

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Streetscene & Engineering Cabinet Board 2 March 2018

**Joint Report of the Interim Head of Social Care - I.Oliver
Head of Engineering & Transport – D.Griffiths
and Head of Corporate Strategy and Democratic Services - K.Jones**

Matter for Decision

Wards Affected: All

Individual Disabled Parking Places (IDPP)

PURPOSE OF THE REPORT

1. To seek Members approval of the minor amendments to the Individual Disabled Parking Places policy, to include disabled passengers who cannot drive and the provision of an appeals process should the applicant not be successful (excluding where a decision to decline is made on the grounds of highway safety).

Executive Summary

2. The report outlines the rational for the amendments to the policy.

Background

- 3.0 The IDPP scheme has been in place since 2003, with the purpose of providing parking places immediately outside the curtilage of the property to help disabled people whose mobility impairment is such that they cannot walk any significant distance.
- 3.1 It must be noted however, that there is no statutory obligation for local authorities to provide individual disabled parking places in

residential areas. The Council has a statutory duty to ensure that the highways network operates safely, efficiently and legally for the safe passage of all traffic including pedestrians.

- 3.2 In February 2012, following a review of the (IDPP) policy and procedures, the decision was made to continue to provide IDPPs through the provision of an enforceable traffic regulation order and to update the eligibility criteria and assessment process to ensure that only those persons with greatest need are considered.
- 3.3 The existing policy doesn't include disabled children or an appeals process which led to the review and updated policy being developed.

Financial Impact

4. At present the budget for IDPPs has historically been provided from within the Highways Annual Works Programme. The budget in 2017/18 was £20,000 for IDPSS and Residents Parking) with the process of introduce and revoking a traffic regulation order costing approximately £4000 per bay. Any adjustment to the current criteria could potentially increase the number of applications processed and therefore any increases will have a financial and resource cost associated with it.

At this time it is not possible to gauge the numbers of people who would successfully qualify for an IDPP as a result of the amendments.

Equality Impact Assessment

5. A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this function does not require an Equality Impact Assessment.

Workforce Impact

6. Any increases to the number of IDPPs will have a resource cost associated with it and the need for additional resource may be

required. This will be an ongoing assessment process based on the number of applications received each year.

Legal Impact

7.0. There are no legal impacts associated with this report.

Risk Management

8.0. Risks associated with implementing the amendments include:

- A potential increase in applications for an IDPP. Any increases will have a financial and resource cost associated with it.
- Waiting time for implementation of an IDPP could increase if the number of applications rises.
- An increase in COT referrals and assessments which would fall under the requirements of the Social Services and Wellbeing Act and place a requirement on the Council to meet any assessed needs identified.
- The application of an appeals process where an IDPP has been declined, increases the likelihood of an appeal being submitted. Any increase will have a financial and resource cost associated with it.

Consultation

9.0. Not applicable.

Recommendations

10. That Members approve the minor amendments to the Individual Disabled Parking Places policy, to include disabled passengers who cannot drive, and the provision of an appeals process should the applicant not be successful (excluding where a decision to decline is made on the grounds of highway safety).

Reasons for Decision

11. The decision will allow the new policy to be implemented

Implementation of Decision

12. The decision is proposed for immediate implementation

Appendices

13. Independent Disabled Parking Places Policy 2018 (Appendix 1)

List of Background Papers

14. None.

Officer Contact

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APPENDIX 1

Provision of Individual Disabled Parking Places in Neath Port Talbot Policy January 2018

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Individual Disabled Parking Places

Executive Summary

It is recommended that the Council adopts this policy and criteria (as set out in Appendix A) as the protocol for considering the introduction of an Individual Disabled Parking Place (IDPP) requests.

Background

The IDPP scheme has been in place since 2003, with the purpose of providing parking places immediately outside the curtilage of the property to help disabled people whose mobility impairment is such that they cannot walk any significant distance.

In February 2012, following a review of the Individual Disabled Parking Places policy and procedures, the decision was made to continue to provide IDPPs through the provision of an enforceable traffic regulation order (TRO) and to update the eligibility criteria and assessment process to ensure that only those persons with greatest need are considered.

Since the adoptions of this policy there have been a number of legislative changes and in addition, a number of circumstances which are not addressed. This revised policy aims to address these, however, it must be noted that there is no statutory obligation for the Council to provide IDPPs and such a provision is a discretionary service which this policy aims to ensure is supplied in an equal and fair manner.

The Provision of Individual Disabled Parking Places (IDPP)

The purpose of providing Individual Disabled Parking Places (IDPP) in Neath Port Talbot is to provide parking places immediately outside the curtilage of the property to help disabled people whose mobility impairment is such that they cannot walk any significant distance.

The Council recognises the greatest benefit of introducing IDPPs is gained in areas where little or no off-street parking is available and there is significant competition for on-street parking spaces.

In order to help those most in need of the provision of an IDPP, applications will only be considered in Neath Port Talbot if:

1. The applicant must own and drive a vehicle that is registered at the address of the proposed location of the disabled bay
2. The applicant does not already have access to off-street parking or be able to provide an off-street parking space by clearing an existing drive/hard standing or by bringing back into use an existing garage.
3. The applicant must not have already applied for a disability grant to provide off-street parking i.e. driveway. This includes those who are on a waiting list for the above.

These criteria do not guarantee that an IDPP will be provided only that the application will be assessed for suitability.

IDPP Provision Eligibility

The aim of this policy is to provide those drivers whose mobility is such that they cannot walk any significant distance to access parking immediately outside the curtilage of their property, as outlined in this and other supporting documents. This policy does not cater for the provision of parking for disabled residents who do not drive apart from in exceptional circumstances.

The main criterion, that the disabled applicant must be the driver of the vehicle has been adopted because it is reasonable to expect an able bodied driver to double park briefly, to set down the disabled passenger and then remove the vehicle immediately afterwards. This is considered to be a reasonable arrangement on most residential streets.

In addition, the Council appreciates that public resentment can arise for drivers who are not disabled seemingly having a reserved parking space. The policy has therefore, been designed to ensure consideration is given to all residents of the area.

As such, the assessment criteria require that an applicant has a significant mobility impairment and is also the driver of the vehicle which must be registered to the applicants address.

In exceptional circumstances consideration will be given to the provision of an IDPP to a passenger on the basis that the applicant's disability means they cannot be left alone even for a brief period of time, and as a consequence must receive constant supervision.

Consideration will also be given in circumstances where the road characteristics deem it unsuitable to allow brief double parking by an able bodied driver to assist the disabled passenger to a safe place.

A separate exemption will be considered for disabled children aged 16 or younger who meet all criteria bar being the driver, where the able-bodied driver, is their parent, guardian or other close relative or full-time carer and also resides with them.

The criteria for the provision of an Individual Disabled Parking Placement is set out within appendix A to this document.

Locations where IDPP Provision Will Not Be Provided

The Council is both the Highway Authority and Traffic Authority within Neath Port Talbot. The Council will not allow the introduction of an IDPP if it would conflict with the Council's duties and responsibilities in either of these roles.

Consequently the Council will not consider an IDPP provision in the following locations:

- In the turning head facility of any cul-de-sac.
- In any location where an existing prohibition or restriction of parking (inclusive of permit parking), of waiting or loading is in place or is being considered by the Council.
- Within 10 metres of a significant or major road junction.

- At locations where there is a history of visibility related accidents.
- In a position which may prevent the passing of normal traffic flows.
- In a position where a parked vehicle will be unsighted to travelling vehicles such as on a bend.
- On un-adopted highway or private land.

Application Assessment

Applications will initially be assessed via application form, IDPP1 or any subsequent revision: This will be undertaken by Customer Services department.

Applicants who appear to meet the eligibility criteria will be invited to attend a face to face meeting at the One Stop Shop at either Neath or Port Talbot Civic Centre, where they will be required to supply the following supporting evidence:

- A copy of the applicant's driving licence
- A copy of the V5 documentation as proof that the vehicle is registered to the address of the applicant.
- Supporting medical evidence includes that from a consultant, physiotherapist or specialist nurse but NOT own GP. It must confirm the applicant's disability and how this affects their ability to walk any distance. If necessary, staff will also be able to interrogate other Council held information to help determine eligibility. No application will be progressed from this stage without the above information.

Where there is any doubt on eligibility following the initial assessment, an assessment of need will be undertaken by the Community Occupational Therapists as set out in the Social Services and Wellbeing Act (Wales) 2014.

It is important to note that those people, who meet the criteria on disability grounds are not guaranteed an IDPP.

Should all the information above be provided to the satisfaction of the Council an assessment of the highway in relation to the provision of the IDPP will be undertaken by an appropriate nominated officer based within the Traffic Section of the Environment department.

If an IDPP is deemed suitable, the views of nearby neighbours will be sought, and any consultation views submitted, will be taken into consideration and reviewed with local members and presented to the Streetscene and Engineering Cabinet Board for a final decision.

If it is assessed that the placement of an IDPP would compromise highway safety the request will be declined. There is no appeals process for refusal of an IDPP on highway safety grounds. The decision is final.

Application Exemption Assessments

The Council recognises that two groups of people cannot be easily assessed using the standard assessment criteria. Therefore the following exemptions will be considered.

Disabled Passengers Who Cannot Drive

The Council recognises that in certain instances some disabled passengers will need specific help to park at the curtilage of their property.

Consequently, the Council will consider exemptions on the basis that the application is on behalf of a mobility impaired resident who is cared for by the vehicle driver who lives at the address.

The application will be considered on the following basis:

- They cannot be left alone and as a consequence must receive constant supervision. Supporting social/medical evidence would be required
- 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 characteristic deems it unsuitable to allow brief double parking by an able bodied driver to assist the disabled to a safe place.

Exemption application will initially be assessed via the normal application process.

The Council's Community Occupational Health Team will be consulted to help deliberate on the exemption application. The applicant may be contacted by the Council with regards to their service provision.

Disabled Child

Drivers who are parents or who care for children with mobility impairment may benefit from the provision of an IDPP.

Consequently, an exemption is proposed where the able-bodied driver, is the parent, guardian or full-time carer and resides with a disabled child, aged 16 years or younger.

The application will be considered on the following basis:

- They cannot be left alone and as a consequence must receive constant supervision. Supporting social/medical evidence would be required
- 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 characteristic deems it unsuitable to allow brief double parking by an able bodied driver to assist the disabled to a safe place.

Exemption application will initially be assessed via the normal application process.

The Council's Community Occupational Team will be consulted to help deliberate on the exemption application. The applicant may be contacted by the Council with regards to their service provision.

Introduction of Bays and Enforcement

Individual disabled parking places provided by Neath Port Talbot are supported by a TRO 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 displaying the specific permit.

Review of IDPP Provision

It is the responsibility on the applicant or their representative to inform the Council when an IDPP is no longer required by the applicant.

When the Council is informed of changes to the applicant's requirements (for example if the applicant moves away), the Council will investigate and give consideration to removing the parking place.

Appeals Process

Where the initial assessment has determined a person is not eligible following application of the eligibility criteria and the person is dissatisfied with the outcome the following process will be followed:

- A request for a Community Occupational Therapy assessment will be made by the Customer Services team to Gateway. Whereby an assessment will be undertaken to determine if there is an assessed need in accordance with the Social Services and Well-being (Wales) Act 2014.
- If the Occupational Therapy assessment confirms there is a need for provision of accessible vehicular parking and the needs cannot be met by provision of adaptations within the curtilage of the property, e.g. off road car parking, the views of the Traffic Section of the Council will be sought to determine whether an IDPP provisions is feasible.
- If it is identified that there is an assessed need and the placement of the provision is feasible, supporting documentation from COTs will be provided to the nominated officer within the Traffic Section.
- The COT would inform the applicant of the outcome of the assessment.

Where a qualifying person is dissatisfied with any decision made by the officers in relation to the provision of an IDPP the circumstances will be reviewed by a senior officer in consultation with the local member and presented to the Streetscene and Engineering Cabinet Board for a final decision.

There is no appeals process for refusal of an IDPP on highway safety grounds. The decision is final.

Data Protection

The Council will retain all information provided by the applicant as digital data within the Councils secured network. All paper copies of documents supplied by the applicant will be digitised following receipt.

Appendix 1

Individual Disabled Parking Application Form

Form IDPP 1

DETAILS OF DISABLED PERSON FOR WHOM THIS REQUEST IS MADE:

FULL NAME			
(Mr/Mrs/Miss/Ms)	<i>Surname</i>	<i>Forename (s)</i>	<i>Date of Birth</i>

ADDRESS:			
		POST CODE:	
PHONE NUMBERS	HOME PHONE		MOBILE
EMAIL ADDRESS			

ARE YOU/IS THE DISABLED PERSON THE VEHICLE DRIVER?	Yes		No	
If NO, please provide details of the driver below				

NAME OF DRIVER			
(Mr/Mrs/Miss/Ms)	<i>Surname</i>	<i>Forename (s)</i>	<i>Date of Birth</i>

ADDRESS:			
		POST CODE:	
RELATIONSHIP TO APPLICANT:			
PHONE NUMBERS	HOME PHONE		MOBILE
EMAIL ADDRESS			

YOUR PROPERTY

TYPE OF PROPERTY: (e.g. House, Flat)	
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WHO OWNS THE PROPERTY?	The Occupier		Private Landlord	
(please tick. If you do not own the property please provide the owner's name & address)	Housing Association			

IS THERE AN EXISTING DRIVEWAY OR OTHER OFF ROAD PARKING SPACE?	YES		NO	
If NO - IS THERE SPACE AVAILBLE WITHIN THE BOUNDARIES OF YOUR PROPERTY TO CREATE A PARKING AREA?	YES		NO	
HAVE YOU ALREADY APPLIED FOR A DISABILITY GRANT TO PROVIDE OFF-STREET PARKING i.e. driveway	YES		NO	
Applicants who are on a waiting list for the above cannot apply for an IDPP				

DETAILS OF DISABILITY FOR WHOM THIS REQUEST IS BEING MADE:

WHAT IS YOUR DISABILITY?	
HOW DOES IT IMPACT ON YOUR ABILITY TO WALK?	
WHAT AIDS/ADAPTIONS/SUPPORT DO YOU CURRENTLY HAVE TO AID YOUR DISABILITY AND DO YOU USE A WHEELCHAIR?	
WHAT DIFFERENCE WOULD AN INDIVIDUAL DISABLED PARKING PLACE MAKE TO YOUR LIFE?	

IMPORTANT NOTES

We are unable to reimburse any costs incurred by yourself in the provision of evidence relating to your permanent disability.

Any proposed bay is required by law to be publicly advertised including newspaper adverts, local notices and letters to immediate neighbours. Any objections received will be investigated further before recommendations are made. The Council reserves the right not to introduce a bay in the light of objections received.

Each case will be assessed on its merits, taking into account the parking arrangements and availability in the street and the proximity of, for example, shops/pubs/clubs/leisure facilities etc., which might attract vehicles into the area.

Meeting the criteria on disability grounds alone, therefore does not guarantee you an Individual Disabled Parking Place.

DECLARATION

I confirm that I am the applicant and reside at the address overleaf, the vehicle used is to transport myself (applicant) and is registered to that address and that there is no vehicular access or other forms of vehicular accommodation within the existing curtilage of the property.

SIGNED (applicant)

If applicant is under 16

SIGNED (Parent/guardian/Carer)

DATED

Equality Impact Assessment Screening Form

Please ensure that you refer to the Draft Screening Form Guidance while completing this form. If you would like further guidance please contact Corporate Strategy or your directorate Heads of Service Equality Group Champion.

Section 1
What service area and directorate are you from?
Service Area: Minor amendments to the Individual Disabled Parking Places policy
Directorate: Adult Social Care – Social Services and Engineering and Transport

Q1(a) What are you screening for relevance?

Service/ Function	Policy/ Procedure	Project	Strategy	Plan	Proposal
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(b) Please name and describe below

To seek Members approval of the minor amendments to the Individual Disabled Parking Places policy, to include disabled children and the provision of an appeals process should the applicant not be successful (excluding where a decision to decline is made on the grounds of highway safety).

Q2(a) What does Q1a relate to?

Direct front line service delivery	Indirect front line service delivery	Indirect back room service delivery
<input checked="" type="checkbox"/> (H)	<input type="checkbox"/> (M)	<input type="checkbox"/> (L)

(b) Do your customers/clients access this service...?

Because they need to	Because they want to	Because it is automatically provided to everyone in NPT	On an internal basis i.e. Staff
x (H) x (M)	<input type="checkbox"/> (M)	<input type="checkbox"/> (L)	

Q3 What is the potential impact on the following protected characteristics?

	High Impact (H)	Medium Impact (M)	Low Impact (L)	Don't know (H)
Age	→ <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	→ <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	→ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	→ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	→ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	→ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	→ <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sex	→	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	→	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh language	→	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Q4(a) How visible is this service/function/policy/procedure/ project/strategy to the general public?

High visibility to general public

(H)

Medium visibility to general public

(M)

Low visibility to general public

(L)

(b) What is the potential risk to the council's reputation? (Consider the following impacts – legal, financial, political, media, public perception etc...)

High risk to reputation

(H)

Medium risk to reputation

(M)

Low risk to reputation

(L)

Q5 How did you score?

Please tick the relevant box

MOSTLY H and/or M → **HIGH PRIORITY** → **EIA to be completed**
Please go to Section 2

MOSTLY L → **LOW PRIORITY / NOT RELEVANT** → **Do not complete EIA**
Please go to Q6 followed by Section 2

Q6 If after completing the EIA screening process you determine that this service/function/policy/project is not relevant for an EIA you must provide adequate explanation below (Please use additional pages if necessary).

No further impact

Section 2

Screeener- This to be completed by the person responsible for completing this screening
Name: Sarah Waite
Location: CRT Assistant Operational Manager
Telephone Number: 01639 862792
Date: 20/02/2018
Approval by Head of Service
Name: Ian Oliver
Position: Head Of Service
Date: 20/2/18

Please ensure this completed form is filed appropriately within your directorate because it may be required as evidence should a legal challenge be made regarding compliance with the Equality Act 2010.