

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

Sevenoaks Joint Transportation Board - 10 September 2019

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

**Status:** For Advice

**Key Decision:** No

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

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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. Margot McArthur

**Contact Officer(s)** Jeremy Clark, Ext 7323

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

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 the responses received, together with Officers' comments and recommendations, which are set out in Appendix 1 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 feedback received is reported to the Joint Transportation Board, together with Officers' comments and recommendations.
- 7 If representations are received during the informal consultation, and these are upheld, the application will proceed no further.
- 8 In cases where there have been no representations or the representations 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 KCC's assessment criteria.
- 13 For those applications that satisfied the assessment criteria, the Board is requested to consider any feedback received during 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 latest applications for DPPBs, which met KCC's assessment criteria and have already been the subject of an informal consultation with neighbours. This applications relate to the following locations:
  - HARTLEY: Caxton Close
  - SEVENOAKS - Cramptons Road
- 15 Redacted details of the responses received during the informal consultation, together with location plans, Officers' comments and recommendations, are also contained in Appendix 1.
- 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 responses received, together with Officers' comments/recommendations given in Appendix 1.

## **Options**

The applications for disabled persons (blue badge) parking bays detailed in Appendix 1 meet KCC's personal and locational assessment criteria, so unless there are compelling reasons to do so, it would be difficult for the Board not to approve them, as this would be open to challenge for breaching the Equality Act 2010.

## **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 Advice - Applications for disabled persons (blue badge) parking bays which met Kent County Council's assessment criteria, including redacted details of the responses 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**