

LONDON BOROUGH OF BRENT

**EXECUTIVE MEETING – 8<sup>th</sup> December 2003**

FROM THE DIRECTOR OF ENVIRONMENTAL SERVICES

FOR INFORMATION / ACTION

NAME OF WARD: All

<b>REPORT TITLE :</b>	<b>REVIEW OF PERSONALISED PARKING PLACES FOR ORANGE/BLUE BADGE HOLDERS</b>
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**1.0 SUMMARY**

- 1.1 This report updates the Executive on changes in legislation which will permit the allocation of 'personal' parking places to Orange/Blue Badge holders.
- 1.2 The report also seeks Members' approval to introduce a permit scheme which will enable the implementation of 'personalised' parking places for Orange/Blue Badge holders who have satisfied the Council's assessment criteria for Disabled Persons' Parking Places (DPPP's).

**2.0 RECOMMENDATION**

- 2.1 That Executive notes the content of this report.
- 2.2 That Executive agrees that officers develop a permit scheme for 'personalised' parking places for Orange/Blue Badge holders who have satisfied the Council's assessment criteria for Disabled Persons' Parking Places.
- 2.3 That Executive approves the guidelines in Item 7.7 of this report for the permit scheme for personalised parking places (Recommendation 2.2).
- 2.4 That Executive agrees that the following changes be made to the criteria at Appendix A:
  - (a) That criterion 2 "There must be no potential for off-street parking on the applicant's premises" be deleted.
  - (b) That criterion 4 "The on-street parking density must be severe enough to prevent parking of the applicant's vehicle close to their premises for the majority of the time" be deleted.
  - (c) That the reference to "The driver should also live at the applicant's address." be deleted from criterion 5.

### **3.0 FINANCIAL IMPLICATIONS**

- 3.1 The additional staffing costs for processing applications and Traffic Management Orders (TMO's) for personalised bays for Orange/Blue Badge holders can be accommodated within the annual revenue budget allocations for DPPP's. There will be an additional cost of approximately £5000 in the current financial year for processing applications from Orange/Blue Badge holders with existing DPPP's, including the cost of TMO's, and for printing separate permits for the personalised bays scheme, which will also be accommodated within the revenue budget in the current financial year.
- 3.2 Applicants for DPPP's are not required to meet the costs of providing bays, therefore, the proposed scheme will not result in any reduction in the parking account income.

### **4.0 STAFFING IMPLICATIONS**

- 4.1 The Transportation Service Unit will carry out the works associated with the personalised parking places.

### **5.0 ENVIRONMENTAL IMPLICATIONS**

- 5.1 None

### **6.0 LEGAL IMPLICATIONS**

- 6.1 Disabled Persons' Parking Bays will require the making of traffic regulation orders under the Road Traffic Regulation Act 1984. The procedures to be adopted for making the actual orders are set out in the associated Statutory Traffic Regulations. The Council is empowered by the legislation make the orders.
- 6.2 Under the Council's Constitution (Part 4) power is delegated to officers to undertake the statutory processes needed to implement the DPPP's. The implementation of DPPP's requires a statutory consultation process and any objections to the DPPP's received as a result of statutory consultations will be given full consideration by the Director of Transportation and reported back to members if he thinks appropriate.

### **7.0 DETAIL**

- 7.1 The procedure currently adopted in Brent in respect of requests received for DPPP's (Disabled Person's Parking Places) is that the applications are assessed against the criteria approved by the Highways Committee in December 2000, as shown at Appendix A. If the criteria are met the application is approved by officers and progressed to statutory consultation as part of the Traffic Management Order (TMO) making process. To date, the TMO's have been made under the Road Traffic Regulation Act 1984 having regard to a Statutory Instrument (S.I), entitled "The Local Authorities Traffic Order (Exemptions for Disabled Persons) (England and Wales) Regulations 1986". This SI requires that an exemption for all Orange/Blue Badge holders is given in any marked parking bays such that they can park without charge and for any duration of time. The TMO, together with lines and

signs approved in the Traffic Signs Regulations and General Directions (TSR&GD) 1994, formalises the DPPP such that the Council's parking attendants are able to issue penalty charge notices against unauthorised parking (not displaying the Orange/Blue Badge).

- 7.2 Where the criteria are only partially met the option of an 'advisory' sign is made available to the applicant. In this situation a 'Disabled Badge Holders Only' sign is provided free of charge to the applicant to affix to their highway boundary fence or wall. However, this is not enforceable and relies entirely on the compassionate appeal of the sign to attract voluntary respect and compliance by other drivers.
- 7.3 In the vast majority of cases a DPPP satisfies the requirements of the applicant whereby the parking bay is almost exclusively used by the applicant. However, there is an increasing demand for DPPP's to be allocated specifically either to properties or personally to an Orange/Blue Badge holder. This is particularly the case near rail/tube stations or areas of high retail activity, where although a local resident may have a DPPP provided outside his/her property, he/she will often have to compete for that space with other Orange/Blue badge holders visiting the area and who may not be local residents. The inconvenience may be compounded by the fact that all DPPP's in Brent now apply 'at any time', so effectively the space could be occupied all day, or even for a number of days, without the resident having access to the DPPP. The SI referred to in 7.1 above entitles any Orange/Blue Badge Holder to park in a DPPP without restriction on time.
- 7.4 The Orange/Blue Badge scheme is a national scheme and consequently Orange/Blue badge holders from other London boroughs are permitted to use Brent's DPPP's, and vice versa. However, there are local authorities in the London area which are exempt from the national scheme and these are the City of London, The City of Westminster, the Royal Borough of Kensington and Chelsea and Camden (south of Euston Road). These boroughs operate their own permit system for Orange/Blue Badge holders, because the provisions of the 1986 S.I. do not apply to them in the making of TMO's, such that they are able to allocate individual bays to individual permit holders.
- 7.5 The method of operation of the City of London, Westminster, Kensington & Chelsea and Camden schemes is that an Orange/Blue Badge holder is issued a permit which is distinct from any other permit issued by the respective authority. The permit has a unique reference number, and this number is shown on the sign adjacent to the parking place which then identifies the personalised bay. The sign is a 'Permit Holder Only' sign, as shown at Appendix B, and not the 'Disabled Badge Holders Only' sign (Appendix C) placed adjacent to a DPPP. This scheme is therefore independent of the Orange/Blue Badge scheme and is operated by the boroughs under strict criteria.
- 7.6 The 1986 SI in respect of DPPP's was replaced in April 2000 by the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000. The 2000 SI revoked the 1986 SI and this SI now only requires that the general exemption for all Blue/Orange Badge holders be provided in parking bays where charges apply. The implication of this is that DPPP's no longer require a general exemption for all the Orange/Blue Badge holders because no charges

apply, and means that individual badge holders can be allocated exclusive parking rights. This enabled local authorities to allocate DPPP's to individual badge holders. However the TSR&GD 1994 did not permit a variation to the 'Disabled Persons Only' sign to show the badge number, without approval from the (now) Department for Transport. The TSR&GD 1994 regulations were subsequently amended and came into force on 31<sup>st</sup> January 2003 (TSR&GD 2002) which allowed for a permit number to be added to the sign. In view of these amendments it is now permissible to either allocate bays available to all Orange/Blue Badge holders, or individual bays to specific Orange/Blue Badge holders in Brent.

7.7 In order to progress the option of individual bays in Brent a separate permit scheme for Orange/Blue Badge holders will need to be introduced, similar to for example the Westminster scheme. Members are requested to authorise officers to progress a permit scheme with the following guidelines:

- The scheme will operate boroughwide
- Orange/Blue Badge holders only will be eligible
- The permit will only be issued to an applicant for a DPPP who has satisfied the criteria at Appendix A.
- The permit will be vehicle specific, i.e. the applicants (or dependents) vehicle registration number will appear on the permit.
- The permit will be allocated a unique reference number which will be shown on a sign (as at Appendix B) adjacent to the parking place.

Members are also requested to agree that the permit scheme be made available to residents with existing DPPP's as well as to all new applicants.

7.8 The criteria at Appendix A includes an item which states that "There must be no potential for off-street parking on the applicant's premises". Objections have been received from applicants where a DPPP has been declined on the grounds that either the cost implications for carrying out these works, especially for applicants receiving disability benefit, are unmanageable, or that the applicant does not have exclusive 'rights' to the front garden, as in the case of multiple occupancy properties, flats, etc. Furthermore, in conservation areas residents may not be granted planning consent to convert the front gardens. Officers have investigated the option of investigating applications against this criterion on individual merit, taking into account issues such as personal circumstances, feasibility of conversion in accordance with planning guidelines, and availability of parking for other road users. However, officers' views are that the assessments would be very difficult to make, and it is suggested instead that the item "There must be no potential for off-street parking on the applicant's premises" be deleted from the criteria at Appendix A.

7.9 The Roads/Use of Road Space Task Group in its report to the 1 September 2003 Scrutiny Committee investigated the provision of parking bays for people with disabilities in Brent, and recommended that the above criterion (Item 7.8) be amended to read " There should be no off-street parking on the applicant's premises". In many cases the off-street parking is either unsuitable or access is made difficult due to obstructive parking on-street, and it is also for this reason that it is suggested that the criterion be deleted. The report also recommended the following:

- (a) deletion of the fourth criterion: "The on-street parking density must be severe enough to prevent parking of the applicant's vehicle close to their premises for the majority of the time." An assessment of the parking demand made by an officer during the day may not necessarily be indicative of the parking pattern in the evenings and at weekends, when demand could potentially be higher. Also, if the 'daytime' demand is low, the provision of a DPPP is unlikely to be detrimental to other road users. Hence, it is recommended that this criterion also be deleted.
- (b) The fifth criterion be amended by deleting reference to 'the driver should also live at the applicant's address'. This is for the reason that those people with disabilities who live alone, but are transported by carers or relatives who do not live at the same address, are deprived of the benefit of a disabled parking space under the current guidelines. The criterion adversely affects Orange/Blue Badge holders who have carers but who do not live in the same home as them. It is therefore suggested that the reference "the driver should also live at the applicants address" be deleted from the fifth criterion.

## **8.0 BACKGROUND INFORMATION**

### **Details of Documents:**

- 8.1 Road Traffic Regulations (Amended) Act 1984
- 8.2 Traffic Signs Regulations & General Directions 2002
- 8.3 Any person wishing to inspect the above papers should contact David Eaglesham, Transportation Service Unit, Brent House, 349 High Road, Wembley, Middlesex HA9 6BZ, Telephone: 020 8937 5140
- 8.4 Scrutiny Committee - Roads/Use of Road Space Task Group Report.

**Richard Saunders**

**Director of Environmental Services**

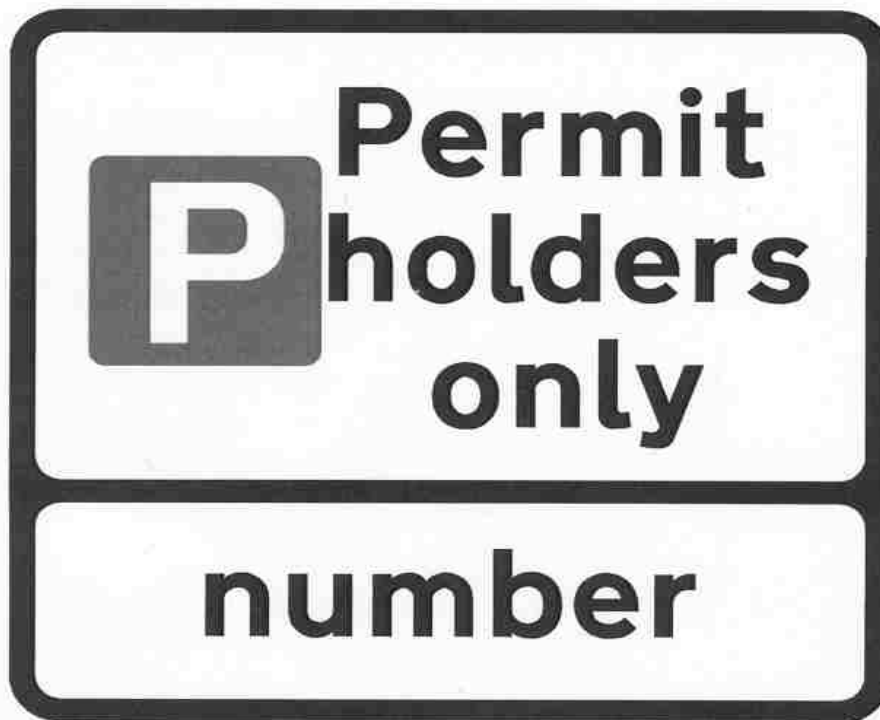
**REVIEW OF PERSONALISED PARKING PLACES FOR ORANGE/BLUE BADGE  
HOLDERS  
APPENDIX A**

**ASSESSMENT CRITERIA FOR DISABLED PERSONS' PARKING PLACE  
APPLICATIONS**

1. The applicant must be a registered 'Orange/Blue Badge' holder.
2. There must be no potential for off-street parking on the applicant's premises.
3. Where off-street parking facilities are available a bay may be provided if the applicant can demonstrate that the facilities are unsuitable for the use of a disabled person due to the nature of their disability or unsuitable for their vehicle.
4. The on-street parking density must be severe enough to prevent parking of the applicant's vehicle close to their premises for the majority of the time.
5. The applicant must use and drive a vehicle kept at the premises, except where the applicant:
  - (i) requires substantial physical assistance from the driver of the vehicle when entering and leaving the vehicle and the driver is generally the only person available to assist the passenger. The driver should also live at the applicant's address.
  - (ii) Is sufficiently mentally or physically incapacitated to necessitate constant supervision by the driver of the vehicle and the driver of the vehicle is the only person available to effect this supervision. The driver should also live at the applicant's address.
6. All disabled persons' parking places will be operational 'At Any Time'
7. Disabled persons' parking places will only be approved at locations where road safety will not be adversely affected by their provision.
8. Where disabled persons' parking bays are considered to be no longer necessary due to a change in circumstances or are reported to be unused, they will be removed.
9. Disabled persons' parking bays are not to be provided for:
  - Dial-a-ride, taxis, hospital drivers or others for the purposes of picking up of or setting down passengers
  - Non-disabled visitors or carers

**REVIEW OF PERSONALISED PARKING PLACES FOR ORANGE/BLUE BADGE  
HOLDERS  
APPENDIX B**

**'PERMIT HOLDER ONLY' SIGN WITH PERMIT IDENTIFYING NUMBER**



**REVIEW OF PERSONALISED PARKING PLACES FOR ORANGE/BLUE BADGE  
HOLDERS  
APPENDIX C**

**'DISABLED BADGE HOLDERS ONLY' SIGN**

