

<b>Subject:</b>	<b>Individual Disabled Bays</b>		
<b>Date of Meeting:</b>	<b>8<sup>th</sup> October 2013</b>		
<b>Report of:</b>	<b>Executive Director Environment, Development &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Charles Field</b>	<b>Tel: 29-3329</b>
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<b>Wards Affected:</b>	<b>All Wards</b>		

**FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The purpose of this report is to consider a review of the possibility of offering Individual Disabled Bays to residents within Brighton & Hove.

**2. RECOMMENDATIONS:**

- 2.1 That the Committee approve the proposal that the council provide permit specific disabled persons parking bays subject to the criteria and charges set out in this report.

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 As part of the Citywide Parking Review a request was raised by individuals and disability groups that the council provide permit specific disabled person parking bays. These would be disabled bays marked on the road or on a sign plate with a specific permit number related to an individual resident. Other disabled badge holders would be liable to a PCN if they parked in that bay. These specific bays could improve access for individual blue badge holders in residential areas where there is parking pressure often coupled with local facilities such as schools and community venues.

- 3.2 It was agreed in a report to Transport Committee on 15<sup>th</sup> January 2013 that the principle is accepted but further work and consultation was required as to the eligibility criteria that should be applied. The scheme also has to be financially viable. The Recommendation was that Officers investigate further and bring forward a further report to committee.

**4. CONSULTATION**

- 4.1 The investigation began with looking at how other authorities deal with requests for individual disabled bays. It was found that the majority of London Boroughs do allocate this type of bay although there was a large variation in costs and criteria. The Royal Borough of Kingston & Thames for example only consider applications for individual disabled parking bays in residential areas and there are very strict criteria which have to be observed before a bay can be provided. Individual disabled persons parking bays are not normally provided within a controlled parking zone as blue badge holders can park close to their home without charge in any permit bay (excluding Car Club bays) pay and display, meter or shared use bays.

- 4.2 Officers from Brent Council were particularly helpful and provided a lot of useful information on the running of their personalised disabled bay scheme, signing & lining requirements, criteria and permit eligibility. They informed us that applicants need to have an operational disabled bay and also demonstrate their inability to use it before they can consider their applications. Applicants, therefore, have to provide reasons why they are unable to use their standard disabled person's parking place. It could be that they live in a very busy town centre, near a railway station, there are many blue badge holders residing near the parking place, they may be seriously ill etc. They are also required to include a copy of their 'Mobility Allowance at a higher rate for an indefinite period' if they are under 65 years old or, 'Attendance Allowance at a higher rate for an indefinite period' if they are over 65 years old with their application forms. It was also useful to know that following Department of Transport guidance they enforce the scheme through signage and lining displaying a permit number which needs to coincide with a permit number displayed in the vehicle.
- 4.3 If we were to introduce the individual parking bays without having a 'settling in' time there would be implications / delays for applications for new standard disabled bays or changes to existing ones. There are approximately 200 new applications a year, not counting the changes to existing bays (removal / changing from advisory to enforceable). It also would not give the applicant or officers any opportunity to assess the situation adequately before taking the further step of creating an individual exclusive disabled bay.

The majority of disabled bays go in with no problems at all and they are used only by the applicant which provides an important service to them. However, in some circumstances there are issues with disabled bays with other blue badge holders parking in them, particularly where the bay is close to amenities. Officers should be able to evaluate the need for an individual disabled bay at their discretion. The Council have received only a few telephone calls where residents report not being able to use the bay in which they applied for. 90 -95% of the bays we install do not experience any problems. We also need to consider the impact to ensure it won't be unfair on other blue badge holders/ visitors etc wishing to use disabled bays.

- 4.4 One of the major issues is that due to the recent budget savings there is no allocated money to be able to provide this service so funds will either need to be allocated or there will be a cost implication with a charge required for providing lining / signing and a specific permit.

This is because it was identified that the following approximate costs were required;

- Removal of existing disabled parking sign - **£24.00**
- Replace with new disabled bay sign below with permit number - **£44.00**
- Burning off disabled bay marking - **£12**
- Adding disabled bay marking with permit number - **£20**
- Total amount = **£100**
- There is also the possibility that a new post would have to be installed / relocated and replaced at a cost of **£129** but we wouldn't consider this as part of the overall costs.
- The cost of the Traffic Regulation Order change would be incorporated into the six monthly amendment traffic orders and the annual disabled bay traffic order.

- 4.5 The views of the Transport Operations section were also taken into account on enforcement and permit issues. It was envisaged that there would need to be a cost for the permit as well and on balance a small charge of **£10** for an annual permit was seen as a sensible way forward as it would be in line with the £10 charge for a resident permit with a blue badge (which they may no longer require) within resident parking schemes.
- 4.6 The Federation of Disabled bay group and associated groups have been contacted to voice their opinion. However, to date we have not received any responses from them to this proposal.

### **Conclusions**

- 4.7 If anything is agreed to be taken forward then to provide this service there would need to be a one off charge of £100 for an individual disabled bay to cover costs. There would also be a charge of £10 per year for an allocated permit to park in the disabled bay. However, this then gives the applicant the opportunity to have an individual disabled bay for their exclusive use only outside their property for as long as they remain at that address, which would improve access for individual blue badge holders in residential areas where there is parking pressures.
- 4.8 The following criteria would need to be followed:
- It would only be offered to blue badge holders who have applied for an existing enforceable disabled bay which has been in place for at least six months.
  - It will be considered on a discretionary basis i.e. if there are problems identified with usage and details of these have been provided to the Council with evidence in writing and / or photos.
  - If an applicant changes address they would only be eligible to apply for a new standard disabled bay (because they would be in a new area / road with different situations) and the original individual disabled bay outside their old property will be removed. If the person applied for a disabled bay in their new location and problems emerge in the first six months then they could apply for another individual disabled bay. Provision of standard disabled bays is free.
  - There would be a charge of £100 for an individual disabled bay to cover costs. (Costs include the signing, lining and officer/contract work. Traffic order costs of up to £2,000 per Order are not included and are funded by the Council)
  - There would also be a charge of £10 per year for an allocated permit to park in the disabled bay.
  - As with all permits types issued by Brighton & Hove City Council there would be a £10 charge for a new permit or replacement permit caused by a change of vehicle, permit lost etc.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 There are no significant financial implications arising from the recommendation in this report. The cost of converting individual bays would be covered by the proposed charge of £100 (paragraph 4.3). Traffic order costs are expected to be minimal and

would be included in the six monthly amendment traffic orders and the annual disabled bay traffic order. which are funded by the Council)

*Finance Officer Consulted: Jeff Coates*

*Date: 21/08/2013*

Legal Implications:

- 5.2 The Council regulates traffic by means of orders made under the Road Traffic Regulation Act 1984. Under the Act parking bays may be designated for vehicles of any class, which can include the provision of bays for particular vehicles. Procedural regulations require public notice of orders to be given and any person may object to the making of an order. Any unresolved objections to an order must be considered by the Transport Committee before it can be made. In carrying out consultation the Council is under a general duty to ensure that any consultation is fair. This means that it must be carried out when proposals are being formulated, that adequate time and information about proposals must be given to consultees to ensure that they can provide a proper response, and that any consultation responses must be properly considered in reaching the decision.

The Council is under a legal duty as a public authority to consider the human rights implications of its actions. Parking and traffic restrictions have the potential to affect the right to respect for family and private life and the right to protection of property. These are qualified rights and therefore there can be interference with them where this is necessary, proportionate and for a legitimate aim.

The Council is under a duty to exercise its powers under the Act secure the safe and convenient movement of traffic and the provision of adequate on and off-street parking facilities. It must also take into account any implications that orders would have for access to premises, local amenity, air quality, public transport provision and any other relevant matters.

*Lawyer Consulted: Carl Hearsom*

*Date: 10/04/13*

Equalities Implications:

- 5.4 The proposed measures will be of benefit to people with mobility issues who require a designated bay close to their home.. There is a cost to providing this service but it has been kept to the minimum possible for the actual work that is required, and is a one-off payment that provides an individual designated parking bay on street.

Sustainability Implications:

- 5.5 Managing parking will increase turnover and parking opportunities for all.

Crime & Disorder Implications:

- 5.6 The proposed amendments to restrictions will not have any implication on the prevention of crime and disorder.

Risk and Opportunity Management Implications:

- 5.7 Any risks will be monitored as part of the overall project management, but none have been identified.

Corporate / Citywide Implications:

- 5.8 The legal disabled bays will provide parking for the holders of blue badges who have experienced problems parking near their home.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The only alternative option for the proposals is doing nothing which would mean the proposals would not be taken forward or only taking forward part of the scheme. However, it is the recommendation of officers that these proposals are proceeded with for the reasons outlined within the report.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 To seek approval of the schemes to the implementation stage after taking into consideration of the duly made representations and objections. These proposals and amendments are recommended to be taken forward for the reasons outlined within the report.

**SUPPORTING DOCUMENTATION**

**Appendices**

None

**Background Documents**

1. Item 53 – Transport Committee Meeting Report – 15<sup>th</sup> January 2013

