

## **APPLICATIONS FOR DISABLED PERSONS' PARKING BAYS**

### **Sevenoaks Joint Transportation Board – 3 September 2015**

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

**Status:** For Decision

**Key Decision:** No

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**Executive Summary:** The consideration of responses, where received, to proposed parking bays for disabled persons' vehicles at locations across 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. Dickins

**Contact Officer(s)** Jeremy Clark ext. 7323

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#### **Recommendation to Sevenoaks Joint Transportation Board:**

That the Board considers the objections received to proposed parking bays for disabled persons' vehicles during the informal consultation with neighbours, and the Officers' comments, agrees with the Officer recommendations set out in Appendix 3 of this report.

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#### **Reason for recommendation:**

The recommendation is to approve the latest batch of applications for disabled persons' parking bays which meet the highway authority, Kent County Council's current assessment criteria.

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### **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' parking bays 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 disabled persons' parking bay is established close to their home.

- 4 The District Council administers local requests for these parking bays 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 parking bays, 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. Appendix 1 contains an overview of the main personal and locational factors that are currently taken into consideration when assessing applications.
- 7 If the application satisfies the assessment criteria, neighbours who may be affected by the provision of a disabled persons' parking bay are then informally consulted.
- 8 If objections are received at this stage, the proposals will be reported to the Joint Transportation Board, for a decision on whether to overrule or uphold any objections.
- 9 If the objections are upheld, the application will proceed no further.
- 10 If there have been no informal objections or the Board decides to overrule the objections that may have been received, the parking bay can be installed.
- 11 However, historically an interim parking bay 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 parking bay 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 disabled persons' parking bay 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 parking bay 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 advise the Sevenoaks Joint Transportation Board on the locations of the latest batch of applications for disabled persons' parking bays received from individuals that have been evaluated in accordance with the highway authority, Kent County Council's assessment criteria.
- 15 Appendix 2 of this report indicates which of these applications for parking bays did not meet KCC's assessment criteria, and which will proceed no further.
- 16 Appendix 3 contains details of the applications for parking bays that have already been the subject of an informal consultation with neighbours, and in some cases, objections were received.

- 17 The applications in Appendix 3 met KCC's assessment criteria, with the exception of one application (Plantation Road, Hextable), which was allowed to proceed to the informal consultation stage in error.
- 18 Summarised details of objections, where received during the informal consultation, together with Officer comments/recommendations are also given in Appendix 3, to assist the Board in deciding whether to overrule or uphold the objections.
- 19 If the objections are upheld, the application will proceed no further.
- 20 In the cases where the objections are overruled, or no objections were received during the informal consultation, an interim disabled persons' parking bay will be introduced, with a view to undertaking the TRO-making procedure later in the year.

## **Options**

The options are to overrule or uphold some or all of the objections received during the informal consultation with neighbours for the latest batch of applications for disabled persons' parking bays detailed in Appendix 3.

## **Key Implications**

### Financial

The costs incurred in administering local requests for disabled persons' 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 are no legal implications to installing an interim disabled persons' parking bay on the public highway, but a traffic regulation order (TRO) must be made under the Road Traffic Regulation Act 1984 before it can be enforced.

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 parking bays for disabled persons' vehicles 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' parking bays.

#### **Appendices:**

Appendix 1 – For Information – Overview of Kent County Council's assessment criteria for applications for disabled persons' parking bays

Appendix 2 – For Information – Applications for disabled persons' parking bays which did not meet Kent County Council's assessment criteria

Appendix 3 – For Decision - Applications for disabled persons' parking bays that have been the subject of an informal consultation with neighbours, including a summary of objections received, and Officer comments/recommendations

#### **Background Papers:**

The Traffic Signs Regulations and General Directions 2002, as amended.

<http://www.legislation.gov.uk/uksi/2002/3113>

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>

**Richard Wilson**

**Chief Officer Environmental and Operational Services**