

The Highland Council
Community Services Committee
6 November 2014

Agenda Item	15
Report No	COM 41/14

Disabled Persons' Parking Places (Scotland) Act 2009 – Annual Report 2013/14

Report by Director of Community Services

Summary

This report invites Members to note the Council's Annual Report 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 Members 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 requires 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 Traffic Regulation Orders (TRO) is being carried out on a priority basis as set out below:
 1. On-street;
 2. Off-street for Council controlled Car Parks; and
 3. Private car parks with the permission of the owner / tenant.
- 2.2 On-street TROs for Caithness, Inverness, Lochaber, Ross-shire, and Skye and Lochalsh are operational. The bays included in these TROs have both the required road markings and signs in place.
- 2.3 In Sutherland and Easter Ross the consultation process for the On-street TRO was successfully completed and the TRO will be made when the site works are complete. (Subsequent to the report being submitted the site works have been completed and the TRO is now operational.)
- 2.4 In Nairn, Badenoch and Strathspey the draft on-street TRO has been completed and statutory consultees have been consulted. (Subsequent to the

report being submitted the public consultation process has been completed and the TRO will be made when the site works are complete.)

- 2.5 In Lochaber an amended on-street TRO was put in place in 2013 which includes new bays that have been installed since the original Lochaber TRO was made operational in 2012.
- 2.6 The work to identify disabled bays in all off-street car parks is on-going and will be progressed in due course.
- 2.7 A small number of private business owners have indicated that they would like the disabled bays in their private car parks to be included in a TRO. A draft TRO has not yet been completed for disabled bays in private car parks.
- 2.8 All of the on-street TROs that have been put in place are recorded 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 full implementation is dependent on funding being found from existing budget allocations.
- 3.2 The disabled parking bays are supported by Traffic Regulation Orders.
- 3.3 This work will support disabled drivers.
- 3.4 There are no climate change/carbon clever implications arising from this report.
- 3.5 There are no risk implications arising from this report.
- 3.6 There are no Gaelic or rural implications arising from this report.

Recommendation

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

Designation: Director of Community Services

Date: 24 October 2014

Author: Sarah Bryden / Hugh Logan

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

SCHEDULE -YEAR 2013-2014

This Schedule provides the detailed information specified in the Act

PART 1(1)

(a) Duties under Section 1

	<p>Details of action taken in fulfilment of duty under section 1</p>	<p>For the purposes of this exercise The Highland Council has been divided into 7 districts and the following action has been taken: On-street: Traffic Regulation Orders (TROs) are in place for five districts. In one district, the consultation process for draft TROs has been successfully completed and once site works are complete the TRO will be made operational. In the final district the consultation process for the draft TRO has been started and is ongoing. 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.</p>
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(b) Designated Parking Places

	<p>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)</p>	<p>80</p>
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(c) Duties under Section 4

(i)	Number of advisory disabled street parking places identified under section 4(1)	All on-street advisory disabled bays that were in place prior to the 2009 Act have been identified and accounted for in previous annual reports.
(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.	42

(d) Duties under Section 5

(i)	Number of requests received under section 5(1)	55
(ii)	Number of parking places identified under section 5(2)(b)	31

(iii)	Reasons for any decision under section 5(3)(a)	<ul style="list-style-type: none"> - On the grounds of road safety. - Alternative suitable parking is available. - Area of road not under Council ownership.
(iv)	Number of parking places for which the procedure under section 5(3)(b) was started.	8
(v)	Periods between identifying a parking place under section 5(2)(b) and starting the related procedure under section 5(3)(b)	11 months average

(e) Duties under Section 6

(i)	The number of advisory disabled off-street parking places identified under section 6(1)	13 disabled bays have been identified in off-street parking places provided by the Council. 0 disabled bays have been identified in privately owned off-street parking places.
(ii)	Reasons for any decision under section 6(2)(a)	The bays have not been assessed and no decisions have been 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)	0
(vi)	The reasons why it was unsuccessful in making any such arrangements	N/A
(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).	N/A

(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.	As duties identifying off-street bays are at an early stage, the identified bays have not been assessed and no decisions have been taken.
(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

(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 on-street orders
(ii)	The number of parking places designated as being for use only by a disabled person's vehicle under such an order.	- 8 bays included in an order where the statutory procedure was started and completed in this reporting period. - 72 bays included in 2 orders where the statutory procedure was started in a previous reporting period and completed in this reporting period.

(iii)	In relation to each such order, the period between the start of the statutory procedure and the making of the order.	<ul style="list-style-type: none"> - 10 months - 24 months - 24 months
(iv)	In respect of each case in which it started the statutory procedure but did not make the order the reasons why not.	The statutory procedure for 1 on-street order was not completed within this reporting period.

PART 1(2)

	A report prepared by a local authority under section 11(1)(a) may contain any other information about its performance of its functions in relation to parking places for disabled persons' vehicles during the reporting period that the authority considers appropriate.	
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