

FALKIRK COUNCIL

**Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR
DISABLED PERSONS) (NO.TRO/DB/13/098) ORDER 2014 –
COLLEGE CRESCENT, FALKIRK**
Meeting: PLANNING COMMITTEE
Date: 19 AUGUST 2015
Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward: Falkirk North

**Local Members: Provost Pat Reid
Councillor Cecil Meiklejohn
Councillor Dr Craig R Martin
Councillor David Alexander**

Council Officer: Russell Steedman – Network Co-ordinator

1. INTRODUCTION

- 1.1 This report seeks a decision on The Falkirk Council (On-Street Parking Space for Disabled Persons)(No TRO/DB/13/098) Order 2014, the purpose of which is to reserve a parking space on College Crescent, Falkirk for disabled persons. In terms of the Council's Scheme of Delegation, this decision requires to be made by Committee as unresolved objections have been received to the making of the Order. In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.
- 1.2 Members should be aware that it is available to them to call for a hearing on the Order should they find themselves unable to determine whether the Order should be made or not at this stage. Such a hearing would be conducted by an independent party appointed by the Council from a list of persons compiled by the Scottish Ministers for that purpose. Members would then need to consider the report and recommendation of the Reporter before making a determination.

2. BACKGROUND

- 2.1 Falkirk Council currently provides on-street parking spaces in residential areas, enforceable by virtue of a traffic regulation order, for people with a disability who are in receipt of a Blue Badge and who meet the criteria as laid down in the Disabled Persons' Parking Place (Scotland) Act 2009 (the 2009 Act).
- 2.2 It should be noted that, although a disabled parking place is marked as a result of an application by an individual, any person who displays a Blue Badge on their vehicle may park in the bay.

- 2.3 On receipt of an application for a disabled bay, the 2009 Act requires Falkirk Council to decide whether it is possible to identify a suitable street parking place from which there is convenient access to the applicant's address. An assessment identified that the applicant's vehicle was generally parked outside, to the rear, of their house. In terms of road safety or traffic congestion, there are no issues which would prevent a disabled bay being provided in this area. There is an existing disabled space marked next to the location of the proposed disabled space.
- 2.4 The applicant for the bay has agreed that the most convenient location for a proposed disabled bay for them is outside their house as indicated on the attached drawing numbered TRO/DB/13/098/003/A.

3. PROPOSAL

- 3.1 Following the necessary checks against the criteria laid down in the 2009 Act, the statutory procedure for promoting a traffic regulation order was initiated. In accordance with the 2009 Act an advisory bay was marked in response to the application prior to the Order being made.
- 3.2 In accordance with Local Authorities Traffic Orders (Procedure) (Scotland) Regulations, 1999, notices of intention were posted on-street and in the local press in the prescribed manner in April 2014.

4. CONSULTATION

- 4.1 Two letters of objection were received, and have not been withdrawn following explanatory correspondence.
- 4.2 The first objection, received 28 March 2014, was based on 3 separate points, these are listed below:
- a) There is an existing space disabled parking space closer to the applicant's home which is no longer used by the original applicant as they are now deceased.
 - b) The vehicle registered to the applicant's address is never used to transport the applicant and the applicant is usually transported by another family member who lives outwith College Crescent.
 - c) The space has been requested to provide a personal parking space for a vehicle which is not used by the applicant.
- 4.3 The second objection, received 08 April 2014, was based on 1 point, as below:
- a) The applicant is not transported in the vehicle which is registered to the address.
- 4.4 Development Services responded to both objectors on 1 May 2014.

- 4.5 The first objector was advised that the provision of disabled person's parking places is determined under criteria laid down in the 2009 Act, and, in this instance the applicant is a qualifying person. It was also stated that the existing disabled space referred to in the objection was not in a convenient location for the applicant and steps would be taken to remove this space. The objector was also notified that misuse of a disabled space is enforced by Police Scotland.
- 4.6 The second objector was advised that the provision of disabled person's parking places is determined under criteria laid down in the 2009 Act, and, in this instance the applicant is a qualifying person.
- 4.7 The objectors were asked to formally withdraw their objections.
- 4.8 The objections have not been withdrawn and hence a Committee decision is required in accordance with paragraph 1.1.
- 4.9 In accordance with the 2009 Act, a "qualifying person" is a person who holds a disabled persons' badge and whose address
- a) if the person is an individual, is the same as the registered address of the registered keeper of a vehicle suitable for the carriage of the individual;
 - b) if the person is an organisation, is the same as the registered address of the registered keeper of a vehicle used by or on behalf of the organisation to carry disabled persons.

The applicant in this instance is a qualifying person.

- 4.10 A vehicle parked in the proposed space would need to display a valid blue badge at any time it is in the space. Additionally, as mentioned in para 2.2 any vehicle can use the space providing a blue badge is on display. A blue badge is issued to a disabled person and is not linked to an individual vehicle.

5. CONCLUSION

- 5.1 The purpose of Falkirk Council's policy is to provide a parking space for a disabled person who meets the requirements of the 2009 Act. The 2009 Act requires local authorities to consider road safety and congestion as part of the application process. The proposed location is considered satisfactory bearing in mind these considerations.
- 5.2 The applicant for whom this Order was promoted meets the current assessment criteria for obtaining a disabled person's parking space in accordance with the 2009 Act.

6. RECOMMENDATION

- 6.1 Members are asked to consider the terms of the report including the objections and determine whether the Order should be made.**

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pp Director of Development Services
Date: 7 August 2015

Contact Officer: Russell Steedman, Network Co-ordinator Tel: Ext 4830

LIST OF BACKGROUND PAPERS

1. The Falkirk Council (On-Street Parking Space for Disabled Persons)(No TRO/DB/13/098) Order 2014
2. Letter of objection and correspondence



65

113

Indicative location for disabled persons' parking space.

117

119

Existing disabled persons' parking space.

Location of unused disabled persons' parking space referred to in objection 1.

TITLE OF ORDER

THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR
DISABLED PERSONS) (NO.TRO/DB/13/098) ORDER 2013



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Development Services (Roads)
Engineering Design
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Director: Rhone Gesler

SCALE

1:250@A4

DRAWN

DS

DATE

23/07/15

CHECKED

DEHG

DATE

23/07/15

APPROVED

RS

DATE

24/07/15

DRAWING NO.

TRO/DB/13/098/003/A