

APPLICATIONS FOR DISABLED PERSONS (BLUE BADGE) PARKING BAYS

Sevenoaks Joint Transportation Board - 8 June 2023

Report of: Deputy Chief Executive and Chief Officer - Finance & Trading

Status: For Decision

Key Decision: No

Executive Summary: The consideration of any representations received during the informal consultation to proposed disabled persons (blue badge) parking bays 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. Margot McArthur

Contact Officer(s): Jeremy Clark, Ext. 7323

Trevor Kennett, Ext, 7407

Recommendation to Sevenoaks Joint Transportation Board:

That the Board:

- a) Notes that the application for a disabled persons parking bay in Dane Road, Otford and Mill Lane, Sevenoaks, detailed in Appendix 1 of this report, which were declined for the reasons stated;
- b) Notes the applications for disabled persons parking bays in St. Peters Row, Fordcombe and Cramptons Road, Sevenoaks, detailed in Appendix 2 of this report, which met Kent County Council's assessment criteria, and have been the subject of an informal consultation with neighbours and local representatives;

- c) Considers the feedback from the informal consultation, together with Officers' comments/recommendations, detailed in Appendix 2 of this report;
- d) Decides whether to support the Officers' recommendations to set aside the representations received during the informal consultation to the proposed disabled persons parking bay in St Peters Row, Fordcombe, and agree to the introduction of an interim parking bay; and
- e) Notes that, since no representations were received to the proposed disabled persons parking bay in Cramptons Road, Sevenoaks during the informal consultation, an interim parking bay can be marked without the need for a decision from the Board

Reason for recommendation:

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

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) on the public highway 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.
6. KCC has also produced personal and locational assessment criteria for the District Council to use when considering applications.
7. If an application satisfies KCC's assessment criteria, neighbours who may be affected by the provision of a DPPB, as well as local representatives, are then informally consulted, and any feedback received is reported to the Joint Transportation Board, together with Officers' comments, for consideration.

8. If representations are received during the informal consultation, and these are upheld by the Board, the application will proceed no further.
9. In cases where there have been no representations or the representations received are overruled, a DPPB can be installed.
10. An interim DPPB is usually introduced in the first instance in residential areas on an “informal” basis, and without the backing of 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.
11. 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.
12. 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.
13. This report advises the Board on the locations of the latest applications for DPPBs received from individuals that have been evaluated in accordance with the highway authority, Kent County Council’s (KCC’s) assessment criteria.

Background

14. Appendix 1 to this report details the latest application for DPPBs which were declined.
15. The application for Dane Road, Otford was declined because it did not meet KCC’s locational criterion relating to minimum road width.
16. The application for Mill Lane, Sevenoaks met KCC’s personal assessment criteria, but was declined because the parking area in which the applicant requested the parking bay is not part of the public highway. This parking area is privately owned and managed, and in this case, with the agreement of the applicant, the application has been referred to the land owner for consideration:
17. Appendix 2 to this report contains details of latest applications for DPPBs, which met KCC’s assessment criteria and have already been the subject of an informal consultations with neighbours and local representatives. These applications relate to the following locations:
 - St Peters Row, Fordcombe
 - Cramptons Road, Sevenoaks
18. Details of the feedback received during the informal consultation, together with a location plan and Officers’ comments/recommendations, are also contained in Appendix 2.

19. It should be noted that the informal consultation was undertaken prior to the local elections on 4 May 2023.
20. 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.
21. This report advises the Board on the locations of the latest applications for DPPBs received from individuals that have been evaluated in accordance with the highway authority, Kent County Council's (KCC's) assessment criteria.
22. The Board is requested to consider the feedback from the informal consultation, in particular the representation received to the proposed DPPB in St Peters Row, Fordcombe, together with Officers' comments and recommendations, which are given in Appendix 2.
23. No representations were received to the proposed DPPB in Cramptons Road, Sevenoaks, and hence an interim parking bay can be marked, without the need for a decision from the Board.

Other options Considered and/or rejected

The options are to set aside or to uphold the representation received to the proposed DPPB in St Peters Row, Fordcombe.

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 is no legal requirement to undertake an informal consultation, and there are no legal implications to installing an interim disabled persons 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 provision of disabled persons parking bays helps meet the requirement in the Equality Act 2010 to provide 'reasonable adjustments' to those who fit the lawful definition of disability.

Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment.

Appendices

Appendix 1 - For Information - Applications for disabled persons parking bays which met Kent County Council's personal assessment criteria, but were declined for the reasons stated

Appendix 2 - For Advice - Applications for disabled persons parking bays which met Kent County Council's assessment criteria, including redacted details of the feedback received during the informal consultation with neighbours and local representatives, location plans and Officers' comments/recommendations

Background Papers

The Equality Act 2010

<https://www.legislation.gov.uk/ukpga/2010/15/contents>

The Traffic Signs Regulations and General Directions 2016

<https://www.legislation.gov.uk/uksi/2016/362/contents/made>

The Road Traffic Regulation Act 1984, as amended

<https://www.legislation.gov.uk/ukpga/1984/27>

The Traffic Management Act 2004, as amended

<https://www.legislation.gov.uk/ukpga/2004/18>

The Highway Code

<https://www.gov.uk/browse/driving/highway-code-road-safety>

Adrian Rowbotham

Deputy Chief Executive and Chief Officer - Finance & Trading