

ANGUS COUNCIL

ROADS COMMITTEE

THURSDAY 28 NOVEMBER 2002

**EUROPEAN BLUE BADGE SCHEME OF PARKING CONCESSIONS FOR
DISABLED PEOPLE**

REPORT BY THE DIRECTOR OF ROADS

ABSTRACT

This report explains the situation with regard to the use of the new European Blue Badges for disabled people, which replace the previous Orange Badges.

1 RECOMMENDATION

It is recommended that the Committee agree to note the situation with regard to the use of the new European Blue Badge for disabled people.

2 INTRODUCTION

Early in 2000 legislation (The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000) was put in place to allow for the phased replacement of the Orange Badge for Disabled Drivers with a new Blue European Badge. Since 1 April 2000 the new badges have been issued as and when the old Orange Badges required renewal and the changeover will be complete by the end of March 2003.

Further legislation has been introduced recently (The Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2002 and The Local Authorities' Traffic Orders (Exemption for Disabled Persons) (Scotland) Regulations 2002) which allow the Blue Badges to be mutually recognised throughout Europe. The new Regulations came into force on 8 November 2002.

3 DETAILS

(i) **How the Scheme is Operated**

Applications are received by the Director of Social Work who checks the eligibility of the applicant based on established criteria, and issues the badge.

The badge permits the badge holder:-

- To park free of charge and without time limit at on-street parking meters, and in "pay & display" parking areas on-street unless a local traffic order specifying a time limit for holders of a disabled parking badge is in force. (Angus Council has no such orders at present and all car parking within Angus is free).

- To be exempt from limits on waiting and return times imposed on other users e.g. limited waiting.
- To park on single or double yellow lines for up to 3 hours in England and Wales or without time limit in Scotland except where there is a ban on loading and unloading, and at a few locations where local schemes apply.

At all times the vehicle is parked the Blue Badge must be displayed clearly. It should also be noted that the Blue Badge is not a licence to park anywhere. A permit holder must not park:-

- Where there are double white lines in the centre of the road even if one of the lines is broken.
- In a bus or tram lane during the hours of operation.
- In a cycle lane.
- On any Clearway.
- On a Zebra, Pelican or Toucan crossing or on the zigzag markings.
- In loading bays, taxi bays etc.
- Where temporary parking restrictions are in place along a length of road, for example, as indicated by no waiting cones.
- On school “keep clear” markings during the hours shown on a yellow “no stopping” plate (except to pick up/drop off disabled children).

Also a permit holder must not park where it would be obstructive or cause a danger to others.

Advisory leaflets explaining the Blue Badge Scheme in detail have been placed in the Members’ Lounge.

(ii) **Provision of Disabled Persons’ Parking Bays**

Requests for Disabled Persons’ Parking Bays can come from a number of sources, e.g. individuals, Local Members, Social Work Department, Access Panel, etc. and various arrangements are in place in Angus:-

(a) **Bays Outside People’s Homes**

The decision to provide a disabled person’s parking bay is taken by the Occupational Therapists within the Social Work Department. This decision is based on Social Work Department criteria. Once the approval has been issued by the Occupational Therapist the Roads

Department is requested to make comment on the proposed location of the parking bay as well as the actual layout, and ensure that it complies with Drg No 1028.3 of the Traffic Signs & General Directions Regulations 1994.

The signage at these bays is advisory only and, although provided following a request from an individual, the bay can be used by any person who holds a European Blue Badge. If however some other vehicle parks in the bay without a Blue/Orange Badge, a traffic warden or police officer cannot give the driver a fixed penalty fine. This advisory system works well most of the time.

There is scope however to make a Traffic Regulation Order to cover these bays which are normally outwith the town centres. The promotion of such an order would take some time to implement and would require to be revoked should circumstances change. The advisory system therefore allows a quicker response to requests and is more easily administered in the long term.

The Social Work Department meets the costs.

(b) On-Street Parking in Town Centres

Disabled Persons Car Parking Spaces which are marked out on-street within the town centre waiting restriction areas are enforceable by the traffic wardens and the Police. The existing Traffic Orders are written so that the bay can be marked out and signed on any length of road affected by waiting restrictions. This also avoids the potential confusion regarding whether or not obstruction is being caused on a single or double yellow line.

(c) Off-Street Car Parks

Disabled person's parking spaces within Angus Council car parks are enforceable by Angus Council employees who can issue a fixed penalty fine for parking in a disabled bay without displaying either the Orange or Blue Badge. This penalty is enforced through the Angus Council (Off-Street Car Parks Order) 1998.

(iii) Misuse of Orange/Blue Badges

Strict penalties are in place for the misuse of the badge including withdrawal of the badge and fines for use by non-disabled persons.

4 **FINANCIAL IMPLICATIONS**

Any existing signs which have an orange badge symbol incorporated on the sign face will require to be plated or replaced within a 10 year period. This approximates to the normal working life of these signs and replacement will therefore be carried out in the

course of routine maintenance. There are therefore no new financial implications for the Council as a result of the new Regulations.

5 HUMAN RIGHTS IMPLICATIONS

There are no new human rights implications arising from this report.

6 CONSULTATION

The Chief Executive, the Director of Law & Administration, the Director of Finance, the Director of Social Work and the Chief Constable have been consulted in the preparation of this report.

7 CONCLUSION

The introduction of the new Regulations on 8 November 2002 will ensure that one system of badges for disabled people will be recognised throughout Europe.

R W McNeil
DIRECTOR OF ROADS

NOTE:

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing this Report:-

The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000.

The Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2002.

The Local Authorities (Exemption for Disabled Persons) (Scotland) Regulations 2002.

RCS/PP
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