

Minutes of the meeting of the **DOVER JOINT TRANSPORTATION BOARD** held at the Council Offices, Whitfield on Thursday, 24 April 2014 at 6.00 pm.

Present:

Chairman: Councillor S C Manion

Councillors: B W Bano
T A Bond
P M Brivio
N J Collor
M R Eddy
G Lymer
E D Rowbotham
F J W Scales
R S Walkden
P M Wallace (In place of J H Goodwin)

Also Present: Mr J M Smith (Dover Town Council)
Mrs M Burnham (Deal Town Council)
Councillor M J Ovenden

Officers: Mr S Rivers (KCC Highways and Transportation)
Ms L Day (KCC Highways and Transportation)
Corporate Estate and Coastal Engineer
Democratic Support Officer

637 APOLOGIES

Apologies for absence were received from District Councillor J H Goodwin and Mr B Scott (Sandwich Town Council) and Mrs S Hooper (KALC).

638 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Rule 4 of the Council Procedure Rules, Councillor P M Wallace had been appointed as a substitute Member for Councillor J H Goodwin.

639 DECLARATIONS OF INTEREST

It was noted that there were no declarations of interest.

640 MINUTES

In respect of Minute No 518, Councillor B W Bano expressed disappointment at the information provided on real-time displays and bus route 14. The Chairman advised Councillor Bano to pursue the matter with David Joyner, Kent County Council's (KCC) Transport and Safety Policy Manager in the first instance, and then the incoming Chairman if that approach proved unsatisfactory.

In respect of Minute No 522, Mr Rivers advised that the drainage review report had not yet been finalised. However, he was able to advise that A, B and C roads and roads in rural areas would have their gullies cleaned annually. Urban roads would be cleaned to a schedule based on the results of highway inspections. A gully cleaning schedule would be posted on KCC's website.

The minutes of the meeting of the Joint Transportation Board held on 27 February 2014 were approved as a correct record and signed by the Chairman.

641 DISABLED PARKING BAY CRITERIA

Lorna Day, Kent Parking and Enforcement Manager, Kent Highways and Transportation, attended the meeting in order to clarify the criteria used to determine disabled parking bay applications.

Ms Day advised that, following amendments to the Disability Discrimination Act in 2009, KCC had issued guidance to local authorities on disabled parking bay applications based on legal advice that it had received. This guidance stated that applicants were required to be a Blue Badge holder, in receipt of the Higher Rate Mobility component of Disability Living Allowance (or the Higher Rate of Attendance Allowance if over 65 years old) and were permitted to be the driver or passenger. However, practice varied across the Kent authorities. Whilst some authorities accepted applications from non-drivers provided the address of the applicant and driver were the same and the car was registered to that address, some only accepted applications where there were mitigating circumstances, for example where a child or adult could not be left unattended while the driver parked the car. The key point to consider when determining non-driver applications - where there were no mitigating circumstances - was whether traffic congestion would be caused by a driver double-parking a vehicle in order to allow a disabled passenger to disembark. Applications should be refused if traffic congestion would not be caused. Ms Day added that, since 2009, authorities had been unable to refuse applicants on medical grounds.

It was confirmed that Dover District Council's disabled parking bay application form had recently been amended to make it clear that applicants did not have to be the driver. Once received, non-driver applications were assessed by the Corporate Estate and Coastal Engineer (CECE) to check whether the applicant met the criteria and, assuming there were no mitigating circumstances, to consider whether their road would become congested by double parking. If, following a site visit, it was determined that traffic flow would not be impeded by double parking, the application would be refused. Applicants had the right of appeal and appeals went to KCC for determination.

Ms Day clarified that the 5% limit on parking bays was a guideline issue by the Department for Transport, with a 3% limit applying to car parks. Local car parks were not taken into account when assessing the 5% limit. In addition, it was confirmed that parking bays were not provided for the sole use of the applicant but rather for any Blue Badge holder.

Councillor P M Brivio expressed concern that some people were having to wait several months to have their disability allowance applications processed and were therefore being refused a parking bay because they did not meet the criteria. Councillor P M Wallace raised concerns over the fact that, unlike Dover, Canterbury City and Shepway District Councils accepted applications from non-drivers. A clearer system was needed at Dover as the current one was confusing to applicants and Members alike, partly because of the mitigating circumstances rule.

Ms Day advised that applicants could be asked to obtain a letter of confirmation from the Department for Work and Pensions so that their parking bay application could be processed, notwithstanding that they were not yet in receipt of the

allowance. In response to Councillor T A Bond who raised concerns about traffic congestion, Ms Day and the CECE emphasised that applications were assessed individually and were seldom black and white. For example, an applicant using a wheelchair was likely to be assessed differently to one who was an asthmatic because of the length of time it would take them to disembark from a car.

Councillor N J Collor referred to the length of time taken to process parking bay applications and explained that this was due to there being subject to consultation and other procedures. Given that the Dover Joint Transportation Board met only five times a year, he queried whether appeals could be considered between meetings. Ms Day confirmed that she would accept appeals for independent review if they had missed a Board meeting, and also from applicants who did not meet the criteria.

RESOLVED: That the verbal report be noted.

642 HIGHWAY WORKS PROGRAMME 2014/15

Mr Rivers presented the report which updated Members on works that had been approved for construction in 2014/15.

With reference to Appendix A, Mr Rivers undertook to investigate the scheme to stabilise foot-rails at Sandwich Road, Worth in response to Councillor Bond who sought a permanent solution. Mr Rivers also undertook to clarify whether proposed footway works on Folkestone Road at Hougham would continue through Capel-le-Ferne, noting Councillor F J W Scales' advice that there were no footpaths on this road in Hougham.

In respect of Appendix B, Mr Rivers advised that there were no precise commencement dates for drainage repairs. Mr Rivers also advised that the completion dates given in Appendix C should read April 2015 and not 2014. Councillor Eddy advised that St Francis Close was not in Deal but in Great Mongeham. Mrs M Burnham requested that Deal Town Council be advised which street columns were due to be replaced on Deal sea front as it was planning to affix hanging baskets to some of these. The CECE advised that it would be some time before these columns were replaced as a review was ongoing, and undertook to provide Mrs Burnham with this information.

In response to Councillors Bano and E D Rowbotham who requested that more information on public transport schemes, including the Quality Bus Partnership, be included in the report, Mr Rivers undertook to consider this. In response to Councillor Bano who proposed that the Public Transport Sub Group be reconstituted, the Democratic Support Officer advised that the Sub Group, which had not existed for several years, had been established in order to provide advice to the Dover Joint Transportation Committee which, at that time, had been a decision-making body. The Dover Joint Transportation Board was now an advisory body with no decision-making powers.

In respect of additional funds for weather damage, Mr Rivers advised that £140,000 of the £193,000 budget had been spent, with the remaining money programmed to be spent in May. Additional government funding for flood damage consisted of £8.6 million which had been split between drainage (£3.4 million) and large-scale highway schemes (£5.2 million). In respect of the Rail Track railway bridge at Coombe Valley Road, Mr Rivers undertook to request that better signage be investigated to prevent lorries hitting the bridge. Councillor Brivio advised that

some of her MHF budget was being used to improve signage at this location. Councillor Eddy commented that the scope for improving bus shelters was sometimes limited due to the amount of space that new shelters took up. Councillor Scales reported that he had managed to get two new shelters in Capel-le-Ferne, one funded by KCC and the other privately funded.

RESOLVED: That the report be noted.

643 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED: That, under Section 100(A)4 of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the item to be considered involves the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act.

644 APPLICATIONS FOR DISABLED PERSONS' PARKING BAYS

The Corporate Estate and Coastal Engineer introduced the report which gave details of seven disabled parking bay applications, together with proposals to remove four bays.

In respect of Application B, the Board was advised that the recommendation was to refuse the application since current parking arrangements allowed the driver to unload outside the house without causing traffic congestion. The applicant was not the driver of the vehicle and had difficulty walking but was not in a wheelchair. Councillor Bond voiced his concerns that traffic was likely to be obstructed by double parking as the property was very close to a junction and on a bus route.

Ms Day advised the Board that it was required to consider the application against specific legal advice which was that applications must be determined on traffic management rather than medical grounds. She confirmed that further medical evidence could not be sought at this stage, but would be requested should the applicant appeal. It was stressed that the application form and guidance notes made it clear that applicants should submit evidence of any mitigating circumstances with their initial application.

Councillors Bond, Eddy and Scales commented that they had insufficient medical information before them, and that further medical evidence should therefore be sought and the application deferred accordingly. Councillor Bond argued that it was for the Board to make a judgement as to whether there would be traffic congestion, and it could not do this based on the evidence before it. Councillor Collor suggested that Members should act upon the information in front of them. Given that there had been no further letters of objection following the bay's re-positioning, he would be inclined to support the application.

Ms Day reiterated that Board members were not medical practitioners and could not seek medical information at this stage. Deferring the application would delay the process and the final decision would then have to be taken by the KCC Cabinet Member. In response to a query from Councillor Wallace, Ms Day advised that legislation stipulated that a disabled parking bay could only be provided if not providing one would cause significant traffic congestion. The Board was urged to act upon the legal advice that had been given. The CECE added that it had been

established that the road in question was clear for most of the time which would allow the driver to disembark the disabled person without causing an obstruction.

In respect of Application D, the Board was recommended to refuse the application since the applicant was not in receipt of disability benefit. Councillors Bond and Walkden questioned why the application had been accepted when the applicant failed to meet one of the key criteria. The CECE explained that, once payment had been taken, Officers were obliged to process the application. It was confirmed that the applicant could re-apply if refused. Councillor Brivio commented that it was unfair that another person who did not meet the criteria had had their application rejected at the initial stage by Officers.

In respect of Application G, the Board was recommended to refuse the application since the driver would be able to unload directly outside the property causing minimal traffic congestion. The CECE confirmed that the vehicle was registered at the applicant's address. Councillor Wallace remarked that the road in question was very narrow with cars parked on both sides. There was also a school and nursery in the road. Based on the limited evidence before him, Councillor Bond was of the opinion that double-parking would cause congestion in the road. Moreover, on the basis of advice given earlier in the meeting, his view was that the Board was able to approve the application since non-provision would cause traffic congestion.

Ms Day advised that any recommendations from the Board which went against KCC guidelines and advice would go to the Executive for determination.

In response to Councillor Bano, the CECE agreed to investigate the provision of Google Earth pictures at future meetings.

- RESOLVED:
- (a) That it be recommended that Applications A, B, C, E, F and G be formally advertised and, in the event that no objections are received, be recommended for sealing by Kent County Council (with any objections being referred back to a future meeting of the Dover Joint Transportation Board for further consideration).
 - (b) That it be recommended that Application D be refused.
 - (c) That it be recommended that the four disabled parking bays detailed in Item H of the report be formally advertised with the intention of removing them and, in the event that no objections are received, be recommended for sealing by Kent County Council (with any objections being referred back to a future meeting of the Dover Joint Transportation Board for further consideration).

The meeting ended at 7.41 pm.