

| | | |
|---|---------------------|-------------|
| January 2014 | | ITEM |
| Delegated Decision Report | | |
| BALFOUR ROAD, GRAYS – OBJECTIONS TO A PROPOSAL TO IMPLEMENT A DISABLED PERSONS PARKING BAY | | |
| Portfolio Holder: Councillor A Gaywood – Public Protection | | |
| Wards and communities affected: | Key Decision: No | |
| Accountable Head of Service: Basil Jackson, Head of Transportation and Highways | | |
| Accountable Director: David Bull, Director of Planning and Transportation | | |
| This report is Public | | |
| Purpose of Report: To consider objections to a proposal to implement a disabled bay in Balfour Road, Grays. | | |

EXECUTIVE SUMMARY

A statutory consultation was carried out in 2013, following a request for a disabled persons parking bay to be implemented in Balfour Road, Grays. Two objections were received to the proposal. The objections were reported to the Occupational Therapy department of Thurrock Council where a reassessment was undertaken. The reassessment showed that the applicant did not meet the criteria for a parking bay to be implemented.

1. RECOMMENDATIONS:

- 1.1 It is recommended that following consideration of the objections and the subsequent reassessment of the application by the Occupational Therapy department that the objections are upheld and the parking bay is not implemented.**
- 1.2 It is further recommended that the objectors and the applicant are advised of the decision.**

2. INTRODUCTION AND BACKGROUND:

- 2.1 Funding is allocated each year within the Integrated Transport Programme to implement disabled parking bays at various sites around the borough where requests have been received from the Council's Occupational Therapy department. Upon receipt of the request, a site visit is carried out by the Traffic Team to ascertain the suitability of the site for a bay. Current highway policy states that disabled bays will not be provided if the resident's garden can facilitate a vehicle.
- 2.2 In accordance with current highway policy, a proposal was made to implement a Disabled Persons Parking Bay in Balfour Road, Grays. In this instance, the property in question meets the highway criteria for a bay to be implemented on the street.
- 2.3 The consultation on the proposal to implement a bay was carried out between 16th August 2013 and 6th September 2013. 2 formal objections were received to the proposal.

3. ISSUES AND/OR OPTIONS:

- 3.1 The objections question the service user's eligibility for a disabled bay. The objections were reported to the Council's Occupational Therapy Team which instigated a reassessment of the applicant's eligibility to be carried out.
- 3.2 The outcome of the reassessment was that the service user did not meet the Occupational Therapy criteria and the request is therefore not supported.

4. CONSULTATION (including Overview and Scrutiny, if applicable)

Ward Members were consulted on the content of this report between 26th February 2014 and 5th March 2014. No comments were received during this period.

5. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

- 5.1 These actions accord with the Council priorities to create a safer environment.

6. IMPLICATIONS

6.1 Financial

Implications verified by: Mark Terry
Telephone and email: 01375 652150
mterry@thurrock.gov.uk

Should the recommendations be upheld, there would be no further cost implications to consider.

6.2 **Legal**

Implications verified by: Daniel Ansong

Telephone and email: 01375652994; dansong@thurrock.gov.uk

Section 149 of the Equalities Act 2010 sets out a general public sector equality duty ('PSED'). The PSED requires public authorities to have "due regard" to:

- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- The need to advance equality of opportunity between persons who share a relevant protected characteristic (e.g. disability) and persons who do not share it. This involves having due regard to the needs to:
 - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This includes having due regard to the need to tackle prejudice and to promote understanding.

In this case, the disability of the applicant is a protected characteristic. Therefore, the decision should have regard to the public sector duty.

6.3 **Diversity and Equality**

Implications verified by: Rebecca Price, Community Development Officer

Telephone and email: 01375 652930 - reprice@thurrock.gov.uk

The Equality Act 2010 places an obligation on the Council to make reasonable adjustments for disabled residents. The provision of a disabled parking bay would be regarded as making such an adjustment. The statutory requirement should be given due consideration in making such a decision, as should Council policy and procedure.

6.4 **Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental**

None

7. **CONCLUSION**

- 7.1 Following the Occupational Therapist's reassessment of the service user, the request for a disabled parking bay is not supported. The request should be declined and the bay should not be provided.

BACKGROUND PAPERS USED IN PREPARING THIS REPORT:

- Letters of objection

APPENDICES TO THIS REPORT:

- None

Report Author Contact Details:

Name: Julie Nelder

Telephone: 01375 413366

E-mail: jnelder@thurrock.gov.uk