



# SHEFFIELD CITY COUNCIL Cabinet Highways Report

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**Report of:** Executive Director, Place

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**Date:** 8<sup>th</sup> September 2011

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**Subject:** ADVISORY PARKING RESTRICTIONS:  
POLICY AND PROCESS REVIEW

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**Author of Report:** SIMON NELSON

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**Summary:**

THIS REPORT SEEKS MEMBER ENDORSEMENT OF REVISIONS TO THE POLICY AND PROCEDURE GOVERNING THE PROVISION OF ADVISORY PARKING RESTRICTIONS.

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**Reasons for Recommendations:**

IF APPROVED, THE RECOMMENDATIONS CONTAINED IN THIS REPORT WOULD CLARIFY THE ELIGIBILITY CRITERIA FOR ADVISORY PARKING RESTRICTIONS AND REDUCE THE FINANCIAL BURDEN ON THE COUNCIL OF OPERATING THIS IMPORTANT SERVICE.

**Recommendations:**

APPROVE THE PROPOSED ELIGIBILITY CRITERIA, CHARGES AND APPEALS PROCEDURE FOR THE PROVISION OF ADVISORY PARKING RESTRICTIONS OUTLINED IN THIS REPORT.

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**Background Papers:**

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**Category of Report:** OPEN

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## Statutory and Council Policy Checklist

<b>Financial Implications</b>
YES    Cleared by: Catherine Rodgers
<b>Legal Implications</b>
NO    Cleared by: Julian Ward
<b>Equality of Opportunity Implications</b>
NO    Cleared by: Ian Oldershaw
<b>Tackling Health Inequalities Implications</b>
NO
<b>Human rights Implications</b>
NO:
<b>Environmental and Sustainability implications</b>
NO
<b>Economic impact</b>
NO
<b>Community safety implications</b>
NO
<b>Human resources implications</b>
NO
<b>Property implications</b>
NO
<b>Area(s) affected</b>
ALL
<b>Relevant Cabinet Portfolio Leader</b>
Leigh Bramall
<b>Relevant Scrutiny Committee if decision called in</b>
Culture, Economy and Sustainability
<b>Is the item a matter which is reserved for approval by the City Council?</b>
NO
<b>Press release</b>
NO

## ADVISORY PARKING RESTRICTIONS: POLICY AND PROCESS REVIEW

### 1.0 SUMMARY

1.1 This report seeks Member endorsement of revisions to the policy and procedure governing the provision of advisory parking restrictions.

### 2.0 WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE?

2.1 This report aims to review the existing assessment criteria and charging structure through which disabled people can apply for a parking bay close to their home and residents and business owners can apply for road markings to keep the point of access to their property clear of obstruction.

2.2 The availability of personal transport can make an immense difference to the quality of life and independence of a disabled person. Access to a car can enable a disabled person to remain in employment and to take part in activities which would otherwise be inaccessible. The provision of a disabled person's parking bay close to home can contribute to the ease with which disabled people can access services and facilities that the able bodied take for granted. The recommendation contained in this report supports the City of Opportunity, particularly the vision of Sheffield as being a city where everyone can achieve their full potential and help meet the key principle of equality of opportunity.

### 3.0 OUTCOME AND SUSTAINABILITY

3.1 The proposed application process is intended to be more open and transparent to people applying for advisory parking restrictions.

3.2 The adoption of a new policy for disabled person's parking bays will help the Council to meet the obligations described in the Equalities Act 2010 and the Public Sector Equality Duty. Although this policy contributes to a perpetuation of dependence on the private motor car, access to a vehicle is a necessary lifeline for a significant number of disabled people.

### 4.0 REPORT

#### 4.1 Background

In 2000 Cabinet approved criteria against which requests for advisory parking restrictions – disabled person's parking bays, 'H' markings and Keep Clear markings – could be considered, a process that is administered by the Council's Traffic Management team. These are all essentially advisory markings and do not hold any legal status, although a police officer can take enforcement action if a vehicle is causing an obstruction.

4.2 Disabled person's parking bays identify places outside residential properties that are reserved for the sole use of vehicles displaying a valid 'Blue Badge' (denoting membership of the disabled person's car parking scheme).

4.3 People qualify for a Blue Badge if they are registered blind or their mobility is severely impaired. For those with a walking disability this is “*a level of impairment similar to that required to claim the high rate component of the [Department of Works and Pensions - DWP] Disability Living Allowance*”. This benefit is granted to people who the DWP adjudge to be in one of the following categories:

- virtually unable to walk (unable to walk very far without experiencing severe discomfort)
- cannot walk (Cannot take a single step... Walking involves always having one foot on the ground... The only way of getting about is to swing through crutches then you will be considered unable to walk)
- The exertion required to walk would constitute a danger to life or would be likely to lead to a serious deterioration in health.

4.4 Currently, to be eligible for a disabled person’s parking bay the applicant must be:

- a ‘Blue Badge’ holder,
- be the driver of the vehicle, and
- have no suitable parking available within their property

The requirement for the applicant to be the driver of the vehicle obviously precludes applications from blind people. For those badge holders with severely impaired mobility but are not the driver of the car, it assumes that an able-bodied driver would be able to drop the close to their house and park elsewhere.

4.5 The policy allows the Traffic Management manager to exercise discretion. From time to time approvals are granted that fall outside the criteria, such as to parents whose child is the holder of a Blue Badge.

4.6 Disabled parking bays on public highway are not allocated to an individual; they are available to any Blue Badge holder. Applicants are occasionally reluctant to pay for a bay that could be used by somebody else, but in practice this rarely proves to be a problem. If a particular bay is occupied by somebody else on a regular basis the ‘abuser’ is invited to apply for another bay. Should that fail to resolve the situation, a second bay may be provided free of charge to prevent any further inconvenience to the original applicant.

4.7 ‘H’ and Keep Clear markings highlight the access to a residence or a business across which people should not park. The Keep Clear is mainly used across larger accesses. They are a relatively inexpensive alternative to double yellow line parking restrictions. Yellow line restrictions must be accompanied by the introduction of a Traffic Regulation Order (TRO). The TRO makes the restriction legally enforceable by the Council’s Civil Enforcement Officers but the process of introducing a TRO is both time consuming and expensive.

4.8 Until 2000 this disabled person’s parking bays, ‘H’ markings and Keep Clear markings had been offered free of charge, despite there being no statutory obligation for a highway authority to provide these markings. In 2000 Cabinet

decided that reductions in funding meant that applicants would have to pay a fee. An exception was made for applicants who are in receipt of Income Support or Pension Credit, who continue to receive this service free of charge.

- 4.9 The fees are revised annually to reflect implementation costs and inflation, and currently stand at £145 for a disabled person's parking bay. This covers the cost of providing the road marking together with a contribution towards the cost of assessing the application (a site visit is made to ensure that there are no traffic or safety reasons for refusing the application, and that the applicant is happy with the proposed location of the bay). The current charge for 'H' markings is £125 and £155 for Keep Clear markings.
- 4.10 In the event that an application is unsuccessful, appeals against the decision are currently heard by the Traffic Management team manager.
- 4.11 In 2010/11 the Council received 398 enquiries about disabled bays, 'H' and Keep Clear markings, resulting in 192 applications.

4.12 Problems with the existing policy and process

Despite periodic revision, officers feel that the eligibility criteria for disabled bay markings do not adequately fulfil their intended purpose: of providing improved mobility opportunities to those genuinely in need of them.

- 4.13 By far the most frequent ground for refusal of an application is that the Blue Badge holder is not the driver of the vehicle. Requests are also refused when bays are requested for visiting nurses and carers or outside the house of a disabled person's relative. Difficulties can arise when a new bay would encroach in front of a neighbour's house. The neighbour is currently consulted beforehand and attempts are made to mediate any dispute, but it is not a satisfactory situation if the applicant is ultimately blamed for "taking my parking space" (even though a resident has no legal entitlement to park on the highway outside their property).
- 4.14 People are not required to pay anything 'up front' when applying for advisory parking restrictions. This can lead to a considerable amount of un-reimbursed officer time being expended only for the application to be turned down or the applicant to decide not to proceed. The proportion of people requesting and qualifying for free advisory parking restrictions is growing, and now account for the majority of successful applications for disabled person's parking bays. For instance, in the financial year 2010/11 the Traffic Management team received 106 applications for disabled bays. 56 were approved, of which 34 were provided free of charge. A total of 85 successful and unsuccessful applications were assessed without any costs being recouped. (See Appendix A for details.)
- 4.15 The number of people appealing against refusals, for disabled bays in particular has increased and the arbitration of these often occupies a great deal of the Traffic Management team manager's time.
- 4.16 The cost of administering the advisory parking restriction service is currently approximately £20,000 per annum (not including time spent by the Traffic Management team manager adjudicating appeals). In 2010/11 £2,800 was

4.17 Proposed eligibility criteria for disabled person's parking bays

A significant proportion of local authorities approve applications for bays if the vehicle used to transport the Blue Badge holder is registered at the same address (for instance if the vehicle is registered to, and driven by, a spouse, parent, or live-in carer). This recognises that a vehicle that is already being parked on the road may as well be in a location that benefits the badge holder. It is recommended that Sheffield should adopt this practice in cases where the Blue Badge holder has qualified for their badge due to impaired mobility. It should be noted that this would undoubtedly result in more applications being approved.

4.18 Proof that the applicant or the live-in carer is the owner of the vehicle, and that the vehicle is registered at the same address as the applicant must be provided in the form of a copy of the vehicles V5C registration certificate.

4.19 Applications from people who have suitable off-road parking would continue to be refused, as would applications from those requesting a bay for visiting carers or nurses, or in front of a relative's property. A bay provided in these circumstances would be vacant for the vast majority of the time, taking up valuable parking space.

4.20 Where a bay would lie partly in front of a neighbour's house it is proposed that the neighbour would be *informed* rather than consulted. It would be made clear that the positioning of the bay is entirely the decision of the Highway Authority (as opposed to the applicant).

4.21 Charging proposal for advisory parking restriction road markings

It is proposed that *all* applications for advisory parking restrictions be subject to a non-refundable assessment fee of £50, including those from applicants who are in receipt of benefits, to reduce the cost to the Council of operating this service. In 2010/11 this would have equated to £9,600 worth of assessment fees (although some people may not have applied if they had been required to pay an initial non-refundable fee).

4.22 The actual road markings would continue to be charged for on an at-cost basis, currently £100 for disabled bays, £78 for 'H' markings and £113 for Keep Clear markings. These markings would be provided free of charge to successful applicants who both hold a Blue Badge (due to a mobility related disability), and are in receipt of Income Support, its forthcoming replacement the Employment Support Allowance, or Pension Credit Benefit.

4.23 It will continue to be necessary to review the application fee annually to address inflation costs. The cost of the road markings will be set by the Private Finance Initiative provider. Again, this will be reviewed annually.

#### 4.24 Proposed appeals process

Confirming and clarifying the eligibility criteria will reduce the grounds for appeal to a purely technical assessment of whether a particular location is suitable and safe to accommodate a bay or access restriction. It is felt that the manager of the Traffic Management team remains the best person to adjudicate in any such disputes. If the applicant is still not satisfied then they can resort to the Council's complaints system, which would elevate the matter to a more senior level.

4.25 Draft application packs are appended to this report (Appendix B). If approved the information would be made available to download from the Council website.

#### 4.26 Financial Implications

The proposed mandatory assessment fee would contribute towards meeting the cost of administering this service and enable it to be run on a more sustainable basis in the future.

4.27 In 2010/11 the service generated a £2,800 income from assessment fees to offset against approximately £20,000 worth of officer time spent in dealing with applications and enquiries (a shortfall of £17,200). Although this shortfall would decrease with the introduction of a mandatory assessment fee, staff costs would not be fully recovered. Using the 2010/11 applications as an example, if every application had been accompanied by a £50 assessment fee, the income generated would have been £9,600, and the shortfall reduced to £10,400.

4.28 The actual number of applications and therefore the income from assessment fees will be affected both by the change in eligibility criteria for disabled person's parking bays (which is likely to attract more applications) and the possibility that some potential applicants may be put off by the mandatory assessment fee.

4.29 The cost of providing the actual advisory parking restriction road markings free of charge to people in receipt of Income Support, Employment Support Allowance, or Pension Credit Benefit will continue to be met from Traffic Management revenue resources. In 2010/11 the value of markings provided free to the applicant amounted to approximately £5,400.

4.30 The cost of running this service will be kept under review in the light of continued budget pressures.

#### 4.31 Other Relevant Implications

An Equality Impact Assessment has been conducted and concludes that the new policy is equality neutral in certain areas (e.g. race, faith, sexuality, etc.) and highly positive in others (e.g. disability, age, carers, etc.). The relatively small assessment fee is considered a reasonable adjustment for both disabled customers and Sheffield City Council. It represents a suitable and reasonable compromise, enabling the service to continue whilst also helping towards the financial issues faced by the Council. However, the policy will be closely

monitored and reviewed in year one to ensure that no unreasonably adverse equality impacts are encountered.

## 5.0 ALTERNATIVE OPTIONS CONSIDERED

5.1 The Access Liaison Group considers that all Blue Badge holders should qualify for a disabled person's parking bay. This would approximately double the number of bays installed each year. This approach has been rejected as on some roads, bays could come to dominate even though many badge holders do not themselves have need for a vehicle. For instance blind people who have no mobility problems would qualify. Many people have off-street parking or do not have a car at the address; providing a bay for the occasional use of visiting family and care workers would be left vacant for much of the time. There is a strong likelihood that this would result in abuse of the bay system In areas where parking is at a premium.

5.2 Alternatively, the service could be stopped. Despite the provisions contained in the Equality Act, there is no duty for Councils to provide a service for disabled person's parking bays at residential properties. The service does not currently cover its costs and it is expected that it will continue to run at a loss even if the proposed £50 assessment fee were introduced. The time spent considering appeals is increasing, as is the number of bays being provided free of charge. Nevertheless, there remains a very real need for the disabled person's parking bay service in particular and there is no doubt that those who receive a bay find them invaluable. For this reason officers recommend that the service be maintained, with refined eligibility criteria and a small universal assessment fee.

## 6.0 REASONS FOR RECOMMENDATIONS

6.1 If approved, the recommendations contained in this report would clarify the eligibility criteria for advisory parking restrictions and reduce the financial burden on the Council of operating this important service.

## 7.0 RECOMMENDATIONS

7.1 Approve the proposed eligibility criteria, charges and appeals procedure for the provision of advisory parking restrictions outlined in this report.

Simon Green  
Executive Director, Place

17 August 2011



# APPENDIX A

## Applications for Advisory Parking Restrictions, 2010/11

Disabled person's parking bay applications 2010/11		
Applications	106	
Approved	55 (3 on appeal)	21 Paid for
		34 Free *
Refused	50 (12 on appeal) *	
Couldn't afford	1 *	

### Reasons for refusal

Driver not classed as disabled	7
Applicant not driver of vehicle	22
No car at address	3
No suitable location	1
Property has driveway/other parking	9
Not highway land	7
Bay requested for another address	1

'H' and Keep Clear applications 2010/11		
Applications	86	
Approved	72	35 Paid for
		20 Free *
Refused	14 *	
Approved but failed to pay	17 *	

\* Applications assessed for free

## Disabled Person's Parking Bays How to apply

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This document explains how a disabled person or a carer living at the same address can apply for a disabled person's parking bay to be placed close to their home.

### What is a Disabled Person's Parking Bay?

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- The purpose of a disabled person's parking bay is to make other drivers aware that a particular space is needed by a person with mobility difficulties
- The bay is not for the sole use of the person who applied for it - it can be used by any driver of a vehicle displaying a valid 'Blue Badge' permit
- Unlike double yellow lines, the use of a disabled person's parking bays is not legally enforceable

### Am I eligible?

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- You must be a member of the council's Blue Badge disabled person's car parking scheme and have qualified for the badge because of impaired mobility
- The vehicle that will be using the bay must be registered as belonging to you or to somebody living at your address
- The property must not have suitable off-road parking (e.g. a driveway or garage)
- You must not have the use of a garage away from your property

### How much does it cost?

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- All applicants are required to pay a £50 non-refundable application assessment fee (cheques payable to Sheffield City Council)
- If your application is successful, you will be asked to pay the cost of providing the disabled person's parking bay road making, currently £100
- The marking will be provided free of charge if you are in receipt of Income Support, Employment Support Allowance, or Pension Credit Benefit

## **Terms and Conditions**

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Your application **must** be accompanied by the £50 assessment fee and a copy of the vehicle's V5C registration certificate.

A member of the Council's Traffic Management team will visit your property to check that there is a suitable, safe place to put the bay.

You will be required to provide proof that you are in receipt of Income Support, Employment Support Allowance, or Pension Credit benefit in order to qualify for a free disabled person's parking bay road marking.

The decision to approve or reject your application for a disabled persons parking bay road marking will be made entirely at the discretion of Sheffield City Council. Completion of the application form does not guarantee that a marking will be provided.

In the event that the marking becomes worn you will be required to pay for it to be repainted.

In the event of an unsuccessful application your assessment fee will not be returned to you. However, you can appeal against the decision to the Traffic Management team manager.

Should you require further information please telephone (0114) 273 6894 or email [traffic.management@sheffield.gov.uk](mailto:traffic.management@sheffield.gov.uk)

# Disabled Person's Parking Bay: Application form

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Name	
Address	
Postcode	
Telephone No.	Email address
Does your property have a drive or other off-street parking, or do you have use of a garage away from your property?	Yes / No
Are you a member of the council's 'Blue Badge' disabled person's car parking scheme and qualify for your badge because of impaired mobility?	Yes / No
Please give your Blue Badge number and expiry date	
Please give the registration number of the vehicle that will be using the bay	
Please give the make and model of the vehicle	
Is the vehicle registered as belonging to you or somebody else living at the address where the marking is required?	Yes / No
Are you in receipt of Income Support, Employment Support Allowance or Pension Credit?	Yes / No

*Continued overleaf*



## **Important – please read carefully**

Your application **must** be accompanied by a £50 assessment fee (cheques payable to Sheffield City Council) and a copy of the vehicle's V5C registration certificate.

**Your application will not be considered without copies of this document.**

**You must provide proof that you are in receipt of Income Support, Employment Support Allowance or Pension Credit Benefit in order to qualify for a free disabled person's disabled parking bay road marking.**

A member of the Council's Traffic Management team will visit your property to check that there is a suitable, safe place to put the bay.

The decision to approve or reject your application for a disabled person's parking bay road marking will be made entirely at the discretion of Sheffield City Council. Completion of the application form does not guarantee that a marking will be provided.

In the event that the marking becomes worn you will be required to pay for it to be repainted.

In the event of an unsuccessful application your assessment fee will not be returned, but you may appeal against the decision to the Traffic Management team manager.

Please return your completed application form, together with the assessment fee and a copy of the vehicle registration certificate (and, if applicable, proof that you are in receipt of Income Support, Employment Support Allowance or Pension Credit Benefit) to:

Traffic Management  
2-10 Carbrook Hall Road  
Sheffield  
S9 2DB

# Advisory Parking Restrictions: How to apply

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This document explains how you can apply for 'H' and 'Keep Clear' road markings.

## What are 'H' and Keep Clear road markings?

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- The purpose of 'H' and 'Keep Clear' road markings is to discourage other drivers from parking across a driveway or access to a property
- The 'H' marking is used to mark a narrow access, and the more prominent Keep Clear is used to mark a wide access. A member of the council's Traffic Management team will advise you as to the most appropriate marking
- Unlike double yellow lines, it is not an offence to park on 'H' and 'Keep Clear' road markings (they cannot be enforced by the council's Civil Enforcement Officers). However, as with any case where a vehicle is causing an obstruction, the police can take enforcement action if you report the matter to them

## How much does it cost?

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- All applicants are required to pay a £50 non-refundable application assessment fee (cheques payable to Sheffield City Council)
- If your application is successful, you will be asked to pay the cost of providing the road making, currently £78 for an 'H' marking and £113 for a Keep Clear marking

## 'Blue Badge' holders

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You will be eligible to have a marking provided free of charge if you:

- are a member of the council's 'Blue Badge' disabled person's car parking scheme
- have qualified for the badge because of impaired mobility, and
- are in receipt of Income Support, Employment Support Allowance, or Pension Credit Benefit



## **Terms and Conditions**

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Your application **must** be accompanied by the £50 assessment fee.

The decision to approve or reject your application for a 'H' or Keep Clear' road marking is made entirely at the discretion of Sheffield City Council. Completion of the application form does not guarantee that a marking will be provided.

In the event that the marking becomes worn you will be required to pay for it to be repainted.

In the event of an unsuccessful application your assessment fee will not be returned to you. However, you can appeal against the decision to the Traffic Management team manager.

### **'Blue Badge' holders**

You will be required to provide your Blue Badge number and expiry date, and proof that you are in receipt of Income Support, Employment Support Allowance, or Pension Credit benefit in order to qualify for a free 'H' or Keep Clear road marking.

Should you require further information please telephone (0114) 273 6894 or email [traffic.management@sheffield.gov.uk](mailto:traffic.management@sheffield.gov.uk)

# Advisory Parking Restrictions (‘H’ and Keep Clear markings): Application form

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Name	
Address	
Postcode	
Telephone No.	Email address
Please give the address where the marking is required (if different from above)	
Postcode	
Please describe why you need a ‘H’ or Keep Clear marking at this address	
<b>Your application must be accompanied by a £50 assessment fee (cheques payable to Sheffield City Council).</b>	

*Continued overleaf*





### **‘Blue Badge’ holders**

You will be eligible to have a marking provided free of charge if you:

- are a member of the council’s ‘Blue Badge’ disabled person’s car parking scheme
- have qualified for the badge because of impaired mobility, and
- are in receipt of Income Support, Employment Support Allowance, or Pension Credit Benefit

You must provide your Blue Badge number and expiry date, and proof that you are in receipt of Income Support, Employment Support Allowance, or Pension Credit benefit **along with the £50 assessment fee** in order to qualify for a free ‘H’ or Keep Clear road marking.

### **Important – please read carefully**

The decision to approve or reject your application for a ‘H’ or Keep Clear’ road marking is made entirely at the discretion of Sheffield City Council. Completion of the application form does not guarantee that a marking will be provided.

In the event that the marking becomes worn you will be required to pay for it to be repainted.

In the event of an unsuccessful application your assessment fee will not be returned, but you may appeal against the decision to the Traffic Management team manager.

Please return your completed application form, together with the assessment fee (and, if applicable, your Blue Badge number and expiry date and proof that you are in receipt of Income Support, Employment Support Allowance or Pension Credit Benefit) to:

Traffic Management  
2-10 Carbrook Hall Road  
Sheffield  
S9 2DB