

Disabled Persons Parking Bays: Procedural Guidance

Legislative and Operational Framework:

Kent County Council, as Highway Authority, has the power to designate part of the highway as an on-street parking place, to control the type of vehicle which can use the parking place and the terms and conditions of the use under the Road Traffic Regulation Act 1984, Section 32 and 35. (RTRA 1984).

Dover District Council, are authorized to act on behalf of Kent County Council, to provide parking bays on streets for disabled people in accordance with KCC policy and the legislation (RTRA 1984).

KCC have delegated to Dover District Council, through the authorization agreement, the responsibility for:

- The initial informal approval/refusal of DPPB applications.
- Undertaking the administrative processes that will allow Kent County Council to make a Traffic Regulations Order to support the decision to install/amend/remove a DPPB and to allow enforcement to take place.

Any decision to approve/refuse an application is based on criteria, laid down by the act and KCC, which must be met in order for a disabled persons parking bay to be marked on the public highway. Any appeal against a decision made by Dover District Council is considered by KCC, in accordance with the legislation.

In order to benefit from local expertise and community links, the Chairman and/or Vice-Chairman of the Joint Transportation Board are notified when a DPPB application is received and these comments are considered by Dover District Council as part of the decision making process. The JTB are not the decision making body but are notified of any DPPB decisions at the first meeting after the decision has been made.

Guidance on Qualification for DPPB

DPPB bays can only be provided for the purpose of relieving or preventing congestion and will only be considered for disabled people who have substantial difficulties in walking and parking in the vicinity of their property. It must be noted that these bays are provided under highway legislation and consideration is given to traffic management and highway conditions. Each case will be decided on the strength of the argument that a parking place is necessary for the purpose of relieving or preventing congestion of traffic and that the proposed parking place is suitable for its intended use.

Examples of the questions that will need to be addressed to demonstrate that a bay is being provided to relieve or prevent congestion are:

- a) Will the transfer of a disabled person from a building to a vehicle or vice versa cause or contribute to congestion? If so will the provision of a disabled persons parking bay overcome this?
- b) Are there suitable off-street facilities available (e.g. garage, driveway)

c) Is there an existing problem with the amount of on-street car parking nearby which regularly prevents convenient parking when required?

d) Is the applicant readily able to walk to and from places where adequate car parking is available?

e) Is the vehicle used to transport the disabled person normally kept at their home address and is it registered at this address?

Applicant Eligibility Criteria:

In order for an application to be successful applicants must fulfil the following criteria:

- The application must be made in the name of one registered disabled person.
- All applicants must hold a current and valid blue badge (photocopy showing number and issuing authority must be attached to each application) (Blue Badge Applications are dealt with by Kent County Council on 01622 605020)
- All applicants must also be in receipt of or have proof of entitlement to :
 - If under 65yrs of age - entitlement to the higher rate mobility component of the Disability Living Allowance (photocopies of these should be attached to the application form).
 - If 65 years or over – entitlement to the Higher Rate of Attendance Allowance if applicant was 65 years or over when entitlement was first claimed (photocopies of these should be attached to the application form).
 - Other entitlement may be allowable e.g. War Pension (photocopies of these should be attached to the application form).
 - If evidence of entitlement to any disability benefits cannot be provided the applicant may be asked to provide a letter from a Medical Practitioner stating details of disability and lack of mobility, and the applicant's suitability for the provision of a Disabled Parking bay.

New disabled persons parking bays will not normally be provided:

- in locations which may compromise public safety for example: on a bend or brow of a hill; close to a junction; within a turning head of a cul-de-sac; where the road is too narrow (such as on roads where parking occurs partly on the pavement and partly on the road), or where parking is already prohibited, for example on yellow lines, zigzag lines.
- where the applicant has space available for parking their vehicle in an off-street parking facility.
- where there are parking problems within the road.
- where other disabled bays are available within the street and the total number of disabled bays exceeds 5% of total parking availability.

NOTE: the provision of a disabled persons parking bay must relieve congestion on the public highway

Process after receipt of application.

1. Applications are encouraged to be made using on-line forms (paper copies will be made available to those people who do not have access to the internet). A validation process is undertaken within 10 working days and the applicant is then notified about whether the application is considered to be valid.

2. As part of the validation process the chairman and /or vice chairman of the JTB are notified and asked to provide any comments.
3. Valid applications are then advertised via the Council's web site and by a public notice affixed to a suitable structure in the vicinity of the proposed bay. Currently this is an informal process that complements the **formal consultation process (see paragraph 7 below)**. Objections need to be received within 21 days.
4. Where valid objections are received these will be taken in to consideration in the initial determination of the application.
5. Any appeal against an initial determination is made to Kent County Council, the highway authority.
6. Where an initial determination is to approve installation of a bay, an interim disabled persons parking bay will be implemented pending the second phase consultation. This will mean that the bay is marked on the highway however it will not be possible to enforce unauthorised parking until a Traffic Regulation Order (TRO) has been made and the statutory signage installed. The TRO is the legal document which allows the Highway Authority (KCC) to regulate the use of the bay. **NOTE:** If the second phase of the TRO process, including any appeals, do not uphold the initial determination then the interim bay will be removed.
7. The process of implementing a formal Traffic Regulation Order for the Disabled Bay can take between **3 and 9** months from when the initial decision is made. It can be a lengthy process because of the need to follow the statutory procedures laid down by the Department of Transport. Until such time as the Road Traffic Regulations Act 1984 is changed the implementation of the TRO will involve a further notice being published in the local press and any comments being received being fed in to the process, to supplement the responses provided during the initial consultation phase.
8. Once a Traffic Regulation Order is in place, the use of the bay will be restricted to 'blue badge' holders only. Civil Enforcement Officers may then issue penalty charge notices to vehicles not correctly displaying a valid 'blue badge' whilst parked in the bay. It should be noted that the applicant will not have exclusive rights to the parking bay. Anyone holding a valid 'blue badge' may park in the bay.
9. When a bay is established on the highway it will be assessed periodically to ensure that the bay is still justified. If the bay is no longer required for the original use or the criteria are no longer being met, it may be necessary to remove the bay. (It is the applicant's duty to notify the Dover District Council immediately of any changes in their circumstances which could affect the continued provision of the bay)

There are no charges– all bay installation and enforcement costs will be met by Dover District Council.