

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 shows a castle tower, the top-right shows a stag's head, the bottom-left shows a ship, and the bottom-right shows a lion. The shield is topped with a crown and a banner at the bottom with the motto 'A'NE FOR A'.

Agenda Item 13

**THE FALKIRK COUNCIL (ON-STREET
PARKING SPACE FOR DISABLED
PERSONS)(REVOCATION NO. 684)
ORDER 20__ - WESTERTON ROAD,
GRANGEMOUTH**

FALKIRK COUNCIL

Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS)(REVOCATION NO. 684) ORDER 20__ - WESTERTON ROAD, GRANGEMOUTH

Meeting: PLANNING COMMITTEE

Date: 20 May 2020

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. 684) Order 20__, the purpose of which is to remove the two disabled persons parking spaces outside 51 & 53 Westerton Road, Grangemouth. 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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 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 contacted by residents to advise that the bay was not required and generally sat empty or with non-blue badge displaying vehicles parked within. A survey was carried out during November 2019. The location of the spaces was surveyed on fourteen occasions. On all occasions, there was no vehicle displaying a blue badge parked in the spaces. No visit to the site highlighted any vehicle displaying a blue badge. Therefore, it was determined that a qualifying person was not using the bays in accordance with the Blue Badge scheme and the Disabled Persons' Parking Places Scotland Act 2009.
- 2.4 After an objection was received on 18 December 2019 a further survey was carried out. Again the site was visited on six occasions. The result of the second survey was to confirm that the two disabled persons' parking places were not being used in accordance with the 2009 Act and reinforced the first survey of November 2019. The individual that objected claimed to use the disabled persons' parking places but the surveys did not support this claim. The objector lives approximately 40 metres from the bays.

3. PROPOSAL

- 3.1 Following the necessary checks and completion of the survey in November 2019 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 28 November 2019.

4. CONSULTATION

- 4.1 One objection was received dated 18 December 2019 and not withdrawn, anonymised content of the objection and Development Services' response is attached in Appendix A

5. CONCLUSION

- 5.1 This Order was promoted to meet the requirements of the 2009 Act in removing the two disabled persons parking spaces when they are 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 May 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. 684) 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 18 December 2019)</p>	<p>Good Afternoon</p> <p>I would like to formally object to the removal of the disabled parking bays in westerton road. They are used daily by blue badge holders.</p> <p>I use the parking bay as my daughter is a blue badge holder as well as the elderly woman that lives beside the parking bay.</p> <p>I reported that they were being used by people without blue badges which was making it very difficult for the authorised blue badge holders users to gain access. I sent evidence of this in the hope that the Council could stop the unauthorised use.</p>
<p>Development Services Response (15 January 2020)</p>	<p>I refer to your objection of 18 December 2019, to the above draft traffic regulation order and would advise as follows.</p> <p>The disabled spaces within Westerton Road were surveyed prior to starting the process of promoting a traffic regulation order that would allow them to be removed. I can confirm that there were no vehicles displaying a blue badge in either bay during the survey.</p> <p>In 2009 the Scottish Government introduced the Disabled Persons' Parking Places (Scotland) Act which regulates applications for on-street disabled parking places. The Act requires the Local Authority to provide a disabled persons' parking place in a convenient location, on receipt of an application from a qualifying person.</p> <p>The Disabled Persons' Parking Places (Scotland) Act 2009 requires a Local Authority to assess applications for disabled persons' parking places against defined criteria. The criteria include:</p> <ul style="list-style-type: none"> • Applicant must have a valid disabled persons' blue badge. • There must be a vehicle registered to and kept at the applicant's address. • Generally, there should not be access to alternative means of off-street parking, in the form of a driveway, garage/lock-up or parking court. <p>Please provide details of the Vehicle Registration Documents (Form V5) or other details that there is a vehicle registered to and kept at your address. This would confirm compliance with the criteria set out above. Upon receipt of this information the revocation order for the disabled spaces will be re-considered and you will be advised accordingly. Alternatively, in view of the above, you may wish to withdraw your objection you can do so in writing by emailing adteam3.ds@falkirk.gov.uk.</p>

	<p>In order for Local Authorities to implement traffic regulation orders they must follow a statutory procedure laid down in '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 Council's Planning Committee requesting this matter to be determined. Any report will note your objections.</p>