

## Record of Decision of the Head of Highways and Engineering for;

**Brierfield Close Area, Barnsley**  
**Proposed 'No loading/unloading and waiting at any time' restrictions**

**Subject**

Following a request by the Old Town Ward Alliance Members to prevent obstructive parking in the Brierfield Close Area, a site visit was undertaken to assess the situation. It was apparent that inconsiderate parking was creating obstructions around the junctions and impeding the free flow of traffic. In order to address the concerns of the residents and ward members, it is proposed to introduce waiting and loading restrictions at the junctions to prevent obstructions and ensure the free flow of traffic at the locations listed below:

- I. Brierfield Close junction with Clumber Street – 'No waiting at any time'
- II. Brierfield Close junction with Bingley Street – 'No loading/unloading and no waiting at any time'
- III. Brierfield Close junction with Wellbeck Street – 'No loading/unloading and no waiting at any time'

**Authority**

*Part 3 Paragraph 21(b) Delegations to Officers: After consultation with Local Members and the relevant Parish Council, to arrange for the publication of Traffic Regulation Orders requiring the enforcement of traffic control measures and, subject to no objections being received, to make the Orders and implement the restrictions.*

**Decision Taken**

The proposals to be advertised and any objections to be the subject of a report to Cabinet. If there are no objections, the Head of Highways and Engineering and the Executive Director of Core Services and Solicitor to the Council be authorised to make and implement the Order.

**Financial Consultation**  
**/ Consideration:**

PP Signature - on behalf of the Service  
 Director (S151) Officer:



Date: 31/7/19

**Date of Decision:**

PP Signature (Network Manager):



Date: 18/7/19

**Date Approved:**

Signature ( Head of Highways &  
 Engineering):



Date: 18/7/19

## **Barnsley Metropolitan Borough Council**

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

Report of the Executive Director, Place

### **Brierfield Close Area, Barnsley Proposed 'No loading/unloading and waiting at any time' restrictions**

#### **1. Purpose of Report**

- 1.1 The purpose of this report is to seek approval to advertise and implement a Traffic Regulation Order (TRO) to introduce 'No loading/unloading' and 'No waiting at any time' restrictions in the Brierfield Close Area, as described in this report and shown on the plan at Appendix 1.

#### **2. Recommendation**

It is recommended that:

- 2.1 The Executive Director, Core Services and Solicitor to the Council be authorised to publish the proposed waiting and loading restrictions on sections of Bingley Street, Brierfield Close, Clumber Street and Wellbeck Street as described in this report and shown on the plan at Appendix 1;
- 2.2 Any objections be subject of a further report to Cabinet;
- 2.3 If there are no objections, the Head of Highways and Engineering and the Executive Director of Core Services and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order.

#### **3. Introduction**

- 3.1 Following a request by the Old Town Ward Members to prevent obstructive parking in the Brierfield Close Area, a site visit was undertaken to assess the situation. It was apparent that inconsiderate obstructive parking was creating obstruction and visibility issues on Bingley Street, Brierfield Close, Clumber Street and Wellbeck Street, impeding the free flow of traffic.

#### **4. Proposal and Justification**

- 4.1 In order to address the concerns of the residents and ward members, it is proposed to introduce waiting and loading restrictions at the junctions listed below to prevent obstruction and visibility issues and to ensure the free flow of traffic at the locations listed below:
- I. Brierfield Close junction with Clumber Street – 'No waiting at any time'.
  - II. Brierfield Close junction with Bingley Street – 'No loading/unloading' and 'No waiting at any time'.
  - III. Brierfield Close junction with Wellbeck Street – 'No loading/unloading' and 'No waiting at any time'

## **5. Consideration of Alternative Proposals**

- 5.1** The only alternative proposal to prevent footway parking would be bollards. However, the existing footways are too narrow to make this option feasible.

## **6. Impact on Local People**

- 6.1** The proposed restrictions will prevent obstructive parking and improve the free flow of vehicles. The restrictions will also benefit footway users as they will prevent half on/half off vehicular parking adjacent to the new restriction.

## **7. Financial Implications**

- 7.1** The costs of advertising and implementing the proposed restrictions is estimated to cost up to £6,000.00 and is being funded by Old Town Ward Alliance.

## **8. Legal Implications**

- 8.1** The Road Traffic Regulation Act 1984 provides the appropriate powers for the Council to make the proposed TRO.
- 8.2** In determining the extents of the proposed restrictions, the Council has had due regard to the duty imposed on it to exercise the functions conferred on it by the Road Traffic Regulation Act 1984 so as to secure the expeditious convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway (section 122 Road Traffic Regulation Act 1984) and is satisfied the traffic restrictions proposed will achieve those objectives

## **9. Consultations**

The Central Ward Members and emergency services have been consulted and no adverse comments have been received.

## **10. Risk Management Issues**

<b>Risk</b>	<b>Mitigation/Outcome</b>	<b>Assessment</b>
<b>1. Challenge to the proposals because they infringe the Human Rights Act</b>	It is not considered the proposals have any interference with convention rights. Any potential interference has to be balanced with the duty of the Council to provide a safe highway for people to use. The Executive Director of Core Services and Solicitor to the Council has developed a sequential test to consider the effects of the Human Rights Act which are followed.	Low

<b>2. Legal challenge to the decision to make the TRO.</b>	The procedure to be followed in the making of TRO's is prescribed by legislation which provides an opportunity to object to proposals which must be reported for consideration by Cabinet and there is an opportunity to challenge an order once it is made by way of application to the High Court on the grounds that the order is not within the statutory powers or that the prescribed procedures have not been correctly followed. Given that the procedures are set down and the Council follows the prescribed procedures the risk is minimal.	Low
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## **11. Compatibility with European Convention on Human Rights**

- 11.1** It is not considered the proposals have any potential interference with convention rights.

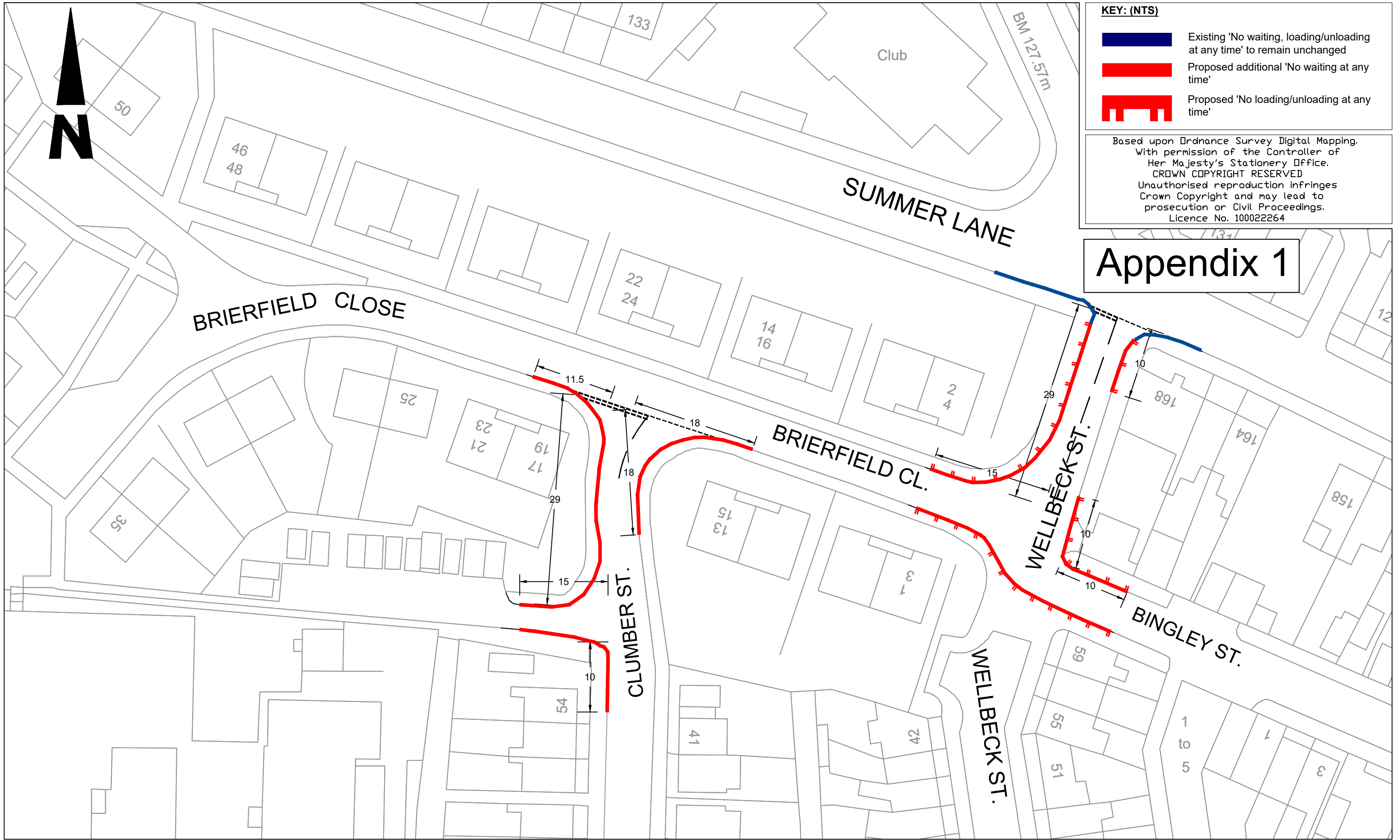
## **12. List of Appendices**

- Appendix 1 – Plan showing the proposals.

## **13. Background Papers**

- 13.1** Project file - 3919

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