

**ANGUS COUNCIL**

**INFRASTRUCTURE SERVICES COMMITTEE**

**2 JUNE 2009**

**DISABLED PERSONS' PARKING PLACES (SCOTLAND) ACT 2009**

**REPORT BY THE DIRECTOR OF INFRASTRUCTURE SERVICES**

**ABSTRACT**

This report summarises the staffing and financial implications for local roads authorities arising from the new Disabled Persons' Parking Places (Scotland) Act 2009.

**1 RECOMMENDATION**

1.1 It is recommended that the Committee

- i) agrees to note the contents of this report;
- ii) agrees to note that a further report will be brought forward describing the associated financial implications, once a detailed investigation into the impact of the new Disabled Persons' Parking Places (Scotland) Act 2009 has been completed.

**2 BACKGROUND**

2.1 The Disabled Persons' Parking Places (Scotland) Act 2009 (the Act) gained Royal Assent on 1 April 2009. It will come into force six months after the date of Royal Assent i.e. on 1 October 2009.

2.2 Currently the majority of disabled persons' parking places in the country are not legally enforceable and are frequently used by unauthorised drivers. The occupation of these parking places by unauthorised people prevents disabled people from being able to access them, which in turn can prevent disabled people from being able to access essential services.

2.3 One purpose of The Act is to make all permanent on-street disabled persons' parking places and, with the agreement of private land owners, all off-street disabled persons' parking places legally enforceable.

**3 DETAILS**

3.1 At present the provision of disabled persons' parking places within Angus are as follows:

- i) On-street disabled persons' parking places close to town centres which are generally located within areas of existing waiting restrictions. The legal Orders which established these waiting restrictions made provision for Blue Badge holders and rendered these disabled persons' parking places enforceable.
- ii) Angus Council's Off-street public car parks are covered by a Traffic Order which relates to each car park and permits Blue Badge holders only to wait in

marked and signed disabled bays within each car park and also exempt these Blue Badge holders from any time restrictions. This Order enables the disabled persons' parking bays within these car parks to be enforced.

- iii) On-street advisory disabled persons' parking places are most often located out with town centres and generally have no associated Traffic Order to enable enforcement.
  - iv) Off-street car parks such as in supermarkets, retail units, leisure centres and for example at council offices again generally have no Traffic Order to enable enforcement.
- 3.2 The Act removes the right of local authorities to designate permanent advisory disabled persons' parking places.
- 3.3 On-Street Parking - Local authorities are required under The Act to conduct a one-off audit of all existing on-street disabled persons' parking places. These parking places are required to be identified, then marked and signed in accordance with the Traffic Signs Regulations and General Directions 2002 (TSRGD). Road markings are required to be in accordance with Diag. 1028.3 and signed to Diag. 661A (see Appendix A).
- 3.4 Traffic Regulation Order - Once the audit has been completed the local authority is then required to promote a Traffic Regulation Order to cover all disabled persons' parking places deemed necessary in order to allow enforcement. Enforcement will be carried out by the local authority or the police and traffic wardens. Local authorities will have 12 months, from 1 October 2009, to complete this process.
- 3.5 Every holder of a "Disabled Persons Badge" (Blue Badge holders) will have the right to apply for a Disabled Persons Parking Place, which will provide convenient access to their home address. Local authorities will require to have set in place a transparent process for dealing with such requests that will record the reason if it is not possible to identify a suitable on-street parking place in the area from which there is convenient access to the person's address. In this regard it may be noted that there are established criteria in place for justifying the provision of disabled parking bays. It is not envisaged that these criteria will require to be changed in consequence of the introduction of the new Act.
- 3.6 Disabled Off-Street Parking Orders - Local authorities are required, within 12 months of the Act coming into force, to identify every disabled off-street parking place. This will include disabled persons' parking places at retail outlets, supermarkets, sports clubs etc, as well as local authority owned car parks. If the space is on land owned or operated by the local authority, an order must be promoted to allow legal enforcement of misuse of the space. If the parking space is on private land then the local authority must discuss enforcement options with the owner. In order to inform the public signs will require to be erected in all car parks where the disabled persons' parking places within that car park are to be enforced.
- 3.7 Off-street parking within new developments - The Act covers new retail and residential developments that are to have car parks to which the public will have access. Where the local authority has granted planning permission for a development or learns of a development for which planning permission has been granted under a development order, the authority is required to seek to make arrangements with the developer, enabling local authorities to promote an order to

make the disabled persons' parking places within the new development legally enforceable.

- 3.8 On going duties - If the local authority fails to reach an agreement with car park owners, or persons having a vested interest in a car park, to promote an order to allow the disabled persons' parking places within those car parks to become legally enforceable, then the Act requires the local authority biennially to attempt to secure such an agreement.
- 3.9 Annual Reports - Local authorities are required under the Act to provide an annual report to the Scottish Ministers, which should contain specific information (in certain circumstances with reasons) regarding how the local authorities' duties under the Act have been implemented. The Scottish Ministers will in turn report to Parliament on the actions taken by all of the local authorities.

#### **4 FINANCIAL IMPLICATIONS**

- 4.1 There are no financial implications as a direct result of this report. However, the Committee is asked to note that there will be financial implications from the enactment of the Disabled Persons' Parking Places (Scotland) Act 2009 in respect to the Council's role in authorising the placement of disabled parking bays. The magnitude of this financial impact has not yet been assessed in detail but there are likely to be resource implications due to the need to perform an audit of all the existing on and off street disabled persons' parking places within Angus; additional costs associated with the removal of any disabled persons' parking places which as a direct result of the audit are no longer required; additional financial costs in ensuring that all disabled persons' parking places are marked and signed in accordance with the Traffic Signs Regulations and General Directions 2002; financial costs associated with the promotion of a Traffic Regulation Order; additional financial costs involved with the supply and placement of warning signs for the public in all car parks where the disabled persons' parking places are to be enforced and extra resources required for issuing Fixed Penalty Notices.
- 4.2 There will be some cost recovery from the penalties issued. At present the on-street fixed penalty notices which are issued by the police and traffic wardens within Angus are set at £30 and the fixed penalty notices for Angus Council's off-street public car parks are set at £30 which is reduced to £25 if paid within seven days. With regards to providing an annual report to the Scottish Government it is anticipated that there will be limited financial impact. A further report will be brought before this Committee in due course detailing the financial implications for the council in delivering the requirements brought about by the introduction of the Disabled Persons' Parking Places (Scotland) Act 2009.

#### **5 HUMAN RIGHTS IMPLICATIONS**

- 5.1 There are no human rights implications arising from the proposals in this report.

#### **6 EQUALITIES IMPLICATIONS**

- 6.1 The issues dealt with in this report have been subject of consideration from an equalities perspective (as required by legislation). An [equalities impact assessment](#) has been undertaken.

## 7 SINGLE OUTCOME AGREEMENT

7.1 This report contributes to the following local outcomes contained within the Single Outcome Agreement for Angus.

### **12. We value and enjoy our built and natural environment and protect it and enhance it for future generations**

- The importance and benefits to society of the environment is recognised.

## 8 CONSULTATION

8.1 The Chief Executive, Director of Corporate Services, Head of Social Work, Head of Education, Head of Neighbourhood Services, Head of Finance and Head of Law and Administration were consulted in the preparation of this report.

## 9 CONCLUSION

9.1 This report describes changes required to the management of disabled parking provision under the Disabled Persons' Parking Places (Scotland) Act 2009 and highlights the potential resource implications for local roads authorities. A further report will be brought to Committee to detail the financial implications for the council to deliver the requirements brought about by the introduction of the Act.

ERIC S LOWSON  
DIRECTOR OF INFRASTRUCTURE SERVICES

### 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:-

Disabled Persons' Parking Places (Scotland) Act 2009  
Road Traffic Regulations Act 1984  
Disability Discrimination Act 1995 (as amended)  
Traffic Signs Regulations and General Directions 2002  
Traffic Advisory Leaflet 5/95 - Parking For Disabled People

Roads/AS/TM  
8 May 2009  
REPORTS/Disabled Parking Place



