

Appendix C


# Provision of Residential Disabled Parking Bays in Lancashire Policy

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## **Residential Disabled Parking Bays**

### **Executive Summary**

It is recommended that the County Council adopts this policy and criteria (as set out in Appendix A) as the protocol for considering the introduction of residential disabled parking bay requests.

### **Background**

The current system by which disabled residents of Lancashire can apply for a disabled parking bay on the highway outside (or near) their homes was originally introduced in 1996 and subsequently amended by the Cabinet Member for Sustainable Development in November 2005. The criteria currently used were set during a period when district councils delivered highway services, inclusive of residential parking bays, on behalf of the County Council.

Since the adoption of this policy there have been a number of organisational and legislative changes that now make it impossible to follow the existing approved policy. In addition there are a number of circumstances which are not addressed by the current policy.

This revised policy aims to resolve a number of areas which the current system either does not cater for or has become unworkable due to organisational or legislative changes. It must be noted that there is no obligation for the County Council to provide residential disabled parking bays and that such provision is a discretionary service in the interest of improving the amenity for certain groups. However this policy aims to ensure that any provision is supplied in an equal and fair manner.

## **The Provision of Residential Disabled Parking Bays (RDPB)**

The purpose of providing residential disabled parking bays (RDPB) in Lancashire is to help those disabled drivers whose mobility impairment mean they cannot walk any significant distance and therefore need help in parking close to their homes.

It is unreasonable for the County Council to introduce residential disabled parking bays for all blue badge holders. The County Council recognises the greatest benefit of introducing residential disabled parking bays is gained in areas where little or no off-street parking is available and thus there is significant competition for on-street parking space. It is also acknowledged that blue badges can be issued for many reasons not all of which involve mobility impairment.

Consequently in order to help those most in need the provision of a RDPB application will only be considered in Lancashire if:-

1. The Applicant is an existing blue badge holder with significant mobility impairment.

2. The Applicant does not already have facility of a suitable off street parking area.
3. The Applicant does not have land availability to introduce a suitable off street parking facility.
4. There is a clear and obvious parking problem.

These criteria do not guarantee that a RDPB will be provided only that the application will be assessed for suitability.

### **(RDPB) Provision – Eligibility**

The aim of this policy is to provide those drivers with severe mobility impairment access to parking facilities close to their homes in specific cases as outlined within this and other supporting documents. The policy does not cater for the provision of parking for disabled residents who do not drive apart from in exceptional circumstances.

The main criterion, that the disabled applicant must be the driver of the vehicle has been adopted because able bodied drivers can double park briefly, to assist a disabled person into or out of the car to a safe area, and then park the vehicle elsewhere. This is considered to be a reasonable arrangement on most residential streets.

In addition the county council appreciates that public resentment can arise over drivers who are not disabled seemingly having a reserved parking space. The policy has therefore been designed to ensure consideration is given to all residents of the area.

As a consequence the assessment criteria require that an applicant is a blue badge holder with significant mobility impairment and is also the driver of the vehicle which must be registered to the applicants address.

Not all blue badge holders have significant mobility impairment. The policy uses the provision of the Enhanced Mobility Component of the Personal Independence Payment **or** the higher rate of mobility component of the Disability Living Allowance or War Disablement Pensioners Mobility Supplement as an indicator that an applicant has significant mobility impairment. Alternative arrangements are proposed for applicants whose mobility impairment occurred after the age of 65 and as a result are not eligible for either of the abovementioned benefits.

In exceptional circumstances consideration will be given to the provision of a residential disabled parking space to a passenger on the basis that the applicant's disability means they cannot be left alone, even for any brief period of time, and as a consequence must receive constant supervision and care. Consideration will also be given in circumstances where the road characteristics deem it unsuitable to allow brief double parking by an able bodied driver to assist the disabled passenger to a safe place.

A separate exemption will be considered for disabled children aged 16 or younger who meet all criteria bar being the driver, where the able-bodied driver, is their parent, guardian or other close relative or full-time carer and also resides with them.

The criteria for the provision of a residential disabled parking bay are set out within appendix A to this document.

## **Locations Where (RDPB) Provision Will Not Be Provided**

The County Council is both the Highway Authority and Traffic Authority within Lancashire. The Council will not allow the introduction of a RDPB if it would conflict with the County Councils duties and responsibilities in either of these roles.

Consequently the County Council will not consider RDPB provision in the following locations:-

- In the turning head facility of any cul-de-sac.
- In any location where an existing prohibition or restriction of parking (inclusive of permit parking), of waiting or loading is in place or is being considered by the Council.
- Within 10 metres of a significant or major road junction.
- At locations where there is a history of visibility related accidents.
- In a position which may prevent the passing of normal traffic flows.
- In a position where a parked vehicle will be unsighted to travelling vehicles such as on a bend.
- On unadopted highway or private land.

## **Application Assessments.**

Applications will initially be assessed via application form Mo30 or any subsequent revision with copies of the following supporting information:-

- Copies of both sides of the applicants blue badge as proof of the applicant's entitlement.
- Copy of the V5 document as proof that the vehicle is registered to the address of the applicant.
- Copy of entitlement to the Enhanced Mobility Component of the Personal Independence Payment **or** the higher rate of mobility component of the Disability Living Allowance, War Disablement Pensioners Mobility Supplement as proof of the applicant's mobility issue.
- Copy of the applicant's driving licence.

No application will be progressed without the above information.

Should all the above information be provided to the satisfaction of the Council an assessment of the existing parking provision and feasibility for the provision of a RDPB in the area will be undertaken by an appropriate nominated officer.

As part of this process the views of nearby neighbours will be sought regarding any proposed parking provision. Any consultation views will be taken into consideration as part of this process.

Any on-street Disabled Parking Bay will be provided within the vicinity of the disabled driver's home but not necessarily along their frontage. It may be necessary to group bays together when there is more than one in a street. The length of group bays will be assessed by an officer in order to ensure the maximum use of on street parking availability whilst meeting the applicant's needs.

Were appropriate the investigating officer will have the discretion to limit the aggregated available disabled parking space provision on any given street in order to balance the needs of all residents.

### **Application Exemption Assessments**

The County Council recognises that three groups cannot be easily assessed using the standard assessment criteria. Therefore the following exemptions will be considered.

#### 1) Severely Disabled Residents Who Cannot Drive

The County Council recognises that in certain instances some disabled passengers will need specific help parking close to their homes.

Consequently the Council will consider exemptions on the basis that the application is on behalf of a mobility impaired resident who is cared for by the vehicle driver who lives at the address.

The application will be considered on the following basis:-

- If the road, which the applicants property is located upon, is a classified A or B road and as such is unsuitable for a driver to double park, even briefly. Other roads may be considered unsuitable dependant on the level of traffic flow.
- If the disabled resident requires constant care and supervision and as a consequence cannot be left unattended, even for a short period of time.

The County Council does not employ health professionals who are capable of assessing an individual's mobility or disability. Consequently the Council would seek supporting evidence from the applicant's general practitioner to help assess any exemption application.

Exemption applications will initially be assessed via the normal application form route with copies of the following supporting information:-

- Copies of both sides of the applicants blue badge as proof of the applicant's entitlement.
- Copy of the V5 document as proof that the vehicle is registered to the address of the applicant.

- Copy of entitlement to the Enhanced Mobility Component of the Personal Independence Payment or the higher rate of mobility component of the Disability Living Allowance, War Disablement Pensioners Mobility Supplement as proof of the applicant's mobility issue.
- Provision of supporting information from a General Practitioner (GP) in the form of a completed proforma (Appendix B1). It will be the responsibility of the applicant to ensure the form is passed to his or her GP for completion.
- The county councils adult and social care service will be consulted to help deliberate on the exemption application. The applicant may be contacted by the county council with regards to their service provision.

## 2) Disabled Drivers Whose Mobility Issue Occurred After the Age of 65

As stated earlier not all blue badge holders have significant mobility impairments. The policy uses the provision the Enhanced Mobility Component of the Personal Independence Payment or the higher rate of mobility component of the Disability Living Allowance or War Disablement Pensioners Mobility Supplement as an indicator that an applicant has significant mobility issues.

However individuals whose mobility issues occurred after the age of 65 are not eligible to any of the abovementioned benefits.

In order to determine such an applicant's mobility impairment the Council will require supporting evidence to be provided from a General Practitioner by completing proforma (Appendix B1). It will be the responsibility of the applicant to ensure the form is passed to his or her GP for completion.

- The county councils adult and social care service will be consulted to help deliberate on the exemption application. The applicant may be contacted by the county council with regards to their service provision.

This supporting evidence will be in addition to:-

- Copies of both sides of the applicants blue badge as proof of the applicant's entitlement.
- Copy of the V5 document as proof that the vehicle is registered to the address of the applicant.
- Copy of the applicant's driving licence.

## 3) Disabled Child Aged 16 or Younger

Drivers who are parents or who care for children with mobility impairment may benefit from the provision of RDPB.

Consequently an exemption is proposed where the able-bodied driver, is the parent, guardian or other close relative or full-time carer and resides with a disabled child, aged 16 years or younger and can supply evidence of:-

- Copies of both sides of the child's blue badge as proof of the applicant's entitlement.
- Copy of the V5 document as proof that the vehicle is registered to the address of the applicant.
- Copy of the child's entitlement to higher rate of mobility or Personal Independence Payment allowance as proof of the applicant's mobility issue, unless restricted by age.

All exemption applications will be examined by an appropriately nominated officer.

## **Introduction of Bays and Enforcement**

It is unlikely that RDPB will receive regular enforcement, however disabled bay markings are for the most part self enforcing. It is therefore proposed generally to introduce advisory bays rather than promote Traffic Regulation Orders (TRO) which makes them enforceable.

The introduction of a TRO will be considered if:

- The bay is being introduced in an area already covered with other TROs – particularly relevant in town centre residential areas with other parking provisions in place, or
- An advisory bay has already been implemented but the level of abuse requires a level of enforcement to the bay

Regulations require that disabled parking bays should be provided at a minimum size of 6.6m by 2.7m However the bay width may be reduced to a minimum of 1.8m on account of the nature of the traffic using the road.

The County Council will seek to introduce bays to these dimensions for all applications. This will provide the most suitable facility for the applicant and retain the ability to introduce TROs and subsequent enforcement to any problem areas.

However, if necessary, the 6.6m bay marking may be reduced in length, provided this meets the applicant's needs, in order to address any valid objections. This can only be undertaken on the basis that the reduced size bay can not have a TRO introduced retrospectively.

On-street Disabled Parking Space is not reserved for the exclusive use of an individual and may be used by any other blue badge holder. There is no guarantee the bay will be available to any individual blue badge holder.



## **Review of RDPB provision**

It is the responsibility of the applicant or their representative to inform the Council when any RDPB is no longer required by the applicant.

When the Council is informed of ad-hoc changes to the applicant's requirements (for example if the applicant moves away), the Council will investigate and give consideration to removing the parking place.

The county council will assess whether the parking place may be convenient for another qualifying blue badge holder and if this is the case, the parking place may be retained.

The county council will aim to carry out a periodic review of RDPB provision. As part of this review the original applicants may be contacted to confirm that they still require the RDPB.

## **Appeals Process**

Where a qualifying person is dissatisfied with any decision made by officers in relation to the provision of a RDPB the circumstances will be reviewed by a senior officer.

## **Data Protection**

The Council will retain all information provided by the applicant as digital data within the Councils secured network. All paper copies of documents supplied by the applicant will be digitised within 28 days of receipt. The physical documents will be destroyed within 28 days of digitisation unless the applicant requests their return.