

The background of the slide features the Falkirk Council Coat of Arms. It consists of a shield divided into four quarters. The top-left quarter contains a saltire (X-shaped cross). The top-right quarter contains a stag's head facing left. The bottom-left quarter contains a ship. The bottom-right quarter contains a lion passant guardant. Above the shield is a crown with four fleurs-de-lis. Below the shield is a ribbon with the motto 'A'NE FOR A'.

# **AGENDA ITEM**

**4**

**The Falkirk Council (On-Street  
Parking Space for Disabled  
Persons (No.TRO/DB/16/042)  
Order 2016 – Steps Street,  
Stenhousemuir**

**FALKIRK COUNCIL**

**Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS)(No TRO/DB/16/042) ORDER 2016 – STEPS STREET, STENHOUSEMUIR**  
**Meeting: PLANNING COMMITTEE**  
**Date: 26 October 2016**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**Ward: Carse, Kinnaird and Tryst (Ward 4)**

**Local Members: Councillor Stephen Bird**  
**Councillor Steven Carleschi**  
**Councillor Charles MacDonald**  
**Councillor Craig Martin**

**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/16/042) Order 2016, the purpose of which is to reserve a parking space on Steps Street, Stenhousemuir for disabled persons. In terms of the Council's Scheme of Delegation, this decision requires to be made by Committee as an unresolved objection has 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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 legally 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 their house on Steps Street. In terms of road safety or traffic congestion, there are no issues which would prevent a disabled bay being provided in this area of carriageway. Steps Street, whilst of narrow road geometry, is passable with care. There are several other disabled bays currently marked in Steps Street.
- 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 on Steps Street as indicated on the attached drawing numbered TRO/DB/16/042.

### **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 on 21 July 2016.

### **4. CONSULTATION**

- 4.1 One email of objection was received on 25 July 2016. The unattributed content of the objection and Development Services' response of 3 August 2016 is attached in Appendix A
- 4.2 The objector was asked to withdraw their objection, if minded to do so, to allow the Order to progress.
- 4.3 The objection has not been withdrawn.

## **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 objection and determine whether the Order should be made.**

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**Director of Development Services**  
**Date: 17 October 2016**

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

### **LIST OF BACKGROUND PAPERS**

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973:

1. The Falkirk Council (On-Street Parking Space for Disabled Persons)(No TRO/DB/16/042) Order 2016
2. Letter of objection and correspondence



Indicative location of  
disabled persons'  
parking place



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STEPS STREET

**TITLE OF ORDER**

**THE FALKIRK COUNCIL (ON-STREET PARKING PLACE FOR  
DISABLED PERSONS) (TRO/DB/16/042) ORDER 2016**



**Falkirk Council**  
Development Services (Roads)  
Engineering Design  
Abbotsford House, David's Loan  
Falkirk FK2 7YZ  
Tel: 01324 504950 Fax: 01324 504850  
Director: Rhona Geisler

SCALE

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DRAWN

JA

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DATE

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DATE

21/06/2016

DRAWING NO.

**TRO/DB/16/042**

## **APPENDIX A**

### **OBJECTION (UNATTRIBUTED) AND DEVELOPMENT SERVICES RESPONSE**

## OBJECTIONS (UNATTRIBUTED) AND DEVELOPMENT SERVICES RESPONSE

<p>Objection 1</p>	<p>I would like to raise objection to the proposed disabled parking bay being reinstated in Steps Street.</p> <p>My understanding is that to qualify for said facility the recipient must have difficulty in walking this is not the case, the applicant can walk the full length of the street without use of a walking aid and can carry shopping he is also able to play golf on a regular basis and can walk to the doctors surgery over 300 yards away.</p> <p>This would appear to be an abuse of the parking facility and as parking in Steps Street is limited it is unfair for the others living in the street to have this restriction imposed on them.</p> <p>The other issue is that the applicant can easily be dropped off at their house as they don't drive there is no need for them to have designated spaces.</p>
<p>Development Services Response</p>	<p>In 2009 the Scottish Government introduced the Disabled Persons' Parking Places (Scotland) Act which makes provisions for someone to apply for an on-street disabled parking space. The Act defines a qualifying person as follows</p> <p><i>"A 'qualifying person' is a person who holds a disabled persons' badge and whose address –</i></p> <p><i>(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..."</i></p> <p>The applicant for the above noted disabled persons' parking place satisfy the requirements of the Disabled Persons' Parking Places (Scotland) Act 2009 in so much as they hold a valid disabled persons' blue badge, and thus are considered to be a qualifying person in terms of the Act.</p> <p>Transport Scotland, on behalf of the Scottish Government prepared 'A guide on applying for a Blue Badge for people in Scotland'. This document can be found on the internet by navigating to <a href="https://www.mygov.scot/get-blue-badge/">https://www.mygov.scot/get-blue-badge/</a> and selecting the 'Can I get a blue badge?' link. Pages 2-8 of this document detail who may be considered an 'eligible person' in terms of the blue badge scheme. It is evident from the attached document that there are various forms of eligibility for a blue badge which are not exclusively physical mobility related.</p> <p>In order to allow the legal process of creating a traffic regulation order to continue and the traffic regulation order to be made, either any objection made to the proposed order must be withdrawn or,</p>

Development Services Response (Continued)	<p>failing that, a report placed before committee for elected members to consider the objection and determine the outcome.</p> <p>With the above information in mind, should you be minded to do so, I would respectfully ask that you withdraw your objection to the traffic regulation order by completing and returning the attached form in the reply paid envelope.</p>
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