

Local Government and Communities Committee**Post-Legislative Scrutiny of the Disabled Persons' Parking Places (Scotland)
Act 2009****Submission from the Scottish Government**

Dear Bob

I welcome the opportunity to respond to the Local Government and Communities Committee's call for written evidence on the Disabled Persons' Parking Places (Scotland) Act 2009.

Disabled persons' parking places play a crucial role in enabling disabled people to carry out day-to-day activities that non-disabled people can take for granted, and it is vital that these parking places are enforced by local authority parking attendants or Police Scotland. These parking spaces support blue badge holders to lead independent lives by improving accessibility to and from their homes when accessing shops, services and facilities.

In terms of the Committee's questions regarding the 2009 Act, my response below is focusing on questions one and three:

- ***Do you think the Act has achieved its aims of preventing disabled persons' parking places being used by those who are not entitled to?***

There is general agreement amongst local authorities on the principles and primary aim of the 2009 Act, and section 2 of the Act prevents local authorities from designating disabled persons' parking places as advisory bays.

In the Scottish Ministers' 2015/16 annual report on the performance of local authorities in fulfilling their duties under the Act, I noted that some progress has been reported in relation to off-street disabled persons' parking places located in publically controlled car parks, such as hospitals, schools, housing, train stations and in Council run facilities.

However, the information required to be reported by local authorities may not highlight the full extent of what work is still to be undertaken, in achieving the aims of the 2009 Act.

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

Since the introduction of the 2009 Act, a number of local authorities now have or are in the process of gaining Decriminalised Parking Enforcement (DPE) powers, which allow them to take direct action where disabled persons' parking places are being misused. Currently, 16 out of 32 local authorities have these powers, with a further two Councils expecting to gain these powers in May 2017. In local authority areas without DPE powers, Police Scotland is reliant on these authorities to meet their duties under the Act to enable police officers to tackle instances of misuse.

Under the 2009 Act, Scottish Ministers' statutory responsibility relates to the preparation and publication of an annual report on the performance of local authorities. However, it has become clear from the responses and information provided by local authorities that their statutory obligations in providing enforceable disabled persons' parking places are placing considerable demands on their resources.

Furthermore, the information that local authorities are required to provide to Ministers on their performance appears to be limited, and therefore may not enable the public to fully understand how local authorities have performed in all aspects of their duties in the reporting year.

As part of our commitment to improving parking practices in Scotland, we are launching a public consultation on parking on 31 March 2017. The consultation will seek views about the enforcement of disabled persons' parking places, and in particular, what opportunities there are to deal with the misuse of advisory disabled persons' parking places in off-street car parks.

My officials will continue to support local authorities on this issue and will be setting up a stakeholder group with parking managers from all local authorities in Scotland to explore how we can resolve some of the issues relating to the Disabled Persons' Parking Places (Scotland) Act 2009.

I hope that this is helpful.

Humza Yousaf MSP
Minister for Transport and the Islands