FINANCE COMMITTEE CALL FOR EVIDENCE

DISABLED PERSON’S PARKING BADGES (SCOTLAND) BILL: FINANCIAL MEMORANDUM

SUBMISSION FROM COSLA

1. COSLA is the representative voice of all 32 Scottish local authorities and welcomes the opportunity to submit evidence to the Finance Committee in relation to the Financial Memorandum (FM) accompanying the Disabled Person’s Parking Badges (Scotland) Bill (‘the Bill’).

2. COSLA will also be submitting evidence in relation to the Bill to the Local Government and Regeneration Committee by the deadline in mid-March.

General comments

3. No doubt the Committee is aware that events have moved on since the publication of the FM, in regard to the removal of the Police Scotland traffic warden service. COSLA has been informed that a letter from Police Scotland to ‘key stakeholders’ was issued on 23 December 2013 confirming that its traffic warden service would be withdrawn on 3 February 2014. This then leaves the position of parking enforcement, and thereby blue badge enforcement, heavily dependent on if a Council has established Decriminalised Parking Enforcement (DPE), as COSLA understands that police will only attend to breaches of parking regulations which are ‘dangerous or cause significant obstruction’. Although it is acknowledged that a limited number of local authorities that have a DPE in place may be able to meet the requirements of the Bill through management of existing resources, the FM assertion that there would be little additional cost to Councils is not correct, particularly for a Council where no DPE is currently in place. To enforce the requirements of the Bill, Councils that do not currently have a DPE in place would need apply for and gain the relevant powers and then employ and train sufficient enforcement officers, all of which has considerable financial implications for those Councils.

Equality issues

4. Although not directly relevant to the FM, the Committee will want to be aware that COSLA has a considerable concern with regard the impact on the equality of access to parking for disabled persons. In a letter to the Chief Constable of Police Scotland in November 2013, COSLA sought an assurance that a full Equality Impact Assessment (EIA) had been undertaken on the policy related to the withdrawal of the Police Scotland traffic warden service. Police Scotland’s response did not allay these concerns and it is COSLA’s understanding that the EIA only considers the impact of the changes on Police Scotland’s own workforce rather than on citizens. This is an area where COSLA will continue to take an interest.

Enforcement officers

5. The Bill enables local authorities to appoint people to act as enforcement officers. Councils would face significant resource implications in relation to the employment and training costs for establishing enforcement provision where not currently provided. The FM lays out the £26,000 that reflects the anticipated cost of employing an enforcement officer, but this does not include the total costs, since the
person would have to be mobile so there will be transport and IT costs. Neither does the FM mention possible additional costs for legal and management support.

6. The FM recognises that there will be Councils where it does not make financial sense to appoint enforcement officers. Although the Bill would give powers to Councils to undertake this additional enforcement (rather than it be a duty) there is considerable concern that public expectation would be placed on all Councils by the public, and in particular disabled drivers, to take on parking enforcement duties. Therefore there could be Councils where the additional costs of the Bill has to be picked up by the local authority, with only small amounts of additional parking income to offset these costs. The margins for covering the costs associated with employing enforcement officers is lower in rural areas, as the larger urban areas are likely to be the places that have the capacity to generate income.

7. In addition, ceasing the misuse of a blue badge would not necessarily lead to a rise in parking charge income to a local authority, certainly not to a level equivalent to that lost through the misuse of the blue badge. The FM states that provision of an enforcement officer would make efficiencies in enforcing the blue badge scheme by freeing up parking attendants’ time to deal with other parking violations, however this scenario is considered to be unrealistic and therefore there are no real savings. Indeed, there is a risk that increased demands to enforce this Bill will redirect other enforcement activity which may result in more parking abuse elsewhere, and therefore less income and less payment and parking compliance from general motorists if they feel reduced enforcement presence.

**Local authority reviews**

8. It is considered that the numbers of reviews requested may be underestimated in the FM, especially as applicants become aware of the change in regulations. Costs will be determined by numbers of reviews, and may become more significant than reflected in the FM.

9. One Council, for example, arranged 46 reviews over the period July – December 2013. The allocated time for each medical review was 15 minutes and the estimated cost for this service was £550 per annum. However, experience has shown that when a blue badge application is refused, there are additional costs generated as a result of correspondence from the applicant, and inevitably correspondence is received from a Councillor, MSP or MP, which requires investigation and response. Annual investigation and correspondence cost associated with Blue Badge refusals is estimated at £1300 for this one Council. The FM estimates annual costs for all 32 Councils in relation to local authority reviews as just £11550 and therefore we think this is a significant underestimate.