

## APPLICATION FOR DISABLED PERSONS (BLUE BADGE) PARKING BAY

Sevenoaks Joint Transportation Board - 11 March 2020

**Report of** Chief Officer - Finance and Trading

**Status:** For Information

**Key Decision:** No

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**Executive Summary:** Information report on a proposed disabled persons (blue badge) parking bay 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. Margot McArthur

**Contact Officer(s)** Jeremy Clark, 01732 227323

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

That the Board notes the application for a disabled persons (blue badge) parking bay which met Kent County Council's assessment criteria and has been the subject of an informal consultation with neighbours, together with Officers' comments, which are set out in Appendix 1 of this report.

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### **Reason for advice:**

The disabled persons (blue badge) parking bay scheme is 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.

## **Background**

- 12 The purpose of this report is to advise the Board on the location of the latest application for a DPPB received from a local resident that has been evaluated in accordance with KCC's assessment criteria. This application relates to the following location:
  - SWANLEY - Rogers Court
- 13 This application meets KCC's personal and locational assessment criteria, and has already been the subject of an informal consultation with the occupiers of neighbouring addresses, as well as local representatives and the Town Council.
- 14 A plan showing the proposed location of the DPPB, together with Officers' comments, is given in Appendix 1 of this report.

15 Since no representations were received during the informal consultation process, the application can be approved, and an interim DPPB be marked, without the need for a decision from the Board.

16 This report is therefore for information purposes only.

## **Options**

The application for a disabled persons (blue badge) parking bay detailed in Appendix 1 meets KCC's personal and locational assessment criteria, so unless there are compelling reasons to do so, it would be difficult not to approve it, 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 Information - Application for a disabled persons (blue badge) parking bay which meets Kent County Council's assessment criteria,

together with a location plan, and Officers' comments

**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>

**Adrian Rowbotham**

**Chief Officer - Finance and Trading**