

# North Yorkshire County Council

## Business and Environmental Services

### Executive Members

27 September 2019

#### Crescent Avenue, Whitby Proposed change to traffic regulation order

#### 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 following public consultation in regard to this proposal. A decision needs to be made as to whether or not a proposed revision should be made to the Whitby Disc Parking Zone 'W' following the receipt of an objection to the proposed amendment.

### 2.0 Background

- 2.1 The Whitby Disc Parking Zone was introduced in 2014 as a result of the need to better cater for the demands for parking in the town centre and surrounding areas. The Disc Parking Zone for the majority of Crescent Avenue limits parking for those without permits or scratch cards to 3 hours, with return prohibited for 2 hours between the hours of 9am and 7pm. However the length in front of the Post Office Sorting Office differs to the restriction elsewhere in Zone 'W'.
- 2.2 The restriction for this 41m length was intended to cater for the brief parking requirements associated collecting items from the adjacent Sorting Office which is open Mon to Sat between 7:00am and 12:30pm. The current permitted parking is restricted to 1 hour with return prohibited within 2 hours between the hours of 9am and 1pm. Between 1pm and 7pm parking is limited to 3 hours with return prohibited within 2 hours. Permit holders and scratch cards are not permitted between the hours of 9am and 1pm in order to increase the opportunity and likelihood of a convenient space being available for all drivers during those times. The road side signage stating these differing restrictions for the different times of day is considerably larger and more complex than the signs on the neighbouring marked bays.
- 2.3 The reasons for the different timings, and the relaxations on those persons that are permitted to park in the vicinity of the Sorting Office, (as part of the original restrictions) are sound and reflect the likely use of this layby. Scarborough Borough Council Parking Services report however that in practice the intended effect of the restrictions has limited benefit. The parking layby is proving to be problematic in use with drivers either ignoring the restriction, or perhaps being unclear of the actual restriction in operation in view of its perceived complexity.

### 3.0 Proposals

- 3.1 The proposals are to change the timings and nature of the parking restrictions to bring it in line with the remainder of the rest of Zone 'W'.

#### **4.0 Consultation**

- 4.1 The proposals have been the subject of consultation and public advertisement in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Appendix A includes the documents that formed the consultation. The Traffic Regulation Order was advertised on 9<sup>th</sup> November 2018 and any person could make objections and representations until 7<sup>th</sup> December 2018.
- 4.2 At the conclusion of the consultation stage a single objection to the proposal was received. The objectors' comments are summarised below together with Officers comments.

#### **5.0 Local County Councillor Comments**

- 5.1 County Councillor Plant has not been able to formally comment upon the responses received. However, one of the main reasons officers instigated this proposal was due to Cllr. Plant's request that confusion for drivers was removed and the amount of disc and permit parking available for the public was maximised.

#### **6.0 Responses, Objections and Officer Comments**

- 6.1 There were a total of 3 responses received from residents during the consultation that was sent out to approximately 35 properties in the surrounding area. 2 of the 3 residents responding supported the proposals and 2 statutory consultees responded with no objections.
- 6.2 One objection to the proposals was received suggesting an alternative. 'Two spaces remain as a collection point for cars and vans to pick up and set down parcels outside the sorting office collection room; marked for loading and unloading.
- 6.3 **Officer Comment**  
The restriction that the resident is suggesting is similar to the current restriction that is intended to be simplified by this proposed amendment. Drivers of vehicles needing to visit the sorting office for collecting items will be able to park in any of the marked bays in Crescent Avenue, subject to availability, and will need to display a disc clock if parked there after 9am.
- 6.4 The proposed restrictions are expected to allow the vast majority of Post Office customers to park within a reasonable distance of the sorting office in all but the busiest times of the year. If the on street parking in Crescent Avenue is full, the leisure centre parking is also within close proximity, however, it should be noted that this is a pay and display facility.

#### **7.0 Equalities**

Consideration has been given to the potential for any 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 and a copy of the Equalities Impact Assessment screening form is attached as Appendix B.

## **8.0 Finance**

- 8.1 The cost of advertising the Traffic Regulation Order and changing the sign is estimated at approximately £2,000 which will be funded from the local area highways budget.

## **9.0 Legal**

- 9.1 The process for the consideration of objections to traffic regulation orders was approved by the Executive on 29 April 2014 and County Council on 21 May 2014. The consideration of objections to Traffic Regulation Orders (TROs) is now a matter for the Executive and the role of the Area Constituency Committee is a consultative role on wide area impact TROs. The consideration of objections has been delegated by the Executive to the Corporate Director of Business and Environmental Services (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 statute. 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.

As the proposal is wholly within the County Council ward of Whitby Streonshalh, this would not be classed as a wide area impact TRO.

- 9.2 Officers consider that, should it be resolved that some or all of the proposed amendments are to be made, the changes will enable the County Council to comply with its duty under Section 122(1) of the Road Traffic Regulation Act 1984, which 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.
- 9.3 In the event that the Corporate Director of Business and Environmental Services (BES) in consultation with BES Executive Members resolves to approve changes to the traffic regulation orders described in this report, then to accord with the relevant statutory regulations, the County Council will be required to make and advertise the traffic regulation order concerned before it comes into operation. The County Council will also be required to notify the objectors of its decision.
- 9.4 Where an Order has been made (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 of the order being made.
- 9.5 The proposed TRO alteration will also enable the County Council to carry out their network management duty under Section 16 of the Traffic Management Act 2004 to secure the expeditious movement of traffic on the authority's road network and both the more efficient use and the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on their road.

**10.0 Recommendation(s)**

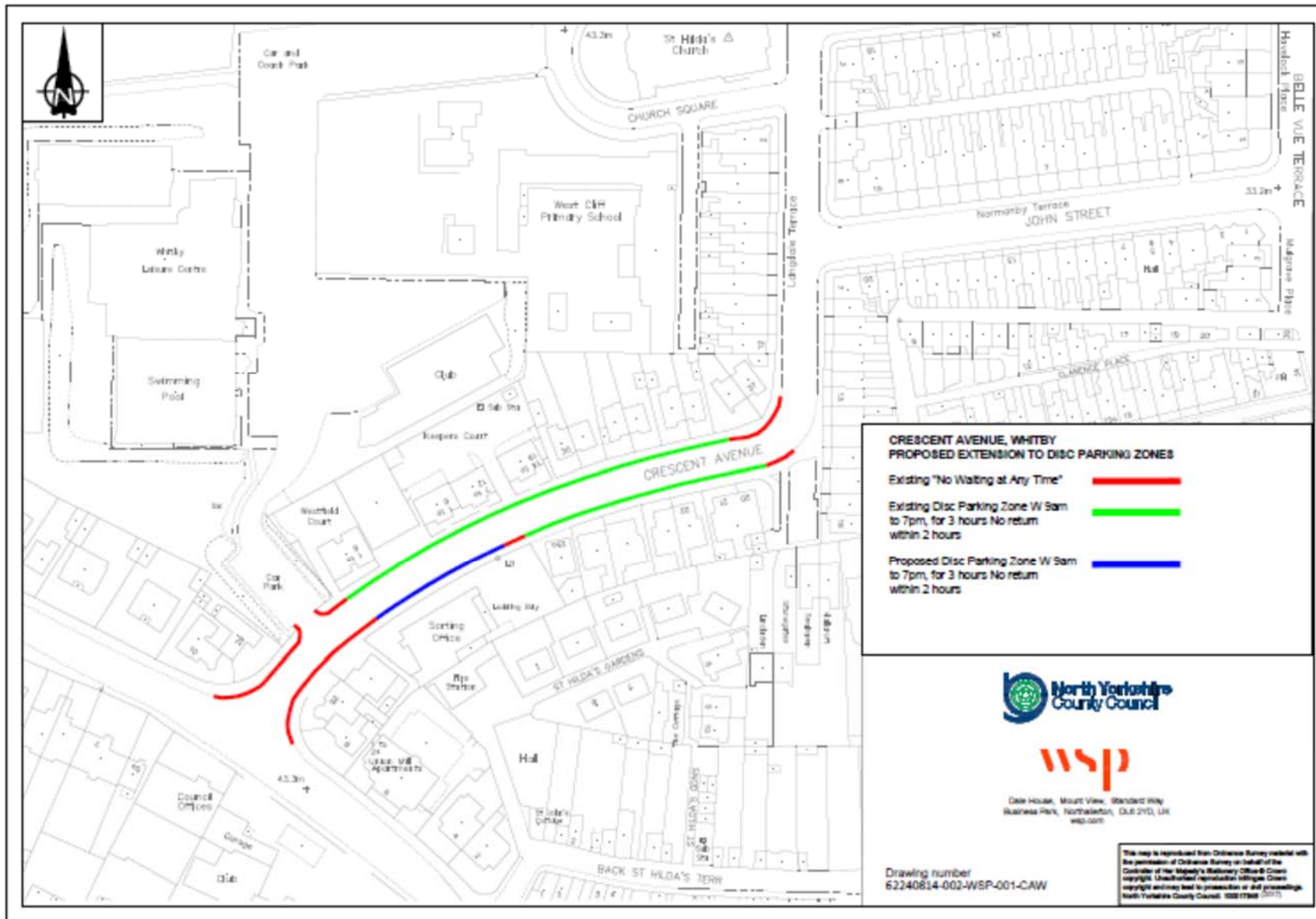
10.1 It is recommended that the Corporate Director – BES, in consultation with BES Executive Members:

- a) Approve as advertised the making of the TRO to alter the waiting restrictions that apply to the bay adjacent the sorting office and bring it into line with the rest of Zone 'W' in Crescent Avenue under the Road Traffic Regulation Act 1984;
- b) The Respondents are advised accordingly and notified of the making of the Order within 14 days of it being made.

Barrie Mason  
Assistant Director  
Business and Environmental Services

Authors of Report:  
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Background Documents: None





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**Your Ref:**

**Our Ref:** 62240814-002-CRES

**Contact:** David Hird (WSP)

12 November 2018

Dear Resident

**Crescent Avenue (part), Whitby - Proposed Amendment to Waiting Restrictions.**

We are proposing to simplify the waiting arrangements in a section of Crescent Avenue. Currently the section of Crescent Avenue shown on the attached plan differs from the other permitted parking bays of the Disc Parking area (W).

When Whitby parking scheme was first introduced, it had been originally intended to provide a bay allowing greater priority for customers visiting the sorting office, by prohibiting permit holders from using the bays in the mornings Monday to Saturday. However, in practice this restriction has not worked in the way we anticipated.

As the Whitby disc zone provides improved turnover of vehicles in the area generally, increasing the chances of finding a space reasonably close to the sorting office, we are proposing that this bay be changed to match the other disc zone bays around it. This will be more consistent, more readily understood, giving all drivers (including permit holders) the opportunity to park in the bay. To make this change it is necessary to alter the Road Traffic Regulation Order and amend the signs. This letter is part of the statutory consultation process required to make the changes recognised and enforceable.

The Council is required to consult those either directly affected by the proposals or who may have an interest, and the purpose of this letter is to provide you with details of those proposals. **I would ask that provide any views you may wish to make by Friday 7 December 2018.**

If there are significant objections to the proposals during this period and are not resolved or withdrawn, it will be necessary to report them to the Business and Executive Members meeting for a decision by the Corporate Director of Business and Environmental Services in consultation with the executive members.

The date and venue of any future meeting will be advised as necessary in due course. I trust this is satisfactory and look forward to receiving your comments.

Yours Sincerely

David Hird  
Engineer (WSP)

**PROPOSED AMENDMENT OF WAITING RESTRICTIONS IN CRESCENT AVENUE,  
WHITBY.**

**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

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 (d),(f) above, having taken into account its duty under Section 122(1) of the 1984 Act, for the following reasons:-

When Whitby parking scheme was first introduced, it had been originally intended to provide a bay allowing greater priority for customers visiting the sorting office, by prohibiting permit holders from using the bays in the mornings Monday to Saturday. However, in practice this restriction has not worked in the way we anticipated.

As the Whitby disc zone provides improved turnover of vehicles in the area generally, increasing the chances of finding a space reasonably close to the sorting office, we are proposing that this bay be changed to match the other disc zone bays around it. This will be more consistent, more readily understood, giving all drivers (including permit holders) the opportunity to park in the bay.

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**Location of Proposed Order - SCHEDULE****Current traffic Order**

Street Name	Side of Road	Start Point	End Point	Restrictions	Hours	Zone
Crescent Avenue	South East	A point 51 metres east of its junction with Upgang Lane.	A point 92 metres east of its junction with Upgang Lane	Limited Waiting 1 hour, no return within 2 hours. No permit exemptions	9am to 1pm	Disc Zone W
Crescent Avenue	South East	A point 51 metres east of its junction with Upgang Lane.	A point 92 metres east of its junction with Upgang Lane	Limited Waiting 2 hours, no return within 2 hours, with permit exemptions	1pm to 7pm	Disc Zone W

**Proposed traffic Order**

Street Name	Side of Road	Start Point	End Point	Restrictions	Hours	Zone
Crescent Avenue	South East	A point 51 metres east of its junction with Upgang Lane.	A point 92 metres east of its junction with Upgang Lane	Limited Waiting 3 hours, no return within 2 hour, w/ permit exemptions	9am to 7pm	Disc Zone W

**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



## **Appendix A**

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.

<b>Initial equality impact assessment screening form</b>			
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.			
<b>Directorate</b>	Business and Environmental Services		
<b>Service area</b>	Highways and Transportation		
<b>Proposal being screened</b>	the introduction of Road Traffic Regulation Order		
<b>Officer(s) carrying out screening</b>	G Lyth, Project Engineer		
<b>What are you proposing to do?</b>	To change the existing restriction; (waiting limited to 1 hour with return prohibited within 2 hours between the hours of 9am and 1pm. And between 1pm and 7pm parking is limited to 3 hours with return prohibited within 2 hours. Permit holders and scratch cards are not permitted between the hours of 9am and 1pm), to that which applies to the rest of Zone 'W' for standardisation. This is to limit parking for those without permits or scratch cards to 3 hours, with return prohibited for 2 hours between the hours of 9am and 7pm.		
<b>Why are you proposing this? What are the desired outcomes?</b>	To better manage and control parking practices on Crescent Avenue to better manage parking and the expeditious movement and control of vehicles.		
<b>Does the proposal involve a significant commitment or removal of resources? Please give details.</b>	No		
<p><b>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics</b></p> <p>As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> <li>To what extent is this service used by particular groups of people with protected characteristics?</li> <li>Does the proposal relate to functions that previous consultation has identified as important?</li> <li>Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul> <p>If for any characteristic it is considered that there is likely to be an 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 <a href="#">Equality rep</a> for advice if you are in any doubt.</p>			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		X	
Disability		X	
Sex		X	
Race		X	
Sexual orientation		X	

Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
<b>NYCC additional characteristics</b>			
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	
<b>Does the proposal relate to an area where there are known inequalities/probable impacts</b> (e.g. disabled people's access to public transport)? Please give details.	No		
<b>Will the proposal have a significant effect on how other organisations operate?</b> (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No		
<b>Decision (Please tick one option)</b>	<b>EIA not relevant or proportionate:</b>	Yes	<b>Continue to full EIA?;</b>
<b>Reason for decision</b>	Minor impact that will not differentiate or discriminate.		
<b>Signed (Assistant Director or Equivalent)</b>	<i>Barrie Mason</i>		
<b>Date</b>	17/09/19		