

BARNSELY 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
TO CABINET ON 16 JUNE 2021**

Waltham Street and King Street, Barnsley Proposed 'No 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 prohibit waiting at any time on sections of Waltham Street and King Street as described in this report and shown on the plan at Appendix 1.

2. RECOMMENDATIONS

- 2.1 **The Legal Services Director and Solicitor to the Council be authorised to publish the proposed waiting restrictions on sections of Honeywell Lane, Carrington Avenue and Raley Drive 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; and**
- 2.3 **If there are no objections, the Head of Highways and Engineering and the Legal Services Director and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order.**

3. INTRODUCTION

- 3.1 Parking currently takes place on both sides of Waltham Street, which narrows the carriageway down to such an extent that large vehicles (such as fire engines, ambulances, service vehicles, delivery vehicles and refuse vehicles) have difficulty accessing the residential and commercial properties and the King Street flats.

4. PROPOSAL AND JUSTIFICATION

- 4.1 To introduce a "Prohibition of waiting at any time" along sections of Waltham Street and King Street;
- 4.2 The restrictions are needed to prevent parking which narrows the width of the carriageway and obstructs access for larger vehicles. Also, ensure the free flow of traffic and maintain visibility and sightlines at the junctions of Waltham Street/King Street and Waltham Street/Doncaster Road.

5. CONSIDERATION OF ALTERNATIVE APPROACHES

- 5.1 As Waltham Street and King Street are cul-de-sacs, there are no feasible alternative proposals other than the proposed prohibition of waiting at any time.

6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

- 6.1 There will be a loss of some availability of on-street parking. However, a significant number of dwellings have private off-street parking and there is already some private parking available;
- 6.2 The southern side of Waltham Street is unaffected by the proposals, so there will still be areas for on-street parking.

7. FINANCIAL IMPLICATIONS

- 7.1 The costs of advertising and implementing the proposed restrictions is estimated at £3,000.00 and is being funded by Berneslai Homes.

8. EMPLOYEE IMPLICATIONS

- 8.1 Internal resources only will be used on this scheme.

9. LEGAL IMPLICATIONS

- 9.1 The Road Traffic Regulation Act 1984 provides the appropriate powers for the Council to make the proposed TRO;
- 9.2 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.

10. CUSTOMER AND DIGITAL IMPLICATIONS

- 10.1 There are no customer and digital implications.

11. COMMUNICATIONS IMPLICATIONS

- 11.1 The scheme has been advertised publicly via the local newspaper and notices being erected at or near the site.

12. CONSULTATIONS

- 12.1 The local Ward members, Area Manager and the emergency services have been consulted and no adverse comments have been received.

13. EQUALITY IMPACT

13.1 Not applicable – not relevant to the TRO process.

14. RISK MANAGEMENT ISSUES

14.1

Risk	Mitigation/Outcome	Assessment
1. Challenge to the proposals because they infringe the Human Rights Act	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
2. Legal challenge to the decision to make the TRO.	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

15. COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

15.1 It is not considered the proposals have any potential interference with convention rights.

16. LIST OF APPENDICES

Appendix A: Drawing of proposals.

17. BACKGROUND PAPERS

Scheme Design - technical drawing of site;

Schedule - itemised list of roads lining;

Internal Consultation - with Local ward members, Area manager, Emergency Services and South Yorkshire Passenger Service Executive;

Statement of Reasons - formal statement of why the proposals are necessary;

TRO & Delegated Powers Report (RDP); formal signing-off of scheme by Finance,

Network Principle Engineer and Head of Highways and Engineering;
(Objection Report – details of any scheme objections received during public consultation and Highway’s response – agree or disagree and reasons why.

If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made.

Report author: Darren Storr, Traffic Engineer. Highways.

Financial Implications/Consultation



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*(To be signed by senior Financial Services officer
where no financial implications)*