

APPLICATION FOR DISABLED PERSONS (BLUE BADGE) PARKING BAY

Sevenoaks Joint Transportation Board - 11 September 2018

Report of Chief Officer, Environmental and Operational Services

Status: For Decision

Key Decision: No

Executive Summary: The consideration of the representations received during the informal consultation to a proposed disabled persons (blue badge) parking bay 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. Dickins

Contact Officer(s) Jeremy Clark

Recommendation to Sevenoaks Joint Transportation Board: The Joint Transportation Board is asked to endorse the following recommendation, that:

- a) the representations received during the informal consultation with neighbours for the disabled persons (blue badge) parking bay which met Kent County Council's assessment criteria and Officers' comments/recommendation detailed in Appendix 1 of this report be noted; and
- b) an interim disabled persons parking bay be marked in the location detailed in Appendix 1 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

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 applications 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/recommendation, for a decision to be made on whether to overrule or uphold the representations.
7. If the representations received are upheld, the application will proceed no further.
8. In cases where there have been no informal representations or the Board decides to overrule any representations that may have been received, 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 location of the latest application for a DPPB received from an individual that has been evaluated in accordance with KCC's assessment criteria, and has been the subject of an informal consultation with the occupiers of neighbouring addresses.

Background

13. The purpose of this report is to advise the Sevenoaks Joint Transportation Board on the location of the latest application for disabled persons (blue badge) parking bay (DPPB) received from an individual that has been evaluated in accordance with the highway authority, Kent County Council's (KCC's) assessment criteria.
14. Appendix 1 of this report contains details of the location in which a DPPB is required, together with any representations received during the informal consultation with neighbours.
15. The application and location has met KCC's assessment criteria.
16. 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.
17. The purpose of this report is therefore for the Sevenoaks Joint Transportation Board to consider the representations, together with Officers' comments/recommendation given in Appendix 1, and to decide whether or not to mark an interim disabled persons (blue badge) parking bay at the location.

Options

The options are to set aside or to uphold some or all of the representations received during the informal consultation with neighbours.

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 Decision - Application for a disabled persons (blue badge) parking bay which met Kent County Council's assessment criteria, including the results of the informal consultation with neighbours and Officers' comments/recommendation

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>

Richard Wilson

Chief Officer, Environmental and Operational Services