggests the proposal is detrimental to road safety and takes no account of elderly and disabled motorists who park on the road to visit the cemetery and attend funerals. Suggests extending the disc parking on Kirkgate to include the whole of Cemetery Road. Advises that the proposal fails to address the serious traffic problems that exist on the road.	Disabled drivers are exempt from double yellow lines for a period of up to 3 hours and can park where it is safe to do so. By restricting the parking activity adjacent to the bends this will naturally improve the traffic problems on this narrow section of road.
Member of St Marys Church	Objects	Suggests that the proposal does not take into account the users of St Mary's Church. Will limit the access due to limited parking facilities. The issues are not due to parking but due to drivers not driving in accordance with the road conditions. Suggests and one way system or road humps, suggests yellow lines are not the answer.	There is an exemption within the Traffic Regulation Order for wedding cars and hearses. All guests will be able to park nearby on Kirkgate or within the nearby public car park. The introduction of a one way system has been considered previously however, this would have a detrimental impact on other nearby roads and will increase congestion on other roads within the town.

**PROPOSED AMENDMENT OF WAITING AND PARKING RESTRICTIONS AND INTRODUCTION
OF WAITING RESTRICTIONS, CEMETERY ROAD, THIRSK**

STATEMENT OF THE COUNCIL'S REASONS FOR PROPOSING TO MAKE THE ORDER

LEGAL POWERS AND DUTIES

Under Section 1(1) of the Road Traffic Regulation Act 1984 the County Council, as traffic authority for North Yorkshire, has powers to make a Traffic Regulation Order (TRO) where it appears expedient to make it on one or more of the following grounds:-

- (a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or
- (b) for preventing damage to the road or to any building on or near the road, or
- (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
- (d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or
- (e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
- (f) for preserving or improving the amenities of the area through which the road runs; or
- (g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of Section 87 of the Environment Act 1995 (air quality), or
- (h) for the allocation of highway space or section of highway for a specific use, purpose, class of vehicle or user.

Section 122(1) of the Road Traffic Regulation Act 1984 also provides that it shall be the duty of every local authority upon whom functions are conferred by or under the 1984 Act so to exercise those functions as 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.

REASONS FOR MAKING THE ORDER

The County Council considers that it is expedient to make this TRO on grounds (a), (c), (f) above, having taken into account its duty under Section 122(1) of the 1984 Act, for the following reasons:-

- To prevent vehicles waiting at any time in order to maintain visibility for drivers and pedestrians which will benefit road safety.

Location(s) of Proposed Order

Location	Street	Side	From	To	Restriction
Thirsk	Cemetery Road	North and East	The junction of B1448 Kirkgate.	The junction of Westlands Lane footpath	No waiting at any time.
Thirsk	Cemetery Road	South and West	The junction of B1448 Kirkgate.	The southern side of Church View junction	No waiting at any time.
Thirsk	Cemetery Road	South and West	The northern side of Church View junction.	A point 296m north west from junction of B1448 Kirkgate.	No waiting at any time.

Orders to Amend

NORTH YORKSHIRE COUNTY COUNCIL
(PROHIBITION OF WAITING AND LOADING AND PROVISION OF PARKING)
(HAMBLETON DISTRICT)
CONSOLIDATION ORDER 2013

THIRSK	WESTGATE, THIRSK & SOWERBY	SOUTH	From its kerb line intercept with Chapel Street,	for a distance of 18.5 metres.	No waiting at any time
THIRSK	Cemetery Road	NORTH	From its junction with the centre line of the B1448, Topcliffe Road,	for a distance of 30 metres in a westerly direction.	No waiting at any time

Also the Thirsk Disc Parking Zone Order – Remove Cemetery Road.

CONSIDERATION OF OBJECTIONS

Under the County Council's Constitution, the consideration of objections to a proposed TRO is delegated to the Corporate Director - Business and Environmental Services (BES) in consultation with the BES Executive Members. For each TRO where there are objections, it will be necessary to bring a report to the Corporate Director - BES and the BES Executive Members seeking a decision on the consideration of the objections. The report will include the views of the relevant local member who will also be invited to the meeting that considers the report. The Corporate Director - BES may wish to refer the matter to the Council's Executive for a final decision.

A report to the relevant Area Committee will only be necessary when there are objections to a wide area impact TRO.

A wide area impact TRO is defined as a proposal satisfying all of the three criteria set out below:

- The proposal affects more than one street or road and,
- The proposal affects more than one community and,
- The proposal is located within the ward of more than one County Councillor

The report will seek the views of the Area Committee and these views will then be included in a report to the Corporate Director - BES and the BES Executive Members seeking a decision on the consideration of the objections. The Corporate Director - BES may wish to refer the matter to the Executive for a final decision.

The existing arrangements for members of the public wishing to attend or speak at committee meetings will apply and it may be appropriate for the Corporate Director - BES to have his decision making meetings open to the public, so that the public and in particular those with objections, have the opportunity to put their views across directly.

N.B. The Corporate Director - BES has delegated powers to make decisions on TROs where there are no objections.

Initial equality impact assessment screening form (As of October 2015 this form replaces 'Record of decision not to carry out an EIA')			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Business and Environmental Services		
Service area	Highways and Transportation		
Proposal being screened	Introduction of No Waiting at Any Time restrictions on Cemetery Road , Thirsk		
Officer(s) carrying out screening	Jayne Charlton		
What are you proposing to do?	The proposal involves the introduction of a length of 'No Waiting At Any Time' restrictions(double yellow lines)		
Why are you proposing this? What are the desired outcomes?	There is a significant amount of indiscriminate parking taking place on Cemetery Road which causes road safety issues on this narrow section of road.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No		
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristic As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? 			
If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.			
Protected characteristic	Yes	No	Don't know/No info available
Age		X	
Disability		X	
Sex (Gender)		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
NYCC additional characteristic			
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	

Appendix 4

<p>Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.</p>	<p>No</p>			
<p>Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.</p>	<p>No</p>			
<p>Decision (Please tick one option)</p>	<p>EIA not relevant or proportionate:</p>	<p><input checked="" type="checkbox"/></p>	<p>Continue to full EIA:</p>	
<p>Reason for decision</p>	<p>No equalities issues have been identified. The restriction contains an exemption for blue badge holders which enables them to park within the restrictions for a period of up to 3 hours, if it is safe to do so.</p>			
<p>Signed (Assistant Director or equivalent)</p>	<p><i>Barrie Mason</i></p>			
<p>Date</p>	<p><i>17/06/19</i></p>			