

**Local Government and Communities Committee****Post-Legislative Scrutiny of the Disabled Persons' Parking Places (Scotland)  
Act 2009****Submission from Fife Council*****Q1. Do you think the Act has achieved its aim of preventing disabled person's parking spaces being used by those who are not entitled to?***

Perhaps individual stakeholders or Disability Groups would be better placed to give an opinion on the level of success the new Act has brought in terms of abuse of former advisory disabled bays by non-badge holders.

By their very nature, former advisory disabled bays in residential areas were not enforceable and hence there is no data available to make a comparison with the level of enforcement currently undertaken on residential disabled bays now included in a Traffic Regulation Order (TRO). Fife Council has been operating Decriminalised Parking Enforcement (DPE) since 2013, after the introduction of the Disabled Persons Parking Places (Scotland) Act, and hence there is good information available on the number of enforcements undertaken on disabled bays since then.

When the Council receives an enforcement request for a disabled bay it usually acts the same day. The following table provides data on the number of Penalty Charge Notices (PCNs) issued at both on-street and off-street disabled bays between 29<sup>th</sup> April 2013 and 23<sup>rd</sup> February 2017. For on-street bays this equates to an average of 45 PCNs per month. There is, however, an increase in the number of on-street enforcements during 2016 whilst there have been no corresponding changes in enforcement effort. This could be due to particular problems at some town centre locations but may also be due to an increasing inventory of disabled bays. For off-street bays this equates to an average of 38 PCNs per month. There is, however, a clear reduction in the number of off-street enforcements whilst, again, there have been no corresponding changes in enforcement effort.

DATE	NUMBER OF PCNs ISSUED		
	ON-STREET		OFF-STREET
29/04/13 - 31/12/13	221		163
01/01/14 - 31/12/14	527		548
01/01/15 - 31/12/15	520		509
01/01/16 - 31/12/16	722		452
01/01/17 - 23/02/17	84		64
	2074		1736
<b>TOTAL PCNs ON &amp; OFF STREET</b>	<b>3810</b>		

***Q2. How well is the local authority in your area carrying out its duties required by the Act to convert all advisory on-street disabled persons' parking places into enforceable parking places, unless they are no longer required?***

Fife Council considers that it is carrying out the duties of the Act in a very comprehensive and effective manner to the benefit of blue badge holders who live in, visit and travel through Fife.

When the Act came into force, Fife undertook a one-off audit of existing advisory on-street disabled bays (parking places) and accounted for 1,437 such bays throughout Fife. It was decided that one Traffic Regulation Order (TRO) would be promoted to allow these bays to be made legally enforceable. This came into force on 16 January 2012. A composite schedule to this TRO is amended every 6 months to account for new residential bays added or existing bays removed. This process continues.

Up until October 2016 (approximately 5 years since the Act came into force), a total of 1,381 residential bays have been added and 441 bays removed following 9 amendments to the TRO. This is an equivalent annual average addition rate of 276 bays and a removal rate of 88. The current inventory of enforceable residential disabled bays in Fife is 2377 which will be reviewed at the next regular TRO amendment, which is imminent. New applications for bays are on-going and they are provided as advisory pending amendment of the TRO.

To allow residential on-street disabled bays to be enforced under the terms of the Act and the associated TRO, it is necessary to erect a sign to complement the bay markings, all as per the Traffic Signs Regulations and General Directions. The cost to provide the sign is approximately £77 (based on a sign and pole) which equates to a rough estimated cost of £217,000 to provide 2,818 enforceable on-street bays since the Act came into force. During this time, 441 bays have been removed and the associated signs and poles were available for re-use, however no allowance is

made in this estimate to cover any small cost reductions since the substantive part of the cost will relate to the engineering work to erect or remove poles and signs rather than the cost of materials.

All public off-street car parks provided for transportation purposes and managed by the Council as a Roads Authority have a Traffic Regulation Order (TRO) in place which has been amended to make all associated disabled bays enforceable. 222 disabled bays have been added to this TRO since the Act came into force.

Fife Council considered that the most resource efficient way to liaise with private commercial off-street car park owners regarding disabled bays (where the general public have access to such car parks) was to provide advice on the Council's web site to allow private owners/managers to make a request to the Council to consider making these bays enforceable. No requests have ever been made to the Council in this regard. Conversely, the Council is continuing to liaise directly with its various Services and Partners who manage off-street facilities car parks at local offices, schools, hospitals, large housing complexes etc. A number of disabled bays have been made enforceable in these car parks and this work is continuing.

Access to an interactive map on Fife Council's web site provides the public with extensive information on the location and status of all disabled parking bays in Fife. The mapping identifies which bays are currently enforceable and which are currently advisory, with information on when advisory bays are scheduled to become legally enforceable.

***Q3. Any other issues relating to the Act which you wish to bring to the attention of the Committee?***

Often when discussing issues relating to disabled bays in residential areas, applicants fail to appreciate that any valid blue badge holder can park in the enforceable parking bay provided following a successful application. Whilst this was also the case for advisory bays, some applicants were under the misunderstanding that the Act, a successful application and the provision of legal enforcement was to provide them with a personal dedicated disabled parking place. However, unlike town centres, there is likely very little use of these bays by other blue badge holders such as visitors. Other residents with blue badges would usually have off-street parking or may have a bay near their own home following a successful application.

The information requested from Local Authorities by the Scottish Government on an annual basis to allow the preparation of an annual report to Scottish Ministers is complex and generally follows the format of the various sections in the Act. There is a strong suspicion, due to a broad range of differing approaches taken by Local Authorities on the provision of enforceable disabled bays, that there is a lack of

consistency in the information provided. A simpler data set with a stronger focus on important key outcomes would perhaps be more appropriate.

Whilst individual Local Authorities are provided with a composite summary of all the information provided by other Local Authorities in relation to the annual report, there is no advice/feedback from the Scottish Government on the deliberation of Scottish Ministers in relation to these annual reports. This tends to devalue the efforts in providing the Scottish Government with this information every year, even although some Local Authorities may be gathering some of this information for their own use and local reporting.