

**AGENDA ITEM 9****RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL****CABINET****24<sup>th</sup> SEPTEMBER 2015****INDIVIDUAL DISABLED PARKING BAYS****REPORT OF THE GROUP DIRECTOR COMMUNITY AND CHILDREN'S SERVICES****Author: Neil Elliott, Service Director (01443 444603)****1. PURPOSE OF REPORT**

To report on work undertaken to review the current policy and process for dealing with disabled parking bays and make recommendations regarding future provision.

**2. RECOMMENDATIONS**

It is recommended that Cabinet:

- 2.1 Notes the outcomes of the review of Individual Disabled Parking Bays Scheme as outlined in the report.
- 2.2 Reinstates the Individual Disabled Parking Bays Scheme from 1<sup>st</sup> October 2015.
- 2.3 Revise the eligibility criteria for the Individual Disabled Parking Bays Scheme as outlined in paragraph 5.3 of the report.
- 2.4 Continue to operate the Individual Disabled Parking Bays Scheme on an annual basis.
- 2.5 Allocates 12 new disabled parking bays per annum funded by the Highways traffic management capital budget.
- 2.6 Agrees to continue to provide enforceable parking bays through a traffic regulation order.
- 2.7 Introduce a charge of £10 per application for disabled parking bays.

**3. BACKGROUND**

- 3.1 In August 2014, the decision was made, under the Officers Scheme of Delegation, to suspend the Council's Individual Disabled Parking Bay Scheme pending a review of the current policy and procedures. The review was considered necessary for the following reasons:

- a) The high number of applications being received annually in comparison to the available resources
- b) The length of time taken to process applications and install individual bays
- c) The number of complaints and appeals being received by the Council

3.2 The Individual Disabled Parking Bay Scheme has been in place since 2004, with the purpose of providing parking bays to help those disabled people whose mobility impairment mean they cannot walk any significant distance and therefore need help in parking close to their home. The greatest benefit of introducing individual parking bays is gained in areas where little or no off-street parking is available and thus there is significant competition for on-street parking space.

3.3 However, it must be noted that there is no statutory obligation on the Council to provide individual disabled parking bays but, where they are provided, they are for the use of anyone who is receipt of a valid blue disabled badge. Rhondda Cynon Taf currently has around 20000 registered blue disabled badge holders and it would be impossible for the Council to introduce individual disabled parking bays for all blue badge holders.

3.4 Since the adoption of the scheme in 2004,188 disabled parking bays have been installed with 63 of them subsequently revoked. Current Council policy supports up to 12 new parking bays per annum and they are installed with no charge to the applicant - all costs are currently borne by the Council.

3.5 The number of applications received in 2012/13 and 2013/14 is shown in table below:

Year	Applications received	Applications declined/cancelled	Applications OT assessed	Applications approved
2012/13	122	22	100	12
2013/14	135	10	125	12

3.6 As can be seen above, over the two year period around 88% of applications received progressed to occupational therapy assessment, of which around 90% result in no further action. This raises the applicant's expectations of a parking bay and leads to a disappointing outcome for the vast majority of applications year on year.

3.7 There are currently 125 individual disabled parking bays in place across Rhondda Cynon Taf. Each one has its own traffic regulation order, installed under the Traffic Regulation Act and thereby enforceable by the Council.

#### **4. INDIVIDUAL DISABLED PARKING BAY SCHEME**

4.1 Although the initial eligibility for a disabled parking bay is based on the applicant being in receipt of a blue disabled badge and a functional occupational therapy needs assessment, its implementation is a traffic management issue and requires a statutory process under the Road Traffic Regulation Act. Whilst, the applicant

may park in the bay for as long as they wish, other blue badge holders are also permitted to use the bay for a maximum of three hours.

- 4.2 To provide an individual disabled parking bay with a valid traffic regulation order costs approximately £3000 for one bay, although this cost can be reduced to around £800 per bay when bays are introduced under the same traffic regulation order. This includes the cost of legal notices as well as the costs of the erection of signs, the laying of road markings and appropriate traffic management. This cost excludes cost of occupational therapy assessment and other management time.
- 4.3 The cost of installing and revoking disabled parking bays has historically been met annually from the Highways Department traffic management capital programme budget up to approximately £10k.
- 4.4 The availability of future funding will need be considered against other Council priorities if Cabinet wishes to continue with operating the Individual Disabled Parking Bays Scheme and resume applications in 2015. The Scheme could be re-opened from October 2015, if required, with successful applicants having their bay installed during financial year 2016/17.
- 4.5 Across Wales, more than 50% of local authorities provide disabled parking bays and whilst very similar in many aspects some schemes do vary and use different criteria and procedures to support their implementation. Neighbouring local authority areas provide the following scheme support:

<b>Local Authority</b>	<b>Comments</b>
<b>Merthyr</b>	No scheme provided
<b>Bridgend</b>	No scheme provided
<b>Caerphilly</b>	Only available to blue badge holders (driver and passenger) who are permanent wheel chair users and whose property is wheelchair accessible. 6 new bays allocated per year – each one has its own traffic regulation order. No charge for installation.
<b>Cardiff</b>	In the main same scheme criteria as RCT. Number of bays allocated per year depends on availability of budget - each bay has its own traffic regulation order. No charge for installation.
<b>Vale of Glamorgan</b>	Similar scheme criteria as RCT, although 5 surveys to determine parking saturation levels are carried out in the vicinity of the applicant's home at different times of the day and evening to show that there is no convenient parking space within 25 metres of the applicant's home. 10 new bays allocated per year – each one has its own traffic regulation order. No charge for installation.

- 4.6 Whilst, limited information is available regarding the operation of disabled parking bay schemes in other local authority areas, it would appear other Councils, like Rhondda Cynon Taf, receive many more applications per year than the number of bays available for installation. Evidence would also suggest the greatest demand is within Rhondda Cynon Taf due to the higher proportion of people in receipt of blue badges and geography of the County Borough.

## 5. SCHEME ELIGIBILITY CRITERIA

- 5.1 Currently, the provision of an individual disabled parking bay in Rhondda Cynon Taf is subject to the following conditions:

- That the applicant is disabled and has a valid blue badge
- That the applicant is a permanent resident at the address where the parking bay is being applied for and generally is the driver or owner of the vehicle needing the space. The vehicle should also be registered at the same address as the applicant.
- Disabled passengers will not normally qualify as it is not unreasonable to expect that an able bodied driver should double park if necessary, though only for as long as it is necessary to pick up or to set down the disabled passenger and remove the vehicle afterwards. Although, consideration will be given in some circumstances to the provision of a parking bay to a passenger, including a disabled child who holds a blue badge on the basis that:
  - they cannot be left alone and as a consequence must receive constant supervision and care
  - they rely permanently on a driver, who because of their own infirmity and/or disability, cannot manage to assist the disabled passenger to and from the nearest available parking area
  - the road characteristics deem it unsuitable to allow brief double parking by an able bodied driver to assist the disabled to a safer place
- That difficulty is frequently experienced in obtaining a parking space close to the residence, for example, a space is not available for a large portion of most days within a very short distance of the home
- That there is no suitable off-street parking at the property
- That there is sufficient space for the parking bay
- That the character of the road fronting the property must not be such that the provision of a bay would lead to a hazard for other road users

- 5.2 In order to qualify for a disabled parking bay, all local authorities across Wales that provide them, require all applicants to have a current and valid blue badge.

However, it is important to note that blue badges can be issued for a number of reasons not all of which involve mobility impairment.

- 5.3 Therefore, in order to ensure the Rhondda Cynon Taf scheme is more targeted at helping those most in need, it is proposed that the scheme criteria is tightened and that all applicants must be in receipt of a valid blue disabled badge and **at least one** of the following benefits as an indicator that they have significant mobility impairment:

- Enhanced Mobility component of the Personal Independence Payment  
or
- Higher rate of mobility component of the disability living allowance  
or
- War disablement Pensioners mobility supplement

For some individuals whose mobility issues occurred after the age of 65 they would not be eligible to any of the abovementioned benefits. Therefore, in order to determine such an applicant's mobility impairment the Council will require supporting written evidence to be provided from their General Practitioner.

- 5.4 This is expected to reduce the number of people eligible to apply for an individual disabled parking bay, although at this stage is unclear if it would have any impact on the actual number of people who actually submit an application.

## **6. APPLICATION AND ASSESSMENT PROCESS**

- 6.1 Currently, applications for the scheme open annually in September for 3 months. All applications are initially pre-screened by administration staff to establish they meet the eligibility for assessment as outlined in paragraph above 5.1 above.
- 6.2 Applicants who appear to meet the eligibility criteria, are then referred to the Occupational Therapy Service for a functional needs assessment to be undertaken along with an environmental assessment of the property location.
- 6.3 On completion of the occupational therapy assessments applicants are referred to the Disabled Parking Bay Panel, made up of relevant professionals, in order to prioritise those applications deemed most in need of assistance from the scheme. Currently it takes on average 6 months to approve applications for a disabled parking bay.
- 6.4 Following application approval, installation of the disabled parking bay is arranged by the Highways Department and each approved disabled parking bay is supported by a traffic regulation order to regulate use by non-blue badge holders. This is normally done on block to minimise costs. The consultation, legal and implementation process of the disabled parking bay can take on average between 6 to 9 months to complete depending on resident challenge and opposition during the consultation stage and despite attempts to reduce this period, it remains the existent of over recent years.
- 6.5 In total disability parking bay applications take on average between 12 to 15 months to complete installation.

- 6.6 Over recent years amendments have been made to the process to allow for clearer assessment of eligibility at the point of application and following occupational therapy assessment. In a recent review undertaken by another local authority Rhondda Cynon Taf's processes was identified as best practice.
- 6.7 In previous years all occupational therapy assessments have been completed by a single occupational therapist, however going forward our intention would be to allocate the workload across the whole team, which in turn would significantly speed up the assessment process and reduce the length of time for a decision to be made by up to 3 months.
- 6.8 Given the expected on-going high level of demand for parking bay applications, if the individual disabled parking bay scheme is resumed, it is proposed that a single annual scheme, for all applications, continues to operate and remains capped at 12 new parking bays per annum.
- 6.9 In some local authority areas; parking surveys which would include several visits (at least 4) during different days of the week are built into the process to assess the parking saturation levels at the applicant's property. Whilst this may reduce slightly the number of applications being referred for occupational therapy assessment, introducing parking surveys would ultimately make the whole process more time consuming and require additional capacity to undertake the surveys. We also already know there is little or no off-street parking available in many areas across Rhondda Cynon Taf with significant competition for on-street parking space and therefore introducing a formal process to undertake parking surveys it is unlikely to add value to the current process.

## **7. ENFORCEABLE OR ADVISORY PARKING BAYS**

- 7.1 Currently individual disabled parking bays provided by Rhondda Cynon Taf are supported by a traffic regulation order, which is enforceable by Law. This means that action can be taken by the Council against any person parking in the disabled bay whilst not correctly displacing a valid blue badge.
- 7.2 However, some Councils across the UK provide advisory disabled parking bays instead. These are informal bays not covered by a traffic regulation order and therefore do not need the costly consultation process necessary with enforceable bays as currently provided by the Council. As they are not covered by an enforcement regime any driver, even those without a blue badge, can park in one.
- 7.3 The principle is that advisory bays rely on the good will of neighbours to respect the facility. Whilst there may be some opportunity to incur reduced costs and install more bays more quickly, over time ensuring compliance, particularly in areas of high parking pressures, would be a significant challenge and ultimately lead to installing enforceable bays, which has now been the case in some local authorities. On that basis, it is proposed that the Council continues to provide enforceable parking bays through a traffic regulation order.

## **8. CHARGING FOR DISABLED PARKING BAYS**

- 8.1 Rhondda Cynon Taf does not charge for the providing disabled parking bays, which is line with the majority of other local authorities in Wales who offer the same discretionary service. The exception is Conwy Council who charge a standard flat rate of £400 per parking bay. In England a small number of Council's also charge a standard flat rate fee per bay similar to Conwy, while more charge an administration fee per application of between £10 and £60.
- 8.2 Based on 2013/14 activity, applying a standard flat per parking bay of £400 would generate additional income of £4800 per annum – the equivalent to the cost of installing 6 new disabled parking bays. Applying an administration fee in line with other Councils could generate additional income of between £1300 and £8100 per annum.
- 8.3 Some Council's believe that providing free bays encourages requests from residents who may not be experiencing a particular problem and by applying a charge this encourages residents to assess their particularly need more closely.

