Local Government and Communities Committee

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

Submission from the City of Edinburgh Council

Q1  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?

The inclusion of previous advisory only bays within the Traffic Regulation Order (TRO) to make them legally enforceable may have improved the accessibility of such places for disabled persons' blue badge holders. Proper enforcement of the parking places along with the possibility of receiving a parking ticket is likely to be a strong deterrent to non-badge holders, who are not entitled to use them, from parking in such places.

However, the inclusion of disabled parking places situated in quiet residential areas, with few parking problems and where neighbours park considerately is unlikely to have increased the accessibility of such spaces. In such circumstances, it is questionable whether the Act has improved accessibility by preventing anyone not entitled to use them from doing so.

Another problem with disabled parking places can arise when they are no longer required by the original blue badge holder. While checks are made to ensure the bay is not being used by another disabled person, a bay can only be removed once another TRO is completed. This can prevent the area being used by other residents in the mean time.

The City of Edinburgh Council does not operate any off-street public car parks in Edinburgh and unfortunately, since 2009 no off-street spaces have been added to the TRO to become legally enforceable disabled parking places. Unfortunately, this suggests that the Act may not be achieving its aims in relation to off-street car parks.

Q2  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?

The Act requires all local authorities to contact and seek to negotiate arrangements with owners of, or persons having an interest in, off-street car parks which provide public access and accessible parking places.

There is a requirement to undertake this exercise every two years with the aim of securing an arrangement that will enable the promotion of Traffic Regulation Orders to make accessible parking in off-street car parks enforceable.

The Council has completed this exercise four times since the Act was passed. The process is labour and resource intensive, costing around £10-12K every two years and elicits very few positive responses.
For example in 2015 –

- Approximately 19,000 letters distributed to Non-Domestic Rates (NDR) properties
- Approximately 5,300 responses received
- Only 32 businesses (0.2% of all businesses contacted) indicated a desire for the Council to enforce disabled bays in their car parks
- A further letter was then sent, to the 32 businesses, advising them that they are responsible for ensuring the lines and signs within their car parks meet the TSRGD requirements before a TRO can be progressed.

Since 2009 not one TRO has been progressed for an off-street car park. Once businesses establish that they are responsible for the costs associated with improving the lines and signs, they decide not to proceed.

In addition, Section 8, Point 31 of the Implementation Guidance for Local Authorities states that, “Where a local authority sought unsuccessfully to make arrangements for the provision of a disabled off-street parking place it must make further attempts to reach agreements and make orders every two years.” Regrettably, this is not achieving satisfactory results and generates complaints from businesses regarding persistent correspondence from the Council on this matter which they consider to be a waste of their time and our resources.

The Council suggests amending this requirement to reduce the administrative burden, costs and impact on local businesses. An alternative approach where the onus lies on interested parties to approach the Council and request enforcement through their websites or other methods could be more appropriate. It may be a more reactive way of dealing with the situation, but it would have saved the Council approximately £48,000 since the Act came into force.

**Q3 Any other issues relating to the Act which you wish to bring to the attention of the Committee?**

The costs associated with the implementation of the Act, making TROs and the introduction of road markings and signs, have previously been considered in some detail. However, little consideration has been given to ongoing enforcement costs of monitoring new parking places that are introduced as a result. Edinburgh operates its own Decriminalised Parking Enforcement (DPE) operation and has existing resources to monitor new parking places, but this may not be the case for all Scottish local authorities.