

Single Member Cabinet Decision

**Executive
Forward Plan
Reference**

E2865

Bath Western Riverside TRO 2016

Decision maker/s	Cllr Anthony Clarke
The Issue	Traffic Regulation Order (VARIOUS ROADS, SOUTH WEST, OUTER AREA, BATH) (PROHIBITION AND RESTRICTION OF PARKING AND LOADING) (NO STOPPING ON SCHOOL ENTRANCE MARKINGS) (AUTHORISED AND DESIGNATED PARKING PLACES) (VARIATION NO. 3) ORDER 201- Consideration of responses to public consultations
Decision Date	11 th April 2017
The decision	The Cabinet Member AGREES that the proposals be implemented, modified or withdrawn as below: 1.1 Restrictions as detailed on plan E10. Roads affected: Midland Road and Stothert Avenue Restriction: 3 Hour Limited Waiting bays, Mon – Sat, 8am – 8pm, No Return Within 2 Hours and Disabled Parking Bays. Recommendation: That the proposals are modified as the Council received 11 objections to the implementation of these restrictions and only 1 response in support. It is therefore recommended that the proposed 3 Hour Limited Waiting bays are implemented but with a shorter time limit of 2 hours no return within 1 hour with a reduced operating time of Mon – Sat, 8am – 6pm to align with other restrictions in the area. The Disabled Parking bays are implemented as proposed.
Rationale for decision	The proposals were developed as the result of the concerns of the Traffic & Safety, Parking, Traffic Management Team and Ward Councillors at the request of Crest Nicholson developers. A total of 12 responses were received during the public consultation. Consideration was given to the responses received and a decision made on the way forward. Common law has established that a highway is a defined route over which "the public at large" can pass and repass as frequently as they wish, without hindrance and without charge. Consequently any parking on the highway is an obstruction of that right of passage. There are no rights to park on the highway but parking is condoned where the right of passage along the highway is not impeded. The consideration of objections to the introduction of controls has to be considered in this context. This TRO is being proposed as it is the duty of every local authority to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities as set out in section 122 Road Traffic Regulation Act 1984 (RTRA). The proposals are designed to address operational traffic and parking capacity issues and it is for this reason that the decision was made to approve in part the proposals.

Issues considered	<i>Social Inclusion; Customer Focus; Sustainability; Equality (age, race, disability, religion/belief, gender, sexual orientation); Health & Safety; Other Legal Considerations</i>
Other options considered	<p>To implement all restrictions as advertised This option was rejected based on the public feedback and objections to the proposals as advertised.</p> <p>Not to implement any of the schemes This option was rejected as the proposals recommended for implementation improve the parking and traffic flow on the specified roads.</p>
Signatures of Decision Makers	
Date of Signature	
This decision is subject to Call-in for 5 working days following the day of publication	