

APPLICATIONS FOR DISABLED PERSONS' (BLUE BADGE) PARKING BAYS

Sevenoaks Joint Transportation Board - 8 March 2017

Report of Chief Officer, Environmental and Operational Services

Status: For Decision

Key Decision: No

Executive Summary: The consideration of any representations received during the informal consultation to proposed for disabled persons' (blue badge) parking bays at locations within the District

This report supports the Key Aim of

- Caring Communities (by providing parking facilities for disabled people)
- Sustainable Economy (by improving travel arrangements and reducing congestion)

Portfolio Holder Cllr. Matthew Dickins

Contact Officer Jeremy Clark, Ext. 7323

Recommendation to Sevenoaks Joint Transportation Board: That

- (a) the Board notes the application for a disabled persons' (blue badge) parking bay that did not meet Kent County Council's assessment criteria, and will proceed no further, which is set out in Appendix 1 of this report; and
- (b) the Board notes the applications for disabled persons' (blue badge) parking bays which met Kent County Council's assessment criteria and have been the subject of an informal consultation with neighbours, and considers any representations received and Officers' comments and recommendations, which are set out in Appendix 2 of this report.

Reason for recommendation:

The recommendations are aimed at providing better management of the public highway, in line with current legislation and the Highway Code

Introduction and Background

Introduction

- 1 Kent County Council has the power to provide on-street parking place on roads within its area for which it is the traffic authority for the purpose of relieving or preventing congestion on the public highway.
- 2 This power is frequently exercised to establish disabled persons' (blue badge) parking bays (DPPBs) close to the homes of disabled persons who would otherwise have difficulty parking near to their homes.
- 3 An application process exists, through which a person can request that a DPPB is established close to their home.
- 4 The District Council administers local requests for DPPBs on behalf of the County Council, and manages and funds their provision.
- 5 Kent County Council has produced an application form and guidance notes for requests for DPPBs, which is available for applicants to download from the District Council's website.
- 6 The County Council has also produced assessment criteria for the District Council to use when considering applications. An overview of the main personal and locational factors that are currently taken into consideration when assessing applications were reported to the meeting of the Sevenoaks Joint Transportation Board on 3rd September 2015.
- 7 If the application satisfies the assessment criteria, neighbours who may be affected by the provision of a DPPB are then informally consulted.
- 8 If any representations are received at this stage, the proposals will be reported to the Joint Transportation Board, for a decision on whether to overrule or uphold the representations.
- 9 If the representations are upheld, the application will proceed no further.
- 10 If there have been no informal representations or the Board decides to overrule any representations that may have been received, the DPPB can be installed.
- 11 However, historically an interim DPPB is usually introduced in the first instance in residential areas on an "informal" basis, and without a traffic regulation order (TRO). This means that the DPPB can be marked on the road shortly after the application has been approved, but has no legal status and cannot be enforced.
- 12 Once introduced, a DPPB can be used by any vehicle displaying a current disabled persons' blue badge, and is not for the sole use of any person or vehicle.

- 13 Where there is a known pressure on parking, or the DPPB is abused by non-blue badge holders after its introduction, a TRO would be made, thereby making it enforceable.

Background

- 14 The purpose of this report is to advise the Sevenoaks Joint Transportation Board on the locations of the latest applications for disabled persons' (blue badge) parking bays (DPPBs) received from individuals that have been evaluated in accordance with the highway authority, Kent County Council's assessment criteria.
- 15 Appendix 1 of this report indicates which of these did not meet KCC's assessment criteria, and will proceed no further.
- 16 Appendix 2 of this report contains details of applications for DPPBs which met KCC's assessment criteria and have already been the subject of an informal consultation with neighbours.
- 17 Summarised details of any representations received during the informal consultation, together with Officer comments/recommendations are also given in Appendix 2, to assist the Board in deciding whether to overrule or uphold the representations.
- 18 In the cases where the representations are overruled, or none were received during the informal consultation, an interim DPPB will be introduced, with a view to undertaking the TRO-making procedure at a later stage.

Options

The options are to overrule or uphold some or all of the representations, where received during the informal consultation with neighbours, for the latest applications for disabled persons' (blue badge) parking bays detailed in Appendix 2.

Key Implications

Financial

The costs incurred in administering local requests for disabled persons' (blue badge) parking bays on behalf of Kent County Council and in managing their provision and ongoing maintenance are met by the District Council from its on-street parking account operated under the Agency Agreement with the County Council.

Legal Implications and Risk Assessment Statement

There is no legal requirement to undertake an informal consultation, and there are no legal implications to installing an interim disabled persons' (blue badge) parking bay on the public highway.

However, a traffic regulation order (TRO) must be made under the Road Traffic Regulation Act 1984 and a sign installed before the parking bay can be enforced,

and to do this, a formal (statutory) consultation procedure must be followed in accordance with The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

Any formal objections received during this statutory consultation will be reported to a future meeting of the Sevenoaks Joint Transportation Board for a decision to be made on whether to make the TRO.

Equality Assessment

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and varies between groups of people, in so far as the provision of disabled persons' (blue badge) parking bays helps to improve accessibility for disabled people.

Safeguarding Children and Vulnerable Adults

The report deals with applications for on-street parking facilities for disabled persons' vehicles, in line with Kent County Council's policy and assessment criteria for disabled persons' (blue badge) parking bays.

Appendices:

Appendix 1 - For Information - Applications for disabled persons' (blue badge) parking bays which did not meet Kent County Council's assessment criteria

Appendix 2 - For Decision - Applications for disabled persons' (blue badge) parking bays which met Kent County Council's assessment criteria, including the results of the informal consultation with neighbours and Officer comments/ recommendations

Background Papers:

The Equality Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15>

The Traffic Signs Regulations and General Directions 2016

<http://www.legislation.gov.uk/uksi/2016/362>

The Highways Act 1980, as amended.

<http://www.legislation.gov.uk/ukpga/1980/66>

The Road Traffic Act 1988, as amended.

<http://www.legislation.gov.uk/ukpga/1988/52>

The Road Traffic Regulation Act 1984, as amended.

<http://www.legislation.gov.uk/ukpga/1984/27>

The Traffic Management Act 2004, as amended.

<http://www.legislation.gov.uk/ukpga/2004/18>

The Highway Code.

<https://www.gov.uk/browse/driving/highway-code>

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