The Disabled Persons’ Parking Places (Scotland) Bill

Evidence Submitted to the Local Government and Communities Committee

Highland Council

1. Highland Council submitted comments in the first consultation on the above bill. The Council was supportive of the aim to improve the access of disabled people to parking and the comments made at that time are still valid. However the bill as published contains significant variations from the original consultation. In particular, the proposal to provide a simplified method of designating enforceable disabled bays is dropped in favour of creating a new duty on authorities to apply the existing legislation for the creation of enforceable bays, by traffic order. The present option of providing advisory bays is removed and replaced by a duty to convert all existing advisory bays to enforceable ones. These changes are of concern.

2. There are almost 300 advisory bays at residential addresses in the Highland Council area. Most of these work well. The duty to create traffic orders for all of these, with the associated objections and potential hearings, would be a strain on the resources of the council which would not be justified by the level of abuse of the current designations. A further burden would be the revocation of the orders when disabled people moved house or died. Advisory bays can be removed when no longer required, for minimal cost.

3. Most disabled bays in council owned public car parks and on-street in shopping areas are already covered by traffic orders. There would be no objection to converting the remaining advisory bays in council car parks and on street in shopping areas, to enforceable ones.

4. The number of bays in private car parks is not known. Again, a significant resource would be required to fulfil the new duty to audit them, contact the owners and agree with them to promote traffic orders. The level of abuse is not known, however the owners may be aware of problem areas. The scale of resource needed may be more manageable if the onus was on the owners to request from the council, an order to create enforceable bays. This should result in orders being created only where there was a demonstrable need and would avoid wasting time and money creating orders for bays which are already working well on a voluntary basis.

5. In this area it would be the police and traffic wardens who would be responsible for enforcement. Experience of the present enforcement regime suggests that extra resource would be needed for enforcement for any orders remote from town centres where wardens already operate. The disparate nature of bays in residential areas would make them difficult to police. The work in creating enforceable traffic orders would be wasted if they are not enforced and abuse would continue.
6. Groups representing disabled persons are known to hold strong views on the issue of abuse of both advisory and enforceable disabled person’s parking places. The Council is aware of these views through the Local Access Panels. The overall number and distribution of such spaces is also an issue. Through planning conditions the Council insists on disabled spaces in parking associated with new development and developers are invariably cooperative in this. The proposals would be unlikely to increase the number of places available and the added burden of processing traffic orders may even reduce the provision of new spaces.

7. In conclusion, this authority believes that the existing powers are sufficient and wishes to see these powers remaining optional. The cost of complying with the new duties is considered to be excessive in relation to the level of abuse of the advisory bays. However the principal of creation of traffic orders for disabled spaces in council owned public car parks and on street in shopping areas is accepted.

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