ABSTRACT
This report advises the Committee of the details of the actions taken by Angus Council in fulfilment of its duties in relation to the Disabled Persons’ Parking Places (Scotland) Act 2009.

1 RECOMMENDATION
1.1 It is recommended that the Committee:
   (i) agrees the draft Initial report required under the Act as appended to this committee report;
   (ii) agrees the publication of the Initial report on the council’s website;
   (iii) notes that a copy of the Initial report will be forwarded to the Scottish Ministers.

2 BACKGROUND
2.1 A report was considered at the Infrastructure Services Committee (Report No.461/09) of 2 June 2009 which outlined the implications to the Council of the Disabled Person’s Parking Places (Scotland) Act 2009 (“The Act”). The Committee agreed to note the content of that report and to note that a further report would be brought forward describing the financial implications of the Act.

2.2 A further report was considered at the Infrastructure Services Committee (Report No.599/10) of 24 August 2010 which outlined the procedures and resources required to meet the Council’s duties in terms of The Act. The Committee agreed to note the content of that report and agreed to the promotion of the necessary Traffic Regulation Orders to implement the requirements of The Act.

3 DETAILS
3.1 The Act came into effect on 1 October 2009 and as part of the Council’s duties it is required to prepare an initial report and thereafter a report annually detailing its performance of its functions in relation to parking places for disabled persons’ vehicles during those reporting periods.

3.2 The Council is required to publish the initial and subsequent annual reports and to send a copy of the reports to Scottish Ministers.

3.3 The Initial reporting period is from the date on which the Act came into force until 31 March 2011. Thereafter a further report is required to be prepared, published and copied to the Scottish Ministers each successive financial year. The Initial and Annual reports must be submitted to the Scottish Ministers within three months from the end of the corresponding reporting periods.

3.4 The Act itself clearly sets out the information to be contained within these reports.

3.5 A copy of the draft initial report is appended to this report for the consideration of this committee.
4 FINANCIAL IMPLICATIONS

4.1 There are no financial implications arising directly from the recommendations contained in this Report. Costs associated with the works to support the implementation of the Act were contained within resources available to the Roads Division during 2010/11 and the anticipated costs for 2011/12 can be contained within the Roads revenue budget together with the proposed provision from the Roads and Transport Renewals and Repairs fund which is the subject of a separate report to this cycle of the committee.

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 the subject of consideration from an equalities perspective (as required by legislation). An equalities impact assessment is not required.

7 CONSULTATION

7.1 The Chief Executive, Director of Corporate Services, Head of Finance and Head of Law and Administration have been consulted in the preparation of this report

8 CONCLUSION

8.1 The Disabled Person’s Parking Places (Scotland) Act 2009 came into effect on 1 October 2009 and places a duty on the Roads Authority to report annually on its performance in fulfilment of its duties in relation to the Act.

ERIC S LOWSON
DIRECTOR OF INFRASTRUCTURE SERVICES

NOTE:

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

- Report No 461/09 Infrastructure Services Committee 2 June 2009
- Report No 599/10 Infrastructure Services Committee 24 August 2010

Roads/JG/DAM
The following report sets out information on Angus Council’s performance of its functions in relation to parking places for disabled persons’ vehicles during the initial reporting period between 1 October 2009 and 31 March 2011.

The following sections referred to relate to the corresponding sections within the Disabled Persons’ Parking Places (Scotland) Act 2009.

Section 1  Duty to promote proper use of parking places for disabled persons’ vehicles.

Angus Council has:

- identified all street parking places in its area that at the time of coming into force of this Act are advisory disabled street parking places.
- in terms of each identified advisory disabled street parking place, ascertained whether it provides a parking place for a disabled person’s vehicle from which there is convenient access to a qualifying persons address.
- where an advisory disabled street parking place is deemed no longer necessary, made arrangements for the road markings and any associated traffic sign to be removed. Details of the parking places removed and the reasons for their removal were published.
- assessed each retained advisory disabled street parking place for its conformity with the Traffic Signs Regulations and General Directions 2002 in terms of the road markings and associated traffic signs.
- where any advisory disabled street parking place does not conform with the required standard, made arrangements for alterations to the road markings and the provision of the appropriate traffic sign in order to bring it into conformity.
- considered all requests by qualifying persons for a disabled street parking place and where it has been satisfied that a suitable parking place can be provided has designated that parking place as an advisory disabled street parking place.
- identified every off street parking place in its area that at the time of coming into force of this Act is an advisory disabled off street parking place and is located on land under the ownership or control of the Council.
- in terms of each advisory disabled off-street parking place located on land under the ownership or control of the Council, ascertained whether the parking place remains necessary.
- created webpages within the Council’s website to assist the public with regards to requests for disabled parking places and the statutory procedures relating to Disabled Street Parking Places Orders and Disabled Off-Street Parking Places Orders.

Section 4. Disabled Street Parking Orders: local authorities’ initial duties.

Angus Council has identified 167 advisory disabled street parking places within its area at the time of the Act coming into force.

Angus Council in considering each advisory disabled street parking place identified within its area has decided whether it is a parking place from which there is convenient access to the address of a person who holds a disabled person’s badge.
The road markings and associated signs at 38 advisory disabled street parking places have been removed. The reason for the decision to remove these parking places is that they were no longer necessary as they no longer provide convenient access to addresses of persons holding Disabled Person Badges.

Details of the parking places removed and the reasons for their removal was published on 6 May 2011.

The remaining 129 advisory disabled street parking places to be retained have been included in a draft Disabled Street Parking Places Order and the statutory procedures for the making of that Order have commenced.

**Section 5. Disabled Street Parking Orders: requests by qualifying persons.**

Angus Council has received 92 requests for the provision of a disabled street parking place within its area from the time of the Act coming into force until 31 March 2011.

Angus Council in considering each application has identified 91 disabled street parking places within its area from which there is convenient access to the address of a qualifying person.

Angus Council has decided in relation to one request for a disabled street parking place by a qualifying person that it would not have the power to make an Order on the grounds that a suitable safe space could not be identified convenient to the qualifying person’s property due to its proximity to a traffic signalled junction.

Angus Council has started the statutory procedure in relation to 31 disabled street parking places within its area from which there is convenient access to the address of a qualifying person.

**Section 6. Disabled Off-Street Parking Orders: local authorities’ initial duties.**

Angus Council has identified 314 advisory disabled off-street parking places within its area at the time of the Act coming into force which are located within land under the control of the Council.

The owners of advisory disabled off street parking places within its area which are located on private land remain to be contacted to seek to make an arrangement to include such parking places in a Disabled Off-Street Parking Places Orders.

The statutory procedure relating to Disabled Off-Street Parking Places Orders has as yet not commenced.

**Section 7. Disabled Off-Street Parking Orders: new developments.**

In the period from 1 October 2009 to 31 March 2011 a total of 6 relevant developments were granted planning permission by Angus Council. Two of the developments are proposed by Angus Council.

Angus Council has not as yet contacted the applicants of these developments in order to seek to make arrangements to make an Order in relation to the associated disabled parking places within those developments.

**Summary**

Angus Council has commenced the statutory procedures in relation to a Disabled Street Parking Places Order.

Within that Order there are 160 street parking places which are to be designated as being for use only by a disabled person’s vehicle.

In relation to that Order the statutory procedure commenced on 18 February 2011 and is due to be made on 31 May 2011.

Angus Council intends to promote further Orders in relation to disabled off street parking places.