

Economic Development, Transport and Climate
Emergency Scrutiny Commission

Date of meeting: 23rd June 2022

**Consideration of Objections to LOCAL
ENVIRONMENTAL WORKS (LEW) No. 25 Traffic
Regulation Order 2022**

Lead Director/Officer: Martin Fletcher
City Highways Director

Useful information

- Ward affected: Beaumont Leys
- Report author: Robin Thomas
- Author contact details: 0116 454 3720 Robin.Thomas@Leicester.Gov.uk
- Report version number: 01

1. Purpose of Report

To enable the EDTCE Scrutiny Commission to consider unresolved objections to the **Local Environmental Works (LEW) No.25 Traffic Regulation Order 2022** and give their views to the Director of Planning, Development and Transportation, who will take them into account when reaching a decision on whether to make the provisions of the experimental scheme permanent.

2. Summary

Leicester City Council ('The Council') introduces changes to the parking restrictions on street via a Traffic Regulation Order (TRO) as part of this process the scheme is advertised on the streets and in the local press.

LEW No.25 comprised of several small schemes proposing changes to parking restrictions. The scheme was advertised and 2 outstanding objections to one part of the scheme (Beauville Drive) are still to be resolved.

Buswells Lodge Primary School is located on Beauville Drive which is a residential cul-de-sac. There has been a long-standing issue with all-day commuter parking and parents blocking residents' driveways during school drop off and pick up. H markings have been used as a deterrent to this problem across some driveways.

A temporary traffic regulation order to support Covid 19 social distancing arrangements and address longstanding complaints from residents about inconsiderate all-day commuter and school run parking, was introduced September 2020. The temporary peak time parking restriction measures proved effective at addressing the parking issues in Beauville Drive and the council is proposing to make them permanent.

The proposals for Beauville Drive (see appendix C) are as follows:

To make the temporary single yellow lines (no waiting Monday to Friday 8.00 am to 9.00 am and also Monday to Friday 2.30 – 4.00 pm) permanent. This is designed to discourage all-day commuter parking and parking during the school drop off and pick up peak times on Beauville Drive.

It was also proposed to make the existing 2 School Keep Clear markings enforceable from Monday to Friday 8.00 am to 5.00 pm. This will enable the council's civil enforcement officers to take action against vehicles stopping on the School Keep Clear markings, which will maintain a safer area outside of the school gates without the danger of parked cars.

Officer consideration of these objections is provided in the report and EDTCE member's comments are requested before a final decision is made on whether or not to make the advertised proposals permanent.

3. Recommendations

It is recommended that the members of the EDTCE Commission give their views for the Director of Planning, Development and Transportation to take into account when reaching a decision on whether or not to uphold the objections made against the proposals.

4. Scrutiny / stakeholder engagement

In accordance with the statutory Traffic Regulation Order process, proposals were sent by e-mail to Ward Councillors for Beaumont Leys Ward, and the Chief Officers of Police, Fire and Ambulance Services and other consultees, including the lead member for Highway and Transportation, and the representatives of local bus companies, 5th August 2021 with a 3-week period to receive replies.

The Police replied by e-mail on 5th August 2021 with no objections to the proposals.

Cllr Hemant Rae Bhatia replied on 18th November 2021 to say that he was happy with the proposal to make the School Keep Clear's on Beauville Drive enforceable.

The proposals were advertised in the Leicester Mercury and notices posted on street on 22nd December 2021 with a 3 week period to receive replies.

5. Detailed report

3 objections were received during the public consultation for the LEW 25 TRO.

1 of these was related to Darlington Street/Hudson Close part of the scheme, which was resolved with the objector withdrawing his objection.

The remaining 2 objections were from residents living on Beauville Drive who have objected to the council's proposals for Beauville Drive

Unresolved Objections

Objector 1:

Full copy of this objection is shown in Appendix A

"The scheme appears to be punitive action against residents who are in no way responsible for the problems. This belief is further supported by there being no exemptions mentioned anywhere for said residents.

All-year-round restrictions are unnecessary when one considers the context of the original purpose of the scheme i.e. to prevent irresponsible and dangerous parking of vehicles dropping off pupils at the beginning and picking them up at the end of the school day - which means, **during term time**. When the school is closed such restrictions are neither required nor necessary. This is when most visits can be made to residents' homes by friends and relatives, who might require overnight accommodation. Otherwise, the scheme severely restricts overnight visits of guests to residents' homes."

Objector 2:

Full copy of this objection is shown in Appendix B

“The scheme appears to be punitive action against residents who are in no way responsible for the problems. This belief is further supported by there being no exemptions mentioned anywhere for said residents.

All-year-round restrictions are unnecessary when one considers the context of the original purpose of the scheme i.e. to prevent irresponsible and dangerous parking of vehicles dropping off pupils at the beginning and picking them up at the end of the school day - which means, **during term time**. When the school is closed such restrictions are neither required nor necessary. This is when most visits can be made to residents’ homes by friends and relatives, who might require overnight accommodation. Otherwise, the scheme severely restricts overnight visits of guests to residents’ homes.”

Officer Response to Objections:

The proposals are being introduced in response to on-going difficulties experienced by some residents due to all-day commuter parking and vehicles parking at school pick-up and drop-off times. Road safety concerns outside Buswells Lodge Primary School have also been raised in connection with the parking situation at peak times. with. A temporary peak time parking restriction was introduced during the pandemic which proved effective and the proposals will make this arrangement permanent.

The proposed peak time single yellow line parking restriction and enforceable school keep clear markings will help:

- a. Prevent commuters leaving their vehicles in Beauville Drive all day, as they would need to return to their vehicle to move it when the restrictions are operating.
- b. Prevent parking in Beauville Drive at times when parent are dropping off or picking up children attending Buswells Lodge Primary School. This will also help improve the traffic conditions outside the school.

Unrestricted parking is permitted outside of these times, overnight, during the late morning and afternoon and on Saturdays and Sundays.

The objectors have raised three aspects for consideration:

1) Term Time Only Restriction.

With regard to the use of a term time only restriction, there is no facility in the Traffic Sign Regulations to indicate that restrictions should be enforced just during term time as the dates for this can vary from year to year. As the parking problems being addressed include all-day commuter parking, a term time only restriction would not resolve this aspect.

2) Parking for Tradespeople.

Most properties have off-street parking some with facility for more than one vehicle, which may give an opportunity for tradespeople to park, although admittedly some vehicles may be displaced to surrounding streets, but it is anticipated that this will not be in significant numbers. The temporary traffic order introduced in response to the pandemic has proved effective and evidenced there is minimal impact on residents.

3) Residents Only Permit Parking Instead.

The temporary traffic order introduced in response to the pandemic has proved effective and evidenced there is minimal impact on residents. Whilst there is some danger of residents receiving a PCN under the proposed restrictions, a residents' parking scheme would require residents to pay an annual permit fee for permits.

Other supporting information.

The temporary traffic order has been in place since 1st September 2020 and is still in place now. The original restrictions were no waiting Mon-Fri 8.30 - 9.30 and 14.30 - 15.30. However, the new restrictions will be in line with the existing restrictions used by schools throughout Leicester.

Officers recommend that, following careful consideration of the objections to the temporary restrictions being made permanent and the making of the school keep clear markings enforceable during term time, that these should be overruled and the temporary restrictions should now be made permanent and formally advertised.

6. Financial, legal, equalities, climate emergency and other implications

6.1 Financial implications

The advertising cost to make the Traffic Order permanent along with the cost of signs and lines is estimated to be £2000 to be funded from Local Environmental works.

6.2 Legal implications

Traffic Orders are introduced under the 1984 Road Traffic Regulation Act and the Local Authorities' Traffic Orders (Procedures) (England and Wales) Regulations 1996. All aspects of that legislation will be complied with in the making of the Order. The legislation requires that all objections made and not withdrawn are taken into consideration before an Order is made. All objections received have been taken into consideration in preparation of this report.

6.3 Equalities implications

Under the Equality Act 2010, public authorities have a Public-Sector Equality Duty (PSED) which means that, in carrying out their functions, they have a statutory duty to pay due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity between people who share a protected characteristic and those who don't and to foster good relations between people who share a protected characteristic and those who don't.

Protected Characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

If the order is agreed and formally advertised, need to ensure this is carried out in an open and accessible format.

6.4 Climate Emergency implications

Whilst the climate emergency implications of this specific scheme are likely to be relatively limited, schemes to discourage commuter parking in residential areas may have a positive impact, if this encourages greater use of public transport for commuting purposes.

6.5 Other implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

N/A

7. Background information and other papers:

None.

8. Summary of appendices:

Appendix A – scanned copy of objection 1

Appendix B – scanned copy of objection 2

Appendix C – Plan of proposals