

**CABINET MEMBER FOR TRANSPORT, STREET SCENE & FLOODING –  
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**PARKING SERVICES**

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**OFF-STREET PARKING TRAFFIC REGULATION ORDERS FOR WILTSHIRE**

**Purpose of Report**

1. To:
  - (i) Consider comments and objections to the advertised proposals for amendments to the Traffic Regulation Orders (TROs) for an additional hour free parking for Blue Badge holders.
  - (ii) Recommend the making of the Order.

**Relevance to the Council's Business Plan**

2. The off-street parking TRO will deliver:  
Priority: Protecting the Vulnerable
  - Provide access to key services and facilities for special needs groups and mobility impaired (e.g., by providing appropriate Blue Badge spaces).

**Background**

3. The Council provides Blue Badges to members of the public who have disabilities requiring additional support to access facilities.
4. The provision allows any holder of a Blue Badge to display it in the vehicle they are travelling in to allow additional parking concessions such as the ability to park in Blue Badge holder bays and to park on Double Yellow Lines for up to three hours when not causing an obstruction.
5. The scheme supports freedom and fairness and is targeted at people entitled to a Blue Badge who need the most help to travel. There are many millions of Badges on issue. The number has increased considerably over the years and expanded by legislation to include more groups and demand is forecasted to increase further as the population ages.
6. Users of the service will come from groups who are permitted to apply for Badges under the statutory provisions.
7. On the 1 September 2022 the Council introduced charges for Blue Badge holders parking in 'off street' car parks.

8. When the charges were introduced, the Council committed to continue to review the arrangements and the impact those charges had on the Blue Badge holders.
9. Feedback from various stakeholder meetings was that an additional concession for off-street car parks should be considered, with a proposal of an additional hour free following the purchase of a Pay and Display ticket.
10. Whilst the Council's position is that the current arrangements considered the access requirements to facilities to Blue Badge holders, it recognised that certain Blue Badge holders would benefit from additional parking stay time due to mobility challenges.
11. Public consultation took place between 30 March 2023 and 1 May 2023, hosted on the Wiltshire Council Consultation Portal. 38 responses were received.

### **Main considerations for the Council**

#### **Consultation Comments:**

12. The overall summary for the comments received is as follows:

<b>Comment</b>	<b>Number</b>
Objection to charges for Blue Badge holders	34
Supports the proposal	4
Concerns to pay by cash	3

#### **Response to Consultation Comments:**

13. Consideration needs to be given to all comments received and a decision made on the way forward. The theme of responses was similar and therefore we have summarised in the table below:

<b>Comment</b>	<b>Number</b>	<b>Officer response</b>
Objection to charges for Blue Badge holders	34	Charges for Blue Badge holders was consulted on in 2022 and implemented in September 2022. The comments received fall outside the scope of this consultation.
Supports the proposal	4	Supportive of the proposal
Concerns to pay by cash	3	Wiltshire Council is investing in upgrading its current parking payment machines to ensure they accept both cash and card payments. We also offer a facility to pay by mobile phone, APP or text which offers greater flexibility to Blue Badge holders.

### **Safeguarding implications**

14. There are no direct safeguarding implications as a result of the proposal put forward in this report.

### **Public health implications**

15. There are no direct public health implications as a result of the proposal put forward in this report.

### **Equalities impact of the proposals**

16. None identified – An EIA was completed for the overall charges for Blue Badge holders in 2022. This was reviewed and remains unchanged.

### **Environmental and Climate Change Considerations**

17. None.

### **Risks that may arise if the proposed decision and related work is not taken**

18. Blue Badge holders continuing to seek further concessions.

### **Financial implications**

19. Financial impact will be monitored, and any impact recorded in the reporting process.

### **Legal implications**

20. Any significant changes to the terms and conditions applicable to car parks will require the processing of a TRO under the Road Traffic Regulation Act 1984 ('the 1984 Act') and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. In deciding whether or not to make a TRO and exercising any of their powers under the 1984 Act, the Council also has a duty to (having regard to the matters specified in s.122 (2)) 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. The matters referred to in s.122 (2) are; the desirability of securing and maintaining reasonable access to premises; the effect on the amenities of any locality affected; the importance of regulating and restricting the use of roads by heavy commercial vehicles; the national air quality strategy; facilitating the passage of public service vehicles including the safety and convenience of persons using public service vehicles and any other matters the Council considers to be relevant. Failure to adhere to any of the statutory processes could potentially result in the proposed changes being successfully challenged in the High Court.
21. The making of a TRO includes a statutory public consultation process over a period of 21 days to permit responses including any objections to be made. Any objections must then be considered before an Order is made. The Order may be modified before it is made, in light of any objections or representations that have been received.
22. For these purposes, a significant change would include:
  - (i) Imposing a charge where one did not previously exist.
  - (ii) Introducing free parking areas into a charging car park.
  - (iii) Introducing a free parking period
23. Failure to adhere to the statutory processes could potentially result in:
  - (i) The proposal being successfully challenged in the High Court resulting in loss of reputation for the Council.

- (ii) Delay arising from the Council being unable to implement the proposal on the anticipated implementation date.

### **Options Considered**

- 24. To
  - (i) Implement the TROs as advertised.
  - (ii) Not implement the TROs
  - (iii) Implement the TROs with amendments.

### **Reason for proposal**

- 25. To implement an additional hour of free parking for Blue Badge holders when a parking stay is purchased.

### **Proposal**

- 26. The following Traffic regulation Orders be implemented as advertised.
  - 1. **THE COUNTY OF WILTSHIRE (NORTHERN WILTSHIRE) (OFF-STREET PARKING PLACES) ORDER 2022 (AMENDMENT NO.1) ORDER 2023**
  - 2. **THE COUNTY OF WILTSHIRE (EASTERN WILTSHIRE) (OFF-STREET PARKING PLACES) ORDER 2022 (AMENDMENT NO.1) ORDER 2023**
  - 3. **THE COUNTY OF WILTSHIRE (SOUTHERN WILTSHIRE) (OFF-STREET PARKING PLACES) ORDER 2022 (AMENDMENT NO.1) ORDER 2023**
  - 4. **THE COUNTY OF WILTSHIRE (WESTERN WILTSHIRE) (OFF-STREET PARKING PLACES) ORDER 2022 (AMENDMENT NO.1) ORDER 2023**

The following unpublished documents have been relied on in the preparation of this report.

None