



EXECUTIVE MEMBER DECISION

REPORT OF:	Executive Member for Regeneration
LEAD OFFICERS:	Director of Environment and Leisure
DATE:	12 November 2018

PORTFOLIO/S AFFECTED:	Regeneration
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WARD/S AFFECTED:	All
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SUBJECT: Public consultation on the Council's Residential Disabled Parking Bay Policy
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1. EXECUTIVE SUMMARY

The current policy regarding disabled parking bays in residential areas across Blackburn and Darwen was introduced in 2000, since then, the number of applications for a residential disabled parking bay has increased significantly.

There are considerable, and increasing, costs and resources spent on the provision of residential disabled parking bays including; the cost of administering the scheme and obtaining the relevant documents from applicants; carrying out on-site inspections to assess the best location for the bay; consulting with neighbours and installing the residential disabled parking bay.

The increase in residential disabled parking bays has an adverse impact on residents who live on the same street where multiple bays are present as these bays may take up the majority of the available parking space on the street. This is also causing traffic congestion in some areas of the borough where there are multiple bays within a short span of the public highway.

It is proposed to undertake a robust six week public consultation on the Council's current policy for residential disabled parking bays, to inform the options available regarding the future provision of residential disabled parking bays. The results of the consultation process along with any proposed amendments to the current policy will be presented to a future Executive Board meeting.

2. RECOMMENDATIONS

That the Executive Member for Regeneration:

1. Approves a public consultation process on the Council's policy for the provision of residential disabled parking bays.
2. Reports the results of the consultation process along with any recommendations or amendments to the Policy for approval at a future Executive Board meeting.

3. BACKGROUND

Blackburn with Darwen BC has provided Residential Disabled Parking Bays since the Council became a unitary authority in 1998 and became responsible for the administration of the public roads. The Council's current Residential Disabled Parking Bay Policy provides the following information on

the eligibility criteria for obtaining a Residential Disabled Parking Bay (RDPB);

All applicants for a RDPB must be a valid blue badge holder with at least one year remaining and:

- They must receive the Higher Rate Mobility component of Disability Living Allowance, **or**
- War disablement pensioner's mobility supplement, **or**
- Be aged 65 or over

All applicants who meet the criteria for a RDPB due to being aged 65 or over but are not the driver of the vehicle are referred to their General Practitioner for an assessment on their mobility.

The current Policy does not comment on the location of the RDPB; however the application form does ask the applicant to provide details of any road markings including yellow lines, H-bars and other restrictions such as traffic lights, road humps, pedestrian crossings and/or cross-hatchings within 20 metres of the property. In practice, the location of a RDPB is generally determined by the officers at the on-site visit, in line with Council guidance, in order to provide a consistent approach across the Borough.

Prior to 2010, the RDPB's were supported by a Traffic Regulation Order to regulate use by non-Blue Badge holders and comply with the legislation. Since 2010, the RDPBs have been approved as advisory and are not enforceable. Therefore the success of the bay relies on the support of the applicant's neighbours to ensure the bay is kept available for the applicant.

The Council consults with the properties immediately affected by the proposed installation of a RDPB. Reasonable objections include: a neighbour is about to install a driveway and the RDPB encroaches on the proposed entrance or a safety factor not previously seen at the inspection such as the installation of speed humps or a traffic island.

Since the introduction of the current policy for RDPB in 2000, the number of applications for a RDPB has increased significantly. Since 2000, we have received 2003 applications for a RDPB, 1007 of these applications have been approved and 996 have been refused for a variety of reasons.

The increase in RDPBs also has an adverse impact on other residents who live on the same street where multiple RDPBs are present as these bays take up the majority of the available parking space on the street. The increase in residential RDPB is also causing traffic congestion in some areas of the borough where there are multiple bays within a short span of the public highway which is adversely affecting the flow of traffic.

The total cost of processing the RDPB application and obtaining the relevant documents, carrying out an on-site visit, consulting with neighbours, erecting the pole and sign and marking out the bay on the public highway is £1,128. As a result, funding the increase in applications for a RDPB is becoming unaffordable within the Department's cash limited budget.

There is currently no charge for providing RDPBs therefore none of these costs are being recouped.

4. KEY ISSUES & RISKS

The number of applications for a RDPB has significantly increased in recent years and alongside this, the cost of providing the bays is also increasing and becoming unaffordable.

The number of RDPB has an adverse impact on other residents who live on the same street where multiple RDPBs are present as these bays take up the majority of the available parking space on the street. This also causing traffic congestion in some areas of the borough where there are multiple

bays within a short span of the public highway.

In order to address these concerns, a six week public consultation process will be undertaken to enable the Council to review the current policy regarding RDPB's and inform decision making on the future provision of RDPBs.

5. POLICY IMPLICATIONS

The current policy regarding residential disabled parking bays was introduced in 2000. A robust public consultation process will assist the Council to review the current policy and consider the options available in light of a significant increase in applications for residential disabled parking bays; the escalating cost of providing the bays; the parking problems for residents who live on roads and streets where there are multiple RDPBs and the traffic congestion this also causes.

6. FINANCIAL IMPLICATIONS

The Growth and Development Department's revenue budget 2018/19 will meet the costs of the public consultation process. It is anticipated that the consultation will cost approximately £4,000.

7. LEGAL IMPLICATIONS

The Council's RDPB's are not supported by Traffic Regulation Orders to regulate use by non-Blue Badge holders and comply with the legislation. Accordingly, the Council's residential disabled parking bays are advisory not mandatory and as such are not legally enforceable as against misuse. Its effectiveness is therefore wholly dependent on driver compliance. Furthermore it should now be noted that in law it is not possible to mark the bays as 'Disabled' only to put lines on the road as per the Traffic Signs Regulations and General Directions 2016. If the consultation determined there should be a charge for providing the aforementioned parking bays, there would be a power to charge for this is under the Localism Act 2011.

The Council has no statutory obligation provide disabled parking bays on highways in residential areas of the Borough. However, any decisions upon how the Council should exercise the power to provide bays or not or decisions which may have the effect of reducing numbers of existing disabled parking bays are subject to the provisions of the Equality Act 2010 and the Human Rights Act 1998 (hence the consultation.)

8. RESOURCE IMPLICATIONS

Officers will manage the public consultation process and the analysis of responses to inform a future report to Executive Board and possible amendments to the current RDPB policy.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

10. CONSULTATIONS

The consultation will focus on the current policy for Residential Disabled Parking Bays, identifying issues related to this such as fairness, costs and parking congestion and the impact on traffic flow.

This is a consultation to inform debate and discussion, firm proposals for a change to the policy have not been drawn up.

Who will be consulted?

- Questionnaires would be sent out directly to households recorded as having a disabled parking bay.
- Additionally Blue Badge Holders in the borough would also be sent a questionnaire.
- Additionally, questionnaires would be sent directly to all addresses on specific streets in the borough where there are disabled parking bays nearby.
- Paper copies will also be made available at key locations, such as libraries, council building receptions and would be sent to other organisations such as Age UK, DWP Public Health, Adult Social Care, Children's Services and Disabled Drivers Association etc. These questionnaires would also be available for anyone who is interested to take part.
- For general responses an online version of the questionnaire will be set up using SNAP software, administered by the Corporate Policy, Research and Partnerships team. Again, this online questionnaire would be available for anyone interested in taking part.
- All paper copies of questionnaires will also contain a web link to enable the responder to provide their views on line if they so wish.

What Questions will be asked?

Questionnaire would include an introductory covering letter. Question content would include:

- About disabled parking bay use or non-use:
Whether the person or household has a disabled parking bay outside their property / or uses a disabled parking bay on their street / there is a parking bay outside their property but it is not used by them / other people on their street have and use disabled parking bays; whether they would consider giving up their bay etc Presented as tick box question.
- If they use a disabled parking bay – have they experienced any issues / benefits related to the parking bay (e.g. parking bay used by others) Presented as a multiple choice question.
- If they do not use a disabled parking bay – have they experienced any issues / benefits related to the parking bay (e.g. no issues, congestion / traffic flow issues, highway safety, difficulty parking) Presented as a multiple choice question.
- Parking in the area generally, other than outside the house are there other options for parking? Such as unused land, car parks etc?
- Currently there is no charge for residential disabled parking bays – views on introducing a charge for parking bays. Options presented as tick box question.
- Currently no specified restrictions on the number of parking bays – views on introducing criteria such as a percentage of the available parking space being set aside for RDPB. (Should there be a restricted number within the Borough?), Options presented as tick box question.
- Any other comments about disabled parking bays in the Borough. Presented as open ended question for comments.

Analysis and reporting

Reporting would be done via the online survey software SNAP (by Corporate Policy, Research and Partnerships) providing graphs and breakdowns for demographic groups where appropriate.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	Version 3
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CONTACT OFFICER:	Martin Eden
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DATE:	12 November 2018
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BACKGROUND PAPER:	Existing Residential Disabled Parking Bay Policy
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