

Objections to Disabled Persons' Parking Places (Scotland) Act Traffic Regulation Orders

Transport, Infrastructure and Environment Committee

18 June 2012

1 Purpose of report

- 1.1 To notify Committee of the representations made when the Traffic Regulation Orders (TRO) were advertised to introduce parking controls in advisory disabled persons' parking places throughout Edinburgh.
- 1.2 To advise Committee where objections have been accommodated and where disabled persons' parking places are no longer required.

2 Summary

- 2.1 This report considers the objections received during the public consultation period for the introduction of mandatory controls in disabled persons' parking places. It also investigates locations where disabled persons' parking places may no longer be required. The report considers these findings and makes recommendations accordingly.

3 Main report

- 3.1 The Disabled Persons' Parking Places (Scotland) Act 2009 (DPPPA) requires all local roads authorities to complete the necessary legal procedures to make all on-street advisory disabled persons' parking places mandatory.
- 3.2 Many of these parking places are already marked outside the homes of those who hold a disabled persons' blue badge, but there is no legal framework to apply enforcement procedures to inconsiderately parked vehicles.
- 3.3 While most of these parking places are working effectively to help disabled persons park closer to their homes this relies on co-operation of their neighbours and the goodwill of other road users entirely.
- 3.4 There are, however, instances where inconsiderate parking can cause considerable inconvenience to disabled persons when they are prevented from parking within walking distance of their home. This can have a detrimental impact on their quality of life and the Council is currently unable to take enforcement action in such circumstances.

- 3.5 While the progression of a legal procedure to formalise these parking places is primarily to comply with the DPPPA it will also ensure that these places are only used by those with a valid disabled persons' blue badge.

The Process

- 3.6 There are twelve separate Orders, TRO/10/40A–L, being progressed to formalise disabled parking across Edinburgh. In general terms, parking places from the same area have been batched together to allow for simpler implementation.
- 3.7 The public consultation for each Order runs for a period of just over three weeks and any interested party can comment on the proposals.
- 3.8 This third report considers the last Order to have completed the public consultation process, TRO/10/40L, and identifies any disabled persons' parking places that are no longer required.
- 3.9 There are around 904 advisory on-street disabled persons' parking places in Edinburgh. To date, 787 disabled persons' parking places have been advertised which can accommodate 832 individual vehicles.
- 3.10 Parking places which are provided for the use of only one particular motorist will always be subject to change dependant upon the circumstances of that user. Factors that may need to be taken into account can include residents disposing of their vehicles, moving house or passing away.
- 3.11 This results in the demand for, and the number of, disabled persons' parking places provided on-street being of a flexible nature.
- 3.12 Streets where it has been reported that disabled persons' parking places are no longer required will be removed from the draft Order. A list of such locations can be found in Appendix 1: 'Disabled persons' parking places to be removed from the Traffic Regulation Order' to this report.

Objections – TRO/10/40L

- 3.13 Two objections have been received in relation to this Order. The first regards the disabled persons' parking place in Figgate Bank. A local resident has stated that the disabled persons' parking place in the vicinity of their household is no longer needed, as the space was used by a previous tenant of the property.
- 3.14 It has been ascertained that there are no disabled persons' blue badge holders living in the vicinity of this location and it is proposed to remove this parking place from the draft Order.

- 3.15 A second objection was received from the parents of a disabled child residing in Seaview Crescent. Once a week a carer takes their son out for the day and is given the blue badge to help them park nearer their destination. However, if the parking place becomes mandatory and the carer is given the blue badge then they would not be able to continue to park outside their own house and the car would need to be parked elsewhere.
- 3.16 Furthermore, as there are two vehicles in the household they consider there would be further problems in constantly ensuring that the blue badge is clearly displayed on the vehicle parked outside their house to avoid being issued with a parking ticket. Finally, whilst they have paid for the parking place themselves, the introduction of mandatory restrictions does not help their particular circumstances but only creates another parking problem.
- 3.17 Whilst it may be inconvenient to swap a blue badge between two or more vehicles or move a vehicle not displaying a blue badge, the blue badge scheme is intended to improve the mobility of the badge holder and it must only be used when the badge holder is in the vehicle concerned.
- 3.18 The Scottish Parliament has passed the DPPPA and there are no exemptions to allow vehicles not displaying a valid blue badge to park in disabled persons' parking places. The Act also makes it very clear that Local Authorities no longer have the power to designate advisory on-street disabled parking places. Therefore, the parking place must either be restricted or removed from the draft Order.
- 3.19 Considering that the parking place was originally requested by the parents to solve a particular parking problem, it is proposed to retain this parking place as described in the Order to continue to help them park closer to their home when taking their son out.
- 3.20 Another letter was received in relation to this Order concerning a parking place in Adelphi Grove. A resident previously used a disabled persons' parking place outside his property, but due to ill-health he has given up his car and the parking place is no longer required. This parking place was not advertised as part of this Order, as he already contacted the Local Roads Team. However, there are other parking places in Adelphi Grove included within the Order. This enquiry will be dealt with separately to this process.
- 3.21 There is a parking place that is no longer marked on the road and there are no blue badge holders residing near it in Tytler Gardens. It is proposed to remove this parking place from the draft Order.

4 Financial Implications

- 4.1 The financial impact of introducing poles and signs for all the advisory disabled parking places in Edinburgh has previously been calculated at around £225,000.

4.2 The cost of the new disabled persons' parking place signage will be met from within the Roads Capital programme.

4.3 However, the former Convener of this Committee has written to the Scottish Minister for Housing and Transport asking for special permission to enable enforcement of the DPPPA without the need for additional signage. Should this permission be granted substantial costs for the Council would be avoided. The matter is currently being considered by the Department for Transport.

5 Equalities Impact

5.1 In undertaking the pre-assessment a score of three was achieved and, as a result, a full Equalities Impact Assessment is not required. The actions contained in this report will have a positive impact on the Council's duty in respect of the protected characteristic relating to Disability.

6 Environmental Impact

6.1 There are no adverse environmental impacts arising from this report.

7 Conclusions

7.1 The introduction of these disabled persons' parking places will continue to fulfil the Council's commitment to the DPPPA. Many of the places are already marked on-street and are respected by the majority of motorists. It has however, been ascertained that one is no longer required and should now be removed.

8 Recommendations

8.1 It is recommended that the Committee:

- a) repels the outstanding objections and make the Order subject to the changes detailed in this report; and
- b) notes that further reports on any future disabled persons' parking places will be submitted to a future meeting of this Committee.

Mark Turley
Director of Services for Communities

Appendices	1 Appendix 1: Disabled persons' parking places to be removed from this Traffic Regulation Order.
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Wards affected	All.
Single Outcome Agreement	10 – We live in well-designed, sustainable places where we are able to access the amenities and services we need. 11 – We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others. 15 – Our public services are high quality, continually improving, efficient and responsive to local people's needs.
Background Papers	None. *

Appendix 1: Disabled persons' parking places to be removed from the Traffic Regulation Order

Please note some parking places have been amended and are recorded as such.

TRO/10/40L

Order Number as advertised & Location	Description	Number of parking places	Permitted hours	Special manner of standing of vehicles
28 Figgate Bank	All that part of the north-east side of Figgate Bank which is bounded on the north-east by so much of the edge of the carriageway of that road as extends from a point 54.5m south-east of the south-east kerblines of Beach Lane south-eastwards for a distance of 5.5m and which has a width throughout of 2.5m.	1	At all times	-
69 Tytler Gardens	All that part of the west side of the parking area between numbers 8 and 16 Tytler Gardens which is bounded on the west by so much of the edge of the carriageway of that road as extends from the intersection of the west and south kerblines of Tytler Gardens northwards for a distance of 6.5m and which has a width throughout of 2.5m.	1	At all times	-