Local Government and Communities Committee

Post-Legislative Scrutiny of the Disabled Persons’ Parking Places (Scotland) Act 2009

Submission from Aberdeenshire Council

Question 1: Do you think the Act has achieved its aim of preventing disabled person’s parking spaces being used by those who are not entitled to?

Aberdeenshire Council does not have decriminalised parking enforcement, so enforcement for on-street spaces is the responsibility of Police Scotland. Following the introduction of the Act, traffic orders have been made making all on-street disabled persons’ parking spaces legally enforceable in Aberdeenshire. However, as the Police Scotland traffic warden service has been withdrawn over the same period, it is unlikely that the Act has made much difference in preventing on-street disabled persons’ parking spaces being used by those who are not entitled to do so.

Before the Act came into force, it was already an offence somebody not entitled to do so to park in a disabled persons’ parking space in an Aberdeenshire Council public car park. The car park operatives have issued excess charge notices to people doing so both before and after the Act came into force, so it has made no difference.

No private organisations have asked Aberdeenshire Council to come to an agreement designating their car parks as public car parks covered by a traffic order and with council enforcement, so the Act has made no difference in this respect.

Anecdotally, there is a problem with blue badges being used improperly by persons other than those to whom they were issued, and Aberdeenshire Council has in the past received complaints in this respect from a genuine blue badge holder. The Council’s car park attendants have also observed expired blue badges being displayed. The Scottish Government has passed legislation aimed at clamping down on this since the Act came into force, but it will never be easy to tackle this problem.

Question 2: How well is the local authority in your area carrying out its duties required by the Act to convert all advisory on-street parking places into enforceable parking places, unless they are no longer required?

Aberdeenshire Council has completed this task in relation to all the advisory on-street disabled residents’ parking places that had been installed under the scheme operated by the council prior to the introduction of the Act. This was not always welcomed by the residents concerned, as the previous advisory spaces could be
marked for the use of the disabled resident who had made the application whereas the mandatory spaces are available to any valid blue badge holder.

**Question 3: Any other issues relating to the Act which you wish to bring to the attention of the Committee?**

Although the Act was clearly well intentioned, its initial implementation brought a considerable additional workload to local authorities with little obvious practical benefit. The previous advisory scheme for disabled residents’ spaces operated by Aberdeenshire Council prior to the introduction of the Act seemed to be just as popular with users as the new mandatory scheme. However, now that the orders have been made and the spaces converted, no useful purpose would be served by the additional expense of converting them back.

The new version of the Traffic Signs Regulations and Directions published in 2016 removed the requirement for an on-street disabled persons’ parking space to have a sign in addition to road markings. This has caused a practical difficulty for councils in complying with the requirement of the Act to sign advisory disabled residents’ spaces in some circumstances until a traffic order is in place. Hitherto, Aberdeenshire and some other councils have used road markings only to denote an advisory space and added the sign when the order was made.

The reporting requirements of the Act are onerous with little obvious benefit, especially those which require annual reporting in perpetuity on the initial implementation. However, it is appreciated that as all these and other detailed requirements are written in to the primary legislation, there is no way in which they can be varied in the light of experience except by new primary legislation. It is suggested that it would be preferable for legislation of this type to have the main principles set out in the primary legislation with enabling powers for the detail to be prescribed and varied in secondary legislation. Whilst this is already the norm for government legislation, it would be useful if a way could be found to incorporate the same principles to members’ bills as it would help to give them enduring long term usefulness to adapt to changing circumstances.

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