

Meeting of the Cabinet - 15th February 2024

Report of the Acting Service Director - Neighbourhood Delivery

On-Street Disabled Parking Places

Purpose of report

1. To adopt a clearly revised policy for the provision of On Street Disabled Parking Places within the Borough and to define the basis on which a decision to provide these parking places will be made by officers.
 - To comply with the Equality Act 2010 and adopt a policy for existing streets that is more in line with the Dudley MBC Planning Guidance.
 - To revoke the previous policy for On Street Advisory Disabled Parking Places.

Recommendations

2. It is recommended that Cabinet approves the adoption of this policy, replacing the previous policy approved 21st December 2022. Enabling enforceable Disabled Parking places in safe locations providing Blue Badge holders and those assisting with the mobility of blue badge holders access to appropriate spaces.

Background

3. The proposal is to amend and replace the previously agreed policy approved 21st December 2022 and to introduce a new policy to move towards Disabled Parking places supported by Traffic Regulation Orders that can be used by any person who has a blue badge. Individual permits are not required.
4. An easily understood policy and an application form will be available on the Council Website for the applicant or their representatives to complete.

5. To comply with the Equality Act 2010 states “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 is reasonable to have to take to provide the auxiliary aid.”
6. The new policy also complies with:

Department of Transport - Inclusive Mobility A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure December 2021, and Department for Transport – Manual for Streets 2007.
7. In addition, the Dudley MBC Planning Guidance Note No. 6 – Highways Considerations in Development requires “the special needs of disabled persons and parents with young children will be recognised and the design of highways will be required to incorporate appropriate facilities”. However, these needs were not considered during the construction of the older streets in the Borough and disabled persons can experience difficulties in accessing their vehicles. This situation has been exacerbated by the increase in car ownership.
8. The attached report (Appendix A) provides the details and reference to appropriate guidance (see appropriate link below).
9. Appendix 1 - Amended Policy and Application Form to be made available to the applicants via the Council’s Website.
10. Appendix 2 - Check-list to assist the officers in making the appropriate decision regarding any application.

Finance

11. The cost of implementing this policy will be from the annual Local Network Improvement Plan (LNIP) budget allocation for signs, markings and guard rails. As individual permits will no longer be required there will be a small saving in officer time. However, this will not be sufficient to make any financial savings. Any payments taken under the previous policy will be refunded at an expected cost of £600.00.

Law

12. The proposals contained within this report are in accordance with the Equality Act 2010, Road Traffic Regulation Act 1984 and Traffic Signs Regulations and General Directions 2016.

Risk Management

13. No risks have been identified under the Risk Management Framework.

Equality Impact

14. The proposals contained within this report are consistent with the Council's Equality and Diversity Policy and provide on street parking facilities for blue badge holders in sustainable locations that are not restricted to individuals or restricted to those who own cars.

Human Resources/Organisational Development

15. There are no organisational development/HR or Transformation implications.

Commercial/Procurement

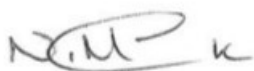
16. There are no commercial or procurement implications.

Environment/Climate Change

17. There will be no measurable environmental impact.

Council Priorities and Projects

18. The council plan 2022-25 contains four priorities. This proposal supports the priorities of 'borough of opportunity' and 'safe and healthy borough' through the delivery of a service to our Blue Badge holders, providing a clear and concise policy where on street disabled place may be provided that minimises the impact on other residents.



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Acting Service Director - Neighbourhood Delivery

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Appendices:

- Appendix A - Disabled Bay Report provides the details and reference to appropriate guidance.
- Appendix 1 - Amended policy and application form to be made available to the applicants via the Council's Website.
- Appendix 2 - Check-list to assist the officers in making the appropriate decision regarding any application.

List of Background Documents:

Appendix A

Documents available publicly:

The Highway Code:

<https://www.gov.uk/guidance/the-highway-code>

Traffic Signs Regulations and General Direction 2016:

<https://www.legislation.gov.uk/ukxi/2016/362/contents/made>

Department for Transport Manual for Streets:

https://assets.publishing.service.gov.uk/media/6270d4838fa8f57a360f8b91/Essex_Manual_for_Streets_Redacted.pdf

Inclusive Mobility - A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure

https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjwsemU19eDAXVyTkEAHenkDS8QFnoECBIQAQ&url=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fmedia%2F61d32bb7d3bf7f1f72b5ffd2%2Finclusive-mobility-a-guide-to-best-practice-on-access-to-pedestrian-and-transport-infrastructure.pdf&usg=AOvVaw03VYXfDq9W3le_2FOu8V0I&opi=89978449

Appendix 1

Disabled Parking Places Policy and Application Form

November 2023

The provision of Disabled Parking Places (DPP) is to assist residents who have a valid Blue Badge and would otherwise find it difficult to use a vehicle owned by them or available to them through a Mobility lease scheme or driven by a medical professional, carer, family member or friend.

It is the intention of this policy that the existing Advisory Disabled Parking Places and Statutory Disabled Parking Places limited to a specific permit holder will be phased out.

Where necessary Disabled Parking Places will be replaced with Statutory Disabled Parking Places which will be covered by a legal Traffic Regulation Order.

An approved DPP will be marked out wholly in the carriageway at a location the complies with the following criteria. Where possible a DPP will be provided within 50m of the property subject to an appropriate location being identified and a statutory consultation.

A DPP is provided to assist a Blue Badge holder where on street parking within 50m is regularly difficult to find. It is not intended for a bay to be a reserved parking space for friends, relatives or visiting health care professionals, or carers. However, it may be used by these people for the purposes of collecting and dropping off the disabled person whilst displaying their Blue Badge. There will always be competition for convenient on street parking especially in locations where demand for on street parking is greater. Parking on the public highway is always on a first come basis and we have no right to park outside our own homes.

Removing, permit holder only Disabled Parking Bays will enable bays to be located and used by Blue Badge Holders who do not drive or own their own vehicle.

Please Note:

This parking bay will be covered by a legal order and Fixed Penalty Notices can be issued to vehicles not displaying a Blue Badge or if there is evidence that the Blue Badge is being miss-used.

Use of the Disabled Parking Place will be on a first come basis, for Blue Badge holders, as per any other on street parking place.

The installation of a Disabled Parking Place will be supported by a Traffic Regulation Order. A statutory consultation will be required prior to a Disabled Parking Place being installed. Any objections to the Traffic Regulation Order will be considered by the Cabinet Member for Highways and Public Realm who has the final decision.

Dimensions and Signs

In accordance with Traffic Signs Regulations and General Directions 2016 the Disabled parking place will be a minimum of 6.6m (21ft 7inches) in length and 2.7m (8ft 11inches) wide and marked with the word DISABLED. They will also be supported by a sign illustrated below.



The length of Disabled Parking Places can be increased where there are specific needs, but this is usually in exceptional circumstances.

Signs will be 320mm wide x 255mm High.

Disabled Parking Places will only be provided for applicants where:

- There is a Blue Badge holder resident at an address close to the proposed location.

By restricting eligibility to Blue Badge holders, Council officers are relying on the medical skills and knowledge of professionals better able to ascertain the level of disability where a Blue Badge has been issued. The Highways Officers are not part of the formal process that approves the issue a Blue Badge.

- The address of the Blue Badge holder should be on a road maintained as a public highway.
- The address of the Blue Badge Holder should not have off street parking and/or a garage unless the disabled person or vehicle have specific requirements that prohibit the use of the off-street parking or garage.
- Parking within 50m of the address of the Blue Badge Holder is difficult to find on a regular basis. Site visits may be undertaken to verify the application.

**Disabled parking places will NOT be provided for applicants:
Safety Reasons**

- Where a ban on loading or unloading is in force.
- Near an existing pedestrian crossing including the areas marked with zig-zag lines.
- On or within Clearways (no Stopping areas) and urban clearways.
- Where there is school keep clear or other zig zag markings.
- Where there is a bus lane, tram, or cycle lanes.
- Where there is a solid white line in the centre of the road
- Within the braking distance, as detailed by the Highway Code and the speed limit, to a bend, brow of hill or humpback bridge or similar hazard and not protected by the existing parking or highway layout.
- Within 10m or opposite a junction.
- Where the width of the road is less than 5.5m. and/or where a parked vehicle could block access for vehicles especially emergency services. This includes locations where other vehicles may have to illegally drive on the footway to get past. This maintains a highway width of 2.8m for the passing of vehicles.

Legal Reasons or where it would not be reasonable to install a Disabled Parking Place

- In a private street, on land, or partly on land that does not form part of the public highway maintained by Dudley Council as the Highway Authority.
- Where there is a bus stop marking or within 10m of a bus stop pole.
- Where there is metered parking, or on street parking charges, where Blue Badge Holders can park free of charge for a limited period.
- Where a kerb has been lowered to assist the crossing of a road, vehicle access or access to an off-road pedestrian or cycle route.
- On or straddling a pedestrian footway or pedestrian area.

- Where the total length of the requested disabled parking bays will exceed 8% of the length of parking available on street. However, a reduction will be made to exclude lengths in the street where the Highway code advises a driver should not park.
- In an area which may cause a danger or obstruction to others such as turning facility.

Applications

Once an application has been received the Council will inspect the proposed location and may need to verify the information provided or to discuss the proposed location for the DPP.

The Council will undertake a statutory consultation in accordance with the Road Traffic Regulation Act 1984 and The Local Authorities' Traffic Orders (Procedure)(England and Wales) Regulations 1996. This process can take up to 6 months and can be delayed by local elections.

The following application form will need to be completed by the resident or their representative.

Refusal of an application

Should the Council refuse the application a written statement will be provided to the applicant or their representative stating the reasons for the refusal. The reason will be:

- one of those stated above,
- a suitable location cannot be found within 50m of the applicant's property.
- that a statutory consultation has been carried out and objections to the proposed Disabled Parking Place have been upheld by Cabinet Member for Highways and Public Realm.

Removal or amendment of an existing Disabled Parking Places

Officers will review any existing advisory or statutory disabled parking place on the written request of a member of the public, when roads are being resurfaced, when officers are made aware that the disabled parking place is no longer required or at the request of a serving councillor.

Officers will consider one of the following options:

1. The revocation of any Traffic Regulation Orders and removal of the disabled parking place,
2. The amendment to an existing legal order to make the Disabled Parking Place statutory and to remove the need for a permit and make the disabled open for all Blue Badge holders.
3. The advertising of a legal order to make an advisory disabled parking place a statutory Disabled Parking Place.

4. The removal of an advisory disabled parking place if it does not comply with the above criteria for installing a disabled parking space and it is no longer needed.

Officers will check with the Blue Badge Team if there is a Blue Badge Holder registered at a property within 50m of the disabled parking place.

In the case of disabled parking places supported by a Traffic Regulation Order a statutory consultation will be required to revoke the legal order. Any objections to the removal of a disabled parking place will be considered by the Cabinet Member for Highways and Public Realm who has the final decision. This process can take up to 6 months and can be delayed by local elections.

Relocating a Disabled Parking place will require the existing space to be revoked and removed as above and the new location be considered and advertised as a new statutory Disabled Parking Place.

Appeals

The applicant or their representative may appeal the decision by emailing traffic.management@dudley.gov.uk

Application Form for Advisory Disabled Parking Bay

In order that we can process your application efficiently please ensure you have filled in all the sections of the form and provide any additional information.

Name of Applicant:

Address of Applicant:

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Post Code:

Tel Number:

Email Address:

If you are applying on behalf of the above -

Name of Applicant's Representative:

Address of Applicant's Representative:

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.....

Tel Number:

Email Address:

Would you prefer that all correspondence is addressed to the applicant's representative? Yes/No.

Applicants Blue Badge Number:
.....

Blue Badge Expiry Date:
.....

This will be verified with Dudley MBC Adult Social Care Team

Can you confirm parking within 50m of the property is regularly difficult to find?

Site visits will be undertaken to check parking issues within 50m of property and the street

YES/NO (Delete as appropriate)

Can you confirm that the applicant does not have off street parking and/or a garage?

YES/NO (Delete as appropriate)

Or

The applicant does have off street parking and/or a garage, but they are unable to use this because:

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Where would you like the Disabled Parking Place marked within 50m of the property.

Please describe the location.

Please note the final position of the parking place will be the decision of the council.

Declaration

I have read the policy and understand all the conditions that have been set out.

This is an application for a disabled bay that is legally enforceable and can be used by other drivers displaying their Blue Badge.

If the bay is no longer needed, I will notify Dudley MBC

Print Name:

Date:

Appendix 2

Check List for Officers

Part 1. The Following 4 questions should be answered **Yes** to proceed.

1.	Has the applicant a Blue Badge registered at an address close to the requested location for the Disabled Parking Place?	Yes/No
2.	Is the location of the proposed parking place on a road maintained as a public highway?	Yes/No
3.	Are you satisfied that the Applicant does not have off street parking and/or a garage or they applicant has provided evidence of specific requirements that prohibit the use of the off-street parking or garage? (Attach evidence if required).	Yes/No
4.	Do you accept that parking within 50m of the property is difficult to find on a regular basis.	Yes/No

Part 2. The Following 14 questions should be answered **No** to proceed.

5.	Is the requested location restricted by a ban on loading or unloading?	Yes/No
6.	Is the location near an existing pedestrian crossing including the areas marked with zig-zag lines.	Yes/No
7.	Is the requested location restricted by a Clearway (no stopping area) or an urban clearway?	Yes/No
8.	Is the requested location restricted by school keep clear or other zig zag markings?	Yes/No
9.	Is the requested location on bus lane, tram, or cycle lane?	Yes/No
10.	Is there a solid white line in the centre of the road?	Yes/No
11.	Is the requested location within the braking distance, as detailed by the Highway Code and the speed limit, to a bend, brow of hill or humpback bridge or similar hazard and not protected by the existing parking or highway layout?	Yes/No
12.	Is the requested location within 10m or opposite a junction?	Yes/No
13.	Is the requested location where the width of the road is less than 5.5m. and/or where a parked vehicle could block access for vehicles especially emergency services. This includes locations where other vehicles may have to illegally drive on the footway to get past?	Yes/No

14.	Is the requested location where there is a bus stop marking or within 10m of a bus stop pole?	Yes/No
15.	Is the requested location within an area where there is metered parking, or on street parking charges, where Blue Badge Holders can park free of charge for a limited period?	Yes/No
16.	Is the requested location where a kerb has been lowered to assist the crossing of a road, vehicle access or access to an off-road pedestrian or cycle route?	Yes/No
17.	Is the requested location on or straddling a pedestrian footway or pedestrian area?	Yes/No
18.	Will the total length of the existing and requested disabled parking bays in the street exceed 8% of the length of parking available on this street? (Exclude lengths in the street where the Highway code advises a driver should not park).	Yes/No
19.	Is the proposed location in an area which may cause a danger or obstruction to others such as turning facility?	Yes/No

Part 3 If the answer to any of questions 1-5 is NO, or any of the answer to any of question 6 -19. is YES, then answer the following questions.

20.	Has a suitable alternative location been found or proposed? (please attach plan showing the proposal)	Yes/No
21.	Has the alternative suitable location been agreed with the applicant or their representative? (Please evidence)	Yes/No

If the answer to any of questions 1-4 is NO, then the application should be declined and the applicant and/or the representative informed.

If the answer to any of question 5-19. is YES, then the application should be declined and the applicant and/or the representative informed.

If the answer to any of question 20 or 21 is NO, then the application should be declined and the applicant and/or the representative informed.

Any Other Comments

Order Reference: Date

Signed..... Date.....

Print Name.....