



Agenda Item 4

**THE FALKIRK COUNCIL (ON-STREET
PARKING SPACE FOR DISABLED
PERSONS)(REVOCATION NO. 656)
ORDER 20__ - HAIG STREET,
GRANGEMOUTH**

FALKIRK COUNCIL

**Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR
DISABLED PERSONS)(REVOCATION NO. 656) ORDER 20__ -
HAIG STREET, GRANGEMOUTH**

Meeting: PLANNING COMMITTEE

Date: 23 January 2019

Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward: Grangemouth (Ward 2)

**Local Members: Councillor David Balfour
Councillor Allyson Black
Councillor Robert Spears**

Community Council: Grangemouth (incl. Skinflats)

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)(Revocation No. 656) Order 20__, the purpose of which is to remove the disabled persons parking space outside 56 Haig Street, Grangemouth. 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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 reporter appointed by the Council from a list of persons compiled by the Scottish Ministers for that purpose. Members would then need to consider their report and recommendation 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). When the space is no longer required, a revocation traffic regulation

order is required to remove the space ensuring other road users can utilise the area for parking.

- 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. The 2009 act requires that a qualifying person residing at the location with a vehicle registered to the address is in use of the space.

- 2.3 The disabled bay was remarked as part of the Councils Decriminalised Parking Enforcement preparatory works. Development Services were subsequently contacted by residents to advise that the bay was not required and generally sat empty or with non-blue badge displaying vehicles parked within. Surveys confirmed the bay was not being used in accordance with the Blue Badge scheme and the Disabled Persons' Parking Places Scotland Act 2009.

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 to revoke the space was initiated.
- 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 27 June 2019.

4. CONSULTATION

- 4.1 One objection was received dated 27 June 2019. The anonymised content of the objections and Development Services' responses is attached in Appendix A
- 4.2 The objection has not been withdrawn.

5. CONCLUSION

- 5.1 The objector has not made an application for a disabled persons parking place following the response to the objection enclosing an application form.
- 5.2 This Order was promoted to meet the requirements of the 2009 Act in removing the disabled persons parking space when it is no longer required as defined in aforementioned 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: 13 January 2020

Contact Officer: Russell Steedman, Network Co-ordinator Tel: 504830
Email: russell.steedman@falkirk.gov.uk

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)(Revocation No. 656) Order 20__
2. Letters of objection and correspondence

APPENDIX A

OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSES

OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSE

<p>Objection (received 27 June 2019)</p>	<p>I notice that a formal notice to remove the disabled parking space outside the other half of my building was put up on Tuesday this week.</p> <p>Please can you arrange for it to be moved to outside the other half of the building 50/52 as I and my husband have sever mobility problems and rely on our daughter to ferry us about should we need to go out. Although my daughter does not live with us for ages and mobility mean we could need assistance at any time of the day or night. Given the increasing number of cars parked in the street it is becoming more difficult to find a parking space if needed. Although my upstairs neighbour (also a blue badge holder) uses the drive to park his car at times this can be a very difficult operation due to the volume of parked cars on the street.</p> <p>I hope you can either retain the current space or move it as described.</p>
<p>Development Services Response of 26 September 2019</p>	<p>I refer to your objection of 27 June 2019 to the above Traffic Regulation Order.</p> <p>I can advise that information was received that the disabled space was not being used by a blue badge holder. The location was surveyed and the space when viewed was vacant on a number of occasions. As a result, the draft revocation order was promoted to remove the space from the road and return it to general parking availability. I note that you wish a space to be located at 50/52 Haig Street for your use. Consequently, I have enclosed an application form for a disabled parking place, which, you may wish to complete and return. Please note that one of the criteria is that a vehicle requires to be registered and kept at your address.</p> <p>In view of the above, I would respectfully ask that you withdraw your objection if you are minded to do so. Should you wish to withdraw your objection you can do so by writing to adteam3.ds@falkirk.gov.uk, quoting TRO\19\022.</p> <p>In order for Local Authorities to implement traffic regulation orders they must follow a statutory procedure laid down in the "The Local Authorities" Traffic Orders (Procedure)(Scotland) Regulations 1999 as amended. Before making a traffic regulation order the local authority must consider all objections made and not withdrawn.</p> <p>I would advise that should you decide not to withdraw your objection a report will be placed before the Planning Committee requesting this matter to be determined. Any report will note your comments.</p>