

POLICY ON PROVIDING DISABLED PERSON'S PARKING BAYS IN RESIDENTIAL AREAS

1 The Purpose of the Policy

- 1.1 Chapter 3 of the Traffic Signs Manual recommends provision of 'disabled badge holders' bays in areas of high demand near facilities such as shops, doctors' surgeries and railway stations. It also indicates the potential need "to provide bays that enable disabled people to park close to their homes in areas that either have parking bay provision for other road users (permit or otherwise) or where there are no parking controls but kerb space is often fully occupied by parked vehicles".
- 2.1 This policy seeks to implement the above recommendations and to provide supplementary guidance on the process of installing disabled parking bays in residential areas. For the last ten years, Leeds City Council has been providing designated parking spaces for disabled people by application. This policy, based on existing practice and experience, seeks to formalise this process and to provide a formal structure for deciding outcomes of applications. It also reflects the recommendations of the Equality Impact Assessment, undertaken in 2009/10.

2 Background Information

- 2.1 In April 2011 the public sector Equality Duty came into force as the result of the 2010 Equality Act . While there are no specific provisions for highway authorities, the Duty applies to all public sector bodies and requires them to "consider the needs of all individuals in their day to day work, in developing policy, in delivering services, and in relation to their own employees"
- 2.2 The Third Requirement under Section 30 of the Act places public sector bodies under an obligation to :

where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to provide the auxiliary aid

Disabled parking facilities could be considered under the description of an 'auxiliary aid', and the Policy sets out the 'reasonable steps' for their provision.

- 2.3 While overall Leeds City Council policies aim to reduce the reliance upon the private car, it should be recognized that for many disabled people an adapted vehicle is the only fully accessible form of transport and a way of maintaining their independence. Service delivery experience shows that disabled residents are sometimes reluctant to go out in the evening or at weekends for the fear of not being able to park close to their home when they return. There are also practical considerations which may necessitate the provision of a designated parking space,

such as a larger area required by an adapted vehicle, need for additional infrastructure such as a dropped kerb etc. For those affected, this can have a significant impact on their ability to work and enjoy a quality of life.

2.4 The 2001 Census indicated that of the 715,402 people then living in the Leeds Metropolitan Area almost 18% - had a long term limiting illness and 57,731 of those were of working age.¹ The Office For National Statistics estimate the current number of residents in Leeds at 779, 300. Latent demand for provision of disabled parking bays is therefore likely, due to:

- people seeking to carry on driving at an older age than hitherto (in the recent past, fewer older people had driving licences).
- an increase in car ownership, and
- increasing awareness of the possibility of getting a disabled parking bay.

3 Basis for provision of disabled parking in residential areas

3.1 Leeds City Council as highway authority will consider providing advisory disabled parking upon application by an eligible disabled resident (see eligibility criteria below). The bays will not be covered by a Traffic Regulation Order, but will be marked according to the Traffic Signs Regulations and General Directions 2002 (as amended) and may be removed when no longer needed, or where there is evidence that they are being persistently misused. These bays will not be reserved for the sole use of the disabled applicant but may be used by any Blue Badge holder.

3.2 Occasionally, requests for disabled parking provision are received from service providers within the community, such as churches, community centres, doctor's surgeries or specialist shops. Such requests may be considered where disabled parking does not require a formal restriction, such as a Traffic Regulation Order, and where a strong case for such provision can be made in terms of high demand and frequent usage. Normally an on-highway facility may be considered if the service provider has no accessible off street parking and local residents do not have reasonable grounds to oppose the bay.

4 Eligibility criteria

4.1 Applicants must demonstrate need, both in terms of experiencing walking difficulties and lack of parking opportunities. This condition is met by applicants who:

¹ Office of National Statistics.

- Are a Blue Badge holder and receive a Disability Living Allowance at either a Higher Mobility Rate, or Attendance Allowance²; or where the Blue Badge has been awarded with further assessment under the new procedure.
 - Have no access to off street parking, such as a garage, car port or driveway; and where
 - A vehicle is permanently kept at their address.
- 4.2 To be awarded either of the above benefits, the applicant must be assessed by an independent General Practitioner employed by the Department of Work and Pensions.³ This provides independent evidence of walking difficulties. A vehicle kept permanently at the disabled person’s address will ensure that the bay is used regularly and will justify a dedicated provision. In the interest of the integrity of the scheme, a bay will not be provided where it may be used mostly by visitors or carers of the disabled applicant as such provision would unfairly prioritise parking in favour of non –disabled relatives or staff, and may raise issues over the use of the Blue Badge.

5 Wider factors:

- 5.1 A disabled parking bay creates a restriction to on- street parking. Although disabled parking bays installed in residential areas are advisory, there are subject to a similar procedure as other proposed highway schemes. This includes consultations with local residents and a formal process of dealing with any issues raised during consultations.
- 5.2 To aid neighbourhood cohesion, the following factors will be considered when assessing an application for a bay:
- The impact of the parking restrictions upon other residents; the bays are not mandatory and must operate with the broad consent of local residents
 - The number of disabled residents in the area, who would all be entitled to park in the bay, or the number of potential new applicants. Total overall provision of kerbside parking and the potential for conflict where new applications must be refused when saturation point is reached
- 5.3 **Bays requested on residential streets where at least one car can be parked outside each property may be approved despite objections.** It may be considered that on such streets the bay would have a minimal impact on general availability of parking, and that the benefits to the disabled resident outweigh any concerns about the potential loss of parking space.

² A possible exception may be for persons who would have qualified for the Higher Mobility rate DLA, but are unable to apply due to their age. In such cases, an independent mobility assessment may be possible in order to qualify for a bay – under the same procedure as for all new Blue Badge applications.

³ Disability Living Allowance (Higher Mobility rate) is payable to people of working age who are “unable or virtually unable to walk considering the distance, speed, manner and time you are able to walk without severe discomfort.” Attendance Allowance is payable to those over 65 who need assistance with personal care, or have needed supervision because of a physical or mental disability for at least six months. Source: DWP website.

- 5.4 On narrow streets and in adopted car parks, a disabled parking bay may have a significant impact on general availability of parking. It is likely that, due to the limited nature of parking in such areas, a bay would be of great benefit to disabled residents but at the same time a considerable disbenefit to those living nearby, potentially including other disabled users.
- 5.5 Because of the significant negative impact, the risk of non-compliance and the need for disabled parking bays to operate with the consent of local residents, in areas where parking is very limited bays will not be provided where:
- a valid objection is received and parking is limited to one side of the road.
 - a number of residents sharing a communal car parking area have registered their disagreement.

In both of those instances the residents disagreeing with the provision should be able to demonstrate that the bay will have a significant negative impact i.e. that they do not have alternative parking.

- 5.6 Equally, if no negative responses are received, but the consultations prompt a number of applications and enquiries from other disabled residents, a bay may not be provided unless it is possible to fulfil the needs of all eligible disabled applicants. This is to avoid preferential treatment of any one disabled resident, creating a potential conflict over the use of a designated disabled parking space and potential negative effect of provision on other disabled residents.
- 5.7 Whenever possible, a bay will be provided directly outside the disabled person's home in order to minimise walking distance and aid the observance of the markings. A pragmatic approach is to provide a bay where the resident parks already – this helps prevent the bay remaining empty as the applicant attempts to park in their 'preferred' space.
- 5.8 Disabled parking bays will be provided only on existing carriageway and where parking would be consistent with safety, the Highway Code and relevant regulations. Laybys will not be provided.

6 Separate car parking facilities

- 6.1 Applications are generally refused if the applicant has separate car parking facilities e.g. a driveway or a garage. However, an application may still be considered if the existing off street parking provision demonstrably does not meet the needs of the disabled applicant and cannot be easily altered. Additional considerations are:
- A very narrow and/ or steep hardstanding, which does not allow the applicant to enter/ exit the vehicle, or is too narrow to accommodate an adapted vehicle and cannot be easily altered.

- Where there are more than one blue badge holder in the household, who rely on separate vehicles
- Where the off street provision is only accessible via steps and this cannot be altered, and where there is level access to the highway,
- Where the garage is not big enough to accommodate the vehicle and allow the disabled applicant to enter/exit.
- Where the garage is positioned a considerable distance away and so cannot be used by the disabled driver.

The opinion of an occupational therapist and/ or surveyor may be sought to determine the suitability of existing provision in relation to the needs of the disabled resident.

7 The application process

- 7.1 The contact details of the Access Officer dealing with residential disabled parking bays are widely advertised.
- 7.2 On receipt of an enquiry an initial interview, usually by telephone, is held to help establish likely eligibility. An application form is then sent on request.
- 7.3 On receipt of the completed application form accompanied by proof of entitlement
- a site visit is undertaken to determine the suitability of the proposed bay location,
 - Traffic Management is consulted, and
 - consultations are held by mail with local residents.
- 7.4 The applicant and any residents who have voiced concerns their are informed of the outcome.
- 7.5 Successful applications are forwarded for implementation.

8 Residents' concerns

- 8.1 All concerns regarding proposed bays expressed by residents during consultations are considered, apart from those that are anonymous as it is not possible to respond to these. All responses are treated as confidential – personal details are not disclosed to the applicant. In order to form a basis for a refusal of provision of disabled parking, reasons why residents disagree have to be substantiated.
- 8.2 Statements that the applicant does not ‘deserve’ a bay, or that they are not (sufficiently) disabled are not considered because the independent medical evidence submitted as part of the application process is regarded as proof of disability. However, where it appears that a claim of disability might be fraudulent then information received may be forwarded to the appropriate authority.

- 8.3 If a bay is to be installed despite other residents disagreeing with its provision, relevant consultees are informed of this in writing and have an opportunity to query the decision.

9 Appeals and complaints

- 9.1 The decision to accept or turn down a disabled parking bay is made initially by the Access Officer, in cooperation with Traffic Management.
- 9.2 If the applicant or neighbours are not satisfied with the decision they may challenge it. The decision is initially assessed by the Access Officer's Team Leader and may be referred up to the Head of Service. The final decision rests with the Chief Officer of Highways and Transportation using the delegated authority. The applicants or the neighbours can also lodge a complaint about the process through the Council's complaints procedure.

CASE STUDIES

The purpose of the following case studies is to illustrate interpretation of the policy. They are all real cases.

A

An enquiry was received from a disabled resident on a narrow street. A site visit showed that the area consisted of flats, with parking limited to one side of the road only. It also transpired that on the opposite side of the road lived another disabled resident, who would either be able to park in the bay, or whose ability to park close to their home would be seriously affected if the bay was installed. It was decided not to provide the bay; off street parking facilities were subsequently recommended by the disabled resident's Occupational Therapist.

B

A disabled parking bay was requested in a communal car park in a lay-by close to the applicant's house. A single objection was received from another disabled resident living in a house facing the proposed bay, an additional application was forthcoming from another disabled resident. It was decided not to provide a bay, as potentially three blue badge holders would be legally able to park in it, and the lay-by was not large enough to accommodate sufficient number of bays to satisfy the demand without seriously limiting spaces available to other residents.

C

Two applications were received simultaneously from two eligible disabled residents (next door neighbours). In the course of the consultations, other residents agreed to a bay for one particular applicant, but raised objections as to the other applicant's apparent lack of disabilities. These objections were overruled – the applicant provided proof of Care Allowance and there was sufficient space on the street to accommodate a vehicle outside each house - therefore it was deemed that the bay would have very little impact. It was not possible to provide a single bay without automatically discriminating against the other applicant and, as they both met the criteria in terms of the mobility needs, it was decided to provide a bay large enough to accommodate two vehicles.

D

An application was received from a disabled resident who had a garage away from the property. Initially, it was agreed to investigate the provision of a bay as the applicant claimed that the garage was not large enough to accommodate her Motability vehicle. The residents objected and it was found that the bay would impact on several houses, significantly reducing their opportunities to park, as it was requested at the head of a narrow cul-de-sac, while it was also found that the applicant's household had two adjacent garages, with sufficient space to park the Motability car across the entrances.

E

An application was received from an elderly couple living at a property with a garage. However, the garage was only accessible via a set of steps, which neither the applicant nor their partner could negotiate. There was a level path to the side of the property that both residents were able to use. Due to gradients, they needed to be able to park their vehicle close to the end of the path. Other houses in the area all had off street parking facilities, and no objections were received in the course of consultations. Therefore a bay was provided.

L:\TRANSPORT STRATEGY\Sustainable Transport\Accessibility\Disabled Parking Bays\Policy on Disabled Bays20100624.doc