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**CIVIL PARKING ENFORCEMENT  
CONSIDERATION OF OBJECTIONS TO TRAFFIC REGULATION ORDERS**

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**Responsible Cabinet Member – Councillor David Lyonette, Transport Portfolio**

**Responsible Director – Cliff Brown, Director of Community Services**

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**SUMMARY REPORT**

**Purpose of the Report**

1. For Members to consider objections received to the proposed Traffic Regulation Orders (TROs) arising from the consolidation of all orders for the Civil Parking Enforcement (CPE) project.

**Summary**

2. At present the responsibility for parking enforcement is divided between the Council and the Police. It is recognised that split responsibility is not an efficient or effective way to enforce parking regulations. Civil Parking Enforcement will unify the vast majority of enforcement and enable the Council to enforce most parking restrictions.
3. As part of the Civil Parking Enforcement project it has been necessary to undertake a comprehensive review and consolidation of TROs. These orders enable the Council and the Police to enforce various waiting restrictions including those in off street car parks, resident parking, on street parking and loading.
4. This process has resulted in the production of five new TROs that cover all restrictions in the Borough. The consolidation will ensure that enforcement officers are working to consistent rules and conditions that are clearly defined in the new orders.
5. The Director of Community Services, in consultation with the Cabinet Member with the Portfolio for Transport, exercised delegated powers to enable officers to proceed with the advertising of the consolidated TROs.
6. The TROs were advertised in The Northern Echo on the 25 June 2010 and any objections were to be returned to the Borough Solicitor by the 16 July 2010. There have been 16 objections received. These are summarised at **Appendix 1** accompanied by an officer response and recommendation.

## **Recommendations**

7. It is recommended that Members:
  - (a) Set aside the objections received, but incorporate amendments to proposals in Hewitson Road, Kingsway, Grange Road East Back, Fulthorpe Avenue, Northgate, Edinburgh Drive, School Aycliffe Lane and Ridgeway.
  - (b) Inform the objectors of the Cabinet decision and make the amended proposals.

## **Reasons**

8. The recommendations are supported by the following reasons:
  - (a) Deliver effective traffic management and enforce local transport policies to assist in the Council's strategy to manage congestion.
  - (b) Improve Road Safety by ensuring effective parking regulations are in place to deter dangerous or obstructive parking.
  - (c) Improve the Local Environment by enforcing anti-social parking behaviour that is detrimental to the environment that the community enjoy.
  - (d) Improve the quality and accessibility of public transport by ensuring movement along bus routes and unobstructed access to bus stop locations.
  - (e) Manage and reconcile the competing demands for road space of road users by ensuring the infrastructure and facilities in place are managed to ensure access and ease of use.

**Cliff Brown**  
**Director of Community Services**

## **Background Papers**

- (i) Civil Parking Enforcement report to Cabinet 6 January 2009
- (ii) Civil Parking Enforcement report to Cabinet 2 June 2009

Andy Casey : Extension 2746  
cc

S17 Crime and Disorder	This report has no implications for crime and disorder.
Health and Well Being	There are no issues relating to health and wellbeing that the report needs to address.
Sustainability	There are no issues relating to sustainability.
Diversity	There are no diversity issues.
Wards Affected	All
Groups Affected	All
Budget and Policy Framework	The report does not recommend any changes to the Council's policy framework.
Key Decision	Yes
Urgent Decision	Yes – there is a timetable for the Implementation of CPE. A call-in would disrupt the timetable.
One Darlington: Perfectly Placed	This report covers one element of the process of introducing CPE which makes a positive contribution towards the objectives of One Darlington Perfectly Placed.
Efficiency	The consolidation of Traffic Regulations makes the management and enforcement of the regulations more efficient and consistent.

## MAIN REPORT

### Information and Analysis

9. At its meeting of 6 January 2009 and 2 June 2009 Cabinet was presented with proposals for the Civil Parking Enforcement (CPE) project. At present the responsibility for parking enforcement is divided between the Council and the Police. It is recognised that split responsibility is not an efficient or effective way to enforce parking regulations. CPE will unify the vast majority of enforcement and enable the Council to demonstrate it is fulfilling its network management duty under the Traffic Management Act and provide additional benefits to the community.
10. Most regulations on the highway are introduced by processing a Traffic Regulation Order (TRO). These orders impose conditions or rules on the use of specified sections of road. Over the last century a significant number of separate TROs have been produced as Darlington has developed, that potentially have different conditions and exemptions.
11. A review of the TROs within the Borough is one essential element of the project to ensure that enforcement is consistent. The review has resulted in a consolidation of all of the existing orders into five new proposed orders, which cover:
  - (a) Prohibition and Restriction of Waiting and Loading - this order includes all clearways and waiting restrictions.
  - (b) Residents' Parking - this order includes all of the Council's residents' parking schemes.
  - (c) Off street parking places - this order includes all Council pay and display, pay on exit and business permit car parks.
  - (d) On street parking places - this order includes all disabled parking places, loading bays, on street pay and display parking places and limited waiting areas.
  - (e) Moving traffic - this order includes all bus lanes, one way streets, no entries, prohibited turning movements, prohibitions on vehicle movement/access, speed limits, weight limits and width restrictions.
12. As part of this consolidation process physical checks have been undertaken to ensure the markings and signs on the ground are consistent with the legal orders. Work packages have been issued and are being undertaken to ensure consistency.
13. The vast majority of the restrictions covered by these new orders simply contain the existing regulations that have been in operation for a number of years. However, there are some modifications and revocations proposed within the new orders where circumstances have changed. Individual consultations have been undertaken with frontages at these locations to offer them the opportunity to comment or object.
14. The Director of Community Services, in consultation with the Cabinet Member with the Portfolio for Transport, exercised delegated powers to enable officers to proceed with the advertising of the consolidated TROs.

15. The TROs were advertised in The Northern Echo on the 25 June 2010 and any objections were to be returned to the Borough Solicitor by the 16 July 2010. The proposals have also been advertised on the home page of the Council's website during this advertising period. There have been 16 objections received.

### **Outcome of Consultation**

16. The advertisement period for the TROs produced a number of formal objections to the scheme. **Appendix 1** summarises each objection received together with an officer response.
17. The Cabinet report of 6 January 2009 amended the scheme of delegation to allow any objections that are received as part of the TRO process to be considered by a Cabinet Sub-Committee consisting of three members of Cabinet.
18. Members are requested to consider the objections and authorise officers to make the amendments outlined in **Appendix 1**.

## SUMMARY OF OBJECTIONS AND OFFICER RESPONSES

	Objection/Comment	From	Officer response
1	Objection to the length of the proposed waiting restriction in Hewitson Road. There is no reason to have double yellow lines in the cul-de-sac end of Hewitson Road. Resident and visitors, tradesmen and delivery drivers need to park along the side of the objector's house.	Resident of Yarm Road	<p>There have been double yellow lines on both sides since 1971. It is now proposed to lengthen the lines by 3 metres on the east side to protect an advisory cycle lane that leads to the toucan crossing in Yarm Road and to reduce the lines by 4 metres on the west side to provide more parking for residents. It is customary to have double yellow lines around the end of a cul-de-sac to provide a turning area. The complainant does have off street parking for more than one car.</p> <p>Parking in an advisory cycle lane is not illegal if there are no yellow lines. Officers recommend that the proposed lines be reduced to provide space for one car adjacent to her house that will still protect 10 metres of the advisory cycle lane.</p> <p><b>Officers recommend that the objection be set aside but modifications be made to the proposal.</b></p>
2	Objection to the introduction of double yellow lines around the junction of Neasham Road/Falmer Road that will kill the business. Customers need to park outside.	Commercial premises in Neasham Road	<p>The waiting restrictions are proposed to improve visibility for traffic entering Neasham Road and aid road safety. All junctions along Neasham Road have the same proposal. There is still unrestricted parking on Neasham Road and in Falmer Road adjacent to the business for staff and customers to use. They are in keeping with section 243 of the Highway Code which advises drivers to not park within 10m. of a junction. The proposed restrictions will reinforce this advice.</p> <p><b>Officers recommend that the objection be set aside.</b></p>
3	Objection to the operational times of the proposed school entrance markings at the western end of Thompson Street West Back and a request to have the operational time extended to 8pm instead of 4pm to prevent parent parking when events held at the school.	Residents of Longfield Road	<p>All the school entrance markings in the Borough are operational 8am to 4pm Monday to Friday so that there is no parking on school frontages at times when it is likely there will be many children in the vicinity. This scenario does not apply at hours outside the normal school day.</p> <p><b>Officers recommend that the objection be set aside.</b></p>

	<b>Objection/Comment</b>	<b>From</b>	<b>Officer response</b>
4	Objection to a proposed no loading at any time zone in Wooler Street that will prevent delivery of supplies to the business and to the introduction of a 2 hour limit from 8am to 6pm on the unlimited parking area in Wooler Street that will affect their customers and prevent staff from parking during their shifts of up to 12 hours. They have female managers working long shifts by themselves until late at night and there is no other suitable parking within a safe walking distance of the cinema. Request for some dispensation for these vulnerable staff.	Odeon cinema	<p>The proposed waiting restrictions do not include a prohibition on loading. The proposal is for 24 hour waiting restrictions and loading/unloading is permitted on double yellow lines. There will be double yellow lines on the south side of Wooler Street as now and the ones on the north side will be extended by 10 metres providing more opportunity for delivery vehicles serving Northgate properties. It is proposed to change the unrestricted parking area into 2 hour limited waiting as that was promised to local traders when the bus lane was introduced in Northgate and customer parking was removed from Northgate. This will provide for a greater turnover of parking and avoid cars being parked all day.</p> <p>The restrictions finish at 6pm when the area reverts to unrestricted parking so the proposal will not affect customers going to the cinema on an evening and cinema staff will have an opportunity to bring their cars to this location after 6pm.</p> <p><b>Officers recommend that the objection be set aside.</b></p>
5	Objection to the proposed waiting restrictions around the bend at the eastern side of Kingsway that will remove parking for residents who have no alternative parking. The parking areas are always full	Resident of Kingsway	<p>The waiting restrictions are proposed as there is parking by both residents and parents of St Bede's Primary around the bend that constitutes a road safety hazard. The bend at the western side of Kingsway has had waiting restrictions since 1993 but at that time people did not tend to park around the other bend. The proposal has removed five parking spaces from a hazardous location. There is still room for two cars adjacent to the objector's property. Consideration can be given to increasing this parking to three spaces by reducing the length of the proposed restriction.</p> <p><b>Officers recommend that the objection be set aside but modifications be made to the proposal.</b></p>

	<b>Objection/Comment</b>	<b>From</b>	<b>Officer response</b>
6	Objection to the proposed waiting restrictions in Newton Lane that will lose parking for customers of adjacent businesses lose a drop off area for parents of Cockerton Primary who will have further to walk with children	2 commercial premises in Newton Lane	<p>This area is currently marked with a school entrance marking so parents should have avoided parking on this frontage. However this marking should not be used on the side of a road opposite the school entrance unless certain conditions apply and therefore is not lawful. The markings had been introduced to prevent parents' parked cars from both obstructing the accesses and ensure general traffic has an uninterrupted view of the school crossing patrol to the east. The majority of the frontage of both these businesses has a wide dropped kerb for access. Double yellow lines are therefore an appropriate restriction to prevent obstruction of these access points by parked cars. There is other parking available in the area. Road safety could be compromised if the restrictions are not in place.</p> <p><b>Officers recommend that the objection be set aside.</b></p>
7	Objection to double yellow lines in Grange Road East Back at rear of resident's property which prevents him from parking	Resident of Grange Road	<p>The rear of this property is at the cul-de-sac end of the lane but there is an access to private property off the end of the back street. Removing a section of double yellow on the west side of the back street will enable the resident to park adjacent to his house and will not obstruct access to the private property.</p> <p><b>Officers recommend that the objection be set aside but modifications be made to the proposal.</b></p>
8	Objection to the proposed removal of double yellow lines from the east side of Fulthorpe Avenue. Removing the yellow lines will remove residents' privacy, cause difficulty for buses and delivery vehicles, create a hazard for residents reversing off their drives, increase congestion, drives likely to be blocked by inconsiderate parking, increase risk of accidents, compromise road safety, cause pedestrians to cross road between parked cars and could cause obstruction to the dropped crossing.	2 residents of Fulthorpe Avenue	<p>The yellow lines were introduced on both sides of the road in 1977 when parking associated with the shops on the opposite side caused obstruction to bus operation and parking was an environmental nuisance to residents. The shops now have their own car park and on-street parking congestion has eased. The advertised orders included the restrictions but a separate consultation was undertaken locally to examine whether residents felt they were still necessary. Residents clearly want the restriction to remain and we therefore accede to their wishes.</p> <p><b>Officers recommend that the objection be set aside and the order be made as advertised. This means the restriction will remain and not be removed.</b></p>



	<b>Objection/Comment</b>	<b>From</b>	<b>Officer response</b>
1	Objection to the proposals for Northumberland Street that will prevent a trader from unloading/restocking outside his business. Request for an arrangement for the trader to park outside his premise	Commercial property in Northumberland Street	There are single yellow and double yellow lines and two hour Pay & Display parking in the vicinity of this premise where unloading can be carried out. There are no trader permits that can be issued that allow unlimited parking. <b>Officers recommend that the objection be set aside.</b>
10	Request to change the single yellow line 8am – 6pm waiting restriction in Northumberland Street to a loading bay as this area is heavily used for loading/unloading at the commercial premise.	Commercial property in Northumberland Street	Loading/unloading is permitted on a single yellow line. The only advantage to having a loading bay would be to prevent blue badge parking. A loading bay would not permit the commercial property to park their vans for an indefinite time as it is only permitted to stop long enough to load/unload. Consideration could be given to the introduction of a loading bay following the introduction of CPE but an amendment to the traffic order cannot be made now as further consultation would be required. <b>Officers recommend that the objection be set aside.</b>
11	Objection to the proposed waiting restriction in Faverdale North and a request to remove parking from roads within the industrial estate that cause obstruction and visibility problems	Commercial premise in Faverdale North	The current proposal is for a short section of double yellow lines to legalise the lines that this trader has painted on the highway when painting them within their private area. The trader has been informed that we will undertake a full survey of the industrial estate after implementation of CPE with a view to controlling the parking so as to prevent obstruction and visibility problems. This objection is not to the current proposal for the short section of double yellow lines but to the fact that the restrictions are not extensive enough. <b>Officers recommend that the objection be set aside.</b>
12	Objection to the proposed waiting and loading restrictions in Northgate that prevents a hearse parking outside the church door.	Northgate United Reformed Church	To enable a hearse to enter the bus lane and park within the no waiting and no loading area a special exemption can be made in the traffic order. <b>Officers recommend that the objection be set aside but modifications be made to the proposal.</b>

	<b>Objection/Comment</b>	<b>From</b>	<b>Officer response</b>
13	<p>Objection to the proposed 2 hour limited waiting in Wooler Street that will remove nearby unlimited parking opportunity for those attending funerals. Request that the</p> <p>1 hour limited waiting in Chesnut Street, Beck Road and Oxford Road be lengthened to 2 hours and consideration be given to permitting short term parking in Garden Street car park to assist those attending classes held in the church.</p>	Northgate United Reformed Church	<p>If the parking in Wooler Street remains unrestricted there will be no guarantee that people attending the church will be able to get a parking space as it is likely to be used by commuters from early morning. The proposed 2 hour parking will provide a turn over giving more opportunity for customers of all commercial premises in the area.</p> <p>Consideration can be given to making all the limited waiting sections in the vicinity 2 hours but further consultation would be required with all businesses. Changes to car park operation can be reviewed following introduction of CPE if Garden Street still remains largely underused.</p> <p><b>Officers recommend that the objection be set aside.</b></p>
14	<p>Objection to the proposed school entrance markings on the east side of Edinburgh Drive as they do not comply with regulations.</p>	Durham Constabulary	<p>These school entrance markings have been in situ for many years and re-introducing unlimited parking would be detrimental to the safety of children.</p> <p>Officers recommend changing this proposal to no waiting and no loading Monday-Friday 8am-4pm without exemptions which will have the same effect as a school entrance marking.</p> <p><b>Officers recommend that the objection be set aside but modifications be made to the proposal.</b></p>
15	<p>Objection to the weight limit in School Aycliffe Lane as it refers to any vehicle rather than any heavy commercial vehicle therefore there is no exemption for a bus.</p>	Durham Constabulary	<p>Officers recommend an amendment to the order to use the definition 'heavy commercial vehicle' that will give an exemption to buses and comply with the authorised signage.</p> <p><b>Officers recommend that the objection be set aside but modifications be made to the proposal.</b></p>
16	<p>Objection to the length of double lines in Ridgeway that reduce available parking for residents.</p>	Resident of Ridgeway	<p>These restrictions have been in situ since 1981 to improve visibility and turning movements at the junction. The double lines are across the frontage of one of the four houses in this location. There is now a build-out on the west side of the junction with Longfield Road and the double yellow lines on the west side of Ridgeway can be reduced in length to permit parking on the frontage of all four houses without any compromise to road safety.</p> <p><b>Officers recommend that the objection be set aside but modifications be made to the proposal.</b></p>