



Produced by a task group of Regeneration, Community & Culture Overview and Scrutiny Committee October 2009









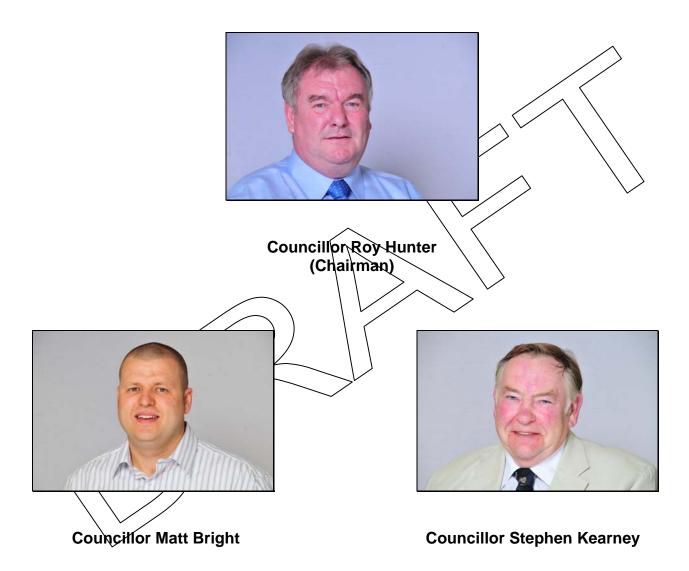
CONTENTS

	Page Nos
Foreword	5
Scope of the task group's work and how the review was carried out	7
Background Information	9
Current Situation	11
Options and proposals	13
Consultation	17
Recommendations	19
Appendix A – existing criteria	21
Appendix B – proposed new policy	23





FOREWORD



On behalf of the Committee, we welcomed the opportunity of forming the task group to listen to the problems about the criteria currently used for assessment of on-street disabled parking bays. This report represents the outcome of the group's work and proposes a new policy which will require agreement by the Cabinet and Council.

Councillors Roy Hunter (Chairman), Matt Bright and Stephen Kearney.



SCOPE OF THE TASK GROUP'S WORK

Context

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.

Ward Councillors and officers had reported an increasing number of requests for disabled on-street parking bays outside residential properties. Applicants were also reporting their concerns about the limitations of the current scheme.

Terms of Reference

At the first meeting of the task group, after having reviewed the current criteria used by officers and discussed policies in operation at other council's, Members agreed that a new set of criteria would be helpful to inform a new policy for officers to work from.

It would be especially helpful to set down new rules to deal with each application fairly, especially where parking was pressurised and to be able to publish this for all residents to access, for an open and transparent policy.

HOW THE WORK WAS CARRIED OUT

At the meeting of Medway's Regeneration, Community and Culture Overview and Scrutiny Committee on 18 March 2008, the principle of setting up a task group to look at this matter was agreed. However, other on-going committee work was to be completed before the task group began to look into the issues of residential on-street disabled parking bays.

The task group used examples from their own experiences as Ward Councillors and the problems that constituents brought to them and invited a representative of both the Spinal Injuries Association and Disabled Drivers Association. Other organisations were contacted by letter asking for their comments on the proposed draft policy and these were considered, taken into account where appropriate and incorporated into the Diversity Impact Assessment and covering report submitted to the Overview and Scrutiny Committee meeting for consideration on 21 October 2009.



Meetings of the task group were held to discuss the issues and take evidence as follows:

Date	Issues/attendees					
28 July 2008	Introductory meeting to consider the current issues and					
	background to the criteria and installation of residential disabled					
	parking bays, clarifying that this did not include disabled parking					
	bays in town centres or at supermarkets etc.					
	Discussion of problems relayed by residents to Councillors,					
	questions to officers about what was/was not legally possible					
	when installing a disabled on-street parking bay.					
Date	Issues/attendees					
10 September	Representative of the Spinal Injuries Association and Disabled					
2008	Drivers Association in attendance.					
	Discussions covered the legalities of the national disabled blue badge scheme, mobility allowance and problems encountered by the representative and other disabled car users. Agreement that a new policy should be drafted to allow for more flexibility and the right of appeal.					
19 January	Consideration and amendment of the suggested criteria and					
2009	first draft of a new policy.					
E-mail /	Consideration of responses received from officers to questions					
consideration	from the task group about the application forms and issuing of					
at later dates	blue/badges.					
	Contact with other groups, partners and organisations for response to proposed draft policy.					



BACKGROUND INFORMATION

Disabled On-street Parking Bays

These are marked in white on the road and have an associated post and sign placed on the footway/verge. A legal advertisement is placed in local newspapers and a post and badge are installed and the space is legally only able to be used by blue badge holders. Where the bays are used by non-blue badge holders, they could be issued with a penalty charge notice.

The cost of installing a formalised disabled parking bay is substantially higher than the installation of a non-formal bay.



Non-formal bays

These are also marked in white on the road and are not legally enforceable. Applicants are made aware that they will not have exclusive rights to the bay – anyone with a blue badge is entitled to park there. However, if the bays are misused by non-blue badge holders, officers would look to formalise the bay, as detailed above. Non-formal bays are initially preferred, as they do not involve the much greater cost and time delay that is involved with legally formalising a bay.







Size of disabled bays

The Traffic Signs Regulations and General Directions 2007 requires on-street disabled bays to have a preferred width of 3.6 metres, with a minimum of 2.7 metres, and a length of 6.6 metres. However, the width can be reduced to an absolute minimum of 1.8 metres. The purpose of the maximum dimensions is to provide for rear and side disabled access clear of either parked vehicles or moving traffic.

National statistics

The Department of Transport issued the following results from the 2007 figures, revised on 20 November 2008:

- The number of blue badges issued in England increased by 2% from 31 March 2006 31 March 2007
- There has been a long upward frend in badges issued, with the number of badges issued more than trebling since 1987
- The population of England is ageing and the probable implications of this is that it is likely that the number of requests for disabled parking bays will increase. It is likely that it will come to a position where the requests cannot be achieved within the available road space when the needs of other car owners are considered.

Medway statistics

According to the 2001 Census, the percentage of households in Medway with one or more people with a limiting long-term illness is 31%, which is less that the UK national figure of 34%.

Medway's overall resident population is currently 252,200* and is likely to increase by 6% to over 265,000 people by 2026 which means that approximately 4,000 more people will be living in Medway by 2026 with a limiting, long-term illness which may require the use of a residential disabled parking bay.

Medway policies

The provision of disabled parking places provides an improvement to accessibility, which is a target within the Local Target Plan (LTP) and also links with Medway's Accessibility Strategy.

^{*} according to Census 2006 mid-year estimates



CURRENT SITUATION

There are currently 10,700 blue badge holders in Medway and 1,100 bays, a ratio of approximately 1 to 10. However, the Council receives many more requests than the number of bays installed.

New applications

A disabled resident, whether able to drive a car or not, may apply to the Council for an on-street disabled parking bay outside their house. The specific circumstances of the property are considered by officers, in line with the current criteria shown on page 21. If an applicant is refused a bay for whatever reason, there is no right of appeal.



If an applicant has a garage, driveway or off-road parking facility they are not currently eligible for a parking bay.





However, the task group accepted that there are garages, driveways and off-street parking that are unsuitable for use by some disabled people or located too far away from the property and that each case, that does not automatically qualify for provision of a bay, should be considered on its own merits.

The current criteria used by officers is attached at Appendix A on page 21/2



OPTIONS AND PROPOSALS

Options

After consultation with various organisations and community bodies, the task group considered and discussed the following options and suggestions:

- personalised bays with house number painted onto the road
- carer bays for use at certain times of the day and parking for friends and family
- renewal policy for informal parking bays
- permit scheme with only one permit per bay but this could not legally have the extra area required for health and safety reasons around the disabled bay.

Officers advised, and the task group agreed, that these suggestions were either too costly, not legal or legally unenforceable with the exception of progressing further the possibility of parking bays for the use of carers.

The task group also considered whether a scheme to financially assist applicants to pave an area (or garden) within their property to become suitable for car parking would be viable. Members suggested this as a way of freeing up road space for general parking use. However, in the recent Pitt review*, recommendation 9 (agreed by government and now extended into planning law**) states:

"Householders should no longer be able to lay impermeable surfaces as of right on front gardens and the government should consult on extending this to back gardens and business premises."

Therefore this option was not progressed further.



The task group considered the problems that a less stringent criteria may create. It would definitely result in more bays being installed across Medway and the effect this would have on general residential on-street parking.

^{*}Pitt review: Learning lessons from the floods of 2007 (published in June 2008)

^{**} Planning permission required for hard surfaces under the Town & Country Planning Act General Permitted Order 2008



More applications would mean more detailed on-site inspections and this will take up more officer time and the workload will increase considerably. Informal parking bays (not provided for under the Traffic Signs Regulations and General Directions 2007) are heavily subsidised by the Council, so the installation of a larger number of bays will mean that the budget for this work would need to be re-considered by the Council during the budget-setting process for 2010-2011 and onwards.

Members asked if any procedures are in place to remove unused or unwanted disabled bays and were advised that as many bays are removed each year as new ones are installed but there is currently no definitive record of all the residential on-street disabled parking bays in Medway. A definitive record needs to be obtained if, for no other reason than identifying illegal disabled parking bays, whether provided on an informal or formal basis.



Proposals

Following further consideration of the options and advice received, the task group agreed the draft policy shown on page 23 to be forwarded for consideration by the Regeneration, Community and Culture Overview and Scrutiny Committee.

Currently the on-site inspections for a new application are equivalent to one full-time post within the Traffic Management team and the increased workload could not be managed within the department. The task group is keen that the function of on-site inspections is kept within the Council, as external agencies have no accountability or funding implications for their recommendations. However, this would mean an additional post and training within the Traffic Management team. Officers requested that investigations are made into the possibility of using the Occupational Health service to take on this responsibility. This would involve a re-charge cost to the Council.



The proposed amended criteria, however, may lead to an increase in applications from previously rejected applicants, plus new applicants. This can only increase the number of on-street disabled parking bays, resulting in a reduction in the level of kerb-space available for general parking.

The cost of installing additional informal on-street disabled parking bays is thought to be in the region of £35,000, although this is an approximation as the total number is unknown. It is suggested that a budget is set and officers install bays where applicable throughout the year until the budget has been used, such as happens with the alleygating scheme budget.

Members were extremely keen that officers should be able to remove any unused or unwanted bays to restore them to general use and discussed various possibilities to help achieve this.

The task group considered that information via the Bereavement Pack' supplied by the Registrar Service would provide an additional route to ask relatives to notifiy officers in the Traffic Management team of an unwanted bay and officers could investigate whether other disabled residents used it or action the removal, if appropriate, of the disabled parking bay.

Another suggestion to enable officers to remove any unwanted bays, was for notification to take place between the Customer First and Traffic Management teams when a blue badge is returned. The task group was advised that this may require the installation of a computerised notification system between the two teams. Officers considered that this was possible and would not incur further monetary charges.

It was also suggested that all Councillors should be written to, asking if they know of any on-street disabled parking bays that they are aware of that may no longer be required and officers could investigate these further.

Another proposal was that officers review the new policy in one year's time and collate the data highlighted in the Diversity Impact Assessment carried out during this review.





CONSULTATION

The following organisations and community groups were contacted and sent a copy of the current criteria together with a copy of the proposed policy. A summary of the comments received, with officers response shown in italics, are shown below:

Interfaith Forum

Suggested that the Council's planning department liaises with builders with regard to the size of garages built in order to allow more off-street parking.

Physical Disability Partnership Board

Commented that mobility assessments are best carried out by the Occupational Therapy Service, as it is a very involved process and difficult for others to compare degrees of impairment. The draft policy had been forwarded to all Occupational Health workers for comment. No responses have been received to date.

Disabled Workers Forum

Response awaited

Medway Access Group

Commented on paragraph 3 of the draft Policy with regard to Carer Bays, asking how these would operate and who would carers approach about using these. Would these bays be distinguished from other disabled parking bays and a different badge displayed?

Under the current regulations this would need to be consistent with current bays and blue badges, the operation of this is yet to be finalised.

Also, Part 2—General Conditions and Site Conditions Criteria No.2 – Existing Garage. The group wished to remind officers that some households have two wheelchair users and therefore a greater space is required than is currently set out in this paragraph. They wished for the final sentence of section (i) to be amended to read: "(These dimensions will vary due to the size of the vehicle involved, the level and type of disability and how access/egress is made from the vehicle.)

When the policy is finalised, this will be included.

The group also asked whether car ports could be considered for new planning applications rather than garages, as this was not size-restricted for doors and rear access to vehicles but allowed people to at least stay dry.



Criteria No. 5 – Height of Garage Doors. This category also applies to a vehicle with roof top wheelchair access (depending on the type this can increase the height of the vehicle by up to 4 feet.) This may mean that a vehicle can be driven into a garage but not able to access the wheelchair.

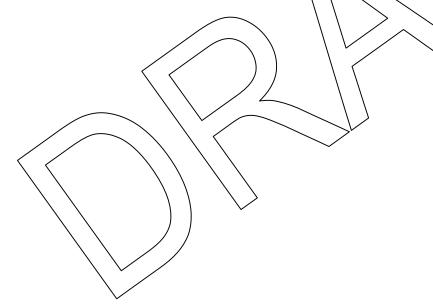
When the policy is finalised, this will be included.

The group also commented that where a residential disabled parking bay is installed, a dropped kerb should also be automatically provided.

Unfortunately, this would not be possible. This would massively increase the cost of a bay, and may also require the bay to be extended, so that the parked vehicle was not over the drop kerb.

Medway Human Rights and Equality Council

Commented on clarity in certain paragraphs and typing errors





RECOMMENDATIONS

The task group asks the Regeneration, Community and Culture Overview and Scrutiny Committee to:

- request that Cabinet recommends to Council, that during the budget setting process for 2010-2011:
 - (a) additional funding of £35,000 for the installation of disabled parking bays is included in the budget for 2010-2011 and onwards, and that this figure is reviewed annually;
 - (b) that it is acknowledged that the budget for disabled parking may be exceeded and that additional staff resources are provided to deliver this service, as required;
 - (c) funding of £17,500 is agreed for the re-charge of the Occupational Therapy service to make the relevant site inspection, in the budget of 2010-2011 and onwards (however, this is to be reviewed annually).
- 2. ask Cabinet to agree that if (a), (b) and (c) above are agreed by Council during the budget setting process of 2010-2011, that officers implement the new Residential On-street Disabled Parking Policy from 1 April 2010.
- 3. ask Cabinet to agree (if funding is agreed at the Council's budget meeting in 2010), as part of the Registrar Services 'Bereavement Pack', that a leaflet is included to ask relatives to return any blue badges and to inform the Traffic Management team of any residential disabled parking bays the deceased may have used. Following further investigation by officers, this may lead to the removal of the disabled parking bay to return the space to general on-street parking provision.
- 4. Councillors are asked to notify the Traffic Management team of any residential on-street disabled parking bays that they believe are no longer required or used for officers to investigate further may lead to the removal of the disabled parking bay to return the space to general on-street parking provision.
- 5. ask officers to revisit all forms and documentation when the policy has been agreed to include further information for applicants. This should include information on use of bays, enforcement around display of blue badges, etc.
- 6. ask officers to set up a shared database between the traffic section and customer first (issuers of the blue badges) so that any badge that has been returned to either department is recorded and available for either section to view in order to follow up about any matter with regard to a disabled parking bay, as necessary.

MEDWAY COUNCIL

CRITERIA FOR DISABLED PARKING BAY

Medway Council has adopted the following procedure for the provision of disabled parking bays.

All applicants will apply to Traffic Management who are based in the Regeneration, Community & Culture.

Applications where the client receives High Rate Mobility allowance (proof to be provided) will be processed by the unit and will not be referred to Occupational Therapy. The applicants that will be referred are those under 3, or over 65, who are not able to apply due to their age.

Applicants must have a Blue badge (proof to be provided)

Applicants must not have garage/drive/off road parking

The driver (if not the applicant) must live at the same address as registered user

The Highway conditions will be assessed by an Engineer to establish whether or not a bay can be technically provided. (Issues such as safety, width of carriageway, number of vehicles using or parking in the road, number of other disabled peoples parking bays in the road and the availability of off-street parking will be taken into account.)

An application may refused by the Traffic Manager because

- Parking difficulties are not acute
- Road conditions do not make a parking place technically viable
- Objections are received

All applicants must be aware they will not have exclusive rights to the bay – anyone with a Blue badge is legally entitled to park within it.

It will be assessed periodically using the above criteria, to make sure that the bay is still justified. If the bay is no longer justified, it may be removed.

A fee will be charged for any application for a bay (currently £30)

There are two types of bay, most commonly they are informal, however if there are continually complaints the bay is formalised by issuing a legal order.

Additionally the Traffic Manager in exceptional circumstances may approve the provision of a bay that does not meet the above criteria.

DRAFT POLICY FOR DISCUSSION ON THE PROVISION OF DISABLED ON-STREET PARKING SPACES

Introduction

Following changes in the Blue badge criteria, and the findings of The Disabled Parking Task Group, the existing Medway Disabled parking Criteria was reevaluated.

The following information in this draft Policy seeks to encompass these Policy changes and the findings of The Disabled Parking Task Group, and is tabled for discussion.

Following on from the Task Group, is was considered that the site specific features of the applicants property needed further investigation, and this features in this draft document.

<u>Criteria To Be Satisfied For The Provision Of On-Street</u> <u>Disabled Person Parking Spaces</u>

Part 1 - Level Of Disability

1. The Current Scheme

The New Blue Badge Scheme Regulations and The Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2007 amended the eligibility criteria for the issue of 'Blue Badges'. The Department for Transport document - The Blue Badge Local Authority Guidance (England), provides advice to local authorities on the new criteria and all associated matters relating to the issue and use of 'Blue Badges'.

There are two types of eligibility for a **'Blue Badge'** provided for under the new legislation:

1. Type 1: 'Eligible without further assessment'

People who may apply for a 'Blue Badge' without further assessment are those who are more than two years old and fall within one or more of the following descriptions:

- (i) Received the Higher Rate of the Mobility Component of the Disability Living Allowance (HRMCDLA).
- (ii) Is registered blind.
- (iii) Receives a War Pensioners Mobility Supplement (WPMS), (not eligible in the previous Medway criteria)

2. Type 2: 'Eligible subject to further assessment'

People (more than 2 years old) who would be considered eligible subject to further assessment are those who fall within one or more of the following descriptions:

- (i) Drives a vehicle regularly, has a severe disability in both arms, and is unable to operate, or has considerable difficulty in operating, all or some types of parking meter.
- (ii) Is unable to walk or has very considerable difficulty in walking because of a permanent and substantial disability.

Also children under the age of two if they fall within either or both of the following descriptions (not eligible in the previous Medway criteria):

- (i) Has a condition that requires that they be always accompanied by bulky medical equipment which cannot be carried around with the child without great difficulty.
- (ii) Has a condition that requires that they must always be kept near a motor vehicle so that they can, if necessary, be treated for that condition in the vehicle or be taken quickly in the vehicle to a place where they can be treated.

The assessment of eligibility by local authorities is considered at length within 'The Blue Badge Scheme Local Authority Guidance (England)' with examples being provided of assessment schemes introduced by a number of them.

2. People Who Should Be Eligible For An On-Street Parking Place

The issue to people of a 'Blue Badge' will no longer be used as the criteria for considering applications for the provision of disabled person parking bays associated with parking at their residence. Instead it will be based on the criteria used to determine the level of disability as explained below. The Blue Badge will only be used for the purpose of display in a vehicle to indicate that the persons using it are entitled to park within the bay.

- (i) All people who are eligible for a 'Blue Badge' who fall within Type 1: 'Eligible without further assessment.'
- (ii) All children under the age of 2 years who fall within *Type 2 : 'Eligible subject to further assessment.'*
- (iii) All people falling within *Type 2 : 'Eligible subject to further assessment'*, who have a degree of walking impairment that is of

a comparable level to that required to claim the Higher Rate Mobility Component of the Disability Living Allowance (HRMCDLA).

Additionally the driver (if not the applicant) must live at the same address as the registered user.

3. Carer bays

On-street disabled bays may be provided on a 'fast track' process for people who have a terminal illness that seriously limits their mobility.

(Macmillan nurses, other specialist nurses, GP's and district nurses, in other words all medical persons concerned with the treatment of the person concerned would be eligible to use the bay/park on existing waiting restrictions).

4. People having short term disabilities

There are no provisions within the new legislation for the provision of disabled person parking bays associated with properties for people suffering from short term disabilities. The provision of such bays would require an approach to the DfT requesting an amendment of the current legislation, which Medway will progress.

5. Approval/Rejection of applications

Traffic Management Officers shall take a decision on applications based on the information contained in this Policy. Should an applicant wish to appeal against this decision, then appeals must be made in writing to the Traffic Manager. Any appeal with be considered initially by the Traffic Manager, with a further referral to the Assistant Director, Frontline Services, if required. The Traffic Manager may also at his discretion and in consultation with the Assistant Director in exceptional circumstances approve a bay that does not meet the accepted criteria.

6. Types of parking bay

(i). An informal bay

This bay comprises of white paint markings on the carriageway, this is the most common type of bay installed in Medway. The bay is advisory and it is not possible to take enforcement action against non blue badge holders who park in the bay.

(ii). A Formal bay

This bay comprises of white paint markings on the carriageway, together with a post and sign plate. This type of bay has a Traffic Management Order, which makes the bay legally

enforceable. This type of bay is usually installed where there has been ongoing non compliance with an informal bay. Formalisation of bays is also done in batches with a single Traffic Order covering many bays, therefore there may be a significant lead in time

It should also be noted that any blue badge holder can park in any disabled bay.

Part 2 - General Conditions and Site Conditions

Where the applicant meets the Disability criteria there will be a presumption in favour of providing a bay. However a number of additional criteria will need to be considered before a bay can be provided.

Criteria No. 1 - Highway Conditions

In each case, the parking place will be sited as near as possible to the relevant building but taking into account to take the following issues:

- Traffic flow
- The interests of the owners and occupiers of adjoining properties, where appropriate
- Access to premises
- Road safety
- Existing site conditions (road widths etc)

Specific criteria relating to an applicants property that will need to be appraised prior to any approval. If the applicant can provide adequate parking facilities off street, then a bay will not be approved unless personal circumstances make it reasonable to do so.

Criteria No. 1 - Existing Garage

- (i) An existing garage will be considered to provide an adequate disabled person parking place where its internal dimensions are a minimum of 5.0 metres in length and 2.7 metres in width. (These dimensions will vary due to the size of the vehicle involved, and how access egress is made from the vehicle)
- (ii) Where such dimensions are provided but are obstructed by the storage of household goods or similar then the garage will be considered adequate for use as a disabled person parking place. It will be the

- responsibility of the property residents to remove the stored items to provide the required parking space.
- (iii) Where these spatial requirements are met then the application for onstreet person parking place shall be declined. Where they are not met, the application shall be approved.

Criteria No. 2 - Curtilage Parking Place

- (i) Existing curtilage parking place will only be considered to provide an adequate disabled person parking place where its minimum dimensions are 5.0. metres in length and 2.7 metres in width. (These dimensions will vary due to the size of the vehicle involved, and how access egress is made from the vehicle)
- (ii) Where such dimensions are not achieved but can be achieved without the need for any major or costly works then unless there are extenuating circumstances the applicant should undertake the works.
- (iii) Where these requirements are met then the application for onstreet person parking place shall be declined. Where they are not met, the application may be approved.

Criteria No. 3 - Gradient

- (i) This site condition only applies to curtilage parking places, and may be dependent on the degree of disability of the applicant
- (ii) The maximum longitudinal gradient of a curtilage disabled person parking place should be 5% (1 in 20). Gradients in excess of this are likely to cause severe problems for disabled persons.
- (iii) Where the longitudinal gradient of the parking place is greater than 5% (1 in 20) the parking place, this may be considered to be inappropriate for use as a disabled person parking place.

 Therefore, the application for a disabled person on-street parking place may be approved.

Criteria No. 4 - Vehicle Accessibility

- (i) This would generally only apply to garages/parking places (and includes en-block garages that are often quite a distance from the property) provided to the rear of properties accessed from a rear access way, and may be dependent on the degree and nature of disability of the applicant.
- (ii) Where the manoeuvring by the disabled person of their vehicle into the garage / parking place is difficult due to the restricted available access widths such that it is considered to place onerous conditions on them to

- their detriment, then the garage / parking place shall not be considered as a disabled person parking place.
- (iii) Where there is no reasonable access, the application for an onstreet disabled person parking place be approved.

Criteria No. 5 - Height Of Garage Doors

- (i) Where the height of the door to a garage does not allow access to it by the disabled person's vehicle then the garage shall not be considered as a disabled persons parking place, this is generally where a disabled person uses the rear of the vehicle for access/egress.
- (ii) Therefore, the application for an on-street disabled person parking place may be approved.

Criteria No. 6 - General

- (i) Regardless of the level of parking demand generated by a household that of the disabled person shall at all times take priority over all other parking demand.
- (ii) Therefore, for example, where a household has parking demand for two vehicles, one of which is that of a disabled person requiring a disabled person parking place, but only one curtilage parking place is available, which is suitable for disabled parking, then that space shall be deemed to be the disabled person parking space. All other parking would have to be accommodated on-street.

If you have any questions about this guide and you want to speak to someone in your own language please ring 01634 335577

উাংলা	331780	ਪੰਜਾਬੀ	331784	اردو	331785
哎	331781	Polski	332373	فارسى	331840
ગુજરાતી	331782	كوردي	331841	Русский	332374
हिंदी	331783	এঃহংশফ্বব	331786	Lietuviškai	332372

This information is available in other formats and languages. Please contact 01634 331594.

If you wish to contact the Council through the Minicom (text) facility please ring 01634 331300