

Legitimacy of Disabled Parking Bays

Executive to the Council

18 January 2005

Purpose of report

1. To report on a motion by former Councillor Pringle on parking bays for disabled drivers.
2. To seek approval of the recommendations and discharge the motion.

Main report

3. The Council at its meeting of 10 February 2000 remitted to the Transportation Committee, a motion by former Councillor Pringle:

"To call for a report on how to give legitimacy to all new disabled spaces provided by City Development to disabled drivers across the City."

The Committee instructed the Director of City Development to report in terms of the motion.

4. At its meeting of 14 October 1997 the Transportation Committee determined that the Department of City Development should provide disabled parking bays where requested to by 'blue badge' holders, for a payment of up to £100.
5. The disabled bays to be provided under this scheme consist of a white box marked on the carriageway with the legend 'disabled' painted on the side. These bays are intended for the benefit of the applicant, and are normally provided outside his/her home.
6. The bays thus provided are not supported by a Traffic Regulation Order and are therefore not legally enforceable. Parking Attendants have no authority to issue Penalty Notices to non-badge holders who use them. Nevertheless, in practice it has been found that most drivers respect these bays.
7. It has been the practice to provide legally enforceable disabled parking bays outside public buildings or in main shopping areas where there is no off-street parking facility for disabled drivers. These bays are intended for the use of disabled badge holders generally and no charge is made for these.

8. From time to time complaints are received that the non-enforceable bays are being abused by able-bodied drivers. Such complaints are sometimes made by the disabled driver who paid for the bay, but complaints are also received from members of the public who allege that a bay obtained by 'blue badge' holder is in fact being used by their able-bodied friends/ family and not by the badge-holder him/herself.
9. Where it is alleged that a disabled bay is being abused by the applicant, it is possible for the Department to remove the bay. However, establishing justification for this is difficult and time-consuming and to date no disabled bay has been removed against the wishes of the applicant.
10. Non-enforceable bays are removed once they are no longer required by applicants. This usually occurs where the Department is notified that the applicant has moved house, or is no longer able to use the bay.
11. Providing 'legitimacy' to all disabled bay users in the City, that is, making the bays enforceable, would require that a Traffic Regulation Order be made for each bay. The legal process for creating such an Order involves consultations with a range of specified bodies, followed by public advertising and the consideration of any objections received. Typically the process takes 12-18 months to complete.
12. A Traffic Regulation Order to cover all the existing non-enforceable disabled bays on public roads would require advertising and consulting on some 400 locations, with advertising costs in the order of £4000. It is likely that such a large Order would attract some objections from members of the public, the determination of which would place an extra burden on staff and Local Development Committees. The cost of staff time is not included in the above figure. The staff time that would be required could not be sustained in the face of other priority activities.
13. The rate at which applications for new disabled bays are received has gradually increased over the years and the Department currently receives around 100 applications a year. To be enforceable, each of these new applications would require to be included in a Traffic Regulation Order. The cost of advertising an individual new disabled bay is likely to be around £800, although there may be some scope for savings by combining several locations into a single Order. Again however there are presently insufficient staff resources to accommodate this.
14. Orders would also be required to remove enforceable disabled bays when they are no longer required, incurring the same £800 cost and 12-18 months processing time.
15. It should be noted that the increasing number of disabled bays being sought in the City has prompted the Department to initiate a review of the management of disabled bays in consultation with the Equalities Transport Group. It is expected to complete this review during February 2005 and a further report may require to be made at that time.

Financial Implications

16. Creating a Traffic Regulation Order for all existing disabled bays would incur an outlay in the order of £4,000 for advertising.
17. If Traffic Regulation Orders are processed individually for each new disabled bay, this would incur an on-going cost of up to £80,000 per year. Substantial savings could be made by processing these in batches, however. For example if Orders were to be promoted in batches of 25, four times a year, the advertising outlays might fall to around £10,000 per year. However, experience has shown that batching Orders in this way incurs substantial delays in processing, as an objection to one bay would delay the implementation of all other bays on the same Order, until that objection is determined.
18. The above figures exclude the cost of staff time in processing Orders.
19. There is no provision in current budgets for this expenditure and, bearing in mind that applicants already contribute £100 to the cost of a bay, it is not considered reasonable to pass on to them the cost of advertising.

Recommendations

20. It is recommended that:
 - a No action be taken to promote a Traffic Regulation Order for the existing non-enforceable disabled bays, nor for further bays provided under the Transportation Committee's decision of 1997.
 - b A further report on the management of disabled parking bays be considered in due course, following the Department's consultations with the Equalities Transport Group.
 - c The Motion be discharged.

Alan Henderson

DP Andrew M Holmes
Director of City Development

Appendices	None
Contact/tel	Andrew Hamilton – 0131 529 4199
Wards affected	All
Background Papers	Minute of Transportation Committee 14 October 1997.

Agenda item:

Report title: Legitimacy of Disabled Parking Bays

In accordance with the Council's Standing Orders, the contents of this report have been noted by the appropriate Executive Member.

Without prejudice to the integrity of the report, and the recommendations contained within it, the Executive Member expresses his/her own views as follows:

Signed:



Date: 23rd December 2004

For information – Standing Order 57(1) states:

“Heads of Department will prepare reports, with professional advice and recommendations, on matters requiring decisions by the Executive:

- a report seeking decisions on matters of corporate strategy, corporate policy and corporate projects will be submitted direct to the Executive
- a report seeking decisions on matters relating to the special responsibilities allocated to an individual member of the Executive will be submitted, in the first instance, to that member. The member will add his or her own recommendation to it before submission to the Executive. Where the Executive member disagrees with the advice and the recommendation of the officers, the Executive member will also state his or her reasons.”