

# **EAST AYRSHIRE COUNCIL**

**CABINET – 20 APRIL 2011**

## **PROPOSED DISABLED PERSONS' DESIGNATED PARKING PLACES ORDER AND ASSOCIATED REVISED DISABLED PERSONS' PARKING PLACE APPLICATION FORM AND QUALIFYING CRITERIA**

### **Report by Depute Chief Executive/Executive Director of Neighbourhood Services**

#### **1. PURPOSE OF REPORT**

- 1.1** The purpose of this report is to seek Cabinet approval to:
- (a) make a new Traffic Regulation Order to regulate the use of existing on-street advisory disabled parking places to make them legally enforceable; and
  - (b) introduce a revised disabled persons' parking place application form and qualifying criteria.

#### **2. BACKGROUND**

- 2.1** The Disabled Persons' Parking Places (Scotland) Act 2009 received Royal Assent on 1 April 2009. The Act places a duty on local authorities to promote the proper use of parking places that are provided for use of disabled persons' vehicles, either on-street or off-street and make them legally enforceable. Currently, the majority of parking places designated for use by disabled people are not legally enforceable and are frequently used by unauthorised drivers. The occupation of these parking places by non-disabled people prevents disabled people from being able to access them, which in turn can prevent them from being able to access their homes or essential services.
- 2.2** In relation to off-street parking, an Order will be required to be promoted for disabled persons' parking places in the Council's public car parks. The Act also requires that local authorities make contact with owners or persons having an interest in private car parks (e.g. supermarkets and retail centres) to negotiate an agreement which would enable the local authority to promote an order to make the disabled persons' parking places enforceable. Liaison is shortly to commence with owners of these private non-residential car parks. The promotion of these Orders will be the subject of a future report to Cabinet.
- 2.3** The remainder of the paper relates to the promotion of an Order for the on-street disabled persons' parking places.

#### **3. ON-STREET DISABLED PARKING BAYS**

- 3.1** To identify which on-street bays qualify under the new Act and should be included in the traffic regulation Order, all people for whom disabled persons' disabled parking bays had been provided in the past were

consulted and the location and condition of the existing bays were surveyed. A total of 238 bays located throughout East Ayrshire have been identified as qualifying and have been included in the Order.

- 3.2** Not all of the existing bay markings accord with the current layout for an enforceable bay, as set out in the Traffic Signs Regulations and General Directions 2002. On 15<sup>th</sup> October 2010, the Scottish Government issued a blanket authorisation to East Ayrshire Council to allow existing bay markings to be retained, but future disabled persons' parking places for new applicants will have to be provided in accordance with the Regulations. A regulatory sign will have to be displayed at all on-road disabled bays.
- 3.3** The Act requires that new applicants for a disabled parking bay at their home must have the same address as the registered keeper of a vehicle which is suitable for the carriage of the applicant. Vehicles parked in the bays will also have to display a current blue badge at all times demonstrating their entitlement to park in the bay. Any disabled parking bay provided should not be considered as a parking place reserved for the sole use of the applicant or any other individual.
- 3.4** The existing disabled parking bay application form and qualifying criteria have been revised to reflect the requirements of the 2009 Act.

#### **4. TRAFFIC ORDER PROCEDURES**

- 4.1** A traffic regulation Order has been promoted to regulate the use of the on-street disabled persons' parking bays which are currently advisory. The draft Order has been prepared in accordance with the requirements of the Road Traffic Regulation Act 1984 and the Local Authorities' Traffic Orders (Procedures) (Scotland) Regulations 1999.
- 4.2** **Consultation** – the organisations, representative groups and individuals consulted during the preparation of the Orders are detailed in Appendix 1. The Chief Constable has no objections to the draft Order. No objections or adverse comments were received from any of the consultees.
- 4.3** **Publication of Proposals** – the draft Order was published in the Kilmarnock Standard and the Cumnock Chronicle. Full details of the proposal with a plan and Statement of Reasons were available for inspection at Council Headquarters, London Road, and Roads & Transportation, Holmquarry House, Holmquarry Road, Kilmarnock.

The draft Order was also available for inspection at the following local offices:-

Auchinleck, Catrine, Cumnock, Dalmellington, Darvel, Drongan, Galston, Hurlford, Kilmaurs, Mauchline, Muirkirk, New Cumnock, Newmilns and Stewarton.

- 4.4** **Formal Objections** – no objections were received in respect of the draft Order.

## **5. LEGAL IMPLICATIONS**

**5.1** The promotion of the Order has been in accordance with the requirements of the Road Traffic Regulation Act 1984, as amended and the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999.

**5.2** The current disabled parking bay application form will be altered to reflect the Disabled Persons' Parking Places (Scotland) Act 2009 requirement to have a vehicle, suitable for the carriage of the applicant, registered at the same address as the applicant.

## **6. PERSONNEL IMPLICATIONS**

**6.1** None

## **7. FINANCIAL IMPLICATIONS**

**7.1** Each disabled parking bay will require a new sign and pole to be erected at each bay. The sign and road markings are illustrated in Appendix 2. A number of bays are in poor condition and will require the refurbishment of the road markings to allow enforcement of the bays. A budgetary provision of £90,000 is required for the implementation of the on-street disabled persons' parking spaces and to cover the cost of implementing the off-street disabled persons' parking spaces which will be the subject of future Orders. This sum has been earmarked from Departmental balances and approved by Cabinet on 9 March 2011.

## **8. COMMUNITY PLAN/POLICY IMPLICATIONS**

**8.1** The Order will contribute to Improving Health and Wellbeing by enhancing accessibility to conveniently located disabled persons' parking places for blue badge holders.

## **9. RISK MANAGEMENT IMPLICATIONS**

**9.1** Not making the Order will extend the time that disabled people are inconvenienced by the indiscriminate use of disabled parking bays by able bodied motorists.

## **10. EQUALITIES IMPACT**

**10.1** The new legislation will allow the disabled persons' parking places to be enforced to enhance accessibility for disabled people with a valid blue badge.

## **11. RECOMMENDATIONS**

**11.1** It is recommended that Cabinet:

- (i) approves the making of the Order which regulates the use of on-street disabled parking bays to make them enforceable;

- (ii) approves the revised application form and qualifying criteria; and
- (iii) otherwise notes the contents of the report.

**Elizabeth Morton**  
**Depute Chief Executive/Executive Director of Neighbourhood Services**  
**31 March 2011**

## **BACKGROUND PAPERS**

### **The East Ayrshire Council (Disabled Persons' Designated Parking Places) Order 2011**

Copies of the above named draft Order are available from Head of Roads & Transportation.

For further information on the contents of this report please contact Kerr Chalmers on 01563 555715.

**Implementing Officer: Gwen Findlay**

## **LIST OF APPENDICES**

- Appendix 1 - Consultation list.
- Appendix 2 - Sample sign and bay layout.
- Appendix 3 - Application form and qualifying criteria

# Appendix 1

## Consultation List

The following organisations, representative groups and individuals were consulted during the preparation of the draft Order –

Strathclyde Police  
Strathclyde Fire & Rescue  
Ayrshire & Arran NHS Trust  
Scottish Ambulance Service  
Strathclyde Partnership for Transport  
Freight Transport Association Ltd  
The Road Haulage Association Ltd  
Stagecoach Western Buses & A1 Service  
Milligan's Coach Travel Ltd  
Shuttlebuses  
Rowe's Coaches  
Smith's Coaches  
Marbill Coaches  
Liddel's Coaches  
Keenan of Ayr Coach Travel  
MacEwan's Coach Service  
Royal Mail  
Scottish Power  
Transco  
British Telecom  
Scottish Water  
Cycling Scotland  
C.T.C (formerly Cyclists' Tourist Club)  
East Ayrshire Access Panel North District  
East Ayrshire South Forum on Disability  
Scottish Taxi Federation  
Fiona Nicolson, Kilmarnock Town Centre Manager  
Kilmarnock Retail Traders Association  
Bonnyton Community Council  
Councillor R. McDill, Delivering Community Regeneration (Spokesperson)  
Councillor J. Buchanan, Delivering Community Regeneration (Spokesperson)  
Chief Executive, East Ayrshire Council  
Depute Chief Executive/Executive Director of Neighbourhood Services  
Executive Director of Finance and Corporate Support  
Executive Director of Educational and Social Services  
Head of Planning and Economic Development  
John McRobert, Roads Service Operations Manager  
Kevan Aitken, Network and Performance Manager

All Councillors

## Appendix 2



- Sign to Diag No 661A will be erected at every bay contained with the Order.
- Where local conditions permit the sign will be erected at the back of the footway to allow unrestricted access to the bay.

The length and width of bay will vary according to local road conditions.

Appendix 3

### APPLICATION FORM

**DISABLED PERSONS' PARKING PLACE – Please read qualifying criteria & terms & conditions before completing application.**



**East Ayrshire**  
COUNCIL

Applicant's Full Name

**APPLICATION FOR A DISABLED PERSON'S PARKING  
PLACE**

## **QUALIFYING CRITERIA & TERMS AND CONDITIONS - THE APPLICANT**

1. The applicant **must** be a qualifying person who holds a current Disabled Person's Badge.
2. An applicant's address **must** be the same as the registered address of the registered keeper of a vehicle which is suitable for the carriage of the individual. A copy of the relevant Vehicle Registration Document **must** accompany the application form.
3. The applicant should be **either** the driver of the vehicle or a passenger who cannot be left unattended; **OR** it must not be possible for a vehicle to stop safely to pick up or set down the applicant without a bay.
4. There must be no driveway/hard standing/garage or lock up adjacent to the dwelling.
5. The Disabled Parking Place will not be provided where it is feasible to form off-road parking adjacent to the dwelling i.e. there must be insufficient garden area to form a driveway or hard standing adjacent to the dwelling.
6. Any Disabled Parking Place provided should not be considered as a parking space reserved for the sole use of the applicant or any other individual.
7. The applicant must inform Roads and Transportation if the bay requires renewal or for any reason is no longer required. Renewals require the applicant to complete a new application.

## **QUALIFYING CRITERIA - ROADS AUTHORITY**

1. The authority **must** decide whether it is possible to identify a suitable on road parking place from which there is convenient access to the applicant's address.
2. The provision of the Disabled Parking Place **must not** compromise the safe and efficient traffic management locally.

If, after consideration of the above requirements you feel that you meet all of the qualifying criteria and wish to apply for a Disabled Parking Place, please complete the attached form and return to:-

**Head of Roads & Transportation, Council Offices, Greenholm Street,  
Kilmarnock KA1 4DJ**