Subject: Disabled Persons Parking Bay Policy  Status: For Publication

Report to: Communities, Regeneration and Environment Overview and Scrutiny Committee  Date: Thursday, 9 July 2015

Cabinet Member: Councillor Jacqueline Beswick

Report of: Director of Economy & Environment  Author: Steve Reay

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Comments from Statutory Officers:
- Monitoring Officer: Yes/No
- Section 151 Officer: Yes/No

Key Decision:

1 Purpose of the report

1.1 This report is to ask members to review the previous proposed report (Appendix 1) and subsequent comments received from the four Townships (Appendix 2) to make a decision on the future policy for implementing disabled parking bays in residential areas which will be covered by a Traffic Regulation Order (TRO).

2 Recommendations

2.1 It is recommended that the committee considers the following report with a view to confirming a policy relating to the provision of disabled parking bays in residential areas.

3 Background and reason for recommendation

3.1 Historically, Rochdale Borough Council has provided advisory disabled bays in residential areas however; the bays were not supported by a TRO and therefore could not be enforceable by way of a Penalty Charge Notice. The road markings used for advisory disabled bays did not comply with legislation. All existing and future disabled bays must to be supported by a TRO.

3.2 Under the previous system the Highways Service expended a considerable amount of staff time assessing applications against the agreed criteria. Unfortunately the criteria applied could not identify the severity of the need. This manifested itself in the form of neighbourly disputes where bays were provided in locations that other residents did not consider it to be absolutely necessary. Because of this contempt of the marked bays became commonplace in some locations. As a result of recent cost savings the staff resource to deal with applications has been lost.

3.3 So as to target real need and to reduce the volume of applications to a manageable level, it was identified that a robust criteria should be implemented.
3.4 In January 2014 a report was submitted to each of the four Township Committees. The report (Appendix 1 to this report) proposed changes to the then current criteria to enhance the quality of applications for a disabled parking bay in a residential area. The changes solely relied upon assistance from Social Care Services. It was proposed and agreed in principal that Social Care Services would vet each applicant using their internal database (ALLIS) to check the severity of each applicant’s disability i.e. critical or substantial, thus indicating those applicants with a greater requirement. The report also highlighted the need for the Township Committees to fund any future provision of disabled parking bays.

3.5 The minutes of the Township meetings are as follows:

3.5.1 Heywood 6 January 2014
DECIDED – that the report be noted.

3.5.2 Pennines 7 January 2014
DECIDED – That (1) the report be noted; (2) This Committee recommends funding for Disabled Person Parking Bays covered by a Traffic Regulation Order be provided from Traffic Enforcement funds rather than Townships.

3.5.3 Rochdale 8 January 2014
DECIDED – That a sub-group of the Township Committee be authorised to consider this matter in more detail and to make representations to the Cabinet, on this matter, on behalf of the Township Committee.

3.5.4 Middleton 9 January 2014
Members of the Committee made the following comments in relation to the submitted report:
- The Equality Impact Assessment for the policy was not compatible with the 2010 Single Equality Act;
- Township Committee budgets should not be called upon for disabled persons parking bays;
- The policy was not workable as any bays could be used by any blue badge holder and not just the resident for whom the bay had been originally installed;
- Further options for providing disabled person parking bays should be explored;
- The previous scheme of providing advisory markings for disabled persons parking should be reinstated;

3.6 Since the reports to Townships were submitted in January 2014 no applications for bays have been processed.

3.7 Following recent changes to the way that Local Authorities assess eligibility for social care and the recent implementation of The Care Act 2014, Social Care Services will no longer be able to assist with the vetting of applications and as a result the report proposing the new criteria is no longer applicable.
4 Alternatives considered

4.1 Option 1
Disabled parking bays are only provided in town centres and at public facilities to assist access for disabled people to nearby shops and public amenities. For this option there would be no requirement for additional staff resources. This would reflect the approach taken by other authorities.

4.2 Option 2
The criteria attached to the report submitted to Townships in January 2014 be introduced with the exception of any Social Care involvement. All approved bays being funded by the relevant township. Each disabled parking bay will be supported by a TRO to regulate use by non-Blue Badge holders and comply with legislation. The cost of each disabled parking bay supported by a TRO is approximately £4000.00 and the same cost to remove if/when the applicant no longer requires the bay due to moving house etc. In addition to the funding required for the legal implementation and maintenance of each disabled parking bay, funding would also need to be identified for a full time employee to process disabled bay requests applications and promote the TRO’s. A Technical Support Officer would be required currently at SCP 5.

5 Financial Implications

5.1 The process to introduce a TRO costs approximately £4000 per bay. The cost of a TRO is broken down as follows:

- £3500 to cover the legal process i.e. drafting of the TRO, producing plans, advertising in the press and on street.
- £500 to cover the associated lines and signs.

5.2 Should Option 2 be confirmed then additional staff resources will be required as set out in paragraph 4.2 above.

6 Legal Implications

6.1 The Council has a statutory duty to ensure that the highways operates safely and efficiently therefore each bay must be supported by a traffic regulation order and its location considered against a robust criteria.

7 Personnel Implications

7.1 No implications have been identified.

8 Corporate Priorities

8.1

9. Risk Assessment Implications

9.1 No risk assessment implications have been identified.

10. Equalities Impacts
10.1 Workforce Equality Impacts Assessment

There are no workforce equality issues arising from this report.

10.2 Equality/Community Impact Assessments

The following equality/community issues arise from the issues raised in this report as set out below:

There are no equality/community issues arising from this report.

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Title: Disabled Parking Bay Policy

**Subject:** Revised policy/criteria for the provision of Disabled Person Parking Bays

**Status:** FOR DRAFT

**Report to:**
- Rochdale Township
- Middleton Township
- Heywood Township
- Pennines Township
- Cabinet

**Date:**
- 6th November
- 7th November
- 4th November
- 5th November
- March 2014

**Report of:** Economy & Environment- Directorate (Mark Widdup)

**Author:** Emma Hartley

**Author Email:** Emma.Hartley@Rochdale.gov.uk

**Tel:** 01706 924467

**Portfolio Holder:** Councillor Jackie Beswick

**Comments from:**
- Section 151 Officer
- Monitoring Officer

**Key Decision:** No

**Forward Plan**

**General Exception**

**Special Urgency**

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1. **PURPOSE OF REPORT**

1.1 For Members to approve the following policy and procedure for implementing future Disabled Parking bays which will be covered by a Traffic Regulation Order.

1.2 To allow officers to process requests for Disabled Parking bays in a more accurate, consistent and fair manner.

1.3 To provide Members clear guidance on the criteria and policy for implementing Disabled Parking bays and the requirement of valid traffic regulation orders.

2. **RECOMMENDATION**

2.1 Township is recommended to comment on the criteria for the proposed Disabled Parking bay policy and procedure.

3. **MAIN TEXT INCLUDING ALTERNATIVES CONSIDERED/ CONSULTATION CARRIED OUT**

3.1 The provision of disabled parking facilities can be an emotive subject. Especially when efforts are made to identify a priority list measured on need. The issuing of a Blue Badge is based upon a wide range of medical conditions however it is those residents which are critically disabled that should be given the highest priority.
3.2 Employees within the Highways Service are not suitably qualified to carry out an assessment of this need; therefore assistance from Social Care Services is essential.

3.3 In 2000 Rochdale MBC began providing advisory disabled bays in residential areas however; this type of bay is not supported by a Traffic Regulation Order and is not enforceable by way of a Penalty Charge Notice. The current markings used for advisory disabled bays do not comply with current legislation and it is proposed that any future Disabled bays that are implemented are supported by a Traffic Regulation Order in order to be enforced. The advisory bay approach was adopted by the council with a view to reduce the cost and staff resources spent investigating and executing each disabled parking bay request. However in the first three years that advisory bays were implemented, over 250 applications were received with just over 70 being provided on street. Each application had to be assessed via a questionnaire completed by the applicant and an assessment of each site had to be carried out.

3.4 Funding for advisory bays was provided annually via the Design Initiative Budgets. The annual budget covered staff time to assess the application and where approved, the implementation of the bay. Since the process of funding was revised and conveyed to the Townships, no annual budget has been provided for the provision of disabled parking bays.

3.5 In 2004 the enforcement of parking restrictions was decriminalised and passed from the police to Rochdale MBC.

3.6 Experience has revealed that advisory bays result in problems as they are progressively being used by non-disabled motorists or motorists not displaying a valid disabled Blue Badge, as a result of the bays only being advisory enforcement action cannot be taken. Where parking in a particular street is limited and a Disabled parking bay applicant is seen by other residents to have a disability that does not warrant a personal bay, the provision of such bay has caused serious neighbourly disputes and in some cases resulted in the police becoming involved. This is not an efficient use of emergency service resources.

3.7 Problems also occur when more than one disabled blue badge holder lives in a particular vicinity. There can be a tendency for the applicant of the bay to consider the bay their private parking facility and neighbourly disputes can again occur.

3.8 It is proposed that the process of approving a Disabled parking bay request will be as per the criteria shown in Appendix A.

3.9 The contents of Appendix A will be turned into a policy document once approved. This report will be hosted on the Council Website.

4.0 Alternatives considered

4.1 Not to provide disabled parking bays in residential areas and only make provision for disabled parking in town centres or other public areas. The provisions of disabled parking facilities are considered important to the residents of Rochdale and therefore should be provided but a robust policy needs to be in put place.

4.2 Charge the applicant a fee for the implementation of any requested disabled parking bay. The implementation of a Disabled bay covered by a Traffic Regulation Order is expensive and it is proposed that townships will meet the costs.

5.0 Consultation proposed/undertaken

5.1 The Township Committee is being asked for comments on the above proposals in order for Cabinet to approve the new policy contained in this report.
5.2 The Highways Service has consulted with the Head of Integrated Services and the Care and support Manager for Adult Care. It is agreed that they will fully assist in the identification of those applicants which are critically disabled and should be given the highest priority.

6.0 FINANCIAL IMPLICATIONS

6.1 The process to introduce a Traffic Regulation Order (TRO) to enable a bay to be enforced by Rochdale MBC approximately costs £4000 per bay. The cost of a Traffic Regulation Order is broken down into:

- £3500 to cover the legal process i.e. drafting of the Traffic Regulation Order, producing plans, advertising in the press and on street.
- £500 to cover the associated lines and signs.

These are standard costs and it would be difficult to break costs down further as each location will have its own peculiarities.

6.2 Highways no longer have a budget provision for this type of works and funds would be required from the townships.

7.0 LEGAL IMPLICATIONS

7.1 The Council has a statutory duty to ensure that its highways operate safely for the safe passage of all traffic including pedestrians.

8.0 PERSONNEL IMPLICATIONS

8.1 None

9.0 CORPORATE AND TOWNSHIP PRIORITIES

9.1 None.

10.0 RISK ASSESSMENT IMPLICATIONS

10.1 There are no specific risk issues for members to consider arising from this report.

11.0 EQUALITIES IMPACTS

11.1 There are no workforce equality issues arising from this report.

11.2 Equality/Community Impact Assessments

An Equality Impact Assessment has been completed for this report and is available on request.
Appendix A

Applicant criteria

The applicant:

- Must fully complete a Disabled Person Parking Bay application form and return to Rochdale MBC within 28 days of receipt of the application - Appendix B
- Must hold a recognised valid Disabled Blue Badge - clear colour photocopy of both sides of the badge to be enclosed with the application form.
- If under 65 must be in receipt of entitlement to the higher rate Disability Living Allowance (Mobility Component) / Personal Independence Payment (from 08/04/2013) - photocopy to be enclosed with application form.
- If over 65 must be in receipt of entitlement to the higher rate Attendance Allowance - photocopy to be enclosed with application form.
- Must be a resident adjacent to the proposed location of the disabled bay.
- Must be in receipt of ‘critical’ or ‘substantial’ care as assessed by Social Care Services.
- The applicant or a resident at the property must own and drive a vehicle that is kept at that address and provides regular transport for the applicant - copy of the vehicle registration document and insurance document to be enclosed with the application form.
- Must not have access to Off-Street parking or be able to provide an off-street parking space by clearing an existing drive/hard standing or by bringing back into use an existing garage. If there is a driveway, garage or other off street area where the vehicle can be parked within a reasonable distance i.e. 50m, the application will not be considered.

Location criteria (even if parking presently occurs in these areas)

The location:

- Must not be on a strategic highway unless existing marked out parking bays exist
- Must not be on roads less than 6m in width
- Must not be in a location that contravenes any part of the Highway Code
- Must not be within 20m of a road hump or any other traffic calming feature
- Must not be on a bus route unless existing marked out parking bay exists
- Must not be within 50m of an existing bay (within 100m on a classified road)
- All alternatives must have been explored e.g. construction of driveway where space allows
- Must not be on a cobbled road, set paved road or conservation area
- There must be existing parking problems on the road which prevent the disabled person parking in a location convenient to their property

Bay criteria

The Bay:

- Shall meet the requirements of 'The Traffic Signs Regulations and General Directions 2002'.
- Is not guaranteed to be located directly outside the applicant's property. The exact location will be determined on site and will be examined within highway engineering criteria and the local conditions.
- Is not person specific and can be used by any disabled blue badge holder where a valid disabled blue badge is clearly displayed.
- Shall remain the property of Rochdale BC.
Disabled Persons Parking Bay Application Form

Personal Details

Applicants' name: ____________________________

Full Address: __________________________________________

Telephone No: ________________________________________

Blue Badge No: ____________________________ Expiry Date: __________

Vehicle Registration: ____________________________

Declaration by Applicant

Please tick the following boxes to confirm you agree with the declarations below.

1a. I confirm that I am the driver of the vehicle for which the parking bay has been requested and that the vehicle is registered at the above address. Or

1b. I confirm that the driver of the vehicle is resident at the above address, the vehicle is registered and kept at the same address and provides regular transport for the applicant.

2. I am in receipt of entitlement to the higher rate mobility component of the Disability Living Allowance/ Personal Independence Payment (from 08/04/2013) or if over 65 the higher rate of Attendance Allowance.

3. I have no alternative off-street parking facility, such as a garage, driveway or area of hard standing.

4. Must be in receipt of 'critical' or 'substantial' care as assessed by Social Care Services.

5. I understand that the bay requested shall meet the requirements of 'The Traffic Signs Regulations and General Directions 2002'.

6. I understand the Disabled Persons Parking Bay is not specific and can be used by any vehicle which clearly displays a valid disabled blue badge.

7. I agree to notify Rochdale Borough Council immediately if any of the above details change and accept that the bay will be removed if I no longer meet the required criteria.

Continued overleaf
Disabled Persons Parking Bay Application Form (continued)

The following documents must be enclosed with the application to proceed:

- A clear, colour copy of both sides of your current Disabled Blue Badge showing the serial number, expiry date and photograph
- A copy of your / member of household drivers licence, vehicle registration document and valid insurance document.
- If under 65 - Proof of Award of the higher rate Disability Living Allowance (Mobility Component) / Personal Independence Payment (from 08/04/2013)
- If over 65 - Proof of Award of the higher rate Attendance Allowance

If you have any concerns or require further information regarding this application please contact Network Management: 01706 924571 before returning the signed application form.

Signed: ______________________________________

Date: ______________________________________

Please return this form with the required photocopied documents to the address below within 28 days, after this time it will be assumed you no longer wish to progress with the application.

Rochdale MBC, Highways and Property Service, Network Management, Floor 4, Number One Riverside, Smith Street, Rochdale OL16 1XU

OFFICE USE ONLY

Traffic ref: ________________________________
Date received: ____________________________
Application check: ________________________
Documents received: ________________________
Approved / Not approved by Social Care Services: ________________________
Comments: _______________________________
**Appendix 2 - Township Committee comments**

### Pennines Township Committee Response Sheet

**Members comments/queries as follows:**

- Is it the case that the bays can be used by any blue badge holder? If so, is that not unfair on the applicant?
- How can parking enforcers differentiate between existing non-enforceable spaces and new enforceable spaces?
- Policy will provide further consistency and certainty
- Who pays for the spaces now? Should the fee not be paid from parking income not from Townships?

**Highway responses to comments/queries as follows:**

- This is the case however it would be more unfair to the applicant if any motorist parks there and there is no way to enforce it.
- They will be briefed on any area to be enforced. As they would be with any new TRO. Locations would be added to the HHC (Hand Held Computer).
- Helen Smith/ Julie Rushton/ John Grahamslaw?

### Rochdale Township Committee Response Sheet

**Members comments/queries as follows:**

- As you have stated your service has no budget for implementing any request but state the service also does not have suitable qualifications to carry out an assessment of need. Your report states you would need assistance from Social Care Services, my question is do they have the capacity and a budget to do this if we approve the new policy?
- The report states that current markings used do not comply with current legislation but does not state why and if it is a small discretion or totally outside the new legislation? Could it be that a small change at little cost could be the answer?
- It states it is proposed that Townships will meet the costs; can you be clearer in who proposes this?

**Highway responses to comments/queries as follows:**

- We have met with Social Care and they are supportive of the proposals. The process will allow Social Care to help us focus our resources towards the most needy.
- The legislation in place since 2002 has required a disabled bay marking on the public highway to be supported by a Traffic Regulation Order. Without a TRO our enforcement officers cannot enforce anyone who misuses the bay.
- Since funds were devolved to the Townships, Highways have needed to apply for funds for all new TRO’s.
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