

REGENERATION, COMMUNITY AND CULTURE OVERVIEW AND SCRUTINY COMMITTEE

21 OCTOBER 2009

THE PROVISION OF RESIDENTIAL ON-STREET DISABLED PARKING BAYS

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Summary

This report, together with the draft policy document, seeks to replace the current Disabled Parking criteria. The committee agreed that a task group should be established to look into this matter and this report details the task group's work and recommendations.

1. Budget and Policy Framework

- 1.1 The current provision of disabled parking bays is contained within the budget framework (although the current annual budget on disabled parking is vastly exceeded). However, the recommendation is to relax the current criteria, which will most likely lead to more bays applied for and installed. This will require further budget provision to be considered in the budget setting process for 2010/2011, and future years.
- 1.2 The provision of disabled parking places provides an improvement to accessibility, which is an Local Transport Plan (LTP) target and links with Medway's Accessibility Strategy.

2. Background

- 2.1 The Regeneration, Community and Culture Overview and Scrutiny Committee agreed that a task group should be established to look into this matter and this report details the task group's work and recommendations.

- 2.2 The existing Disabled Parking Criteria has been in existence since Medway Council was formed and was largely based on the Kent County Council Policy at that time.
- 2.3 Following changes in the legislation for disabled driver's "blue badge" criteria in 2008, a Disabled Parking Task Group was convened to review the existing on-street disabled parking criteria and provide a new fit for purpose Medway Policy in line with the new criteria.
- 2.4 The task group members were Councillors Bright, Hunter (the Chairman) and Stephen Kearney. It met in July 2008, September 2008 and January 2009 and included an invitee representing the Spinal Injuries Association and Disabled Drivers Association. Members comprehensively looked at issues surrounding the provision of disabled bays.
- 2.5 The task group discussed a wide range of issues and options including:
- Limitations of the current criteria – especially with regard to the ownership of a garage
 - Personalised disabled parking bays
 - Housebound residents and their carers, friends and family parking problems
 - Legal and non-formal disabled parking bays and bays at supermarkets
 - The removal of a disabled parking bay when no longer required
 - Fraudulent applications and use of blue badges
 - Short term (temporary) issue of blue badges
 - Appeal system
 - Record of where disabled parking bays are located within Medway.
- 2.5 The task group was informed that there are 10,700 badge holders in Medway and currently 1,100 bays which is a ratio of approximately 1 to 10, although the Council received a lot more requests than the number of bays installed. If the current criteria is to be relaxed for applicants, it will take up more on-street parking space.
- 2.6 The fundamental changes between the current criteria and the proposed policy are:
- the provision of temporary bays and bays for carers, in exceptional circumstances
 - the recognition that there is a need for a robust record of the on-street bays, and an on-street survey to tie in the facilities on-street with the approved bays, and the construction of a reworked data base

- the most fundamental and wide reaching change is that the existing policy automatically discounted residents who had off-street parking facilities, regardless of where they were or realistically how accessible they were. The proposed draft policy seeks to assess any off-street facilities together with the type and nature of the disability, and then determine whether the off-street facilities can meet the applicant's needs, if not then an on-street bay may be provided.

2.7 The draft policy at Appendix B of the review document was developed and agreed in broad terms with the task group following these meetings.

2.8 The existing criteria currently used by officers is shown at Appendix A of the review document.

3. Consultation

3.1 Organisations and community groups were contacted and sent a copy of the current criteria, together with the proposed policy and asked for comments. The responses are set out in the review document.

4. Diversity Impact Assessment

4.1 As the task group's review was carried out, a Diversity Impact Assessment screening form was completed and has been attached as Appendix 1 to this report.

5. Proposals

5.1 It is proposed that the revised draft Disabled Parking Policy replaces the existing Disabled criteria; in addition that the off highway surveys are undertaken by the Occupational Therapy service.

5.2 Officers have consulted with the Occupational Therapy service about carrying out the assessments required and the re-charge costs this would entail. These are set out in the recommendations at the end of the review document.

6 Risk Management

Risk	Description	Action to avoid or mitigate risk
Budget exceeded Rated C3	A large number of previously failed applicants may request bays, or a greater number of applications are received. If the cost of the bays is subsidized by the Council the available budget could be exceeded.	The anticipated figures are only estimates so the risk cannot be avoided. There are two options: continue with delivery of service and overspend which will mean cuts in other services or restrict the number of bays to the budget available.

Insufficient staff Rated C1	The expanded service will be heavily reliant on the availability of Occupational Therapy staff with suitable qualifications. A shortage of such staff would mean that new applications could not be processed.	Occupational Therapy to put in place support arrangements with other authorities to provide cover in the absence of suitable staff.														
Complaints from nearby residents Rated B3	As residents with garages and driveways may become eligible for parking bays on street, this could have significant impact on the available on-street parking for other residents, especially if the bay is for visiting carers. A large volume of complaints would have a detrimental impact on other services.	Provide wide public information on the new system.														
	<table border="0"> <thead> <tr> <th>Likelihood</th> <th>Impact</th> </tr> </thead> <tbody> <tr> <td>A Very high</td> <td>1 Catastrophic</td> </tr> <tr> <td>B High</td> <td>2 Critical</td> </tr> <tr> <td>C Significant</td> <td>3 Marginal</td> </tr> <tr> <td>D Low</td> <td>4 Negligible</td> </tr> <tr> <td>E Very low</td> <td></td> </tr> <tr> <td>F Almost impossible</td> <td></td> </tr> </tbody> </table>	Likelihood	Impact	A Very high	1 Catastrophic	B High	2 Critical	C Significant	3 Marginal	D Low	4 Negligible	E Very low		F Almost impossible		
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7 Financial implications

- 7.1 It is anticipated that there will be a considerable increase in the number of on-street disabled bays due to the proposed changes, this will also create a potential surge of previously turned down applications that may now qualify for an on-street disabled bay and therefore increasing pressure on this budget as disabled bays are heavily subsidised by the council.
- 7.2 There will almost certainly need to be an increase in staff to deal with the extra applications. At present the responsibility of the site surveys is still being investigated and if this was retained as a function of the Traffic Section, this would have staffing implications.
- 7.3 The budget increases have been predicted based on current knowledge. However, there is a risk that demand is greater than predicted. Consequently there may be a budget pressure in excess of predicted costs, and this may lead to the situation where either:
- (i) an overspend is accepted, and the budget is reviewed annually
 - (ii) that upon reaching the budget that no further applications are processed

until the commencement of the new financial year.

- 7.4 The traffic section can only afford the current amount in the budget unless Members wish to raise the budgetary allocation. The section cannot fund the Occupational Therapy costs, so a budget sum is required for that of £17,500. Also, further funding of £35,000, on top of existing funding, will be required for the installation of additional disabled parking bays and will require annual review.

8. Legal implications

- 8.1 There are no legal implications envisaged. The current advisory and formal bay classifications will remain unchanged under The New Blue Badge Scheme Regulations, The Disabled Persons (badges for motor vehicles) (England) (Amendment) Regulations 2007.

9. Recommendations

- 9.1 The committee is asked to consider the review and agree the recommendations set out in the review document (at Appendix A to this report) and refer these to Cabinet and Council for consideration.

Background papers

The Disabled Persons (badges for motor vehicles) (England) Regulations 2007

The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2007

The Blue Badge Scheme Local Authority Guidance

Notes from the task group meetings

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