

INFRASTRUCTURE, HOUSING AND ECONOMIC DEVELOPMENT – 23 JUNE 2020

COUNCIL – 14 JULY 2020

PART I – NOT DELEGATED

5. PARKING PROVISION FOR HOLDERS OF DISABLED BLUE BADGES IN TRDC LONG AND SHORT-STAY CAR PARKS (DCES)

1 Summary

1.1 In October 2019 the following motion was agreed at Full Council:

Understanding the challenges that disabled people face every day, this Council agrees to request that the Infrastructure, Housing and Economic Development Committee carry out a full review around charging Blue Badge Holders for parking in Council car parks and report back to Council with a recommendation.

1.2 This report seeks to clarify and confirm the parking provision available for holders of disabled blue badges in the Three Rivers DC car parks.

2 Details

2.1 The original 1994 Traffic Order for the Rickmansworth Town Centre car parks, updated by a 2006 Order, provides for parking for blue badge holders within specified spaces as well as in general bays within the Council's short and long term car parks.

2.2 With regard to the former 2 hour short-stay car parks, the original 1994 Order referred to a 3 hour parking limit rather than 2 hours for holders of blue badges parking in the disabled parking spaces but this difference in duration was not reproduced in the 2006 Order. This was not reflected on signage in the short-stay car parks, which has historically led to confusion.

2.3 The 2006 Order did not make any concessions for holders of blue badges except in terms of provision of disabled parking bays. This means, and continues to mean, that anyone parking in the Council's long term car parks, even those with a blue badge, do so on the same terms as any other customer, which means they pay the appropriate parking tariff for parking. Where parking is not charged, blue badge holders park for free. Where parking is charged, such as in the long-stay car parks operated by the District Council, blue badge holders park and pay on the same terms as other drivers.

2.4 The introduction of parking charges in the short term car parks in Rickmansworth (a 2018 Order) made no concessions for charging holders of disabled blue badges. They were treated the same as we had treated those using the long term car parks. These spaces are not free and users of these spaces are expected to pay the same charges as other car park users.

2.5 There has at no point been any suggestion that the introduction of charges in the short term car parks should differ from the Council's existing policy position on parking for blue badge holders. The blue badges are issued based on a national criteria regarding a disability, they are not based on an individual's income or wealth.

- 2.6 With the introduction of parking charges in the TRDC short-stay car parks in April 2018 a dispensation was made for holders of disabled blue badges to park for free anywhere in the short-stay car parks. However, this was an introductory measure and no longer happens.
- 2.7 Other Traffic Regulation Orders covering other P&D car parks in the District such as the long term P&D car park in South Oxhey replicate the Rickmansworth Town Centre TRO. Other car parks such as in Croxley Green currently offer free parking and are covered by their own TROs detailing length of stay.
- 2.8 National policy enables blue badge holders to park on some yellow lines (waiting restrictions) on public roads to enable holders to park closer to their destination. The provision of dedicated parking bays in close proximity to accesses in the Council's short term car parks is equally intended to make parking for blue badge holders more convenient. A requirement that blue badge holders should be charged on an equal basis with non-blue badge holders does not affect the convenience of parking in off-street car parks. With the short to medium term introduction of the requirement to display free-vend tickets in all off-street car parks, there is similarly no additional impact caused to blue badge holders who have to travel to a ticket machine before parking. Parking in the Council's car parks provides accessible, convenient and safe parking spaces, whether or not these car parks are free to use or provided at a charge.
- 2.9 It should also be noted there is other free parking provision for holders of blue badge holders in and around Rickmansworth, such as in the eight disabled parking spaces around the Three Rivers House property (all of which are within 150 metres of the High Street, with level access).

3 Options and Reasons for Recommendations

- 3.1 This report is intended to explain and confirm the current legal situation to clarify that the parking charges in long and short stay car parks equally apply to all users. It is not recommended changes are made to the existing policy.
- 3.2 If Members wished to propose changes to the terms on which blue badge holders can use the Council's car parks, for example either by introducing a period with no charge for holders, or an exemption from charges, then modifications would need to be made to the Traffic Regulation Orders. Any concessions would need to be justified and considered for both long and short term duration car parks. This would involve further work and a formal Traffic Order advertisement, following informal consultation with user group representatives because it would treat a category of user differently to other user group categories.

4 Policy/Budget Reference and Implications

- 4.1 The recommendations in this report are within the Council's agreed policy and budgets.

5 Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

- 5.1 None specific.

6 Financial Implications

6.1 There are no implications of maintaining the current policy position.

7 Legal Implications

7.1 If the recommendation is accepted, no change will be required.

8 Equal Opportunities Implications

8.1 Relevance Test

Has a relevance test been completed for Equality Impact?	Yes
Did the relevance test conclude a full impact assessment was required? However a full impact assessment was conducted and is attached.	No

9 Risk Management and Health & Safety Implications

9.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

9.2 The subject of this report is covered by the Regulatory Service Plan(s). Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Justification for differential treatment of vulnerable user groups	Difficult to justify. Legal considerations. Complaints and calls for other vulnerable groups to be considered i.e. low income/unemployed. Reduction in income from parking charges	Full justification and explanation for any changes to the policy. Consult/advertise through full TRO process	Treat	9
If changes are required	Other workstreams and	Monitor workstreams	Treat	6-9

additional workload for traffic engineering function, requiring an additional non-programmed scheme	planned parking programme is delayed.	and planned work, reprioritise if required		
Negative publicity arising from public perception of differential treatment of vulnerable user groups	Complaints received	Monitor, ensure full process for a new or revised TRO is followed.	Treat	6-8

The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- Remote	Low	High	Very High	Very High
	4	8	12	16
	Low	Medium	High	Very High
	3	6	9	12
Low	Low	Medium	High	
2	4	6	8	
Low	Low	Low	Low	
1	2	3	4	
Impact				
Low -----> Unacceptable				

Impact Score

4 (Catastrophic)

Likelihood Score

4 (Very Likely (≥80%))

3 (Critical)	3 (Likely (21-79%))
2 (Significant)	2 (Unlikely (6-20%))
1 (Marginal)	1 (Remote (≤5%))

9.3 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

10 Recommendation

10.1 That the Committee recommends to Council to continue with the current practice that blue badge holders have access to the same service on the same terms as other user groups.

Report prepared by: Kimberley Rowley, Head of Regulatory Services and Peter Simons, Senior Transport Planner.

Data Quality

Data sources: Traffic Orders

Data checked by: P. Simons, Senior Transport Planner

1	Poor	
2	Sufficient	
3	High	y

Background Papers

None

APPENDICES / ATTACHMENTS

App1 - Equalities Relevance Test

App2 – Equalities Relevant Detailed Test