

Agenda Item	<b>13</b>
Report No	<b>TEC 61/13</b>

**Disabled Persons' Parking Places (Scotland) Act 2009 – Annual Report 2012/13**

**Report by Director of Transport, Environmental and Community Services**

**Summary**

This report invites Members to approve the Council's Annual Report to the Scottish Government in accordance with the Disabled Persons' Parking Places (Scotland) Act 2009.

**1. Background**

- 1.1 The Disabled Persons' Parking Places (Scotland) Act 2009 was introduced through a private Member's Bill.
- 1.2 The main policy objective of the Bill was to prevent parking spaces designated for disabled persons' being occupied by those who are not entitled to use them and thus ensuring that enforcement action under the Act can be taken in the case of any contravention.
- 1.3 At the TEC Services Committee on 24 September 2009 it was agreed that the Council will commence to implement its duties under the Act within existing resources.
- 1.4 The Act required that each Local Authority prepares an annual report on its performance in relation to the Act and that this report is published. The Annual Report on the Council's performance under the Act as submitted to the Scottish Government is contained in **Appendix A**.

**2. Implementation of the Act**

- 2.1 The preparation of the Road Traffic Orders is being carried out on a priority basis as set out below:
  1. On-street
  2. Off-street for Council controlled Car Parks
  3. Private car parks with the permission of the owner / tenant.
- 2.2 Road Traffic Orders have been issued and made for both Skye and Lochalsh, Caithness and Lochaber and these along with on-site signing are in place and operational.

- 2.3 In Sutherland and Easter Ross, Ross-shire and Inverness the consultation process has been successfully completed and implementation of the Road Traffic Order will be made when all the signing and site works are complete.
- 2.4 The final area is Nairn Badenoch and Strathspey and the proposals have been presented to Members for their observations, and the Road Traffic Order is being prepared.
- 2.5 The work to identify disabled bays in all off-street car parks is on-going and will be progressed in due course.
- 2.6 In regards to private area car parks, letters have been issued to business owners throughout the Council area and returns have been received from a significant number. However there has only been a small uptake on the offer to formalise disabled parking at their premises.
- 2.7 All of these Road Traffic Orders have been incorporated in the Council's WDM asset management system to aid future management and maintenance.

### **3. Implications**

- 3.1 No additional resources have been provided to carry out this work and the implementation is dependent on funding being found from existing budget allocations.
- 3.2 The disabled parking bays are supported by Road Traffic Orders.
- 3.3 This work will support disabled drivers.
- 3.4 There are no climate change implications arising from this report.
- 3.5 There are no risk implications arising from this report.

### **4. Recommendation**

- 4.1 Members are asked to approve the Council's Annual Report in relation to the Disabled Persons' Parking Places (Scotland) Act 2009, as contained in **Appendix A**.

Designation: Director of Transport, Environmental and Community Services

Date: 2 August 2013

Report Author: Hugh Logan

Background Papers: Disabled Persons' Parking Places (Scotland) Act 2009.

## SCHEDULE -YEAR 2012-13

**This Schedule provides the detailed information specified in  
the Disabled Persons Parking Places Order**

**(a) Duties under Section 1**

	Details of action taken in fulfilment of duty under section 1	On-Street: Traffic Regulation Orders (TROs) are in place for three districts. Draft TROs have been advertised and the consultation process successfully completed in another three districts. A draft TRO has been completed and is at consultation stage for the final district. Off-Street: Limited resources have been concentrated on TROs for on-street disabled parking places and once this is complete the focus will be to identify and prepare TROs for all existing advisory parking places under Council management. Responses from private businesses requesting that their disabled parking bays be included in a TRO are being evaluated.
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**(b) Designated Parking Places**

	Number of parking places designated as being for use only by a disabled person's vehicle by virtue of the 2009 Act (excluding Section 9)	25
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**(c) Duties under Section 4**

(i)	Number of advisory disabled street parking places identified under section 4(1)	0
(ii)	Reasons for any decisions under section 4(2) or 4(3)(a)	N/A
(iii)	Number of parking places for which the statutory procedure under section 4(3)(b) has started.	95

**(d) Duties under Section 5**

(i)	Number of requests received under section 5(1)	77
(ii)	Number of parking places identified under section 5(2)(b)	47
(iii)	Reasons for any decision under section 5(3)(a)	- On the grounds of road safety - Alternative suitable parking was available - Area of road not under Council ownership
(iv)	Number of parking places for which the procedure under section 5(3)(b) was started.	0
(v)	Periods between identifying a parking place under section 5(2)(b) and starting the related procedure under section 5(3)(b)	N/A

**(e) Duties under Section 6**

(i)	The number of advisory disabled off-street parking places identified under section 6(1)	342
(ii)	Reasons for any decision under section 6(2)(a)	No decisions taken.
(iii)	Number of parking places for which the procedure under section 6(2)(b) was started.	0
(iv)	Reasons for any decision that the Council would not have power to make a disabled off-street parking order.	N/A
(v)	Number of premises that include a parking place for which the Council sought arrangements under section 6(6)	18

(vi)	The reasons why it was unsuccessful in making any such arrangements	Private businesses declined to have their bays included in a TRO.
(vii)	Number of parking places in relation to which the procedure under section 6(7) was started.	0
(viii)	The date by which duties under section 6(1), 6(2), (4) Or (6), relative to the period of 12 months referred to in section 6(9).	This is on-going.

**(f) Duties under Section 7**

(i)	Number of developments for which a planning permission mentioned in section 7(1) was granted.	This information cannot be extracted electronically from our databases and would need to be collected manually. At present resources are not available to complete this task.
(ii)	Its reasons for any decision under section 7(3) that it would not have the power to make a disabled off-street parking order.	N/A
(iii)	Number of premises that include a parking place for which the Council sought arrangements under section 7(5).	0
(iv)	The reasons why it was unsuccessful in making any such arrangements.	N/A
(v)	Number of parking places in relation to which the procedure under section 7(6) was started.	0

**(g) Duties under Section 8**

(i)	Its reasons for any decision under section 8(2) that the Council would not have the power to make a disabled off-street parking order.	Duties are at an early stage as per Section 6.
(ii)	Number of premises that include a parking place for which the Council sought arrangements under section 8(4).	0
(iii)	The reasons why it was unsuccessful in making any such arrangements.	N/A

(iv)	The number of parking places in relation to which the Council started the statutory procedure under section 8(5).	0
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**(h) Disabled street parking and disabled off-street parking orders**

(i)	The number of such orders the making of which the Council started the statutory procedure in accordance with the 2009 Act.	2
(ii)	The number of parking places designated as being for use only by a disabled person's vehicle under such an order.	95
(iii)	In relation to each such order, the period between the start of the statutory procedure and the making of the order.	1 year
(iv)	In respect of each case in which it started the statutory procedure but did not make the order the reasons why not.	Waiting for site work to be completed.

**(i) Duties under Section 9**

(i)	Designation of a temporary parking place where a request has been made under Section 5.	39
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