

Local Government and Communities Committee

**Post-Legislative Scrutiny of the Disabled Persons' Parking Places (Scotland)
Act 2009**

**Submission from the Scottish Disability Equality Forum and Guide Dogs
Scotland**

Introduction

This paper represents a joint response from Scottish Disability Equality Forum, and from Guide Dogs Scotland.

About Us

Scottish Disability Equality Forum

Scottish Disability Equality Forum (SDEF) is a member-led organisation, representing individuals with any type of impairment, disability organisations, groups and individuals who share our values. We work to ensure the voice of disabled people is heard and acted upon. SDEF is involved in a wide range of work on a local and national level. We work to bring real change to the lives of disabled people, to inspire and to motivate others to be inclusive and informed in their attitudes towards disabled people and to bring the message of equality to all.

Our aim is to ensure that our members and wider public are as informed as possible about the issues affecting disabled people in Scotland. SDEF has launched a series of online 'hubs' which include information and advice on Inclusive Communication, Inclusive Design and Accessible Travel.

SDEF actively engages with its members so that we understand what the key issues are for disabled people in Scotland and hold events to give advice on disability and access related issues.

SDEF is also the umbrella body for the national network of Access Panels in Scotland. Access Panels can be found in all regions and are made up of groups of disabled volunteers who work together to improve physical access and wider social inclusion in their local communities. We offer support and training opportunities to help them operate efficiently, link together as a network and learn from each other. We work to the principles of positivity, promotion, and partnership, working collaboratively with partners to promote best practice, and achieve awareness of disability equality across Scotland.

Guide Dogs Scotland

Guide Dogs Scotland are experts in the area of independent mobility for blind and partially sighted people and our work has been transforming lives of many sight impaired people on a daily basis. This mobility can often be limited by the environment in which blind and partially sighted people must live. We believe that blind and partially sighted people should be able to move around safely and independently. This is currently often not the case and barriers may be physical, operational or attitudinal.

How evidence was gathered

Scottish Disability Equality Forum created an online survey, which was open from 8 February until 15 March 2017. The survey had 29 responses. Below we report on the responses to each of the questions, and offer verbatim comments from our members.

Guide Dogs Scotland have gathered their evidence from members through anecdotal feedback and have offered some commentary on the key points, with which Scottish Disability Equality Forum agrees.

Question 1

Do you think the Act had achieved its aim of preventing disabled persons' parking spaces being used by those who are not entitled to? (n=29)

- No – 86% (25 respondents)
- Yes – 10% (3 respondents)
- Unsure – 3% (1 respondent)

Policy is clear that non-blue badge holders should not park in bays marked for disabled people. That blue badges should not be used by anyone other than the holder.

The Disabled Persons' Parking Places (Scotland) Act 2009 aimed to reinforce this message and made provisions to bring disabled bays to an enforceable standard. It also made provision for enforcement of private off-street disabled parking by placing a duty on all local authorities to enter negotiating with the owners to make the bays enforceable, and, if needed repeat this offer every two years. This Act does not change the actual parking enforcement system or penalty. The overall aim of the Act is to prevent and deter misuse of disabled parking bays by strengthening enforcement opportunities.

“No-one monitors the use of these spaces by non-blue badge holders” (SDEF member)

“No evidence of enforcement by police or local authority, particularly with off street parking” (SDEF member).

Tackling abuse of Blue Badges was strengthened via another Member’s Bill, which became the Disabled Persons’ Parking Badges (Scotland) Act 2014. This made further provisions for local authorities to more easily tackle abuse of blue badges by improvements to who can check and confiscate badges. In addition, to the process of producing and issuing blue badges to minimise the opportunity for fakes.

Irrespective of these Acts abuse of disabled people’s parking bays still occurs. We hear from blind blue badge holders that their drivers sometimes cannot find a free disabled parking bay, but parked cars are not always displaying a blue badge.

“Public mind-set believes they have an option to partake, especially if it’s the last place available” (SDEF member).

“The Act has helped raising awareness of the issue, but there is still abuse of on-street parking and the blue badges are still misused” (SDEF member).

“Up to a point; there are still people who chance it, thinking they will only be a minute” (SDEF member).

It is often cited, that in private off-street car parks, such as supermarkets and other large retailers, there is no obvious enforcement of disabled parking bays being carried out. We are aware that it might be uncomfortable for employees to challenge a person’s use of a blue badge, particularly since many disabilities are hidden ones. This highlights the need for retailers to invest in equality and disability training opportunities for their staff, so that good disability customer care procedures and policies can be developed and applied.

There is nothing to make us believe that the public who abuse disabled parking bays are doing so unknowingly.

We strongly feel that there are two elements to reducing disabled parking bay abuse, firstly clear enforcement law and secondly effective parking enforcement.

Parking enforcement levels differ across Scotland. Some local authorities now carry out their own schemes via decriminalised parking enforcement (DPE) powers. We believe there are 16 local authorities that have DPE schemes, six are in the midst of gaining DPE, and this leaves a further 10 who are relying on other means to enforce

parking. We assume that these 10 rely on Police Scotland to carry out parking enforcement.

In 2014, Police Scotland started to withdraw their Traffic Warden provision, leaving some areas without any, or very limited provision. Some local authority areas brokered deal with Police Scotland who provide a couple of days a week, or agree to target certain trouble spots. This level of enforcement allows abuse to happen, of not only disabled bays but also any other inconsiderate parking, such as on yellow lines.

Question 2

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?

We have heard anecdotally from local authorities, that at the beginning of the audit process there was no extra provision of costs and this hampered the audit process and bring the bays to enforcement standard. We assume that in 2017 this is now not the case and that Councils have in place systems and process to update that initial audit.

We appreciate that to take away no longer required disabled bays, particularly in residential areas, will be a difficult task for local authorities. This relies more on the disabled individual or their family to update the local authority, for example, when they move away. We hope that local authorities have information on this type of processes, which is provided when disabled residents apply for a disabled parking bay.

We are also aware that in the past disabled residents, having requested and been provided with a disabled parking bay, were under the, understandable, impression that this would be for their exclusive use.

When the provisions in the Disabled Persons' Parking Places (Scotland) Act 2009 were being implemented this topic emerged that disabled bay can be used by any blue badge holder. We are under the impression that in the main residential disabled parking bays are used by the disabled resident. However, in the residences near town centres or community facility areas, we can see that this might pose problems if parking spills into residential streets.

The majority of SDEF members felt their local authority did not enforce parking restrictions.

"This is not the fault of the legislation, more how the rules are enforced" (SDEF member).

“Cars are parked overnight in disabled parking bays, but there is no parking attendants working to enforce” (SDEF member).

SDEF members also reported that they did not notice any difference in the availability of disabled parking spaces.

“I have not noticed any changes to on-street parking” (SDEF member).

Question 3

Are there any other issues relating to the Act that you wish to bring to the attention of the Committee?

The majority of SDEF members raised issues regarding abuse or misuse of blue badges. SDEF members felt strongly that the Act does not go far enough to address the misuse of blue badges and that there is a need for a campaign, similar to that of drink driving, to make the use of disabled persons’ parking bays as socially unacceptable.

“Local authorities need to be encouraged to make civil enforcement” (SDEF member).

“There is a constant abuse of the scheme by people without the blue badge parking in designated disabled bays. There is a misuse of the blue badge by people other than the official holder” (SDEF member).

SDEF members suggested that the biggest issue is the lack of enforcement of the illegal use of disabled persons’ parking spaces. The most common places for the mis-use of spaces are supermarket car parks and health centres.

“The main abuse of disabled persons’ parking bays take place in car parks, as opposed to on-street parking, particularly in supermarket car parks. Management are reluctant to punish offenders in case they take their custom elsewhere” (SDEF member).

“At health centres, there are clearly defined disabled parking spaces. However, it is a free for all for taxis and vans. There is no enforcement” (SDEF member)

We would also draw attention to the duty that local authorities have in negotiating and offering private off-street owners of car parking to upgrade their disabled parking bays to enforceable standard. We noted from some other responses that the ‘offer’ is being done by information on the local authority website. No car-parking owners has taken up this offer, which might lead to the decision that those provisions in the Act

are not required. Before drawing conclusions, we would reckon that this area requires further thought.

We support views around the requirements for signs and lines on enforceable disabled parking bays. It is often mooted that we have too many poles for signs cluttering up footways. Poles in themselves can hinder the free movement of many disabled people, such as mobility impairment, wheelchair and scooter users, and people with sight impairments. We would query the belt and braces approach to enforcement design for bays needing both lines and a sign.

“Signage put up in our area is too high for people to read, or in places where people can’t see them. There is a lack of information about the Act and the consequences of parking in disabled parking bays” (SDEF member).

“Wording on the signs is confusing. Signs are dirty and faded, making them hard to read. Use of the blue badge is confusing due to the height and limited information on street signs. There is not enough monitoring. Lineage in the bays is faded” (SDEF member).

What is important however is that, the non-blue badge owners know that they should not park in a disabled parking bay, and that the bay has all the features to enable enforcement to occur.

“People are unaware of the Act and that it is enforceable” (SDEF member).

“Disabled parking bays are routinely used by non-disabled people” (SDEF member).