
Meeting: Traffic Management Committee
Date: 26 September 2011
Subject: Disabled Bay Parking Policy
Report of: Basil Jackson, Assistant Director of Highways and Transport
Summary: The report provides the Traffic Management Committee with details relating to the proposed Disabled Bay Parking Policy for Central Bedfordshire. The proposed policy was written to deal with the increasing applications received for on street disabled parking bays.

Contact Officer: David Bowie, Head of Service, Traffic Management
Public/Exempt: Public
Wards Affected: All
Function of: Highways and Transport

CORPORATE IMPLICATIONS

Council Priorities:

The Council priorities affected by this paper are:

- creating safer communities; and
- managing growth effectively.

Financial:

A cost will be incurred to the authority initially to deal with the back log of applications, however if the policy is adopted it will prevent the current situation getting worse, thus preventing more outlay to the authority. To ensure the disabled bays are enforceable, a Traffic Regulation Order (TRO) would need to be made. This process will have a cost attached, but may be something that could be recoverable through the grant received by the person applying. The cost of a TRO would be in the region of £4000 - £5000. The policy also states the opportunity to utilise applicants existing property frontage to install an off street parking area. If this is achievable then there would be a saving in cost of the TRO and again the grant received by the applicant could pay for the works.

Legal:

In April 2009, Central Bedfordshire Council (CBC) succeeded Bedfordshire County Council (BCC) as highway and traffic authority for the road network in Central Bedfordshire. An important function of the traffic authority is to manage on and off-street parking. From February 2004, BCC delivered this aspect of its legal responsibilities through a contract with Vinci Park Services. To be legally enforceable, parking services must be compliant with the Traffic Management Act 2004. Further to this, CBC must be compliant with the Disability Discrimination Act 2004 (DDA) and is allowed to positively discriminate toward disabled motorists when dealing with on or off street parking.

Risk Management:

The key risk revolves around not being able to clear the back log of applications if the policy is not adopted. This could further lead to risk of legal action from some applicants who may feel they have not been treated fairly.

Staffing (including Trades Unions):

None as a result of this report.

Equalities/Human Rights:

Full consideration must be given to the Disability Discrimination Act 2004.

Community Development/Safety:

The Traffic Management Act was introduced in 2004 to tackle congestion and disruption on the road network. The Act places a duty on local traffic authorities to ensure the expeditious movement of traffic on their road network and the networks of surrounding authorities. The Act gives authorities additional tools to better manage parking policies, moving traffic enforcement and the coordination of street works which are all important components of community safety. Furthermore, implementation of disabled parking bays will improve the quality of life for those eligible applicants.

Sustainability:

The effective management of parking of all types is a key part of accommodating Central Bedfordshire's growth agenda and ensuring that the district is "open for business" and everyone is treated fairly.

RECOMMENDATION:

To approve the proposed Disabled Bay Parking Policy.

Appendices:

Appendix A – Disabled Bay Parking Policy

<u>Policy for Individual, On-Street Disabled Parking Bays</u>
Introduction
<p>The private car is an essential part of modern life and car ownership continues to be a lifestyle choice for most people and in particular those with mobility impairment. The number of cars in use continues to rise, an annual increase of 1.7%, and this inexorable rise brings with it the pressure to provide sufficient facilities to park when not in use.</p>
<p>Economic growth also generates associated traffic growth, and the continued success of the area requires that facilities are available to cater for vehicle users of all types which is essential to that success being achieved.</p>
<p>Central Bedfordshire Council (CBC) are reviewing the policy for individual disabled parking bays. The current disabled parking criteria has been used since the formation of CBC and is based on the old Bedford County Council (BCC) policy. Therefore, a revised criteria with some new rules to deal with each application fairly has to be agreed and put into place and is available for all residents to access, for an open and transparent policy.,</p>
<p>The revised policy and installation of residential disabled parking bays will not include disabled parking bays in town centres, car parks, new developments or at supermarkets.</p>
<p>Only the Director, Assistant Director or Head of Service of the Traffic Management Section will agree any variations of this policy.</p>
1 Background
<p>1.1 This policy provides guidelines when dealing with applications from disabled members of the public requesting Disabled Parking Bays, in particular, outside of their homes. Currently within Central Bedfordshire (excluding Luton) there are at least 40,000 Blue Badge Holders with 4500 new applications for 2010 and 11,700 badges issued since March 2010. Over 95% of these applications are approved. It is clear from these numbers and the ever increasing problem of on-street parking that this policy is necessary especially where parking is pressurised.</p>
<p>1.2 Appended to this policy (Appendix A) is the agreed application form which will be sent to all persons who apply in writing (letter, e-mail) and will also be linked to the Council's Website so individuals can apply directly. All applications will be assessed on the criteria laid out in this policy. In addition appended to this policy (Appendix B) is the Council's Disability Equality Scheme which shows how the Council has set out to improve the quality of life of the disabled, this in turn is echoed within this policy.</p>
<p>1.3 A number of other types of policy documents or information exist and guidelines can be found in sources such as The Department for Transport's (DfT) Traffic Advisory Leaflet 5/95 "Parking for Disabled People" or the DfT guide "The Blue Badge Scheme Local Authority Guidance (England)". Both of these documents deal with the subject of disabled parking but are not specific enough to adopt in regards to residential on street parking bays. This document draws on several other existing sources of information, including readily available policy information from other Councils and assistance from Central Beds Disability Equality & Access Officer.</p>

2 Policy

2.1 Disabled Parking Bays will be considered on the basis that any such facility will be available for use by any registered Disabled Blue Badge Holder although will not confer user rights on any specific individual. Any such application if approved will be subject to a Traffic Regulation Order (TRO), structured in a manner which will allow for easy relocation of the facility within any named street or its total removal if deemed necessary. It must be understood that the Parking Bay may be provided for the individual applicant, but at any point another legitimate Blue Badge Holder may use the Bay, as long as a valid Blue Badge is displayed at all times whilst using that Parking Bay

2.2 Bays will be provided by Traffic Regulation Order only and will be enforceable by the civil enforcement body employed under the decriminalised parking arrangements. Ad-hoc and non-enforceable bays will not be provided unless exceptional circumstances prevail and agreed by the Director, Assistant Director or Head of Service of the Traffic Management Section.

2.3 To be considered for a bay from the outset the following criteria must be met. The following criteria can be added to, changed or deleted as the Director, Assistant Director or Head of Service of the relevant division sees fit, this is done in discussion and agreement with the Disability Resource Centre and officers from Central Bedfordshire Council. .

2.4 An applicant must be a current Blue Badge Holder who is in receipt of the Higher Rate of the mobility component of the Disability Living Allowance (in receipt of £67 per week if receiving 24hr care and £46.75 for mobility allowance or both combined), War Disablement Pensioners Mobility Supplement or the Invalid Vehicle Scheme and has sufficient evidence to prove this. Those persons whom receive the Lower Rate of allowance will not be considered for a bay unless under exceptional circumstances, this being agreed by the Disability Resource Centre and officers from Central Bedfordshire Council. .

2.5 We will assess that the applicant's street has on going parking problems which causes more than reasonable difficulties for the applicant to park their vehicle and access their property. If there are no such parking problems then the application will be denied.

2.6 Applicants should have no alternative off-street parking facilities (narrow or sloping driveways would be considered unsuitable for persons with severe difficulties or wheelchairs, as would the necessity to use steps from the driveway, thus a bay would be considered unless other improvement works are to be carried out to improve the property layout by way of grant). In cases where applicants have a garage or rent a garage, then the application would be denied unless in the case of a rented garage, this is then forfeited in favour of the Disabled Bay. If the applicant has a garage and is unsuitable, it must be proven that this facility is unsuitable before a Bay will be considered. This will require an officer whether it be an Access Officer or an Engineer from Central Bedfordshire Council to visit the site, inspect and report his findings. Any decision made by the inspecting officer will be final and only changed by the Director or Assistant Director or Head of Service of the relevant division.

2.7 Whatever the personal situation of the applicant (higher or lower level grant receiver), under no circumstances will a Bay be provided in a position that compromises road safety (junction, bend, narrow street, etc). In some cases, a

Safety Audit may be carried out by Central Bedfordshire Council. This final decision will be made by the highway authority and there will be no opportunity for the applicant to appeal this decision. The road on which the Disabled Bay is requested must be at least 3.6m (3600mm) wide or immediately the application will be denied. This will be directly linked to liaising with the local emergency services that may have an input in the decision making. There will be no opportunity for the applicant to appeal this decision.

2.8 As with all Traffic Regulation Orders the council will advertise the provision of the disabled bay and seek comments from the public. Any objections will be reported back to the relevant council committee for decision. In addition, written consent from immediate neighbours may be required for consent for a bay to be granted. This may be required if the applicant lives in a traditional terraced property with recognised kerb side on-street parking. If the applicant lives in a semi-detached, detached house or bungalow then a decision will be made by the highway authority whether there is a need to gain written consent from the immediate neighbours or whether the initial public consultation is sufficient. Decisions made at council committee are full and final and cannot be overturned.

2.9 Before an on-street bay will be provided the opportunity for provision within the curtilage of the applicant's property will be investigated.

A survey of the applicant's property will be undertaken with the needs of the applicant being taken into consideration in conjunction with the Disability Resource Centre and Social Services. This will directly involve the applicant where their input at this stage is vital to ascertain what would make their life easier, but it must be clear that the applicant has the requirement to be realistic.

It must also be noted that a standard form of Off-Street bay will be recommended. This will be an area of Hard Standing decided upon by the Council depending on what resources are available at anyone time. The area will be no bigger than 18m². Unless under exceptional circumstances where the applicant requires extra room for loading and un-loading of a wheelchair or other necessary equipment. This will be taken into consideration and incorporated if possible. The final decision will fall with the Director, Assistant Director or Head of Service.

The Council will set a limit on the amount and type of works that can be undertaken in this process. Once a suitable design has been agreed the applicant will be required to pay for all materials that are to be used within the installation of the parking facility. This will entail an Estimate of works, a Quote for the works and the materials, Agreement to the Quote and then proceeding with the works. The Council are willing to provide the manual labour at no cost to the applicant providing it is below £500, subject to change at any time with no notice.

Should the applicant refuse to pay (their DLA funding can be used for this purpose) or feel they are unable to afford the Off-Street option or decide for what ever reason they are not willing to have an off street facility then the application will be rejected.

The applicant is then within their rights to appeal against the decision to the Director, Assistant Director or Head of Service.

2.10 If an Off-Street parking Bay is not feasible for constraints, such as land size (Unable to meet required Bay size from Traffic Signs Regulations and General Directions (TSRGD) (min 6.6m x 2.7m / 6600mm x 2700mm) or give extra room for wheelchair access, etc) or land topography then the option for an On-Street Bay will be taken into consideration.

To qualify for this, the criteria outlined within this Policy must be met fully at all times with no exceptions. Once all criteria have been satisfied then the process will begin with the application for a Traffic Regulation Order (TRO) which will enable the Bay to become a permanent fixture enforceable under parking regulations. Only those who have a Blue Badge may use the parking bay. Again it must be understood that the Bay may be installed under the specific application approval, any Blue Badge holder may use the bay at any time. At all times the On-Street Bay will be provided within the frontage of the applicant's property, unless un-manageable circumstances prevent this, road safety, etc. If this is the case, then the Bay will be provided at the nearest safe location. We, as the Council, understand that it will not always be possible to provide the On-Street Bay where it is desirable due to Road Safety implications, but it is felt that by providing a Bay in any location that the Council are not directly making the problem for the individual any worse and are offering a considerable improvement.

2.11 All applications will be treated on an individual basis and all applications will be reviewed and locations inspected before any Bays are granted. It will be judged on a street by street basis to the amount of On-Street Disabled Bays which are granted. If an existing Bay is found in any applicant's street then a review of this Bay will be carried out before any potential new Bays are installed. If it is found that any existing Bay has little or no use then the new applicant will be referred to use this Bay. If the existing Bay is found to be at full use then the criteria outlined in this Policy will be used to judge if a second Bay is appropriate, Road Safety being a key factor in this determination.

2.12 In regards to "Children" being covered within this policy, it applies to all who are receiving the Higher Rate of DLA as is with all others covered in the Policy. The Council understands that the Child will not own or be able to drive the vehicle registered to the property where the Bay is being applied for, but proof must be provided showing that the Parents or Guardians are indeed Legally Responsible for the child. Proof in written form must be provided to show that the child is receiving the Higher Rate of DLA and is the Blue Badge holder and needs constant care. In regards to this policy a "Child" will stay a "Child" until their 18th birthday where they will cease to be a "Child" and become a legally responsible Adult. To keep the disabled on street parking bay, the now Adult user must apply in writing to the Council asking to retain the bay. A decision will be made by the Council to either remove the Bay or review it on the continued use of the now Adult user.

2.13 This Council will endeavour to process all applications as quickly as possible, however, it will take time and the Council asks for applicants to be patient in waiting to hear about their request. The initial application process will take 6-8 weeks to be answered and if the applicant is successful then the process can be expected to take up to a Year. See Appendix C

3 Appeals Process

3.1 If your application has been denied then you are entitled to appeal against the decision. This will be dealt with in the normal manner with your appeal being presented to the Director, Assistant Director or Head of Service. We, the Council, as a matter of diligence have partnered with the Disability Resource Centre to assist in these matters. We, as the Council, also know that it is extremely important to have a

professional body that can help with the understanding of specific disability issues.
The following is the key contact:

Mick Dillon RIBA
Chief Executive

The Disability Resource Centre
Poynters House
Poynters Road
Dunstable
Beds LU5 4TP

www.drcbeds.co.uk

Tel 01582 470900

Fax 01582 470959

Textphone 01582 470968

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Central Bedfordshire Council, Technology House, Ampthill Road, Bedford MK42
9QQ
Tel: 0300 3008000 Website: www.centralbedfordshire.gov.uk

Dear

Re: On Street Disabled Parking Bay

Thank you for your enquiry concerning a Disabled Parking Bay outside your home in respect of the Disabled Persons Parking Scheme. I should be grateful if the attached application form could be completed and returned to us at the above address. This application should be accompanied by:-

Two photographs with the name and signature of the disabled person on the back, or in the case of a child or an adult who is unable to sign a parent, guardian, family member or representative may sign on their behalf. We are able to accept recent snapshots which can be cut to size if you are unable to get to a photo booth or photographer. In very exceptional circumstances, when due to a facial disfigurement photographs cannot be obtained, you **must** provide a Doctor's letter in support of this.

If the applicant is receiving Mobility Allowance or the **mobility** component (for help getting around) of the Disability Living Allowance at the **higher** rate, you **must** provide up-to-date proof, such as an official letter confirming the award of the Allowance or a current Vehicle Excise Exemption Certificate. If you do not have suitable proof, please request a letter confirming your Allowance from the Department for Work and Pensions (Tel: 08457 123456).

Upon receipt of your completed application form we will consider whether or not you are eligible for a Parking Bay. If necessary, we will contact your family doctor for further information about your disability, therefore you must read and sign the declaration at the end of the application form, giving us permission to contact your doctor.

Please Note: This initial process can take six to eight weeks to complete.

Should you have any queries, please do not hesitate to contact us.

Yours sincerely

Disabled Parking Bays
Highways and Transport

enc:

your reference

our reference Disabled Parking Bays/

please ask for Highways and Transport

direct line 0300 300 8000

e-mail @centralbedfordshire.gov.uk

date

**Disabled Parking Bays
Highways and Transport
Technology House
Ampthill Road
Bedford
MK42 9QQ**

Appendix A

Central Bedfordshire Council, Technology House, Ampthill Road, Bedford MK42 9QQ

Tel: 0300 3008000 Website: www.centralbedfordshire.gov.uk

Are you currently a badge holder? YES NO
If YES, please enter your current badge number:
and expiry date:

PART A If any of these details are not correct, please amend them

Full name of Applicant:

Mr/Mrs/Miss/Master

Address:

Telephone number:

Date of Birth:

Ethnicity:

(please tick the appropriate box)

Asian any other background **Bangladeshi** **Chinese** **Indian**

Pakistani **African** **Caribbean** **Black any other background**

White British **White Irish** **White any other background**

Mixed White and Asian **Mixed White and Black African**

Mixed White and Black Caribbean **Mixed any other background**

Other Ethnic Group **Information Refused**

Please complete this form and return it to:

Disabled Parking Bays
Highways and Transport
Central Bedfordshire Council
Technology House
230 Ampthill Road
Bedford
MK42 9QQ
Tel: 0300 3008000

Central Bedfordshire Council, Technology House, Ampthill Road, Bedford MK42
9QQ
Tel: 0300 3008000 Website: www.centralbedfordshire.gov.uk

PART B

1. Are you registered blind under the National Assistance Act?

Yes **No**

If **Yes** please give the name of the Local Authority with which you are registered

2. Do you receive Mobility Allowance or the **Higher Rate** of the **Mobility Component** of the Disability Living Allowance?

Yes **No**

IMPORTANT: If **Yes**, please supply up-to-date proof – e.g. an official letter confirming the award. Photocopies are acceptable.

3. Was your vehicle supplied by the Department of Health and Social Security, the Scottish Home and Health Department or do you receive a Government Grant towards your vehicle?

Yes **No**

If **Yes** please give details

4. Do you receive War Pensioners Mobility Supplement?

Yes **No**

IMPORTANT: If **Yes**, please supply up-to-date proof – e.g. an official award letter confirming an award of the supplement. Photocopies are acceptable.

**If you have answered Yes to any question in PART B go straight to PART F
Please read the following notes before completing PARTS C or D.**

If you have answered **NO** to all the questions in PART B, you may still qualify for a bay if:

- you cannot walk
- you can walk but only with severe difficulty
- you hold a valid driving licence, have a severe disability in both upper limbs and are unable to turn by hand the steering wheel, even if that vehicle is fitted with a turning knob.

The intention of the Scheme is that only very seriously disabled people will qualify under these conditions.

It is essential that each application under PART C or PART D is considered carefully. You may be asked to provide medical evidence of your disability or have a medical examination.

People with temporary disabilities will not qualify.

If, after reading these notes, you think you may qualify for a badge please read PART C and PART D and complete as applicable.
PART E and PART F must be completed.

PART C Complete this part only if you consider that you have a **PERMANENT and SUBSTANTIAL** disability which causes inability to walk or very considerable difficulty in walking.

1. What is the nature of your disability?

2. What is the maximum distance you can walk without stopping, severe discomfort or help from another person?

3. Do you regularly use a walking aid?

Yes

No

If **Yes**, please state which type of aid:

Now go to PART E

PART D Complete this part if you have a severe disability in **both** upper limbs, regularly drive a motor vehicle but **cannot** turn the steering wheel of the motor vehicle by hand **even** if the wheel is fitted with a turning knob.

1. What is the nature of your disability?

2. Do you drive a specially adapted car?

Yes

No

If **Yes**, please state which type of adaptation:

Central Bedfordshire Council, Technology House, Ampthill Road, Bedford MK42 9QQ
Tel: 0300 3008000 Website: www.centralbedfordshire.gov.uk

PART E Please complete this part if you have completed PART C or PART D

1. What is the name and address of your family doctor?

Name:	
Address:	
Postcode:	
Telephone number:	

2. Are you willing to have a medical examination to determine the extent of your disability, obtaining information to support your application?

Yes

No

PART F This part must be completed in all cases

Applications should be accompanied by TWO passport size photographs of the applicant, with the applicant's signature and name on the back. You may send photographs taken in a booth or any suitable photographs that can be cut down to 3.5cm by 4.5cm (1½ inches by 1¾ inches). Photographs will be returned if the application is unsuccessful.

I attach TWO photographs

Important as your badge will require a signature

PLEASE SIGN IN THE BOX PROVIDED

I declare that to the best of my belief all the statements I have made on this form are true and I agree to the Local Authority contacting my family doctor for the purpose of obtaining information regarding my application.

Please sign here	Date.....
Name (please print):	

CRITERIA TO BE OBSERVED WHEN DEALING WITH REQUESTS FOR DISABLED PERSONS PARKING BAYS

It is necessary to ensure that disabled parking bays are only provided where they are considered essential, so as not to bring the scheme into disrepute and so as not to adversely affect existing on street parking.

It is intended that a specific bay which is likely to be used by just one individual should only be provided if the following criteria and guidelines be observed.

1. DISABLED APPLICANTS:

Bays should only be for disabled drivers or those with qualifying children who must be:-

- (a) Registered Disabled
- (b) Holder of a valid Blue Badge
- (c) In receipt of the higher rate of the Disability Living Allowance (DLA)

Exceptions may be considered in cases where the disabled person is not the driver but is a passenger who needs constant daily transport; e.g. to hospital or school. In this instance, consideration will only be given where the driver permanently resides at the same address (with the vehicle being registered to the same address). The use of Taxi, School Buses or Ambulances does not comply with this condition.

2. PARKING DIFFICULTIES:

It must be shown that there is an on-street parking problem at the applicant's home.

3. EXISTING WAITING RESTRICTIONS:

Disabled parking bays will not be provided where existing single or double yellow lines apply. In cases where waiting restrictions apply, a disabled person who is not the driver may be picked up or set down at the appropriate location. The driver could then move the vehicle to a more suitable parking place.

4. PARKING FACILITIES:

Applicants with adequate off street parking will not be considered under this policy. Where space is available off street but the physical facilities are not ideal a separate assessment will be made by the Highway Authority. Applicants should have NO alternative adequate off-street parking facilities (narrow or sloping driveways would be considered unsuitable for persons with severe difficulties or wheelchairs, as would the necessity to use steps from the driveway). In cases where the disabled person or driver rents a Council garage, this would have to be given up in favour of a disabled parking bay. If an applicant has a garage and considered unsuitable, it must be proven that this facility is unsuitable. An engineer or an Access Officer visit will decide the feasibility of driveway space and the problem with garage access.

5. ROAD SAFETY:

Whatever the personal situation of the applicant, a disabled bay will NOT be provided in a position hazardous to road safety or for other highway users.

6. USE:

It should be noted that a disabled parking bay cannot be reserved for a particular person and no guarantee can be given that a particular bay will always be available for the specific applicant. Legally it may be used by any Blue Badge Holder. The bays are permanent bays and therefore enforceable against those using them who do not display a valid Blue Badge.

7. BAY SIZE:

The standard bay size for on-street use will be 6.6m x 2.7m / 6600mm x 2700mm and laid in minimum 50mm white lining as shown in Figure 1 appended to this policy.

8. FUNDING:

No charge will be made for the manual labour to the applicant for providing an on-street bay, to a maximum of £500, however applicants will be asked to pay for all materials used when constructing off-street parking facilities.

9. ANNUAL REVIEW

The need for the disabled parking bay will be reviewed annually and may be surveyed at any time without notice. We will endeavour to contact all known Bay Users where consideration is being given to the removal of a bay.

10. BAY REMOVAL

The applicant must undertake to notify the Council immediately if the person ceases to be a resident on the area, or ceases to be eligible for a Blue Badge. If there are any changes in the applicant's circumstances or information is brought to the Councils attention whereby the applicant no longer meets the criteria on which approval of the bay was granted, then the bay may be removed without any notice.

This list is a guide whilst applying for a bay. The full explanations are listed in the complete Council on Street Disabled Bay Parking Policy.