

ABERDEEN CITY COUNCIL

COMMITTEE: **Enterprise, Planning and Infrastructure**
DATE: **11 September 2012**
DIRECTOR: **Gordon McIntosh**
TITLE OF REPORT: **Permit Misuse Policy**
REPORT NUMBER: **EPI/12/151**

1. PURPOSE OF REPORT

To advise the Committee of the need to develop a formal policy for dealing with misuse of all parking permits within the city, such as residents' permits, business permits, contractors' permits and Blue Badges.

2. RECOMMENDATION(S)

1. That the committee notes that monitoring levels of misuse of Residents' permits and Blue Badge has commenced and will actively continue to the end of September to gather statistical data on the potential levels of abuse.
2. That the Committee instructs officers to report back to the November Committee on the levels of misuse and with draft policies, procedures, actions and any financial implications arising from resources to address the misuse of parking permits and Blue Badges.

3. FINANCIAL IMPLICATIONS

It is hoped that the cost of staff time to monitor and deal with permit misuse can be absorbed within current staffing levels. However, depending on the results of the monitoring period and the levels of misuse found, the creation of a specific enforcement team dealing with permit misuse may be required.

4. OTHER IMPLICATIONS

None

5. BACKGROUND / MAIN ISSUES

5.1 Background

There has been an increasing number of complaints from the public regarding perceived misuse of Residents' Parking Permits and officers are also aware of attempts to sell and purchase such permits.

As there is currently no formal policy for monitoring and dealing with misuse of Residents' or Business Parking Permits within the city, officers consider that a report to Committee is necessary in order to pursue the development of a permit misuse policy. With regard to misuse of Blue Badges issued for disabled parking, there are clear national guidelines on dealing with this type of abuse.

In order to fully understand the level of potential misuse, what impact it is having and what options are suited to address in the future, it is considered that the level of misuse should be investigated in more depth. Previous surveys have been carried out on the misuse of Business Permits, and this has been reported to the Controlled Parking Working Group. As stated above, officers are also aware of various forms of advertising from individuals seeking to purchase or sell Residents' Parking Permits, which are provided solely for the purpose of allowing residents to park near their property, within a Controlled Parking Zone. There have been complaints from residents regarding potential misuse of permits, but these complaints are not always evidenced when researched. However some observation would appear to confirm the validity of some of the complaints and indicate that there is a level of misuse, the scale of which is as yet unquantified.

As it stands the Council have no clearly published policy for dealing with this misuse, particularly in dealing with more serious forms of misuse where permits are being sold.

The misuse of permits can impact on residents by limiting the spaces available to them near their properties, and it can limit the amount of pay & display bays available. This can also have an adverse impact on nearby retail premises where customers may find it advantageous to park closer to the premises & a higher turnover of pay & display bays may therefore be desirable.

Enforcement of Blue Badges is laid out in the Blue Badge Scheme (Scotland) Code of Practice for Local Authorities. This details the legislation under which enforcement may be carried out and what action may be taken. It is intended to follow this Code of Practice for Blue Badge enforcement, as per the legislation. Some brief details of the enforcement are shown in Appendix A. The above Code of Practice is adhered to by all local authorities in Scotland and can be considered to be good practice.

5.2 Other Local Authority monitoring and enforcement

5.2.1 Other Councils were contacted regarding their monitoring and enforcement practices. The approach taken varies, with the City of Edinburgh Council at one end of the spectrum, having created a specific Enforcement Team, whereas most other councils have staffing levels sufficient for including monitoring and enforcement as part of the general duties of staff who are not dedicated solely to enforcement but

who also carry out mainstream Traffic and Transportation duties. In all approaches, the first level of enforcement is carried out by City Wardens on-street but the escalation of enforcement, including withdrawal of permits, varies thereafter.

5.2.2 In order to determine how future enforcement action may be carried out and what staffing levels may be appropriate, it is necessary to establish the level of permit misuse.

5.3 Three month monitoring period

5.3.1 A three month monitoring period is being undertaken for the purposes of establishing the level of Residents' Permit and Blue Badge misuse within the city. This monitoring period started in July and will continue to the end of September 2012.

5.3.2 Any potential misuse of a Residents' Permit e.g. if the driver is entering or exiting the car to go to/or from non-residential premises will be investigated. When observing a driver entering or exiting a car parked & displaying a Blue Badge, they will ask to inspect the badge.

5.3.3 Any obvious breaches in permitted use will be followed up with correspondence to the permit/blue badge holder to remind them of their responsibilities and the applicable use. In the case of Blue Badge where repeated abuse is recorded action will be pursued to withdraw the Blue Badge and if necessary legal action pursued with the relevant authorities.

5.3.4 The Disability Advisory Group (DAG) has been contacted to alert their members to the monitoring and possible requests to present the Blue Badge for inspection.

5.4 Conclusion

5.4.1 On conclusion of the three month monitoring period the results will be analysed, with a future report to be submitted to Committee detailing the results of the monitoring and outlining proposals for a draft enforcement policy for all types of permits..

6. IMPACT

Within the Community Plan, protecting and enhancing the built and natural environment is identified as a strategic priority, and underpinning the Community Plan is an aim to deliver Local & Regional Transport Strategy commitments by, among other means, using enforcement.

7. BACKGROUND PAPERS

Outstanding Business statement of Enterprise Planning and Infrastructure Committee meeting on 31 May 2012 and the allocation of

Business Permits to Offices Report submitted to the Controlled Parking Area Working Group meeting on 5 April 2012.

8. REPORT AUTHOR DETAILS

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Appendix A

Enforcement of Blue Badges

Note: Enforcement of Blue Badges is subject to a Code of Practice in accordance with The Chronically Sick and Disabled Persons' Act 1970 and The Disabled Persons (Badges for Motor Vehicles) Scotland Regulations 2000, both as subsequently amended.

- Some flexibility in using powers, in order to address local circumstances
- Where a family member or friend has been found using a Blue Badge when not entitled to do so, the Council will write to the Badge Holder reminding them of their duties and responsibilities in ensuring correct use of the Badge
- For the above misuse, letters will be sent out on two occasions and on the third occasion the Council will seek to prosecute under The Chronically Sick and Disabled Persons' Act 1970 and then withdraw the badge once a conviction has been secured, as per The Disabled Persons (Badges for Motor Vehicles) Scotland Regulations 2000
- Where a Badge is habitually misused by a family member or friend, under The Disabled Persons (Badges for Motor Vehicles) Scotland Regulations 2000 the Council will refuse to issue a new or replacement Badge, where it has reasonable grounds to believe that the applicant would permit another person to use it.
- Where a Badge has been found to have been copied, altered, faked or forged, the Council will seek to prosecute under the Road Traffic Regulation Act 1984

The above list is not exhaustive but gives brief details of the types of misuse and powers to prosecute listed in the Blue Badge Scheme (Scotland) - Code of Practice for Local Authorities. A full policy will be drafted and submitted to a later Committee, once the three month monitoring period has been completed and the results analysed.