

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Executive Director
(Neighbourhoods & Environment)

to

**Traffic Regulations Working Party
and Cabinet Committee**

on

2nd November 2020

Report prepared by: Sharon Harrington,
Head of Traffic Management & Highways Network

Traffic Regulation Order (Waiting Restriction) in The Maze

**Cabinet Member: Councillor Woodley
Part 1 Public Agenda Item**

1. Purpose of Report

- 1.1 For the Traffic Regulations Working Party and the Cabinet Committee to agree to the implementation of a Traffic Regulation Order in The Maze in accordance with Statutory process following 1 objection has been received.

2. Recommendation

That the Traffic Regulations Working Party approve the implementation of the no waiting restriction referred to in Appendix 1 in The Maze and recommend the Cabinet Committee to agree to implement the waiting restriction referred to in Appendix 1 despite the objection received.

3. Background

- 3.1 The Cabinet Committee periodically agrees to advertise proposals to implement waiting restrictions in various areas as a result of requests from Councillors and members of the public based upon an assessment against the Council's current policies.
- 3.2 All requests are assessed and investigated against the policy criterion agreed criteria by the Cabinet Committee in November 2018.
- 3.3 Following approval by The Traffic Regulation Working Party on the 6th November 2014 a no waiting restriction was advertised and an objection was received from a resident regarding land ownership adjacent to no 4 The Maze. The resident contended that this location was not public highway. As a result the waiting restriction was implemented in The Maze but the small section adjacent to No 4 was omitted from the scheme. There followed Court proceedings which resulted in the residents claim of ownership of the small

section of The Maze was dismissed. The councils Legal Department have been consulted and have commented as follows:-

The eastern extent of the highway in the Maze has been based on ownership records at the Land Registry, which include the interpretation of the Court Order dated 8th July 2015. The Court Order has been through legal challenge and is therefore considered accurate and reliable. Any further challenge to the Court Order would need to go through the Courts and should not be considered by the Council unless and until the Court Order is amended.

There does not appear to be a basis for a small part of the adopted highway to be treated differently from the rest of it. Should a decision be made to not extend the lines, such a decision must clearly explain any reasons for treating this piece of the highway differently from the remainder of the Maze. This was also confirmed in counsel's advice.

As a result of the order of the court the waiting restriction was advertised as appears in Appendix 1. 9 letters were received in support of the additional waiting restriction being implemented. 1 objection was received.

- 3.4 The objection from the resident states "Would it be possible for you to send me your reasons for the proposed extension of double-yellow lines adjacent to our driveway at 4 The Maze and in front of 6, The Maze. This land is in private ownership. In his letter of 6th December 2018 Mr Warren stated that the Council has updated its historical records. Please can you send me details of these records.

Please can you take this email as acknowledgement that I should like to speak at the planning meeting when it is arranged.

When I hear back from you and am able to check my records against yours I shall send you all my information. Please advise the name of the person to whom it should be sent."

- 3.5 The objection is based on the waiting restriction being implemented on private land, which is not publicly maintainable highway. The court order dated the 8th July 2015 sets out the extent of the land that is privately owned and we have plotted the extent of highway against this. Our records of the highway in the Maze are therefore accurate at present, but will be reviewed in the event the court order is successfully challenged.

4. Reasons for Recommendations

- 4.1 The proposal aims to reduce parking to maximise traffic flow and access to residential properties. by discouraging parking.

5. Corporate Implications

5.1 Contribution to the Southend 2050 Road Map

- 5.1.1 Ensure the highway network is effectively managed while maintaining safety and reduction of traffic flow. This is consistent with the Council's Vision and Corporate Priorities of Safe, Prosperous and Healthy.

5.2 **Financial Implications**

5.2.1 Where recommended, the source of funding will be from allocated budgets, where funding is provided from alternative budgets, this is highlighted as appropriate.

5.3 **Legal Implications**

5.3.1 The formal statutory consultative process for Traffic Regulation Orders has been followed.

5.4 **People Implications**

5.4.1 Works required to implement the agreed scheme will be undertaken by existing staff resources.

5.5 **Property Implications**

5.5.1 None

5.6 **Consultation**

5.6.1 Formal consultation has been undertaken including advertisement of the proposal in the local press and on street as appropriate.

5.7 **Equalities and Diversity Implications**

5.7.1 Any implications have been taken into account in designing the scheme.

5.8 **Risk Assessment**

5.8.1 The proposals are designed to improve highway safety and traffic flow and as such, is likely to have a positive impact.

5.9 **Value for Money**

5.9.1 All works resulting from the scheme design are to be undertaken by term contractors appointed through a competitive tendering process providing value for money.

5.10 **Community Safety Implications**

5.10.1 The proposals in **Appendix 1**, if implemented, is likely to lead to improved community safety.

5.11 **Environmental Impact**

5.11.1 There is no significant environmental impact as a result of introducing this Traffic Regulation Order.

6. Background papers

None

7. Appendices

Appendix 1 – Notice of Advertisement

THE SOUTHEND-ON-SEA BOROUGH COUNCIL (VARIOUS ROADS) (STOPPING, WAITING, LOADING AND UNLOADING PROHIBITIONS AND RESTRICTIONS, PARKING PLACES AND PERMIT PARKING ZONES) (CONSOLIDATION) ORDER 2016 (AMENDMENT NO. 5) ORDER 2020

Road Traffic Regulation Act 1984

NOTICE IS HEREBY GIVEN that Southend-on-Sea Borough Council proposes to make the above Order under Sections 1, 2, 4, and 124 (and part IV of Schedule 9) of the Road Traffic Regulation Act 1984 as amended by the Road Traffic Act 1991 and of all other enabling powers and after consultation with the Chief Officer of Police in accordance to Part III of Schedule 9 to the act of 1984 as amended by Part 6 of the Traffic Management Act 2004 the effect of which will amend the above-mentioned Consolidation Order by the adding of the items listed below and the updating of Map Tile Schedule **J9**

SCHEDULES

To introduce No Waiting at Any Time

File No.	Road	Side of Road	Proposed Description
313	The Maze	Both	from the end of the existing no waiting at any time order in the turning head adjacent to Nos.2,4,6 and 8 The Maze eastwards for approx. 2.3 metres extending round the end section.

Copies of the Draft Order, Plans and Statement of the Council's Reasons for proposing to make the Order may be viewed online at:

<https://www.southend.gov.uk/transport-policies-traffic-regulation-orders/traffic-regulation-orders-consultations/2> or <http://www.southendtraffweb.co.uk/consult/main.html>

Comments on the proposals for or against, together with the reasons for which they are made should be sent in writing or via the southendtraffweb website to reach the **Executive Director (Neighbourhoods & Environment)** and marked for the attention of the **Traffic Management & Road Safety Team at the address below by no later than 15th September 2020.**

All written representations received concerning Traffic Regulation Orders are public documents that may be inspected by any person on demand

A Griffin
Chief Executive & Town Clerk

Civic Centre, Victoria Avenue,
Southend-on-Sea, Essex. SS2 6ER

Date 25th August 2020