DISABLED PERSONS PARKING BAYS (SCOTLAND) BILL

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SUMMARY OF CONSULTATION RESPONSES

Introduction

The consultation document accompanying the draft proposal for the Disabled Persons Parking Bays (Scotland) Bill was issued on 20 November 2006 and ran until 26 February 2007. A number of late submissions were received after the closing date they were accepted and have been included in this analysis. The intention of the proposal is to introduce a straightforward method to enforce parking and restrictions over disabled persons parking bays.

The consultation document was made available from a link on the Proposals for Members Bills webpage on the Scottish Parliament Website. The Scottish Parliament: - Bills - Proposals for Members’ Bills (http://www.scottish.parliament.uk/business/bills/membersBills.htm) It was also issued to 120 organisations and individuals with an interest in the issue; recipients were encouraged to bring the consultation to the attention of anyone else they thought might have an interest in the subject matter.

The Member answered requests for up to another 80 copies to be sent out either electronically or in hard copy. In addition one copy was requested and supplied in audio format.

The Transport Working Group (TWG) from Fair Deal\(^1\) organised a petition in support of the principles of the proposal and collected around 1600 signatures.

General

In total 172 responses were received of these 90.1% (155) supported the terms of the proposal as set out in the introduction above.

Level of Support

![Pie chart showing 90% support, 8% for, 2% against, and 0% other]

\(^1\) The TWG aims to improve transport for adults and children with disabilities in Glasgow. Fair Deal: Transport Working Group, http://www.fair-deal.org/default.aspx?id=257&n=223&cid=0&rid=0
Those who didn’t indicate support for the proposal can be split into two categories. 2.3% (4) stated that they did not support the proposal. The reasons given included the perception that the Mobility scheme and the Blue Badge scheme are abused and that to enforce disabled parking would effectively increase the benefits to those abusing the system. Other reasons given were that it could discriminate against able bodied motorists; statutory bodies often only consider you disabled if you are in receipt of certain benefits and that the proposal would exclude people with health problems that restricted their mobility but who were not eligible for benefits.

Of the remaining 7.6% (13) it was unclear as to whether they supported the proposal or not, either because their responses were ambiguous or because they mainly referred to the Blue Badge scheme or other disability related issues.

The make up of these who responded is shown in the table below.

Overall the vast majority of the total responses covered issues around the Blue Badge scheme and the problems perceived to exist with it. The detail of the Blue Badge scheme is out with the terms of the Members proposal. However, the Scottish Executive is currently reviewing the scheme and details can be found here Blue Badge Scheme of Parking Concessions for Disabled People Consultation on Draft Amendment Regulations: The Disabled Persons (Badges for Motor Vehicles) (Scotland) (Amendment) Regulations 2006

The consultation document posed 6 questions; the responses to each are outlined below.

**Question 1**

*I have suggested the period for objections should be 21 days; do you have any views on this time scale?*

The proposal suggests that those living in residential areas be given 21 days to object to an application to create a disabled persons parking bay. 39.2% of respondents answered this question and 82.1% (55) agreed 21 days was
appropriate and that it was similar to other statutory periods for objections. Others felt that 15 working days, 28 days, 1 month and 8 weeks would provide a more suitable time scale because it would more realistically cover holidays and hospital stays. One respondent who suggested 28 days believed this was appropriate given that the proposal will “drastically shorten the current procedures”. One respondent indicated that they had no view on the timescales.

Three respondents believe there should be no notification for neighbours. One of those, an individual, indicated that the person applying may face abuse if neighbours are notified. Another respondent (Aberdeen City Council) questioned whether or not there should be a notification period at all on the basis that it “seems to retain much of the cumbersomeness of a traffic regulation order” They also queried what the grounds for objection would be on the basis that if the local authorities criteria had been met then “that should be the end of the matter”. The Council did recognise however that it is inevitable that some sort of opportunity to object will require to be built into the legislation.

The overwhelming consensus from those answering Question 1 is that 21 days is a suitable period for neighbours or those directly affected to lodge an objection to the creation of a new disabled persons parking bay with the local authority.

**Question 2**

**What are your views on disabled person’s parking spaces in private car parks, such as supermarkets, being enforceable?**

The consultation sought views on whether disabled persons parking spaces in private car parks such as supermarkets and retail parks should be enforceable.

In total 48% (82) of respondents answered this question with 91.5%(75) of those agreeing that that these spaces should be covered by the bill. Indeed many indicated that it was essential that these spaces were included as they were problematic for them due to the high level of abuse by non blue badge holders. One respondent concluded that enforcement in these areas is a “key aspect of accessibility”.

Only 1 respondent did not agree that these areas should be enforced, the reason given was that it would be impractical and that enforcement measures would be “horrendous” with the physical element of enforcement liable to be sporadic. However they also stressed that disabled persons parking bays are often abused in these areas.

Four other respondents agreed that these are problem areas but posed questions on how the proposal would work procedurally and what legislative mechanisms would be put into place.
One respondent pointed out that surely there is a difference between public car parks that are privately owned, i.e. those for supermarkets and retail parks and private car parks that are not open to the public i.e. those belonging to an office and used only for staff parking. They did not believe that the later should be enforced by a public authority. Another respondent added that “the legislation should have no remit in areas where the public are excluded”.

One respondent stated they believed “disabled people are being discriminated against by local councils as they are one of the biggest offenders in assisting in the misuse of disabled parking …. they do not police their own facilities”

**Question 3**

**What are your views on enforcement issues or do you have any alternatives to the enforcement method proposed?**

The consultation document suggested that Police and Traffic Wardens retain their existing powers. It also proposed that local authorities be given powers to enforce disabled persons parking bays using their own employees such as neighbourhood wardens or private contractors. Currently 6 local authorities have decriminalised parking allowing parking attendants to enforce parking in their areas. The proposal would allow local authorities who haven’t decriminalised parking to take enforcement action without Police or Traffic Warden involvement.

In total, 46.6% (64) of respondents answered this question of which 35.3% (23) support the enforcement regime outlined in the consultation document.

Two of the local authorities who responded indicated agreement with the proposed method of enforcement but stated that extra funding and / or resources would also be required for them to carry this out effectively.

Suggested alternatives were as follows:

Six respondents went further than the proposal suggesting that vehicles parked in a disabled persons parking bay without displaying a blue badge should be liable to removal or having their wheels clamped.

Eight respondents thought powers should also be given to shops to enforce their own areas as the police won’t have the time. One respondent believes that the shops could develop a local social enterprise scheme employing disabled people to carry out enforcement. Another respondent felt that security staff at hospitals should also be given enforcement powers.

It was also highlighted that local enforcement was preferable as local enforcers are likely to know where the problem spots are.

Another expressed the view that the penalties should be aligned with local authority charges i.e. non criminal sanctions for incurring the charge but criminal sanctions for non payment of the charge.
One respondent stated that similar to the smoking legislation, the owners of the car park should also be held responsible and penalised if offences were committed in their car parks.

Several respondents indicated that there should be a straightforward method for reporting abuse with an advertised ‘hotline’ number so only one call was required. One respondent suggested that there should be a mobile enforcement unit that could deal with reports of abuse in rural areas.

One respondent would prefer to see an additional ‘heavier’ system incorporated to deal with persistent offenders.

**Question 4**

*Where do you think the costs of enforcement lie and what might they be?*

In addition to seeking views on the enforcement regime the consultation also sought views on what the costs of enforcement might be and where they might lie.

There were 54 relevant responses. In addition a number of other respondents misinterpreted what was being asked. Several of them provided further comment on enforcement such as level of fines and others suggested penalties, who should be responsible for carrying out enforcement and who should be responsible for paying the enforcement costs.

Of those answering the question 18.5% (10) believed that the local authority should retain the money collected in fines.

From the responses to this question the following costs were identified.

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<thead>
<tr>
<th>Cost</th>
<th>Lies with</th>
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<tbody>
<tr>
<td>Processing applications for bays</td>
<td>LA</td>
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<tr>
<td>Making all bays enforceable (signs, markings)</td>
<td>LA</td>
</tr>
<tr>
<td>Extra staff to police/ monitor bays especially in rural areas</td>
<td>LA / Police</td>
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<tr>
<td>Admin costs for issuing tickets</td>
<td>LA / Police</td>
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<tr>
<td>Additional staff for processing tickets, complaints and appeals</td>
<td>LA</td>
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<tr>
<td>Court costs</td>
<td>Court Service</td>
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<td>Awareness campaign / public education</td>
<td>Scottish Executive / LA / Police</td>
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Some respondents suggested that any additional enforcement costs in supermarket car parks should be recouped from the supermarkets. One respondent suggested that developers should make a contribution to the local
authority towards enforcement of disabled persons parking bays at the planning stage.

Others suggested that supermarkets and retail parks should be responsible for enforcement themselves; some suggested that they should pass money they collect to the local authority.

Two respondents stated they believed the cost of enforcement may drop once the legislation has had time to take effect as less people would be offending and enforcement costs would fall to “minimal levels”.

No one provided an estimate of what the actual costs might be.

**Question 5**

*What would you suggest as a suitable level of fine and why?*

The current average fine for parking illegally in an enforced disabled person’s parking space is £30. The consultation sought views on what a suitable fine should be.

In total 36.3% (62) respondents answered this question with 32.3% (20) of those believing that £30 was a suitable level of fine as it was in line with other parking violation fines. Some believed that it should initially be £60 reducing to £30 if paid within 14 days and others suggested that it should be £30 increasing to £60 if not paid within a certain timescale.

The issue of the need to deal with persistent offenders was raised again and several respondents thought there should be a sliding scale increasing every time you offended with one respondent suggesting this rose to a maximum of £2000.

Other suggested amounts included £50, £60, £100, £200, £500 and £1000 with these figures being expressed as a range for e.g. between £50 and £200.

Others indicated that in addition to the fine the offender should also have 3 points added to their licence. Other additional sanctions suggested were wheel clamping and towing the vehicle away.

**Question 6**

*Do you have any other comments or views on the issue of making all disabled persons parking bays enforceable?*

Just over a third, 33.9% (58), of respondents answered this question and 25.8% (15) of those stated as part of their answer that they agreed that all disabled persons parking bays should be made enforceable. Some added that enforcement was essential if the proposals were to work as courtesy could not be relied upon.
Others added statements in support and other issues that could be included in the Bill; these include:

- In the first instance local authorities should establish records of bays so they know where enforcement is required. They should also maintain this list annually removing residential bays if people have moved etc.
- Consistent markings throughout Scotland were required so there was no confusion; use should be made of the existing Regulations on markings.
- Enforcement must cover ‘short stays’ such as delivery vans loading and unloading.

Supermarkets should be told how many of their customers have been fined to enable them to take action to prevent abuse happening in the first place was another suggestion along with the statement that “supermarkets especially have a duty to all customers to ensure access”. The response from the organisation Leonard Cheshire (Scotland) stated that it should be highlighted to any supermarket or owner of a retail car park that “disabled people in Scotland have an annual spending power of over £5 billion…..therefore it would be in the organisations interests to help cater for their customers needs by ensuring that accessible parking is fully enforced.”

A concern was raised that should the Bill become law that there would be an unrealistically high expectation that instant enforcement would take place with regard to residential bays.

Others indicated concern that the Bill would impose an extra burden on local authorities and believed that additional funding would be required since the scheme was dependent on violations for funding and that if the scheme was successful income would be low. One respondent stated that “fears over the cost of implementing this [proposal] should not be used to block the Bill”.

Finally, several respondents including local authorities and ACPOS expressed the view that should the Bill become law then a high profile public education campaign would be necessary to i) inform the public of changes to the law and ii) highlight the problems caused for disabled people and there carers when there are no available car parking spaces close to amenities.

Summary

The responses to consultation, along with the 1600 signature petition in support of the proposals show that there is great level of support for enforcement of all disabled persons parking bays.

The vast majority of respondents believed that 21 days was a suitable length of time for objections to the creation of a new residential disabled persons parking bay.
A high level of support, 91.5%, was shown for making disabled persons parking spaces in private car parks, such as supermarkets and retail parks enforceable.

There were mixed views on the proposed method of enforcement although 35.3% indicated they were supportive of what had been put forward in the consultation document. A few others went further and suggested clamping and vehicle removal should be considered as an enforcement method.

There were a wide range of suggestions as to where the possible costs of enforcement might arise, from the additional administrative costs in setting up systems to process tickets and collect fines to extra costs monitoring and policing disabled persons parking bays. Other costs mentioned included court and appeal costs.

There were a variety of suggestions for a suitable level of fine and many respondents suggested more than one option. However setting the level of the fine at £30 received the highest level of support.

**Conclusions**

The responses to consultation have provided a number of ideas that the member will consider and use to further develop the policy before completing the drafting of the bill.

**March 2007**