**Provision of Individual Disabled Parking Places in Neath Port Talbot Policy**

**January 2018**

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**Individual Disabled Parking Places**

**Executive Summary**

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

**Background**

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

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

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

**The Provision of Individual Disabled Parking Places (IDPP)**

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

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

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

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

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

**IDPP Provision Eligibility**

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

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

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

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

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

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

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

The criteria for the provision of an Individual Disabled Parking Place is set out within appendix 1 to this document.

**Locations where IDPP Provision Will Not Be Provided**

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

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

* In the turning head facility of any cul-de-sac.
* In any location where an existing prohibition or restriction of parking (inclusive of permit parking), of waiting or loading is in place or is being considered by the Council.
* Within 10 metres of a road junction.
* At locations where there is a history of visibility related accidents.
* In a position which may prevent the passing of normal traffic flows.
* In a position where a parked vehicle will be unsighted to travelling vehicles such as on a bend.
* On un-adopted highway or private land.
* Other areas where highway safety is deemed to be compromised

**Application Assessment**

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

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

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

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

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

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

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

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

**Application Exemption Assessments**

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

Disabled Passengers Who Cannot Drive

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

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

The application will be considered on the following basis:

* They cannot be left alone and as a consequence must receive constant supervision. Supporting social/medical evidence would be required
* They rely permanently on a driver, who because of their own infirmity and/or disability, cannot manage to assist the disabled passenger to and from the nearest available parking area.
* The road characteristic deems it unsuitable to allow brief double parking by an able bodied driver to assist the disabled to a safe place.

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

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

Disabled Children

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

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

The application will be considered on the following basis:

* They cannot be left alone and as a consequence must receive constant supervision. Supporting social/medical evidence would be required
* They rely permanently on a driver, who because of their own infirmity and/or disability, cannot manage to assist the disabled passenger to and from the nearest available parking area.
* The road characteristic deems it unsuitable to allow brief double parking by an able bodied driver to assist the disabled to a safe place.

The exemption application will initially be assessed via the normal application process.

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

**Introduction of Bays and Enforcement**

Individual disabled parking places provided by Neath Port Talbot are supported by a TRO (Traffic Regulation Order under the Road Traffic Regulation Act 1984) which is enforceable by Law. This means that action can be taken by the Council against any person parking in the disabled bay whilst not correctly displaying the specific permit.

**Review of IDPP Provision**

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

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

**Appeals Process**

On receipt of a letter declining an application for an Individual Disabled Parking Place (IDPP) from the Local Authority on the grounds of ‘Walking Ability’, the applicant is able to appeal in writing to the Authority within 28 days of the date of the notification letter.

The appeal letter should set out clearly why the decision is disputed and include any new supporting medical evidence and/or outstanding documentation.

On receiving the appeal letter the application will be reviewed by an Community Occupational Therapist (COT). If the Occupational Therapy assessment confirms there is a need for provision of accessible vehicular parking and the needs cannot be met by provision of adaptions within the curtilage of the property, e.g. off road car parking, the views of the Traffic Section of the Council will be sought to determine whether an IDPP provisions is feasible.

If it is identified that there is an assessed need and the placement of the provision is feasible, supporting documentation from The Community Occupational Therapist will be provided to the nominated officer within the Traffic Section.

The Community Occupational Therapist will inform the applicant of the outcome of the assessment.

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

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

**Data Protection**

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

**Appendix 1**

**Individual Disabled Parking Application Form**

Form IDPP 1







