

22nd March 2022

Agenda Item No. Urgent Item

Objection to Changes to Vehicular Access, High Street Pedestrian Zone, Kirkcaldy

Report by: Ken Gourlay, Head of Assets, Transportation & Environment

Wards Affected: Ward 11 – Kirkcaldy Central

Purpose

The purpose of this report is to allow the Kirkcaldy Area Committee to consider an objection to proposals for changes to the times vehicles are prohibited from entering the Kirkcaldy High Street Pedestrian Zone.

Recommendation(s)

It is recommended that Committee:

1. agrees to uphold the objection to the Traffic Regulation Order (TRO) amendment; and
2. agrees to introduce an Experimental Traffic Regulation Order (ETRO) for a minimum of 6 months allowing a change to the times vehicles can access the High Street pedestrian zone and to permit Fife Council Demand Responsive Transport vehicles to enter the pedestrian zone out with the closure times as shown in drawing nos. TRO21/45/PZ and TRO/21/45/OPR (Appendix 1), with all ancillary procedures; and
3. requires officers to provide a future report to this Committee providing further recommendations towards the conclusion of the ETRO period.

Resource Implications

The cost of implementing the Experimental Traffic Regulation Order will be met by Approved Service Budgets.

Legal & Risk Implications

There are no known legal or risk implications.

Impact Assessment

An EqIA will be carried out as part of the Experimental Traffic Regulation Order consultation process.

Consultation

The local ward councillors, Parking Management team and Police Scotland have been advised.

Formal consultation required by the Roads Traffic Regulation Act 1984 for the TRO process was carried out through the posting of legal notices in a local newspaper and on the affected length of roads. In addition, details of the proposed TRO were made available on www.fife.gov.uk.

1.0 Background

- 1.1 The motion “Car Parking & Placemaking Review”, which was agreed by this Committee on 24 August 2021 [Minute 2021.KAC.121&122 item 278 refers] requested the Temporary Traffic Regulation Order (TTRO) restrictions for the pedestrian zone be made permanent. On 25th January 2022, Committee agreed to the promotion of a TRO to make permanent the access times for exempted vehicles in the pedestrian zone in High Street, Kirkcaldy and to permit Fife Demand Responsive Transport vehicles to enter the pedestrian zone out with the closure times. [Minute 2022.KAC.128 item 293 refers.]
- 1.2 Formal consultation was carried out with legal notices being published on 25th February with a closing date for objections of 18th March 2022. During this time 1 formal objection was received.

2.0 Issues and Options

- 2.1 Full redacted correspondence with the objector is available as a background paper. A summary of the objection and response is provided below.

Objector comments (paragraphs 2.2 – 2.6)

- 2.2 The proposal severely impacts disabled access on Monday, Wednesday, Friday, and Saturday as 11 am is too early for disabled people who have carers as they find it difficult to get to the area by this time.
- 2.3 No provision for disabled people to park their cars in the Kirkcaldy town centre near the shops and recommend that there is sufficient disabled car parking in the town centre.
- 2.4 The proposals discriminate against disabled individuals. It places a curfew on the disabled, the elderly, the sick and those that are pregnant.

- 2.5 The Shopmobility service is not available 24/7.
- 2.6 The online notice for the restrictions was not available in a format allowing for electronic text reading software to be used.

Service Response (paragraphs 2.7 – 2.10)

- 2.7 The proposed restrictions match the current restrictions in the High Street that were introduced during the Covid-19 pandemic on 05/10/20. A TTRO can be introduced relatively quickly and with no consultation or invitation to comment in advance of implementation or while the temporary restrictions are in place. This TTRO was implemented to allow more on-street seating areas and space for the safe movement of people due to the pandemic restrictions.
- 2.8 To fully address issues raised in the objection concerning access for disabled individuals, an Experimental Traffic Regulation Order (ETRO) is recommended to be introduced that matches the TTRO restrictions currently in operation. This will provide an opportunity to fully assess the impacts that any amended restriction may have on disabled individuals' access and provide a structured process to engage with all stakeholders and road users, including disabled individuals. This will allow traffic restrictions to be either affirmed or further developed to ensure the objectives of improving the pedestrian space is balanced with providing a suitable amount of access for exempted vehicles.
- 2.9 The current TTRO timings allow for blue badge holders to access and park in the High Street at appropriate locations all day on Tuesday, Thursday, and Sunday. Blue badge holders can also access the High Street on other days at any time after 5 pm until 11 am. These restrictions have now been in place since 5th October 2020.
- 2.10 An ETRO can be provided relatively quickly, and it is recommended that it runs for a minimum of 6 months. During this time any impacts on disabled individuals or their carers can be properly assessed, with a view to providing resolutions. Towards the end of the ETRO a future report will be provided to this Committee providing recommendations on how to proceed. Potential courses of action at the end of the ETRO process include:
- Reversion to the original restrictions, pre-Covid;
 - Applying the current temporary restrictions permanently; or
 - Applying permanent restrictions based upon the temporary restrictions but modified to take account of specific stakeholder concerns.

3.0 Conclusions

- 3.1 It is recommended that Committee uphold the objection and agree to promote an ETRO for a minimum of 6 months to allow for any impacts to be assessed and receive comments on the restrictions.

List of Appendices

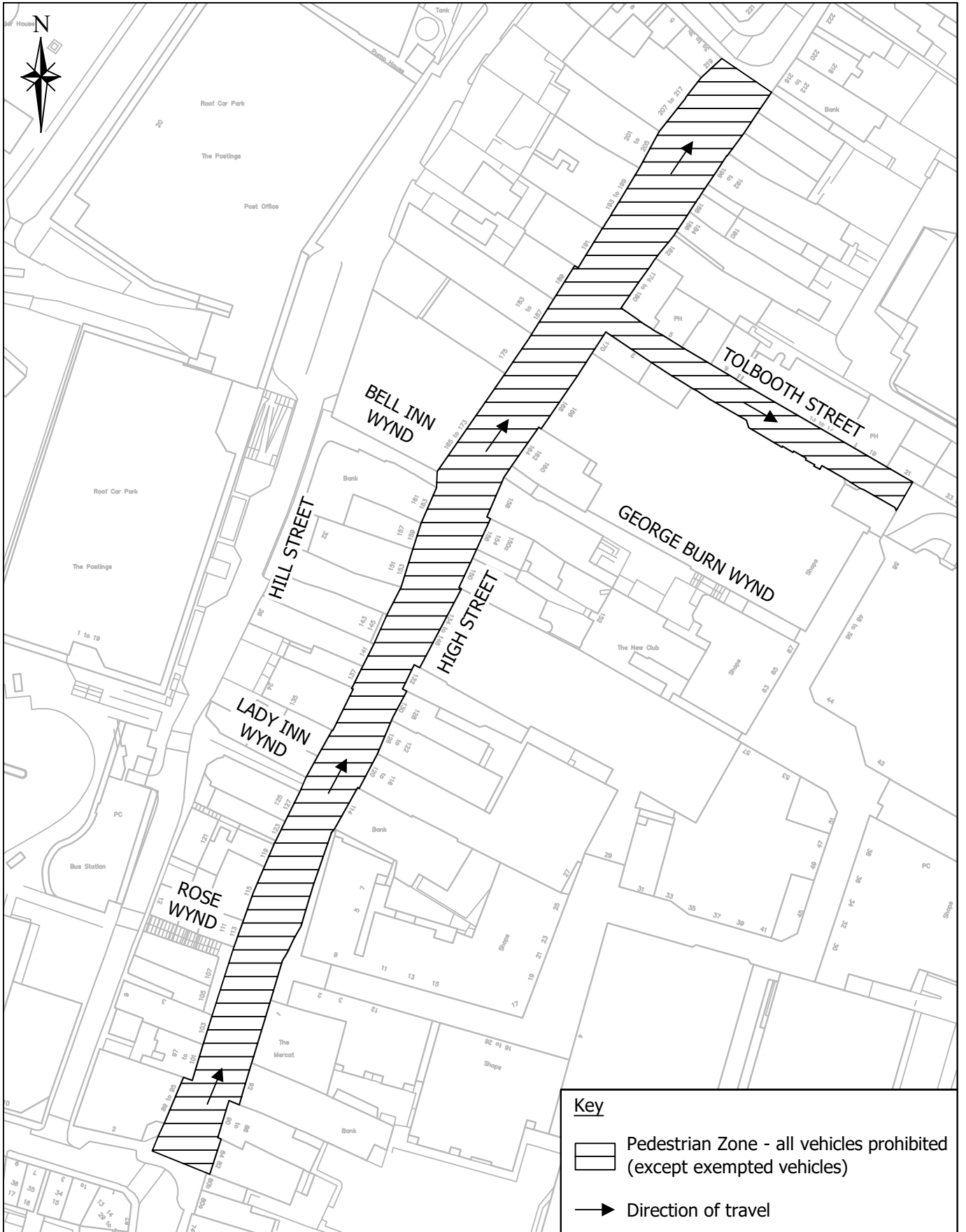
Appendix 1, Drawing no's TRO/21/45/PZ and TRO/21/45/OPR

Background Papers



Redacted correspondence with Objector

Report Contact

Keith Johnston
Technician Engineer, Traffic Management (South Fife)
Roads and Transportation Services
Bankhead Central
03451 55 55 55 Ext No 442935
keith.johnston@fife.gov.uk



Key

-  Pedestrian Zone - all vehicles prohibited (except exempted vehicles)
-  Direction of travel

Reproduced by permission of Ordnance Survey on behalf of HMSO © Crown copyright and database right 2021. All rights reserved. Ordnance Survey Licence number 100023385.

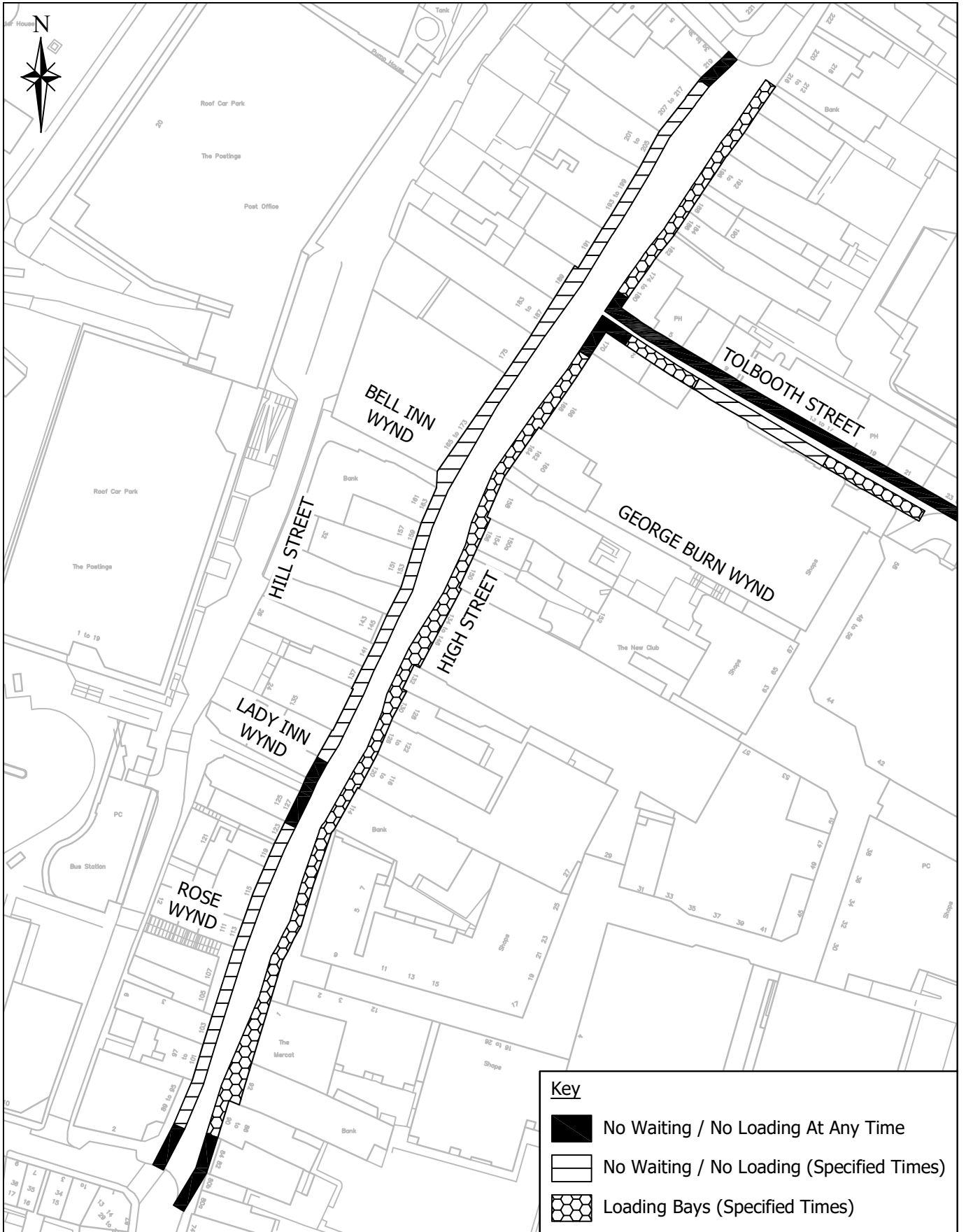


**ASSETS,
TRANSPORTATION
and ENVIRONMENT**

REV.	AMENDMENTS	BY	APP'D	DATE




DESIGNED	KJ	DRAWN	KJ	CHECKED	PC	APPROVED	PC	DATE
								SEPTEMBER 2021

**Pedestrian Zone
High Street / Tolbooth Street, Kirkcaldy**



Reproduced by permission of Ordnance Survey on behalf of HMSO © Crown copyright and database right 2021. All rights reserved. Ordnance Survey Licence number 100023385.

Key

-  No Waiting / No Loading At Any Time
-  No Waiting / No Loading (Specified Times)
-  Loading Bays (Specified Times)

REV.	AMENDMENTS	BY	APP'V'D	DATE					
DESIGNED	KJ	DRAWN	KJ	CHECKED	PC	APPROVED	PC	DATE	SEPTEMBER 2021
HEAD OF ASSETS, TRANSPORTATION and ENVIRONMENT - KEN GOURLAY									



**ASSETS,
TRANSPORTATION
and ENVIRONMENT**

**Pedestrian Zone - On-street Parking Restrictions
High Street / Tolbooth Street, Kirkcaldy**

SCALE NTS DRAWING No. TRO/21/45/OSR REV. _

Objector email 1

From: [REDACTED]

Sent: 10 March 2022 15:07

To: Traffic Management <Traffic.Management@fife.gov.uk>

Cc: [REDACTED]

Subject: THE FIFE COUNCIL (High Street, Kirkcaldy, Pedestrianised Zone) A(Amendment) Order 2022

Hi

I have spotted the above notice on the Fife Council Web Centre. Firstly, I wish to complain about the notice, as under UK law, the notice needs to be electronically readable, For some reason my laptop cannot this text. That is the text appears not to be in text format, as it seems to exist image format, which as you know is not readable by screen readers for the partially sighted.

This is a new notice and not an old one, therefore according to the September 2020 regulations, that applies all Councils, this notice must be in text digital format for everyone to be able to read. If you need any help with this please contact your web team, they will be able to explain how to export a pdf with digital text.

It is sad that Fife Council has chosen to discriminate against he disabled in this way by not allowing members of the public to have the information (text) in digital format.

I am also making you aware that we are about to object to what is proposed as it appears there are no blue badge spaces on this stretch of the road and additionally, the new regulations severely impacts on disabled access on Monday, Wednesday, Friday and Saturday, Providing slots from 9 am to 11 am is of little use as most disabled people have carers and it is difficult to get into Kirkcaldy town Centre for 11 am. It is better than nothing, but I would suggest that you should take into account the needs of the disabled as they have to wait for carers.

I may have misread or mis-understood what you have done.

Therefore, I look forward to some clarifications prior to the my final submission.

Thanking you for your help in advance.

Best wishes

[REDACTED]

[REDACTED]

Chair, Disabilities Fife

[REDACTED]

Service Response 1

On 14 Mar 2022, at 09:18, Keith Johnston <Keith.Johnston@fife.gov.uk> wrote:

Morning [REDACTED],

Thank you for your email below and hopefully I can provide some clarification for you to consider on whether you wish to submit a formal objection or not.

Firstly, I apologise if the Fife Council Web Centre did not direct you to the correct location for our online notice. Our notices for proposed and temporary orders are on www.fife.gov.uk/notices. Specifically here is the link to this particular proposal: [o.pdf \(fife.gov.uk\)](#) The objection period for this restriction will expire on the 18th March 2022 and the link will no longer be available after that date. For your convenience I have attached a copy of the online notice. The notice was also in the Fife Free Press on 25th February 2022 and is also displayed on site at appropriate locations. This therefore fulfils all our statutory obligations concerning advertising and notice of the proposed Traffic Regulation Order.

The proposed restrictions match the current restrictions in the High Street that were introduced during the Covid-19 pandemic on 05/10/20. This Temporary Traffic Regulation Order was implemented to allow more on-street seating areas and set up of these due to the pandemic restrictions. The new timings have been in place now for almost 18 months and we have received no complaints regarding these times from High Street users, businesses or blue badge holders. These timings are well supported by the elected Councillors for this area and it was the Kirkcaldy Area Committee that specifically requested these temporary restrictions be made permanent.

The proposed timings allow for blue badge holders to access and park in the High Street at appropriate locations all day on Tuesday, Thursday and Sunday. They can also access the High Street any time after 5 pm until 11 am. A balance has been achieved to allow the pedestrian zone to operate successfully while still allowing a suitable amount of access for exempted vehicles. Additionally, this proposed change has provided opportunity to write into the legal Order an exemption for the Fife Bus which many disabled individuals use (this formalises an arrangement between Fife Bus and the Police).

You will also be aware that the Shopmobility service operates in Kirkcaldy that disabled individuals can make use of. [Kirkcaldy - 01592 803772 \(shopmobilityfife.uk\)](http://Kirkcaldy - 01592 803772 (shopmobilityfife.uk))

On the map provided in the notice, although there are no specific blue badge holder bays shown, blue badge holders can park on the areas designated "No Waiting / No Loading (Specified Times)" [horizontal hatched areas]. They can park on these generous sections during the exempted vehicles timings.

I hope the above provides clarity.

Additionally there is a consultation currently underway relating to the High Street (from Tolbooth Street to Kirk Wynd). I will send you information on that consultation in a separate email as it would be most welcome to receive feedback from the Disabilities Fife group.

Regards

Keith Johnston
Technician Engineer – Traffic Management (South)
Fife Council

Objector email 2

From: [REDACTED]

Sent: 14 March 2022 10:10

To: Keith Johnston <Keith.Johnston@fife.gov.uk>

Cc: [REDACTED]

Subject: Re: THE FIFE COUNCIL (High Street, Kirkcaldy, Pedestrianised Zone) A(Amendment) Order 2022

Thanks Keith

In a spirit of being helpful I have copied in [REDACTED] from your web team.

Especially for your email. You have gone into a lot of detail and you have been very helpful. That is appreciated.

Just to clarify the position on the electronic document.

Firstly I eventually found the notice on your website. Therefore, the current system has fulfilled its function.

Now, I apologise in advance for this bit as it relates to the law in Scotland. It is quite clear, since September 2020 for websites there are a set of regulations that relate to accessibility which Councils should meet. If I can't read the pdf that you have provided in clear text, not as an image Fife Council is in breach of the regulations. By having the regulation display with no electronic text is a clear breach.

The issue I have is that at the moment I can't prove what you have is not in electronic text. If it that was the case there is a breach and I could raise a case in the Sheriff Court in Dunfermline to remedy the situation.

At this stage I could be completely wrong about there being no electronic text. Therefore, what I am asking you to do is check with the Web Team to find out what the case is. That is there is the text in your document electronic text that may be read by some text reading software that can read a pdf. The answer should be a simple Yes or No.

The reason I am keen for you to check is that people with impaired vision might need to read it, but if there is no electronic text their screen reader will not be able to read it too (assuming it has pdf reading capabilities and that is a different issue I am not looking at here).

I am trying to be helpful and I am not trying to be difficult.

I look forward to working with you and...

Thanks again for all your input and...

Best wishes

[REDACTED]

[REDACTED]

chair@dfscot.com

Customer and Online Services Response

From: [REDACTED]

Sent: 16 March 2022 15:25

To: [REDACTED]

Cc: [REDACTED]; Keith Johnston <Keith.Johnston@fife.gov.uk>

Subject: FW: THE FIFE COUNCIL (High Street, Kirkcaldy, Pedestrianised Zone) A(Amendment) Order 2022

Good afternoon [REDACTED],

Thank you for bringing this to our attention. We've investigated and it seems to be that when the PDF X-Change Viewer is used to make the PDF file, the file is not accessible to screen reading software. We have highlighted this with our Technician Engineers for all future Traffic Regulation Order documents.

We have asked that the Traffic Management Team now work to check their existing documents of this type on the site, and to rectify any issues found. Here is the link to a revised version of the proposal you were looking for: [Kirkcaldy Pedestrianised Zone](#).

For information we have recently started using a product called Silktide - a web governance platform that helps organisations improve accessibility by breaking issues down into bite-sized chunks and showing how to fix them. The aim being to create a better user experience and ensure compliance with accessibility regulations. Now we have this product in place, we are using it regularly to work towards a more accessible site.

If you or other group members have any further issues with the site, please do let me know and the team can look into these for you.

Many thanks once again for bringing this to our attention.

Best regards,
[REDACTED]

[REDACTED]
Improvement Consultant
Online Services
Customer and Online Services
Fife Council

Objector email 3

From: [REDACTED]
Sent: 18 March 2022 06:52
To: Keith Johnston <Keith.Johnston@fife.gov.uk>
Cc: [REDACTED]
Subject: Re: Consultation on access arrangements - High Street (Tolbooth Street - Kirk Wynd), Kirkcaldy

Hi Keith

As there is no provision for Disabled people to park their cars in the Kirkcaldy town centre near the shops we strongly object to the current new proposal and recommend that there are sufficient Disabled car parking on the town centre. Additionally, there needs to be sufficient seating in the town centre to allow disabled people to walk for a bit and have a rest.

Fife Council seem to be going through a phase were they don't want to help the disabled in their lives.

For instance Fife Council does not produce letters that the disabled can read, Fife Council have just issued two legal notices that the Disabled can't read, the ones I have just mentioned. That is one you put in a newspaper and the other online not in electronic format that they could with their screen readers.

Fife Council is allowing the able to use the facilities in Kirkcaldy. Therefore, anyone able can use the town centre at anytime. Yet Fife Council is limiting the access to the disabled on certain days and times. Shop mobility is not open 24/7.

Why is Fife Council when going about its business deliberately discriminating against the weakest people in our society. The attitude of Fife Council staff in this case is really disgusting.

Look forward to seeing an amended scheme that takes these issues into account. As what you are doing is placing a curfew on the disabled, the elderly, the sick and those that are pregnant.

Thanks

[REDACTED]
chair
Disabilities Fife
[REDACTED]

Service Response 2

From: Keith Johnston
Sent: 18 March 2022 08:56
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Consultation on access arrangements - High Street (Tolbooth Street - Kirk Wynd), Kirkcaldy

Morning [REDACTED],

Thank you for your email below.

The proposals were requested by the Kirkcaldy Area Committee and I will feedback your concerns to them. I will also forward on your concerns regarding the available seating in the High Street to the relevant department.

Please could you clarify if your below objection is for the proposed timing changes to the whole High Street (making permanent the existing Temporary Traffic Regulation Order - i.e. the proposed 11 am - 5 pm Monday, Wednesday, Friday and Saturday restriction) or if your objection is for the Tolbooth Street to Kirk Wynd consultation. Please can you confirm if possible today as today is the final day objections can be submitted.

Please bear in mind the consultation on Tolbooth Street to Kirk Wynd Options is purely a consultation with no proposal taken forward at this time. The objective of the consultation is to gather the views of as many as possible to see if any of the Options would be welcomed by the community. It is clear from the below that the view of Disabilities Fife is that further restrictions would affect access for individuals with disabilities. This feedback is valuable for when I report to Kirkcaldy Area Committee on the consultation.

Regarding the online notices we have been working with the web team to fix our online notices and have taken steps to improve accessibility online with screen reading software. We appreciate you identifying this for us so we could make these improvements.

Regards

Keith Johnston
Technician Engineer – Traffic Management (South) Fife Council

Objector email 4

From: [REDACTED]

Sent: 18 March 2022 10:38

To: Keith Johnston <Keith.Johnston@fife.gov.uk>

Cc: [REDACTED]

Subject: Re: Consultation on access arrangements - High Street (Tolbooth Street - Kirk Wynd), Kirkcaldy

Hi Keith

Thanks for this.

I will deal with the temporary restrictions becoming permanent first and come back later today about the toll booth / The Wynd.

The restrictions during the week, they effectively stop disabled people accessing the shopping facilities in the morning as explained in my previous email the eta of carers at their homes can't be guaranteed. To that end a 12 noon or 1 pm start of the restrictions would be better.

As the restrictions stand, if a disabled person needs to go to the town centre on those days, they can't organise a thing easily and would have to rely on shopability.

From memory Shop-ability closes at 4:30 pm.

Therefore, an end time that coincides would be great.

On a processing note, Disabilities Fife was fully funded by Fife Council. As a result of that we were core funded, and had two paid employees. Therefore, they were in general able to do most of the work for the trustees. As the chair I am the only mainly able person left. Therefore, most of the work falls on me. I picked this one up because one of our members had a concern. If I had spotted the temporary notice I would have contacted you earlier. My issue is that after being defunded by Fife Council all things fall on me .

On a personal note, [REDACTED]

Therefore, apologies for not spotting the first time you advertised

Look forward to your thoughts after going to committee

Best wishes

[REDACTED]

[REDACTED]

chair

Disabilities Fife

[REDACTED]