



Guidance on the Provision of  
**Disabled Parking Bays**  
in Residential Areas

**Version:** 1.6  
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## Document Control

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10/11/09	1.0	Issue for comments	DAW
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## 1 Overview

An application for a disabled bay road marking outside a residential property may be submitted to Leicestershire County Council.

The provision of any disabled bay road marking is subject to the following conditions:




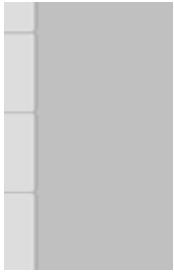
- That the applicant, or a member of their household, is disabled and has a valid blue badge
- That the member of the household registered as disabled, has the regular use (as either driver or passenger) of a vehicle that is kept at the address on the application
- That difficulty is frequently experienced in obtaining a parking space close to the residence, for example, a space is not available more often than a space is available
- That there is no suitable off-street parking available at the property
- That parking is not currently restricted outside the property
- That there is sufficient space for the parking bay
- That the character of the road fronting the property must not be such that the provision of a bay would lead to a hazard for other road users
- If the proposed parking bay will wholly or partly overlap the frontage of another property, the resident of that property will be consulted

A disabled bay may be 'advisory' or 'mandatory'. The provision of either type is subject to acceptance of further conditions as described in the following sections.

Current costs are available from the Leicestershire County Council website, or by telephoning the Customer Service Centre on 0116 305 0001.

## 2 Parking restrictions

The provision of a disabled bay road marking, and the type of bay, will depend on the presence or absence of waiting prohibitions outside the property. If there are restrictions, then the type of restriction is also taken into account, in line with the guidance in the table below:

Existing road markings (times shown are examples only):				
Restriction:	No waiting at any time	No waiting during times shown on sign	Waiting limited to the duration specified during the days and times shown. Includes residents' parking bays	No restriction
Provision:	None	None	Mandatory	Advisory
Comments:	A disabled bay will not be provided under any circumstances	A disabled bay will not be provided under any circumstances	A disabled bay valid at all times of the week may be provided	An advisory bay may be provided

The implementation of any disabled bay road marking is at the discretion of the County Council, who will consider all aspects of the application in making their decision.

## 3 Advisory Disabled Bay Markings

An advisory disabled bay marking is, by definition, not enforceable. This means that neither the Police nor the County Council can take any action if a non-disabled person, or indeed another disabled person, parks in that space.

The marking is provided on the understanding that it is not for the exclusive use of the applicant or their household.

An advisory disabled bay marking can only be provided if there are no parking, waiting or loading restrictions outside the property, as outlined above. Parking bays within a residents' parking scheme are classed as parking restrictions, so an advisory disabled bay marking cannot be provided where such a bay is marked out.

An advisory disabled bay marking should where possible be 6.6 metres in length (approximately 21ft 8in). If the proposed bay will encroach on the highway on a neighbour's frontage, the neighbour(s) will be consulted by the County Council before the application is progressed. The neighbour's views will be taken into consideration, but the final decision on whether or not to progress the application lies with Leicestershire County Council. If the bay will not encroach then a courtesy letter advising of the application will be sent to the neighbour(s).

If an application is successful, the work to lay the marking will be added to the Area Office's programme of work. The work will be carried out at the earliest practical opportunity, but will be subject to the work being aggregated with other work in the area and the weather. An approximate date of implementation will be communicated to the applicant when their notification of a successful application is sent.

The Council's decision on an approximate date of implementation is not negotiable as the work must be programmed to make efficient use of Council resources. If the applicant wishes to have the bay marked earlier than offered, they will be given the option of the work being done independently of the Area Office works programme. In this situation, the applicant would be charged the 'minimum charge' applicable to the Council's contractors, in order to cover all the Council's costs. This cost will vary from year to year, and will be stated as an option on the letter sent to the applicant notifying them of the success of their application.

If waiting restrictions are subsequently introduced that would affect the existing advisory marking, then, subject to the criteria in section 1 still being satisfied, a replacement, mandatory, bay may be incorporated into the Traffic Regulation Order in the manner outlined below. Note however that there is no guarantee that the process involved will ratify the decision and that there is a risk that the provision of a disabled bay in any form may be lost. If a mandatory bay is incorporated, there will be no extra charge for the original applicant.

If an advisory disabled bay marking is no longer required, there may be a charge payable for its removal. Details are given in section 8.

#### **4 Mandatory Disabled Bay Marking**

A mandatory disabled bay marking is enforceable by law. This means that action can be taken by the County Council or its Agents against any person parking in the disabled bay whilst not correctly displaying a valid blue badge.

A mandatory disabled bay is backed by a Traffic Regulation Order (TRO). This is a legal process and has a number of steps that it is necessary to follow. Due to this, the Order making process will typically take 12-15 months, but may take longer if there are significant objections. Consideration of objections during the process may result in a decision not to implement the Order.

Due to the significant costs to Leicestershire County Council of implementing a TRO, any application for a mandatory disabled bay will only be progressed alongside other TRO work in the area. There may therefore be a significant delay before the TRO process is started, and no guarantee of timescales for the progress of an application.

As part of the TRO process, a formal period of consultation is provided. At this point, there may be objections which the Council is required to take note of and resolve where possible. It cannot therefore be guaranteed that an application for a mandatory disabled bay will be successful. There is no right of appeal to the outcome of the TRO process.

Until the legal Order is produced, work cannot be carried out to lay the markings.

A mandatory disabled bay marking must conform to the requirements of the Traffic Signs Regulations and General Directions 2002. This means that the disabled bay must be at least 6.6 metres long (approximately 21ft 8in).

In areas of high density housing, this means a disabled bay may overlap the boundary of one or more neighbouring properties. Neighbours will be consulted as part of the TRO process and will therefore have the opportunity to comment.

If the applicant is a Tenant, the written permission of the Landlord or owner of the property must be obtained before the Council will progress an application.

Should a marking be provided, it is on the understanding that it is not for the exclusive use of the applicant or their household. No action can be taken by any authority against any other disabled person using the space, providing they are correctly displaying a valid blue badge and have not exceeded the time limitation on the space.

Should a mandatory parking bay be no longer required, the work to remove it will be placed in the Area Office's work programme and be carried out at the earliest suitable opportunity. Likewise, the associated Order will be amended as soon as an opportunity arises but, as with the initial application, this may take a significant amount of time as it will only be carried out with other TRO work in the area.

## **5 Community Disabled Bays**

An individual may apply for a bay on behalf of a parish council for the provision of a bay at a community centre or village hall. The provision will only be considered if there is no off-street parking available at the centre or hall.

The bay will only be considered if it can be solely located outside the community centre or village hall. As per bays for individuals an assessment will be made to check the suitability at the location.

The cost of the provision and maintenance of the marking will be paid for by the parish council. If a mandatory bay is required and a TRO is required, the cost will also be paid for by the parish council.

## **6 Cost of Provision**

There is a charge for the provision of disabled bay markings. The charge is to cover the costs of laying the marking outside the property and includes a contribution to the administration costs of the Authority.

The cost to the applicant of an advisory bay and a mandatory bay are the same.

For an advisory marking, the charge is payable once the initial application has been approved, and before work is carried out. For a mandatory marking the charge is payable following the consultation stage of the TRO process (assuming no upheld objections) and before work is carried out.

The costs of providing a disabled bay are non-refundable under any circumstances, and are reviewed on an annual basis.

## **7 Cost of maintenance**

From time to time, the disabled bay markings will require re-lining. The cost of this is payable by the resident who originally requested the disabled bay. The expected life of a disabled bay marking varies with the amount of wear it receives, but would normally be expected to be between 5 and 7 years.

## **8 Cost of removal**

The cost of removal of a disabled bay marking must also be covered by the resident. This charge is to cover the cost of burning off the markings. If removal is required due to the death of the disabled person, the removal charge will be waived.

## **9 Other Information**

Prior to any application for a disabled parking bay marking being granted, site visits may be made to assess the scale of the problem in the particular location.

Leicestershire County Council will not become involved in any disputes arising from the provision or misuse of disabled bay markings.

Leicestershire County Council reserves the right to remove any disabled parking bays should traffic or parking conditions change. In this instance, notice will be served in writing to the address from which the provision of the marking was requested. A refund will be made to the original applicant if the removal is within one year of the date of the original application.

Leicestershire County Council, or its authorised Agents, working under powers granted in the Traffic Management Act (2004), may issue Penalty Charge Notices to vehicles parking in contravention of the regulations in force at that time, which includes the contravention of a mandatory disabled bay marking.

By signing an application for a disabled parking bay marking you are consenting to Leicestershire County Council processing the information for the purpose of evaluating the criteria for and subsequent provision of a disabled parking bay marking. Leicestershire County Council may also pass on key data to bodies responsible for auditing and administering public funds, for the purposes of preventing and detecting fraud.

The relevant legislation with respect to the issue and use of a blue badge is contained within the following Statutory Instrument:

***Statutory Instrument 2000 No. 682 - The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000***