

**ANGUS COUNCIL**

**COMMUNITIES COMMITTEE – 14 AUGUST 2018**

**PROVISION OF DISABLED PERSONS' PARKING PLACES FOR QUALIFYING PERSONS**

**REPORT BY HEAD OF INFRASTRUCTURE**

**ABSTRACT**

This report seeks approval for the Head of Infrastructure to utilise the powers designate disabled persons' parking places in residential areas to individual qualifying persons.

**1. RECOMMENDATIONS**

It is recommended that the Committee:

- (i) notes the contents of this report;
- (ii) agrees to implement a policy to designate a disabled person's parking bay to specific individual qualifying persons at the discretion of the Head of Infrastructure.

**2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN**

This report contributes to the following local outcomes contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

**ECONOMY**

- An inclusive and sustainable economy;

**PEOPLE**

- Improved physical, mental and emotional health and well-being;

**PLACE**

- Safe, secure, vibrant and sustainable communities;
- An enhanced, protected and enjoyed natural and built environment.

**3. BACKGROUND**

3.1 The Disabled Persons' Parking Places (Scotland) Act 2009 came into effect on 1 October 2009 and placed a duty on roads authorities to promote the proper use of parking places that are designated for use only by blue badge holders who have a suitable vehicle registered at their address (qualifying persons). A request may also be made through another person acting on behalf of a qualifying person.

3.2 A report was considered at the Infrastructure Services Committee (Report No.461/09) on 2 June 2009 which outlined the broader implications of 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.

3.3 A further report describing the financial implications of the Act was considered and noted by the Infrastructure Services Committee (Report No. 599/10) on 24 August 2010.

#### **4. CURRENT POSITION**

- 4.1 Currently the council has procedures in place whereby residents can apply for a disabled bay to be marked on the public road near to their home, and subject to the approved criteria being met and funding being available, a bay is provided.
- 4.2 The council must then start the statutory process to make a traffic regulation order (TRO) under the Road Traffic Regulation Act 1984 in order to implement the parking place. In these circumstances, the council can mark an advisory parking place on the street whilst it undertakes the TRO process. The council is not permitted, in any other way, to mark an advisory disabled persons' parking place.
- 4.3 A TRO made under the terms of Section 45 of the Road Traffic Regulation Act may designate a parking place for use (either at all times or at times specified in the order) only by such persons or vehicles, or such persons or vehicles of a class specified in the order, as may be authorised for the purpose by a permit.
- 4.4 Disabled persons' parking bays must be marked on the public road and signed in accordance with the Traffic Signs Regulations and General Directions (TSRGD) which sets out the minimum dimensions for road markings and requires that each disabled persons' parking bay must have the word 'DISABLED' marked on the road adjacent to the bay and must be accompanied with an associated sign.
- 4.5 There are parts of the disabled persons' parking places legislation that impact upon the current physical aspects of blue badge parking places. For example, if the council proceeds with designating a disabled persons' parking place, the parking bay provided is for the use of any blue badge holder and is not for the exclusive use of the original applicant. Occasionally, problems can arise in residential areas where demand for disabled bays exceeds supply and this leads to neighbourly disputes between some blue badge holders.
- 4.6 There are approximately 2,000 Angus resident blue badges holders.

#### **5. PROPOSALS**

- 5.1 Following changes to the Traffic Sign Regulations and General Directions in April 2016 there can now be more flexibility applied to the decision-making process with regards to the provision of signage and road markings generally. This includes the removal of the requirement for both a sign and road marking for restrictions that are not time limited, allowing flexibility to provide either markings **or** signing in isolation. It also permits the alteration of road markings to include individual 'identifiers' which could allow disabled parking bays to be allocated to individuals rather than generally to any blue badge holder.
- 5.2 The presence of the combination of a sign **and** road markings is considered to play a role in the enforcement aspect of blue badge parking places. Whilst both signage and markings are no longer legally required to make a bay enforceable, consideration should be given as to whether the lack of signing/marking may result in more offences in relation to blue badge parking places. Thus at this time the proposal is to continue with road markings and signs.
- 5.3 These changes are considered to have potential impacts on equality as bays could now be designated for individual blue badge holders, as opposed to all blue badge holders. When deciding whether or not to approve an application for a disabled persons' parking place the council should consider applications on merit, on a case by case basis, and take into account the individual circumstances of the applicant. If it is deemed meritorious a Traffic Regulation Order should be made to enable the disabled parking bay to be designated individually to the applicant for exceptional cases in which the applicant may have a specific or severe need for access immediately outside, or very close to, their property.
- 5.4 To date the service's experience is that there is a limited number of cases when designation would be appropriate, noting the cost of such designation in terms of signage and administration effort with changes of registration etc. As a result it is proposed that this power be used only where this becomes necessary to avoid neighbourly disputes or where the circumstances around the disability are so severe that occasional loss of parking would be significant.

## **6. FINANCIAL IMPLICATIONS**

The financial implications of the Act were considered and noted by the Infrastructure Services Committee (Report No. 599/10) on 24 August 2010. The additional implications of designating parking places to specific individuals can continue to be contained within existing Roads & Transportation budgets.

## **7. OTHER IMPLICATIONS**

The provision of disabled parking bays is at the request of the blue badge holder for a bay at their property or close proximity. Any other resident holding a blue badge is also able to apply for a bay.

**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

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