

Agenda Item No: 8

Report To: Joint Transportation Board

Date: Tuesday 14th September 2010

Report Title: **Resolution of Objections Received to Proposed Disabled Person's Parking Bays During Informal Consultation**

Report Author: Ray Wilkinson, Engineering Services Manager



Summary:	The recent receipt of a number of objections to proposed informal disabled persons' parking bay has highlighted the need to set up a procedure for resolving such contested proposals.
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Key Decision: NO

Affected Wards: All wards

Recommendations: **It is requested that the Joint Transportation Board agree:-**
That with immediate effect, a procedure be set in place by which all objections received during consultation on the proposed implementation of informal disabled persons' parking bays which cannot be resolved by Officers be decided upon by a Panel consisting of the Joint Transportation Board Chair and Vice Chair and the relevant Ward Member.

Financial Implications: None

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Purpose of the Report

1. This report seeks the agreement of the Board for the introduction of a procedure by which all objections received during consultation on informal disabled persons' parking bays may be decided upon by a Panel made up of the Board Chair, Vice Chair and the relevant Ward Member in order to minimise the period of time the bay applicant must await a decision / implementation of the bay.

Issue to be Decided

2. This report seeks a resolution on how objections received during consultation on the proposed implementation of informal disabled persons' parking bays which cannot be resolved by Officers should be dealt with. The recent receipt of a number of objections to various proposed disabled persons' parking bays (which Officers have subsequently been unable to resolve) has highlighted the need to implement a process by which a decision is reached on contested applications in order to ensure that such applications are not delayed unnecessarily.

Background

3. The Council currently provide a service by which individuals without off-street parking facilities living in locations where competition for on-street parking is high and who experience severe mobility issues which makes walking any distance between their home and vehicle difficult or impossible, may apply for a disabled persons' parking bay outside their property.
4. Firstly it must be ascertained that the applicant meets all the required criteria and that a suitable location is available for the placement of a bay. Although in the past this process has been followed immediately by the formulation of a traffic order and the associated statutory consultation (any objections to which would be presented to the Joint Transportation Board for consideration), in recent years the majority of Districts within Kent - with the backing of Kent Highway Services - have adopted an interim informal bay stage.
5. An informal consultation is therefore held with those neighbours likely to be affected by the introduction of the proposed bay and if no objections are received / all objections are resolved the bay markings are installed ahead of making a traffic order. The traffic order, following the statutory process, is then made at a later date when a larger number of bays can be included in a single order thereby minimising associated advertising costs.

6. The interim informal bay step was introduced to the process in response to concerns relating to the length of time applicants were required to wait for a bay – a particular problem for those with the most severe mobility issues or degenerative conditions.
7. Prior to the recent round of consultations however no objections had been received during the informal consultation stage that could not be resolved by Officers. As a result there has previously been no need to examine the process by which such contested applications are decided upon.

Issues

8. There are effectively 2 options for the resolution process for contested applications. The first is that the objections be brought to the Joint Transportation Board in the same way as formal objections received during statutory consultation on the traffic order. The second option is to create a Panel made up of the Joint Transportation Board's Chair and Vice Chair and the relevant Ward Member empowered to make the decision.
9. There are however a number of issues associated with the former option. Firstly, there is potentially some considerable delay in awaiting the next meeting of the Board. This means that the applicant must potentially manage for an additional period in excess of 3 months before a bay can be implemented.
10. Secondly there is the matter of potential privacy issues resulting from the discussion of what are frequently highly personal details in a public forum. The nature of many objections makes it highly difficult to discuss the issues fully without revealing by inference the identities of the individuals concerned.
11. Thirdly the nature of the decisions required are operational rather than strategic and therefore do not necessarily require the attention of the full Board. Additionally should the recent trend continue the burden of such decision is likely to become more onerous and time consuming in future.
12. The transfer of this responsibility to a Panel made up of the Board Chair, Vice Chair and relevant Ward Member would alleviate all of the above concerns, freeing up the Board while improving the decision making process for applicant and objectors.

Conclusion

13. Given the above discussed privacy issues and delays associated with the resolution of objections at a meeting of the Joint Transportation Board combined with the operational nature of the matter it is felt that to take the decisions to a Panel made up of the Chair, Vice Chair and Ward Member would provide the most suitable solution.

Portfolio Holder's Views

14. I believe that this report proposes a most sensible way, of not only resolving the objections, but does so in an effective and timely manner. It also allows the Council to demonstrate that it recognises that these issues could affect the most vulnerable in our society and that it can act swiftly in these matters. In addition this proposal has relatively no real cost implications.

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