Local Government and Communities Committee

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

Submission from Aberdeen City Council

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?

**Answer** - Whist the views of individual users, or indeed disability groups, may be more useful with regards to judging the success of the Act, in terms of its impact on the level of abuse of DPPPs by non-Blue Badge holders, Aberdeen City Council are still keen to share their views on this matter.

The Act has certainly achieved its aim of preventing disabled person’s parking spaces being used by those who are not entitled to in certain circumstances. Such instances include those on-street bays located in the city centre, or other areas with high trip generation characteristics and in council owned off-street car parks. These are areas where enforcement levels are high and regular patrols are carried out (Aberdeen City Council has been operating Decriminalised Parking Enforcement since 2003).

However, with regards to privately owned and maintained commercial off-street car parks the introduction of the Act has not resulted in a substantial proportion of the advisory bays located within such facilities being made legally enforceable through the promotion of the required Traffic Regulation Order (TRO). This means little can be done to prevent these spaces being utilised by non-Blue Badge holders, unless the car parks in question operate private enforcement schemes. Private owners/managers have been invited to make a request to the Council to consider making these bays enforceable through a TRO however no requests have been made in this regard.

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

**Answer** - A review of records and a street audit were undertaken to establish the extent of existing on and off-street DPPPs within car parks regulated and managed by Aberdeen City Council. A programme of works commenced in September 2012 to re-line and sign the existing on-street advisory disabled bays identified through this process, and all lining work completed in August 2013, with the installation of required signage completed in January 2014. The TRO for all spaces taken through this process came into operation in February 2014.

With regards to new disabled bay applications, spaces are initially installed as advisory whilst a TRO is sought, with council officers undertaking the statutory legal process required to make the necessary TRO on a regular basis, with three or four additional orders made each year to cover any newly implemented bays.
3. Any other issues relating to the Act which you wish to bring to the attention of the Committee?

**Answer** - The statutory legal process for making the necessary TROs for a bay to be legally enforceable is an onerous one, taking a significant length of time, as well as resource, to complete. As a result there are cases whereby an advisory bay, installed whilst the TRO process is undertaken, is open to abuse by non-badge holders. Whilst council officers make efforts to ensure the statutory legal process is completed as quickly as possible in these instances, it can still take a number of months for a bay to be made enforceable due to the timescales and resource associated with the TRO process.

To remove this issue, if following post-legislative scrutiny there is still a requirement for all bays to be made legally enforceable, consideration should be made to the Scottish Government utilising its powers, under Section 41 of the Scotland Act 2016, to amend the Traffic Signs Regulations and General Directions (TSRGD) 2016, to allow the markings for a disabled bay to be enforced without the need for TRO (in a similar manner to bus stop clearways).

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