



APPLICATION FOR A DISABLED PERSONS PARKING BAY

Kent County Council, as traffic authority, has the power to designate part of the highway as an on-street parking place and to control the type of vehicle and the terms and conditions of its use under the Road Traffic Regulation Act 1984, Section 32 and 35. (RTRA 1984) There are however, strict legal criteria that must be met in order to qualify for a disabled persons parking bay to be marked on the public highway.

Therefore, Maidstone Borough Council, acting on behalf of Kent County Council can provide special parking bays on streets for disabled people. Under the legislation (RTRA 1984) these bays can only be provided for the purpose of relieving or preventing congestion and will only be considered for disabled people who have substantial difficulties in walking and parking in the vicinity of their property. It must be noted that these bays are provided under highway law and consideration is given to traffic management and highway conditions.

Each case will be decided on its own merits by a highway engineer who must be satisfied that establishing a parking place is necessary for the purpose of relieving or preventing congestion of traffic and that the parking place is suitable for its intended use.

Examples of the questions that will need to be addressed in order for the Engineer to be satisfied that a bay is being provided to relieve or prevent congestion are:

- a) Will the transfer of a disabled person from a building to a vehicle or vice versa cause or contribute to congestion? If so will the provision of a disabled persons parking bay overcome this?
- b) Are there suitable off-street facilities available (e.g. garage, driveway)
- c) Is there an existing problem with the amount of on-street car parking nearby which regularly prevents convenient parking when required?
- d) Is the applicant readily able to walk to and from places where adequate car parking is available?
- e) Is the vehicle used to transport the disabled person normally kept at their home address and is it registered at this address? If the main driver of the vehicle does not reside at the property the bay will in most cases be refused.

NOTES FOR GUIDANCE

Please read these notes as you complete this application form, they will give you important information about the process. In order for your application to be successful you must fulfil all necessary criteria:

The application must be made in the name of one registered disabled person.

Before a bay is granted, the following checks are made to confirm it is justified:

1. All applicants must hold a current and valid blue badge (photocopy showing number and issuing authority must be attached to each application)
(Blue Badge Applications are dealt with by Kent County Council on 01622 605020)
2. All applicants must also be in receipt of or have proof of entitlement to :-
If Under 65yrs of age - entitlement to the higher rate mobility component of the Disability Living Allowance or entitlement to the enhanced rate of the Mobility Component for Personal Independence Payment (PIP).
(Photocopies of these should be attached to the application form).
If 65 years or over – entitlement to the Higher Rate of Attendance Allowance if applicant was 65 years or over when entitlement was first claimed
(photocopies of these should be attached to the application form).
Other entitlement may be allowable e.g. War Pension (photocopies of these should be attached to the application form).

(Disability Living Allowance enquires should be directed to Department of Works and Pensions on 0845 7123456)
- 3 Bays will not be provided in locations, which may compromise public safety i.e. on a bend or brow of a hill, close to a junction, within a turning head of a cul-de-sac where the road is too narrow or where parking is already prohibited (e.g) on yellow lines, zigzag lines etc.
4. The applicant must not have any space available for parking their vehicle in an Off Street Parking facility.
5. There are parking problems within the road (you regularly have difficulty finding available space on street close to your property).
6. The provision of a disabled persons parking bay must relieve congestion on the public highway
7. Other Disabled Bays are available within the street; the total number of Disabled Bays should not exceed 5% of total parking availability.

Process after receipt of application.

1. If your application is successful an interim disabled persons parking bay may be implemented. This will mean that the bay is marked on the highway, however it will not be enforceable until a Traffic Regulation Order (TRO) is formulated, this is the legal document which allows the Highway Authority to regulate its use.
2. If a Traffic Regulation Order is processed for the Disabled Bay this can take between 9-12 months on average from when its agreed in principal to the time of implementation. It is a lengthy process because we have to adhere to the statutory procedures laid down by the Department of Transport.
3. Adjoining and opposite neighbours who may be immediately affected by the provision of a disabled bay will be informally consulted.
4. If objections are received at this stage, the proposals may be reported to an authorised Council Committee which will make a decision and either overrule or uphold any objections. If the objections are upheld your application will proceed no further.
5. If there have been no informal objections or if the Committee decide to overrule the objections that may have been received, it will be necessary to make a Traffic Regulation Order (TRO) which is a legal process involving advertising in a local newspaper and a formal consultation to any affected parties. The TRO allows the disabled bay to be enforced and will help to prevent misuse of bays. If formal objections are received at this stage it will be necessary to report to an authorised Council Committee for a further decision. You will be notified at every stage of these proceedings.
6. If the Committee uphold the objections then the interim bay will be removed. If the objections are overruled then the Traffic Regulation Order will be formally made. In considering objections it may be necessary for the committee to hold a site meeting to consider any problems.
7. Once a Traffic Regulation Order is in place, the use of the bay will be restricted to Blue badge holders only. Civil Enforcement Officers may then issue penalty charge notices to vehicles not displaying a valid Blue badge whilst parked in the bay.
- 8. It should be noted that the applicant will not have exclusive rights to the parking bay. Anyone holding a valid Blue badge may legally park in the bay.**
9. When a bay is established on the highway it will be assessed periodically using the necessary criteria to ensure that the bay is still justified. If the bay is no longer required for the original use or the criteria are no longer being met it may be necessary to remove the bay. (It is the applicant's duty to notify the council immediately of any changes in their circumstances which could affect the continued provision of the bay)

Please ensure that you have completed all of the form before sending it. Errors and/or omissions may result in delays in processing your application. Therefore you must ensure you are able to meet all the criteria before making your application.

There are no charges– all bay installation and enforcement costs will be met by the council.

If you do meet all the criteria, please return the completed application form, together with the attachments, to either: Maidstone Borough Council, Parking Operations,

Maidstone House, Maidstone, Kent, ME15 6JQ or email to parkingoperations@maidstone.gov.uk

If you have any questions relating to the above information or If you require this information in any other format please do not hesitate to contact Maidstone Borough Council, Parking Services on 01622 602377.



CONFIDENTIAL

APPLICATION NUMBER:

APPLICATION FOR DISABLED PERSONS PARKING BAY

Please read the included notes and conditions before completing this form. Complete parts 1 to 3 before returning this form to, Maidstone Borough Council, Parking Operations, Maidstone House, King Street, Maidstone, Kent ME16 8BQ, or send to parkingoperations@maidstone.gov.uk

TO BE COMPLETED IN BLOCK CAPITALS

PART 1 – PARTICULARS OF APPLICANT

Title (Mr/Mrs etc.)	
Surname	
Forenames in full	
Date of Birth	
Address	
Post Code	
Telephone Number	

Blue Badge Number (Enclose photocopy of current Blue Badge)	
Blue Badge Expiry Date	
Blue Badge Issuing Authority	
PART 1 – PARTICULARS OF APPLICANT (CONTD.)	
Is the Blue Badge issued to you?	Yes / No
If NO , who is it registered to and what is their relationship to you?	
Are you in receipt of Disability Living Allowance or Attendance Allowance and for how long? (If YES, enclose copy of letter with your name and address showing proof of benefit received)	Yes / No

PART 2 – PARTICULARS OF VEHICLE

Are you registered keeper of the vehicle? (Enclose copy of your Vehicle Registration document or Motability Hire Agreement document)	Yes / No
Are you the main driver of the vehicle? (Please include a copy of your vehicle insurance document)	Yes / No
If no, please provide details of the main driver of the vehicle Please enclose proof of residence e.g. Utility bill	Name: Address: Relationship to applicant:
Do you have facilities for off-street parking? i.e. Do you own, rent or have use of a garage, hard standing etc. (shared or	Yes / No

individual)	
Where is the vehicle usually kept?	
Do you experience frequent problems parking within walking distance of your property?	Yes / No
Please state below, why you feel a disabled bay should be provided (continue on a separate sheet, if necessary)	

PART 3 – DECLARATION BY APPLICANT	
Your application can not be determined unless you have agreed to and ticked ALL of the following statements:	Please tick ✓
a) I declare that all the information I have given in this application is correct	
b) I have enclosed copies of all required documents: <ul style="list-style-type: none"> • Blue Badge (both sides, including number and photograph) • Proof of receipt of benefits • Vehicle Registration / Motability Operations Hire Agreement document • Insurance Certificate • UK Driving Licence 	
c) I acknowledge that any Disabled Blue Badge Holder can use the bay, without restriction.	
d) I agree to have a small sign restricting the use of the bay to Disabled Badge Holders, fixed to my boundary wall or fence	
e) I understand that the provision of the bay will be regularly reviewed and I agree to provide copies of any documentation required by the Council for this purpose	
f) I agree to notify the Council immediately if any of my details stated in PARTS 1 and 2 of this application form change and accept that the bay will be removed if I no longer meet the required criteria (for example; loss of entitlement to benefits)	

Privacy Notice

Maidstone Borough Council is the data controller for any personal information collected in this form. Your information will be used to administer the Disabled Persons Parking Bay Scheme, and processing is being conducted relying upon the public interest legal basis. Your address details may be disclosed as part of the local consultation process to partners acting on the Council's behalf in the administration of the scheme. Your details may also be shared with Kent County Council as the highways authority.

Your information will be retained as long as you are in need of a disabled parking bay at the property, plus 6 years (of appropriate period). For more information about your data protection rights please see the Councils data protection pages, which can be found at www.maidstone.gov.uk or contact the Data Protection Officer at; Maidstone Borough Council, The Data Protection Officer, Maidstone House, King Street, Maidstone, Kent ME16 8BQ.

Details of any unsuccessful application will be retained by the Council for a period of 3 months, following service of notification to the applicant. Application details and supporting documents will then be destroyed. This process allows the applicant time to appeal to Kent County Council and for the necessary documents to be shared with a Kent County Council Officer to facilitate the appeal. Any communication received after that period will therefore be treated as a new application.

Please sign and date the form below agreeing to all the statements a) to f) in **PART 3** above and also to the accuracy of the information supplied by you in **PARTS 1** and **2**

Signed:

Date: