

**DELEGATED REPORT OF  
DIRECTOR OF PUBLIC REALM**

**Blue badge parking review**

**(2019/20)**

**September 2019**

**CLASSIFICATION:**

**OPEN**

**If exempt, the reason will be listed in the main body of this report.**

**WARD(S) AFFECTED**

**All Wards**

## **1. SUMMARY**

1.1 In autumn 2018, Hackney Council consulted on introducing personalised disabled bays in Hackney, and amending the current companion badge rules for blue badge holders. The main reasons for the proposed changes were to:

- protect disabled parking spaces for residents who most need them, and;
- make parking for other blue badge holders simpler to understand.

1.2 The consultation ran for 12 weeks from 13 August to 5 November 2018, during which time, over 1,200 responses were received. Following analysis of the results of the consultation, the proposals were supported, and as such, this report seeks approval to introduce personalised disabled parking bays for those with high levels of need, and the introduction of revised companion badge rules to be approved and adopted.

1.3 The introduction of personalised disabled bays will ensure that we continue to prioritise disabled residents parking at the top of our current hierarchy of parking need. Simplifying companion badge rules will also lessen the confusion for blue badge holders on where they can park using it.

## **2. RECOMMENDATION(S)**

2.1 The Director of Public Realm is recommended to approve:

2.2 The personalisation of disabled parking bays for those who meet the current criteria for a disabled bay. This will be implemented in the following way:

2.2.1 Existing bay holders who applied under the current disabled bay criteria (12 June 2017 to date) - upon receipt of an application for a bay to be personalised - have their bay personalised without any assessment of their mobility.

2.2.2 Existing bay holders who applied under the old disabled bay criteria (before 12 June 2017) - for these residents, upon receipt of an application for a bay to be personalised - will need to undergo and pass a new mobility assessment against our current criteria before their bay is personalised.

2.2.3 New applicants for a disabled bay - these residents will be assessed under the current criteria and - if they pass the application process, will have a personalised disabled bay installed.

2.3 The amendment of the current companion badge parking permissions, to bring these much more in line with resident permits.

| <b>Bay type</b>                                                        | <b>Companion badge</b>       | <b>Clock required?</b>          |
|------------------------------------------------------------------------|------------------------------|---------------------------------|
| Permit holder only bays                                                | Yes – home parking zone only | No                              |
| Resident permit holder only bays                                       | Yes – home parking zone only | No                              |
| Shared use bays (combined pay and display and permit holder bays)      | Yes – home parking zone only | No                              |
| Disabled bays                                                          | Yes – home parking zone only | Only if sign shows a time limit |
| On-street pay and display bays                                         | No                           | Not applicable                  |
| Business bays, doctors bays, car club bays, suspended bays, red routes | No                           | Not applicable                  |
| Single and double yellow lines                                         | No                           | Not applicable                  |

2.4 Blue badge holders to park in resident, estate and permit bays following the implementation of a new blue badge anti-fraud approach in Hackney, so that their needs are prioritised in line with the Parking and Enforcement Plan.

### **3. REASONS FOR DECISION**

#### **Personalised disabled bays**

3.1 Resident blue badge holders who own a vehicle and need to park close to their home due to reduced mobility may be eligible to apply for a disabled bay. There are currently approximately 700 such disabled bays across Hackney.

3.2 The applicant must meet our parking eligibility criteria – which evaluates the applicants parking need and also pass a mobility assessment, with an independent

assessor sourced by the Council's Adult and Social Care Service – see appendix one for more details.

- 3.3 The parking eligibility criteria ensures that bays are installed for the disabled residents in locations where they are needed the most, in a way that allows other service users to find a space to park.
- 3.4 Disabled parking bays are usually situated outside or in close proximity to the disabled resident's home. Although installed for disabled residents with higher parking needs, presently anyone with a valid blue badge can park in a disabled bay, which has historically created accessibility issues for disabled residents trying to return home.
- 3.5 Previously, the Council was unable to implement personalised bays as it was not supported by the Traffic Signs Regulations and General Directions (TSRGD, which prescribes the design and conditions and use of traffic signs on or near roads in England, Scotland and Wales).
- 3.6 This meant that the Council legally could not personalise disabled bays, as to do so would discriminate against other blue badge users. In addition, the kerbside space would not be utilised all times for the Council's highest priority users – please see [hackney.gov.uk/pep](https://hackney.gov.uk/pep) for recommendation 1.1 of Parking and Enforcement Plan 2015-2020.
- 3.7 However, over the last few years Hackney Council has received numerous complaints from disabled residents who returned home to find the bay they had installed at their request occupied by another blue badge holder, which in areas of high parking stress led some to feel unable to leave their bay for fear of finding it occupied on their return and consequently being unable to park anywhere near their home.
- 3.8 In light of these complaints and given changes to the TSRGD that enabled personalised disabled bays to be legally enforced, along with a commitment as to reviewing personalised disabled bays within the lifespan of the Parking and Enforcement Plan (PEP) 2015-20, the Council's Parking and Markets Service consequently conducted a public consultation in autumn 2018.

## **Companion badge changes**

- 3.9 The companion badge (now e-badge) was initially introduced in 2005 to tackle blue badge fraud and theft. Hackney residents who are also blue badge holders may apply for a free companion badge. The companion badge is vehicle specific, so has no real value in comparison to the blue badge and was therefore used as an alternative to the blue badge.
- 3.10 Over 2,400 residents have companion badges in the borough, which entitle them to park their vehicles in a range of locations across the borough without the need to display their blue badge.
- 3.11 Companion badge holders have told us that the current rules around where and how the permit can be used are very complex and difficult to understand. Evidence of this can be found in the fact that over 3,200 Penalty Charge Notices (PCNs) were issued to companion badge holders between 2008 and 2017 for parking in the wrong place. As a result, we proposed changes to where companion badges could be used to make it simpler to understand.

## **Changes to the blue badge rules**

- 3.12 The blue badge scheme has now been extended (as of 30 August 2019) to include people with hidden disabilities such as brain injuries, anxiety disorders and autism. The scheme will still remain open to people who are travelling as a driver or passenger.
- 3.13 This is the biggest change in the scheme since the 1970s and means that more people across the United Kingdom will qualify for a blue badge who cannot walk as part of a journey without being in psychological distress or being in serious risk of harm.
- 3.14 Blue badges are issued by the Council's Adult and Social Care Service. The Parking and Markets Service do not partake in this process, as only trained health professionals can assess a person's disability and whether or not they qualify for a blue badge.
- 3.15 Anyone with a valid blue badge will be eligible for a companion badge. The changes to the blue badge rules do not affect the proposals to personalise disabled parking

bays, as the eligibility criteria was recently reviewed in May 2018 and have not been considered as part of this paper.

3.16 In addition, any further reviews of the eligibility criteria will be in light of the changes to the blue badge rules and instigated by the Adult and Social Care Service.

### Consultation approach

3.17 The blue badge parking review ran from 13 August to 5 November 2018. Over 5,000 response consultation packs were sent to all Hackney blue badge holders, as well as an online questionnaire, advertisements in Hackney Today and drop-in sessions in public spaces across the borough. We received 1,241 responses in total.

3.18 The majority of people who responded to the consultation were blue badge holders who live on-street (58%) or on estates (30%). This question was included, as it was important that we reached blue badge holders who live in the borough due to the impact of the proposals in them - see appendix two for service monitoring breakdown.

| Option                                                   | Total | %    |
|----------------------------------------------------------|-------|------|
| Blue badge holder and Hackney on-street parking resident | 717   | 58%  |
| Blue badge holder and Hackney estate resident            | 368   | 30%  |
| Blue badge holder and Hackney business owner             | 0     | 0%   |
| Blue badge holder non-resident                           | 13    | 1%   |
| Blue badge holder and worker in the borough              | 2     | 0%   |
| Hackney on-street parking resident                       | 31    | 3%   |
| Hackney estate resident                                  | 34    | 3%   |
| Hackney business owner                                   | 3     | 0%   |
| Visitor                                                  | 5     | 0%   |
| A worker in the borough                                  | 14    | 1%   |
| Other                                                    | 54    | 4%   |
| Total                                                    | 1241  | 100% |

## Consultation summary

### Personalised disabled bays - feedback on proposals

3.19 In summary, 68% of all people who responded to the consultation were in favour of personalising disabled bays.

| Option       | Total       | %           |
|--------------|-------------|-------------|
| Yes          | 848         | 68%         |
| No           | 242         | 20%         |
| Don't know   | 151         | 12%         |
| <b>Total</b> | <b>1241</b> | <b>100%</b> |

3.20 Those who were in favour of the proposals expressed their concern over accessing the disabled bay outside their home and mentioned the constant struggle they faced when returning home to park their car. Often disabled bay owners would choose to use other modes of transportation that would bring them closer to their front door and prevent the inconvenience of parking in an adjacent road.

3.21 However, for those who were not in favour, they expressed concern that if disabled parking bays were personalised, they would be empty for long periods of time and would prevent other blue badge holders from using them. Officers believe that the proposed approach, which will see only those with very high levels of need having their bays personalised, with all personalisation being 'on request' only, which strikes the right balance in balancing these views.

3.22 As well as commenting specifically on the proposals, the public were also able to provide input on other aspects of disabled bay parking in Hackney.

3.23 While some felt that personalising disabled bays would restrict movement of disabled residents across Hackney, others felt that we needed to allow all blue badge holders to park in all permit holder bays. Similarly, estate residents also wanted to park on estates using their blue badge.

3.24 People also felt that Hackney was not doing enough to enforce fraud and misuse, especially around town centres where people tend to run errands using a blue badge that does not belong to them. Better tackling blue badge fraud is a major workstream for Parking in 2019/20 - the service will be bringing in blue badge enforcement experts BBFI to help us set up a more robust service together with

colleagues in Anti-Fraud and Legal to set up a process that will deliver a step change in the number of successful prosecutions Hackney achieve.

3.25 We received a wide range of views regarding the current disabled parking bays, with some people feeling that we had too many believing that they were in the wrong locations, whilst others wanted more. No clear trend could be determined from this that requires further consideration at this time.

3.26 A few respondents suggested that we installed disabled bays specifically for charging electric vehicles. This was looked at but rejected, for reasons set out in paragraph 4.1.

3.27 Some respondents also had concerns about the assessment process and how long it takes to implement a disabled bay. However, the length of time needed is necessary to ensure the applicant meets the requirements and the bay is placed in a safe location.

3.28 The cost of delivering the consultation design and print was approximately £15,000 which includes advertising.

### **Companion badges consultation feedback**

3.29 In summary, 46% of people who responded were also in favour of changing the companion badge parking permissions, compared to 24% who were not. A high proportion of people were undecided, which suggests that some people did not have a clear understanding of the benefits of the companion badge or know how to use it.

| <b>Option</b> | <b>Total</b> | <b>%</b>    |
|---------------|--------------|-------------|
| Yes           | 568          | 46%         |
| No            | 301          | 24%         |
| Don't know    | 372          | 30%         |
| <b>Total</b>  | <b>1241</b>  | <b>100%</b> |

3.30 Of those who opposed the proposals, they highlighted that the rules should stay the same as the blue badge could always be displayed if the holder was unsure. However, the consultation results strongly suggest that such views are in the minority.



- 3.31 Others wanted the companion badge to be extended to all permit bays – similar to an all zone parking permit. However, such a proposal would increase the risk of blue badges being misused, as in effect the companion badge would then act as a secondary blue badge across the borough, and enable the blue badge to be used elsewhere at the same time, and will not be taken forward.
- 3.32 Only Hackney blue badge holders can apply for companion badges and only one badge will be issued, per blue badge, per person. To qualify for a companion badge, the blue badge holder must also be the registered keeper of the vehicle at their home address.

Additional changes to be made as a result of the consultation feedback: enabling blue badge holders to park in a wider range of bays.

- 3.33 Following feedback from blue badge holders on their wish to see blue badges to be used across all permit bays, benchmarking was carried out to look at the approach taken by other boroughs.
- 3.34 Across London there is no consistent approach towards blue badge holders parking in resident bays – around half allow it, and half do not.
- 3.35 As part of the analysis work of this consultation, neighbouring local authorities were contacted to ask them about their arrangements, and what impact if any of their local decisions were having on local residents.
- 3.36 Tower Hamlets have very similar arrangements to Hackney, but Islington, Camden, Newham, and Haringey all allow blue badge holders to park in residential bays. When asked specifically about any issues this caused local residents they told officers that there were very few issues reported, even around potential hotspots such as the Emirates Stadium on match days and local hospitals.
- 3.37 Hackney Council has a clear commitment in its Parking and Enforcement Plan to put blue badge holders at the top of its Parking hierarchy. However this commitment is not evidenced by the Council's current approach towards blue badge parking in resident bays, in contrast to many other local authorities.
- 3.38 Furthermore, the proposals to personalise disabled bays are likely to lead to some displacement of other blue badge users. It is safer to enable these vehicles to park

in resident bays than it is to push them to park elsewhere where the blue badge is valid, such as single yellow lines, as such parking can affect both road safety and traffic flow.

3.39 Therefore, it is proposed that blue badge holders be enabled to park in residents, estate residents, and permit bays in the future.

3.40 Officers recognise that this does introduce potential challenges in some of these locations, particularly when abuse of blue badges is prevalent. Therefore it is proposed that the extension to the right of blue badge holders to park in a wider range of locations be introduced once a more robust approach to blue badge fraud is introduced, which will enable more proactive enforcement of blue badge fraud, which is planned for 2020.

How will personalised disabled bays be implemented, and how will it work?

3.41 Existing disabled bay holders fall into two categories - those who had their bay installed under the current more stringent eligibility criteria, and those who obtained one under the old criteria (before 12 June 2017) - see appendix one for more information.

3.42 Residents who passed their assessment using the current criteria will be invited to apply for and have their bay personalised without the need for a reassessment of their mobility. Disabled bay owners who had their bay installed before 12 June 2017 will need to undergo and pass a new mobility assessment against our current criteria which - if they pass - will then lead to their bay being personalised.

3.43 The Parking and Markets Service will cover the cost of the mobility assessments for the 640 current disabled bay owners who may apply, which is estimated at £29,750. For the 60 residents with disabilities that were assessed after 12 June 2017, there is no additional requirement to be reassessed - please see the table below.

| <b>Current disabled parking bays breakdown</b> | <b>Number of bays</b> | <b>Mobility assessments costs</b> |
|------------------------------------------------|-----------------------|-----------------------------------|
| Disabled bays installed before 12 June 2017    | 640*                  | £29,750                           |
| Disabled bays installed after 12 June 2017     | 60**                  | £0                                |

|                             |     |         |
|-----------------------------|-----|---------|
| Total disabled parking bays | 700 | £29,750 |
|-----------------------------|-----|---------|

\*Possible personalised disabled bays assessments.

\*\*Assessed under new criteria, so there is no additional requirement to be reassessed.

3.44 All new applicants will go through the same process as those who had a bay installed under the current criteria introduced in 2017. Personalised disabled bays will be awarded to applicants who meet and pass the criteria.

3.45 There is also a discretionary process for applicants who believe their circumstances to be exceptional enough to warrant special consideration to have their application reviewed by a panel consisting of Adult Social Care and Parking officers.

3.46 Alongside this work, the Council's Parking and Markets Service will audit all disabled bays in the borough. Through the disabled bay audit process, the service will also request evidence of the blue badge holders vehicle, which must be registered to their home address. The following criteria will determine if a disabled bay is personalised, reassigned or removed:

| <b>If the person a bay is registered to:</b>                                                                                        | <b>What will happen to their bay?</b>                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| Holds a blue badge and meets current eligibility criteria.                                                                          | Bay will be personalised, if requested.                                                           |
| Holds a blue badge but does not meet the current eligibility criteria for a disabled bay, or does not apply for a personalised bay. | Bay will remain as a general-use disabled bay, which all blue badge holders are permitted to use. |
| No longer holds a valid blue badge.                                                                                                 | Bay may be reassigned or removed.                                                                 |
| No longer lives at the address.                                                                                                     | Bay may be reassigned or removed.                                                                 |
| Holds a blue badge but does not own a vehicle.                                                                                      | Bay will be reassigned or removed.                                                                |

3.47 Disabled estate residents will be prioritised for a personalised disabled bay. Parking permits on estates are limited to the capacity on each estate, therefore each estate may require a localised policy to meet the needs of all residents. The localised policy will be determined by the Estate Management Team and Parking Services on request.

3.48 Estate disabled resident permit holders with companion badge must cover the same vehicle. Companion badges must not be used to cover a secondary car, as only one permit per person, per blue badge is allowed.

3.49 Alternatively, estate residents may request or be offered a personalised disabled bay on street, if it is accessible and close to their home.

3.50 The personalised disabled bay process, will be adopted to all private estates, the Council's Parking and Markets Service manages and enforces.

### **Minor changes to the system**

3.51 The Parking and Markets Service permit system issues companion badges to blue badge holders. A minor modification will be made to add the personalised disabled bay number at the location and link the companion badge to the vehicle, which will enable effective enforcement.

3.52 The cost associated to developing this change has been quoted at £12,350. There are no additional print or administrative costs as companion badge applications are made online and all permits are virtual - we anticipate that there might be an insignificant increase in email and phone enquiries.

### **Signage and enforcement**

3.53 All personalised disabled bays will be assigned a reference which may contain letters and numbers. The personalised disabled bay reference and location will remain fixed, unless it is no longer needed. The companion badge and vehicle attached to it may change.

3.54 Each disabled bay sign costs £17 each to change. There are approximately 700 disabled parking bays across the borough, 60 of which have passed using the new criteria. This means that if they applied for their bay to be personalised they are likely to be awarded a bay - please see more information in the table below.

| <b>Current disabled parking bays breakdown</b> | <b>Number of bays</b> | <b>Cost of signs (£17 each)</b> |
|------------------------------------------------|-----------------------|---------------------------------|
| Disabled bays installed before 12 June 2017    | 640                   | £10,880                         |
| Disabled bays installed after 12 June 2017     | 60*                   | £1,020                          |
| Total disabled parking bays                    | 700**                 | £11,900                         |

\*Likely to be awarded a personalised disabled parking bay.

\*\*Possible personalised disabled bays applications.

- 3.55 If someone parks in a personalised disabled bay without a valid permit, they may be liable to pay a parking fine. Blue badge holders with personalised disabled parking bays will be able to request enforcement.
- 3.56 The companion badge attached to the disabled parking bay will still entitle the holder to park in residents, permit and shared use bays. Using their blue badge the resident can still use single and double yellow lines, where no further restrictions apply.
- 3.57 In addition to this, the Parking and Markets Service is currently reviewing blue badge enforcement, with a view to empowering Civil Enforcement Officer's to check and confiscate blue badges, if fraudulent activity or misuse is suspected. This workstream will be completed outside of this consultation.

### **Communications campaign**

- 3.58 To support changes to blue badge parking in Hackney, the Parking and Markets Service will inform all blue badge holders through direct mail and place warning signs above disabled parking bays that are due to be personalised.
- 3.59 During the consultation process we asked recipients to submit their contact details if they wanted to be informed of the outcome and invited to apply for a personalised disabled bay if proposals were approved. A total of 987 people responded to this part of the questionnaire.

### How will the new companion badge work?

- 3.60 All companion badge holders will be informed by direct mail of the pending changes to the companion badge rules and at least three months' notice will be given. Once the new permissions are launched, there will also be a one-month parking fine warning notice period to ensure that all companion badge users adapt to the new parking permissions.
- 3.61 Residents will continue to benefit from using the companion badge in their home parking zone as there will be no further changes.

3.62 Parking Services also received suggestions, feedback, service requests and complaints which will all be responded to outside of this consultation.

#### **4. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

4.1 Electric disabled parking bays were considered and rejected as it discriminates against all other motorists. We also do not know if there are enough electric vehicles with blue badges to privatise the kerbside space.

4.2 Allowing blue badge holders to park in all disabled bays within their home parking zone was also considered and rejected. This reserved and reduced the number of blue badge holders that can park in disabled bays installed for residents, but discriminated against all other blue badge holders.

4.3 Do nothing – this was rejected as it goes against the Parking and Enforcement Plan (PEP) 2015-20, which places disabled residents at the top of the hierarchy of parking needs.

#### **5. EQUALITY IMPACT ASSESSMENT**

5.1 The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.

5.2 This will ensure a consistent approach is adopted. Under the terms of the policy, every application will be considered on its own merits.

5.3 The equality and diversity impacts are set out in the body of the report and attention is drawn to the requirements of Section 49 (A) of the Disability Discrimination Act 2005 as set out in Paragraph 7 of this report.

5.4 The Equality Impact Assessment is attached in appendix four.

#### **6. COMMENTS OF THE DIRECTOR OF FINANCE AND RESOURCES**

6.1 This report is seeking approval to introduce personalised disabled bays in Hackney, and amending the current companion badge rules for blue badge holders.

- 6.2 In light of requests, and changes to the legislation has enabled personalised disabled bays to be legally enforced. Parking and Markets Service consequently conducted a public consultation in autumn 2018. Following consultation, 68% of respondents were in favour of personalised bays and 46% in favour of changing companion badge parking permissions.
- 6.3 The aim of the schemes is to help disabled people with severe mobility problems to access goods and services, by allowing them to park close to their destination. The scheme is open to eligible disabled people irrespective of whether they are travelling as a driver or as a passenger. The scheme provides a national range of on-street parking concessions to Blue Badge holders. It allows them to park without charge or time limit in otherwise restricted on-street parking environments and allows them to park on yellow lines for up to three hours, unless a loading ban is in place.
- 6.4 The companion badge attached to the disabled parking bay will still entitle the holder to park in residents, permit and shared use bays. Using their blue badge the resident can still use single and double yellow lines, where no further restrictions apply.
- 6.5 Before any policy changes are implemented, measures will need to be taken to increase public awareness of the companion badge. Parking Services will ensure that disabled bay users and other drivers in Hackney are fully aware of the parking entitlements offered by both the companion badge and the blue badge.
- 6.6 It is recommended that a variety of materials are produced to clarify parking eligibility provided by the companion badge and is distributed to all registered users of disabled bays. Furthermore, relevant internal stakeholders such as Civil Enforcement Officers, will need to be trained on the revised parking eligibility of Blue Badges and companion badges.
- 6.7 Any change to policy and enforcement of disabled parking affecting this vulnerable and important resident stakeholder groups, carries an inherent risk if changes are not managed sensitively and effectively.
- 6.8 There is no material financial impact emanating from these changes. The implementation costs could be seen as an investment that would be partly recouped by the income resulting from a reduction in disabled badge fraud and improved compliance with anti-fraud measures.

## **7. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES**

- 7.1 Following the Council's consultation in 2018 the Council propose to implement the personalisation of disabled parking bays for those who meet the current criteria, which was revised in 2017, for a disabled bay. In addition the Council are proposing to amend the current companion badge and to eventually allow blue badge holders to park in residential bays.
- 7.2 The Council has a general duty under the Disability Discrimination Act 2005 and the Council has to have regard in the provision of its services (including car parking services) to take steps to take account of disabled person's disabilities, even where that involves treating disabled persons more favourably than other persons by, for example, offering concessionary parking fees. These duties are set out below.
- 7.3 Part 5A of the Disability Discrimination Act 2005(the DDA 2005) imposes a general duty on public authorities:
- 7.4 Section 49(A)(i) requires that every public authority shall, in carrying out its functions, have due regard to:
- a. The need to eliminate discrimination that is unlawful under this Act;
  - b. The need to eliminate harassment of disabled persons that is related to their disabilities;
  - c. The need to promote equality of opportunity between disabled persons and other persons;
  - d. The need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons;
  - e. The need to promote positive attitudes towards disabled persons; and
  - f. The need to encourage participation by disabled persons in public life.
- 7.5 Section 49(A) therefore imposes a duty on the Council, which is separate from the general duty not to discriminate. When a local authority carries out any of its functions, the local authority must have due regard to the matters within S.5A of the DDA 2005. Every local authority is expected to rigorously exercise that duty.



7.6 The Council may under sections 6 and 45 of the Road Traffic Regulation Act 1984, (the 1984 Act) designate parking places on highways, for various classes of vehicles.

7.7 In the exercise of those powers, section 122 of the 1984 Act requires the council to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. When designating parking spaces on the highway and setting any appropriate charges for these spaces the Council must exercise their powers in accordance with the factors set out in section 122 of the 1984 Act, which include:

- a. the desirability of securing and maintaining reasonable access to the premises, and
- b. the effect on the amenities of an locality affected and to preserve or improve the amenities of the areas through which the roads run.

7.8 Under sections 69 and 70 of the Road Traffic Regulation Act 1984, the relevant parking authority has powers to ensure the removal of any unlawful or badly deployed traffic sign, object or device for the direction or guidance of people using the roads.

7.9 The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions, which the Council should have regard to when exercising its power to introduce designated parking places, recommends that enforcement authorities consult locally on their parking policies when they appraise them. They should seek the views of people and businesses with a range of different parking needs as well as taking into account the views of the police.

7.10 The non-statutory consultation has been carried out in accordance to the guidance produced by the Government's Cabinet Office Consultation Principles. These principles do not displace the general principles derived from case law as to how consultations should be conducted. These principles, are known as the "Gunning principles" and are as follows;

- Consultation should occur when proposals are at a formative stage;
- Consultations should give sufficient reasons for any proposal to permit intelligent consideration;
- Consultations should allow adequate time for consideration and response;

7.11 Following the consultation coming to an end the Local Authority should conscientiously consider the consultation responses, or a summary of them, before determining what, if any, action to take.

7.12 The exercise of powers contained in the 1984 Act relating to parking is an executive function

7.13 The exercise of the relevant Council's powers under the Road Traffic Regulation Act 1984 is delegated to the Director of Public Realm or the Head of Parking and Markets. The recommendation in paragraph 2 of the report is a decision that the Director of Public Realm is authorised to make under sections NH341 to NH345 of the Council's scheme of delegation for Neighbourhood and Housing.

## 8 APPENDICES

Appendix one – Disabled bay eligibility criteria

Appendix two – Service monitoring

Appendix three – The blue badge parking consultation full report (separate attachment)

Appendix four – The Equality Impact Assessment

Appendix five – Disabled bay criteria DPR signed (separate attachment)

## 9. BACKGROUND PAPERS

9.1 The Parking and Markets Service reviewed the current disabled bay eligibility criteria in May 2018, this has not been reconsidered for the proposed personalisation of disabled parking bays. Please see appendix five for a copy of the Disabled parking bay criteria paper.

|                                                          |                                                                                                                                                                   |
|----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
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| <b>Comments of the Director of Finance and Resources</b> | Nurur Rahman<br>Service Accountant, Finance & Corporate Resources                                                                                                 |

|                                                   |                                                                                                                                                |
|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
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| <b>Comments of the Director of Legal Services</b> | Amanda Nauth ext.2778<br>Legal Officer – Licensing & Corporate<br><a href="mailto:amanda.nauth@hackney.gov.uk">amanda.nauth@hackney.gov.uk</a> |

**Authorisation of Director of Public Realm:**

**Name:** **Aled Richards**

**Signature:** 

**Date:** **11/09/2019**

## Appendix one – Disabled bay eligibility criteria

1. The person for whom the bay is being applied for must live at the address where the bay is required and hold a valid blue badge
2. The car must be registered at the address where the bay is required.
3. The blue badge holder must be the main driver of the vehicle <sup>a, b</sup>
4. The address where the bay is required must not have off-street parking available.
5. The address where the bay is required **must be situated** on a public street or an estate managed by Hackney Council.
  - a) We will accept applications received on behalf of dependents under the age of 18, as long as the dependent holds a valid blue badge and the applicant lives at the same address as the dependent and has a vehicle registered at that address.
  - b) We will accept applications if you hold a valid blue badge and require a specifically adapted vehicle. This also includes applications on behalf of a passenger over the age of 18, ONLY. Please be aware the passenger must live at the same address that the adapted vehicle is registered to.

Hackney Council may in exceptional circumstances choose to apply discretion where an applicant's need or circumstances warrant doing so e.g. you do not have an adapted vehicle but still, require a bay as a passenger. We will not consider applications from vehicle owners who do not live at the same address as the blue badge holder.

If you do not meet the criteria set out above but believe that your circumstances are exceptional and should be reviewed, please tell us about your disability and how it affects your movement and walking, and any other considerations you believe are relevant to your application on the page provided at the end of this form. Each application will be reviewed by an Appeals Panel and if deemed appropriate, referred for a mobility assessment.

## **Appendix two – Service monitoring**

Hackney is a diverse borough, so it is imperative that our proposals reach all groups within our communities. Of the 1241 people who responded to the consultation:

- 35% were aged between 65-74
- 71% did not have caring responsibilities, 17% answered yes and 12% of respondents skipped the question.
- 88% identified as having a disability, 8% stated that they did not have a disability and 4% did not answer the question.
- 39% were White or White British, followed by 20% Black and Black British, 13% Asian or Asian British, 12% were from another ethnic group, 3% from mixed heritage and 13% chose not to answer.
- 57% were female, 39% male and 4% did not answer.
- 40% of the respondents were Christian, 21% Muslim, 20% did not answer the question 10% were Atheist/no religious belief, 3% were Jewish, 2% Hindu or Charedi and 1% had secular beliefs, Sikh or Buddhist.

**For appendix three – Blue badge parking review, consultation summary results, please see separate PDF attachment.**



## London Borough of Hackney Equality Impact Assessment Form

The Equality Impact Assessment Form is a public document which the Council uses to demonstrate that it has complied with Equalities Duty when making and implementing decisions that affect the way the Council works.

The form collates and summarises information which has been used to inform the planning and decision-making process.

**All the information needed in this form should have already been considered and should be included in the documentation supporting the decision or initiative, e.g. the delegated powers report, saving template, business case etc.**

Equality Impact Assessments are public documents: remember to use at least 12 point Arial font and plain English.

The form must be reviewed and agreed by the relevant Director, who is responsible for ensuring it is made publicly available and is in line with guidance. Guidance on completing this form is available on the intranet.

<http://staffroom.hackney.gov.uk/equalities-based-planning-and-decision-making>

### **Title and purpose of this Equality Impact Assessment:**

Blue badge parking review – August 2019

### **Purpose of this Equality Impact Assessment:**

To assess the equalities impact proposals to introduce personalised disabled parking bays and amend the existing companion badge rules will have on all internal and external stakeholders.

### **Officer Responsible: (to be completed by the report author)**

|                                               |                                                                       |
|-----------------------------------------------|-----------------------------------------------------------------------|
| <b>Name:</b> Gossica Anichebe                 | <b>Ext:</b> 3213                                                      |
| <b>Directorate:</b> Neighbourhood and Housing | <b>Department/Division:</b> Parking, Markets & Street Trading Service |

**Director:** Aled Richards      **Date:** 11/10/2019

**Comment :**



**PLEASE ANSWER THE FOLLOWING QUESTIONS:**

**1. Please summarise the service, function, policy, initiative or saving.**

Describe the key objectives and outcomes you expect. Make sure you highlight any proposed changes.

Hackney Council consulted on introducing personalised disabled bays in Hackney, and amending the current companion badge rules for blue badge holders. The main reasons for the proposed changes are to:

- protect disabled parking spaces for residents who most need them, and
- make parking for other blue badge holders simpler to understand.

The introduction of personalised disabled bays will ensure that we continue to prioritise disabled residents parking at the top of our current hierarchy of parking need. Simplifying companion badge rules will also lessen the confusion for blue badge holders on where they can park using it.

Recommendations include:

1. Personalisation of disabled parking bays, for residents who meet both parts of the assessment criteria:
  - a. Existing bay holders who had their bay installed on or after 12 June 2017 will be able to apply for and have their bay personalised without the need for a reassessment of their mobility.
  - b. Those whose bays were installed before 12 June 2017 under our old qualification criteria will need to undergo and pass a new mobility assessment against our current criteria before their bay is personalised.
2. Amend the current companion badge parking permissions.

*Table one: Companion badge proposed parking permissions*

| Bay type | Companion badge | Clock required? |
|----------|-----------------|-----------------|
|----------|-----------------|-----------------|

|                                                                        |                              |                                 |
|------------------------------------------------------------------------|------------------------------|---------------------------------|
| Permit holder only bays                                                | Yes – home parking zone only | No                              |
| Resident permit holder only bays                                       | Yes – home parking zone only | No                              |
| Shared use bays (combined pay and display and permit holder bays)      | Yes – home parking zone only | No                              |
| Disabled bays                                                          | Yes – home parking zone only | Only if sign shows a time limit |
| On-street pay and display bays                                         | No                           | Not applicable                  |
| Business bays, doctors bays, car club bays, suspended bays, red routes | No                           | Not applicable                  |
| Single and double yellow lines                                         | No                           | Not applicable                  |

The consultation ran for 12 weeks from 13 August to 5 November 2018 and during this time over 1,200 responses were received.

**2. Who are the main people that will be affected?** Consider staff, residents, and other external stakeholders.

All blue badge holders

Presently, all blue badge holders which include those that visit the borough can park on single and double yellow lines for up to three hours; and in shared use, pay and display for an unlimited period of time. This includes staff, businesses, and visitors to the borough. This will not change with new proposals.

Plans to personalise disabled bays are likely to lead to some displacement of other blue badge users. It is safer to enable these vehicles to park in resident or permit bays rather than single or double yellow lines, which will affect both road safety and traffic flow. By allowing all blue badge holders to park in both residents and permit parking bays, will open up 78% more parking places across the borough for all blue badge holders to park in, please see table two.



Table two - Blue badge proposed parking places

| Bay types                           | No of blue badge holder places to park |          | Percentage increase/ decrease |
|-------------------------------------|----------------------------------------|----------|-------------------------------|
|                                     | Current                                | Proposed |                               |
| Shared use bays                     | 5696                                   | 5696     | 0%                            |
| Residents bays                      | 0                                      | 11065    | 100%                          |
| Permit bays                         | 0                                      | 17402    | 100%                          |
| Cashless shared use bays            | 520                                    | 520      | 0%                            |
| Personalised disabled parking bays* | 805                                    | 0        | -100%                         |
| Cashless chargeable bays            | 21                                     | 21       | 0%                            |
| Pay and display bays                | 572                                    | 572      | 0%                            |
| Total                               | 7614                                   | 35276    | 78%                           |

\*This includes general use disabled bays, which all blue badge holders can park in.

There are over 6,000 blue badge holders in Hackney.

#### Disabled bay owners

The proposed personalisation of disabled parking bays may affect some blue badge holders who currently use them to park close to their home, work or place of interest. There are over 700 disabled bays across the borough. The vast majority of disabled parking bays have been requested, installed and owned by residents with higher mobility needs. Presently, all blue badge holders can park in all disabled parking bays.

For some residents, the inability to park in their disabled parking bay can affect their freedom to come and go, quality of life and independence. Moreover, the introduction of personalised disabled bays will ensure that we continue to prioritise disabled residents, with the highest needs at the top of our current hierarchy of parking need and protect their disabled bay by personalising it.

Blue badge holders who live in the borough, apply and pass the new assessment process may benefit from the introduction of personalised disabled bays, as they will be guaranteed a parking place close to their home. Disabled bays will not be removed for owners who do not pass the new assessment criteria, but they will remain a general use bay as long as they do not move home.

### Companion badge holders

There are over 2,400 companion badge holders in the borough, who currently are entitled to park in their home parking zone with the same permissions as resident permit holders.

Outside of their home zone, the companion badge can currently be used along with the blue badge clock to park on single and double yellow lines for up to three hours; and in shared use, pay and display for an unlimited amount of time.

Although companion badge holders can no longer use their e-badge to park outside their home parking zone, they can still use their blue badge and clock across the borough which will have more places it can be used to park.

*Table three - Proposed blue badge and companion badge parking permissions*

| <b>Bay type</b>                                                   | <b>Blue badge</b> | <b>Clock required?</b>          | <b>Companion badge</b>       | <b>Clock required?</b>          |
|-------------------------------------------------------------------|-------------------|---------------------------------|------------------------------|---------------------------------|
| Permit holder only bays                                           | Yes               | No                              | Yes – home parking zone only | No                              |
| Resident permit holder only bays                                  | Yes               | No                              | Yes – home parking zone only | No                              |
| Shared use bays (combined pay and display and permit holder bays) | Yes               | No                              | Yes – home parking zone only | No                              |
| Personalised disabled bays                                        | No                | Not applicable                  | Only the bay owner           | No                              |
| General use disabled bays                                         | Yes               | Only if sign shows a time limit | Yes – home parking zone only | Only if sign shows a time limit |
| On-street pay and display bays                                    | Yes               | No                              | No                           | Not applicable                  |

|                                                                        |                        |                |    |                |
|------------------------------------------------------------------------|------------------------|----------------|----|----------------|
| Business bays, doctors bays, car club bays, suspended bays, red routes | No                     | Not applicable | No | Not applicable |
| Single and double yellow lines                                         | Yes, up to three hours | Yes            | No | Not applicable |

### Residents

Residents who live on-street are currently permitted park in resident, permit and shared use bays and this will not change. Allowing blue badge holders to start parking in the same bays as residents may reduce the space available for residents to park during peak periods.

The Council encourages sustainable modes of transportation which includes walking, cycling, using public transport and car club initiatives for those who are able to. We are committed to prioritising blue badge holders who need to drive at the top of our hierarchy of parking needs.

### Disabled estate residents

Estate residents can apply for a free estate disabled parking permit. Limits on estates are usually adjusted locally to prioritise estate residents with disabilities. Estate residents are also entitled to apply for a companion badge, which will permit them to park in the surrounding parking zone outside their estate.

### **3. What research or consultation(s) have been carried out? Please provide more details, together with a summary of what you learned.**

#### **Consultation**

The Parking and Markets Service consulted key internal and external stakeholders for 12-weeks between 13 August and 5 November 2018. This included, The Disabled Bay Team, The Permits Team, The Contracts Team, all Hackney blue badge holders, companion badge holders, disabled bay owners, residents, businesses and visitors to the borough. In total, we received 1241 responses.

Hackney blue badge holders (which includes companion badge holders) were all sent a consultation booklet and questionnaire in the post. Details of the consultation were also

advertised in Hackney Today and made available online through the council's customer monitoring tool Citizen Space.

Several drop-in sessions were advertised in Hackney Today and on our website and arranged across the borough, on different days and times to give everyone an opportunity to feedback in person.

The final decision on the proposed blue badge parking review will be made by the Director of Public Realm. The review process will consider the hierarchy before a decision is made. Importantly, this consultation will not be a referendum and the quality of the argument will be given greater consideration than the number of responses.

#### 4. Equality Impacts

This section requires you to set out the positive and negative impacts that this decision or initiative will have on equalities.

Detailed information on how to consider the impacts on equalities is included in 'Guidance on equalities based planning and decision making' which can be downloaded from the intranet [here](#).

##### 4 (a) What positive impact could there be overall, on different equality groups, and on cohesion and good relations?

Overall, the proposed blue badge parking review is expected to have a positive impact on the different equality groups. Blue badge holders are at the top of the Council's hierarchy of parking needs, which prioritises how we govern road users, proposals aim to protect and serve disabled residents without having a detrimental impact on other motorists.

The proposed changes to the blue badge parking policy is likely to positively impact the different equality groups, in the following ways:

**Disabled bay owners** - Eligible resident blue badge holders can apply for a personalised disabled parking bay which may help them to have a better quality of life. All disabled bay owners who do not qualify for personalisation, will keep their disabled parking bay.

**Blue badge holders** - Plans to allow blue badge holders to park in residents, permit and estate parking bays give holders up to 78% more places to park in the borough.

**Companion badge holders** - Companion badge holders will have less places to park. This will be offset by the blue badge having more places to park.

**Resident permit and visitor parking** - Resident permit and visitor parking is unaffected by existing disabled parking bays. Personalised disabled parking bays will replace all new disabled parking bays applications - which residents permits holders and their visitors are unable to park in.

**Disabled estate residents** - Disabled estates residents will benefit from the implementation of personalised disabled parking bays. Currently disabled parking bays are not installed on all estates.

#### **4 (b) What negative impact could there be overall, on different equality groups, and on cohesion and good relations?**

Where you identify potential negative impacts, you must explain how these are justified and/or what actions will be taken to eliminate or mitigate them. These actions should be included in the action plan.

The proposed changes to the blue badge parking policy is likely to negatively impact the different equality groups, in the following ways:

**Disabled bay owners** - Although disabled bay owners will keep their disabled parking bay, it will not be personalised which means all blue badge holders may park in general disabled parking bays.

**Blue badge holders** - Blue badge holders will no longer be able to park in disabled parking bays that are personalised.

**Companion badge holders** - Companion badge will only be valid in the home parking zone only - for everything else they will need to use the blue badge.

**Resident permit and visitor parking** - There will be less places for residents and visitors to park with proposals to allow all blue badge holders to park in residents and permit bays are finalised.

**Disabled estate residents** - Currently disabled parking bays are not installed on all estates, the introduction of personalised disabled parking bays may cause parking stress.

### **Equality and Cohesion Action Planning**

Please list specific actions which set out how you will address equality and cohesion issues identified by this assessment. For example,

- Steps/ actions you will take to enhance positive impacts identified in section 4 (a)
- Steps/ actions you will take to mitigate against the negative impacts identified in section 4 (b)
- Steps/ actions you will take to improve information and evidence about a specific client group, e.g. at a service level and/or at a Council level by informing the policy team ([equality.diversity@hackney.gov.uk](mailto:equality.diversity@hackney.gov.uk))

All actions should have been identified already and should be included in any action plan connected to the supporting documentation, such as the delegated powers report, saving template or business case. You need to identify how they will be monitored. The Assistant Director is responsible for their implementation.

| No | Objective                                           | Actions                                                                                                                                                                                                                                                                                                                                                                      | Outcomes highlighting these will be monitored                                                                                                                                                                                                                                                                                                                                                                                                                | Timescales / Milestones | Lead Officer |
|----|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|--------------|
| 1  | Introduction of personalised disabled parking bays. | <p>Direct mail sent to all disabled parking bay owners to inform them of the proposed policy changes.</p> <p>Personalised disabled parking bays implemented on request and in batches for cost effectiveness.</p> <p>Disabled bay owners who apply and do not qualify for a personalised disabled parking bays will be informed that their bay will remain a general use</p> | <p>All blue badge holders who applied and had their bay installed after 12 June 2017, will not need to complete a mobility assessment.</p> <p>An existing disabled bay owner who had their bay installed before 12 June 2017 will need to undergo and pass a mobility assessment.</p> <p>Applicants who apply for a personalised disabled bay and already own a disabled parking bay will be allowed to keep their bay as long as they do not move home.</p> | 2019                    | Kevin Keady  |

|   |                                                                                    |                                                                                                                                                                                                                                      |                                                                                                                                                                                                           |      |             |
|---|------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|-------------|
|   |                                                                                    | disabled parking bay.                                                                                                                                                                                                                |                                                                                                                                                                                                           |      |             |
| 2 | Plans to allow all blue badge holders access to residents and permit parking bays. | Monitoring of fraud and misuse of blue badges to be strengthened across the borough.<br><br>Traffic management orders updated to allow all blue badge holders to park in residents and permit parking bays.                          | Working with Civil Enforcement Officers, to give them the power to challenge and confiscate blue badges that are used fraudulently.<br><br>traffic management orders will be updated on an ongoing basis. | 2020 | Kevin Keady |
| 3 | Companion badge                                                                    | Change the parking permit permissions in the Parking Enforcement Plan (PEP) 2015-20 and on the Council's website.<br><br>Inform all current companion badge holders of the proposed changes to the rules.                            | All companion badge holders sent a direct mail letter to ensure that<br><br>Give a warning notice to all companion badge holders who park incorrectly in the first month of the go-live.                  | 2019 | Kevin Keady |
| 5 | Disabled estate resident's                                                         | Personalised disabled parking bays will provide a formal process for estate residents to apply for a space close to their home.<br><br>Estate residents can also apply for a on street personalised disabled parking bay and will be | New personalised disabled parking bay policy for estate residents.                                                                                                                                        | 2019 | Kevin Keady |

|  |  |                                                                     |  |  |  |
|--|--|---------------------------------------------------------------------|--|--|--|
|  |  | awarded a based on which will be practical or closer to their home. |  |  |  |
|--|--|---------------------------------------------------------------------|--|--|--|

Remember

- Assistant Directors are responsible for ensuring agreed Equality Impact Assessments are published and for ensuring the actions are implemented.
- Equality Impact Assessments are public documents: remember to use at least 12 point Arial font and plain English.
- Make sure that no individuals (staff or residents) can be identified from the data used.

**For appendix five – Disabled bay criteria DPR signed, please see separate PDF attachment.**