

Report for Resolution

Report to Norwich Highways Agency Committee
27 January 2011

Item

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Report of Head of Transportation

Subject Blue Badge car park charges

Purpose

To enable members to comment on the provision of free additional parking time for blue badge holders when using the city council's off-street car parks, prior to the matter going before the city council's cabinet for decision on 16 February 2011.

Recommendations

Members are asked to support the provision of free additional time for blue badge holders as set out in **Option 3** of the report to take effect from 28 March 2011.

Financial Consequences

The current income projection forecast for 2010/11 is £4.58m.

The effect of providing free additional time is an estimated reduction in income of £20,000 over a full financial year.

There will be estimated costs of £1,750 for the preparation of notices, advertising and changes to signage.

Risk Assessment

There are important changes under the Equality Act which was introduced in October 2010.

Under the new Act, when considering if a disabled person might be disadvantaged by the provision of a service, the council must now consider how this compares if they had no disability. Previous to this a comparison could be made with a non-disabled person with a similar non disabled problem.

Using this comparison, it is clear that it takes a disabled person longer to park and access the city centre than would be the case if they were not disabled. The council therefore has a duty under the Act to make reasonable adjustments for the amount of additional parking time required by that person.

Strategic Priority and Outcome/Service Priorities

The report helps to meet the strategic priority “Opportunities for all – communities to be able to access the wide range of services in the city provided by the Council” and the service plan priority to continue to improve equality and diversity within our services.

Contact Officers

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Background Documents

Not applicable

Report

Background

1. On 17 August 2009 the council implemented changes to its charging policy for blue badge holders at its pay and display sites. Prior to this, blue badge holders were not charged for parking at pay and display sites.
2. The policy change introduced charges for blue badge holders at the same rate as for non blue badge holders at 5 of its pay and display car parks, and devolved authority was given to officers to do the same at the remaining 8 sites. The policy change at these remaining sites would be implemented as and when BS8300 (wheelchair height) compliant payment machines could be funded and installed. To date the remaining 8 sites have not had such machines installed and parking remains free at these sites for blue badge holders.
3. The Equality Act which was introduced in October 2010 requires when assessing whether a disabled person may be disadvantaged, to compare that person with a non disabled person. This is a more onerous test than had been established by case law under the Disability Discrimination Act.
4. Representations made by disabled users, and consultations with representative groups, identify that it can take up to twice as long for a disabled person to park and access the city than a non disabled person.
5. As a consequence of the new Equality Act, the council's has a duty to make reasonable adjustments to policy to reflect this additional parking time required by people with disabilities, to ensure that they are not disadvantaged.
6. There are three options available to the city council:

Option 1

Retain the existing policy of charging the same car parking charges for blue badge holders and non-blue badge holders

Option 2

Re-introduce the previous concession of free unlimited parking for blue badge holders in the councils car parks

Option 3

Retain the principle of charging for Blue Badge holders, but introduce a concession which takes account of the restricted mobility of Blue Badge holders, and the consequent additional time taken to park and travel as follows.

Purchase 1 hour and get 1 additional hour free
Purchase 2 hours and get 2 additional hours free
Purchase 3 hours and get 3 additional hours free
Purchase 4 hours and get free all day parking

This scheme will provide a disabled person with twice as much time as a non-disabled person to park and go about their business. It is therefore considered an appropriate model to adopt.

This adjustment has the benefit of minimising the impact on car park revenues and consequently is the best option to protect the viability of the existing use of the land for car parking.

The financial impact of this scheme is estimated to be £20,000 in a full financial year, with upfront advertising and signage costs of approximately £1,750. There will be additional one off costs to implement tariff changes at St Andrews and St Giles Multi-storey car parks.

The blue badge scheme is considered a suitable means of assessing if a parking customer is likely to have serious mobility problems and should be the qualification required for free additional time.

Conclusions

Option 1

Not recommended, as this would leave the council open to a civil action including judicial review which would be likely to be successful

Option 2

Not recommended, as this option would go beyond that which would be likely to be necessary to meet the council's duties under the Equality Act. It would also adversely impact on capitalised values, revenue streams and consequently could result in the inappropriately early disposal/change of use of sites currently used as car parks

Option 3

Recommended - this option will provide sufficient additional free time required by disabled customers when using the city councils car parks, and contribute positively to revenue streams which are necessary to ensure continued site use as car parks.

Recommendation

Support the implementation of Option 3 through a notice of Variation to Charges under Section 35C of the Road Traffic Regulation Act 1984.