

## APPLICATIONS FOR DISABLED PERSONS (BLUE BADGE) PARKING BAYS

Sevenoaks Joint Transportation Board - 4 December 2018

**Report of** Chief Officer, Environmental and Operational Services

**Status:** For Advice

**Key Decision:** No

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

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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

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### Advice to Sevenoaks Joint Transportation Board:

- a) That 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) That 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, together with Officers' comments and recommendations, which are set out in Appendix 2 of this report.
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### Reason for advice:

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

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## Introduction

1. Kent County Council (KCC) has the power to provide on-street parking places 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 KCC, and manages and funds their provision.
5. KCC 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, and has produced assessment criteria for the District Council to use when considering applications.
6. If an application satisfies KCC's assessment criteria, neighbours who may be affected by the provision of a DPPB are then informally consulted, and any representations received are reported to the Joint Transportation Board, together with Officers' comments and recommendations.
7. If the representations received are upheld, the application will proceed no further.
8. In cases where there have been no informal representations or any representations that may have been received are overruled, a DPPB can be installed.
9. 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.
10. 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.
11. Where there is a known pressure on parking, or a DPPB is abused by non-blue badge holders after its introduction, a TRO would be made, thereby making it enforceable.
12. The purpose of this report is to advise the Board on the locations of the latest applications for a DPPB received from individuals that have been evaluated in accordance with the highway authority, Kent County Council's (KCC's) assessment criteria.
13. For those applications that satisfied the assessment criteria, the Board is requested to consider any feedback received to the informal consultation with

the occupiers of neighbouring addresses, together with Officers' comments and recommendations.

## **Background**

14. Appendix 1 of this report contains details of the latest application for a DPPB which did not meet KCC's assessment criteria and will proceed no further. This application relates to the following location:
  - HEXTABLE: Durant Road
15. Appendix 2 of this report contains details of latest applications for DPPBs, which met KCC's assessment criteria and have already been the subject of an informal consultation with neighbours. These applications relate to the following locations:
  - FARNINGHAM: High Street
  - PENSHURST: High Street near Forge Close
16. Redacted details of the representations received during the informal consultation, together with location plans, Officers' comments and recommendations, are also contained in Appendix 2.
17. The terms of reference for the Sevenoaks Joint Transportation Board allow it to provide advice to the Sevenoaks District and Kent County Councils, who will normally act in accordance with its views.
18. The purpose of this report is therefore for the Sevenoaks Joint Transportation Board to consider the representations received, together with Officers' comments/recommendations given in Appendix 2.

## **Options**

The options are to set aside or to uphold some or all of the representations.

## **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 would be reported to a future meeting of the Sevenoaks Joint Transportation Board.

### Equality Assessment

The recommendation of this report has a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

### Safeguarding Children and Vulnerable Adults

The report deals with the assessment of applications for disabled persons (blue badge) parking bays, in line with KCC's policy and assessment criteria.

#### **Appendices:**

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

Appendix 2 - For Advice - Applications for disabled persons (blue badge) parking bays which met Kent County Council's assessment criteria, including redacted details of the representations received during the informal consultation, together with location plans, Officers' comments and 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 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>

**Richard Wilson**

**Chief Officer, Environmental and Operational Services**