

## Questions

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### Enforcement

**Question 1: Do you agree with the general aim of the Bill to provide for better enforcement?**

Yes

**(Please can you explain your answer?)**

The Bill will provide a means of delivering a proactive and effective deterrent to the misuse of Blue Badges that is presently beyond the scope of current legislation.

**Question 2: Do you think that police traffic wardens and local authority parking attendants should be allowed to confiscate a Blue Badge which they suspect is fraudulent or is being misused?**

Yes

**(Please can you explain your answer?)**

It currently requires cooperation from the Police to confiscate a Badge and is dependent on the police having the resources and willingness to do so. Confiscation of the Badge at the time when misuse is witnessed will streamline this process and be a more efficient use of resources.

**Question 3: Do you think local authorities should have the power to appoint persons (other than Parking Attendants in uniform) to examine and/or confiscate suspect Blue Badges as a result of their investigations?**

Yes.

**(Please can you explain your answer?)**

If other local authority officers **with the appropriate training and experience in parking and traffic management matters** were able to confiscate Badges upon witnessing misuse, this would help to increase the level of enforcement and keep spaces free for genuine Badge users. All officers, including those not in uniform, should have appropriate identification badges.

**Question 4: Do you think that local authorities should have the power to cancel Blue Badges that are lost or stolen?**

Yes, but it is considered that the current system already confers these powers on local authorities.

**(Please can you explain your answer?)**

Currently, Aberdeen City Council notifies Northgate if a Badge is lost or stolen, so that it may be cancelled on their system. However, ACC also provides a regular list of these to the City Wardens, so that they are aware which Badges are no longer valid. In practice, ACC cancels the Badge and enforces this.

**Question 5: Do you think that a new offence of displaying a cancelled badge should be created?**

No.

**(Please can you explain your answer?)**

Once a Badge is cancelled, it is no longer valid. As it is already an offence to display an invalid Badge, it is felt that this is adequately covered under the existing legislation.

## **Design Specifications**

**Question 6: Do you agree that the requirement to publish in regulations the detailed specification for the Blue Badge should be removed?**

No.

**(If necessary, please explain your answer?)**

It is felt that the consistency across different local authorities which was the aim of Blue Badge reform, should be maintained by the inclusion of the detailed specification in the legislation, and that only the Scottish Ministers should have the powers to amend that specification.

### **Appeals against eligibility decisions**

**Question 7: Is there a need for a statutory process of appeal for a Blue Badge?**

No.

**Question 8: If you consider that a statutory appeals process is necessary. What format should this take?**

The Blue Badge Code of Practice prepared by Transport Scotland already defines how appeals should be dealt with and appears to adequately address this matter. Given the limited time since the introduction of the new Blue Badge legislation, it would be premature to alter the current appeal arrangements.

### **Equality**

**Question 9: Does the proposed Bill have any substantial positive or negative implications for Equality Groups?**

Yes.

**(Please can you explain your answer?)**

The Council feels this is a positive step in highlighting the issues faced by those with mobility problems, who genuinely require parking spaces close to key locations, and in emphasising to able-bodied drivers that the misuse of these spaces is unacceptable.

**Resources**

**Question 10: What is your assessment of the likely financial implications (if any) of the proposed Bill?**

It is considered that the proposed Bill will increase pressure on local authorities with regard to Badge issue and enforcement.

**(Please can you explain your answer?)**

The statutory right of appeal may see a rise in baseless appeals, which would require extra staffing and funding to deal with these. Aberdeen City Council currently follows the advice in the Code of Practice and has put in place measures to deal with appeals against the refusal of a Badge.

Likewise, changes to the legislation, particularly regarding prosecution, may require a substantial increase in resources to deal with this. The Council feels that funding for this should be provided by central government.

**General**

**Question 11: Do you have any other comments or suggestions relevant to the proposals?**

The Council notes that the consultees felt that local authorities were unaware of the Duties and Responsibilities of the Badge

Holder. However, the Council feels that it does understand the Duties and Responsibilities of the Badge Holder, but that these are not fully understood by the Badge Holders themselves. The Council would put forward the following two examples in support of its view:

1. While relining parking bays to comply with the new DDPS Act, it was noted that many Badge Holders failed to display the Badge when parked in a disabled parking space outside their property. Subsequent discussions with the Badge Holders indicated that many were under the impression that the Badge need only be displayed when parked in town.

2. The Council receives frequent phone calls from Badge Holders querying where they are legally allowed to park. This information is contained in the Duties and Responsibilities of Badge Holders document, yet it appears that many Badge Holders are still unaware of this.

Responses should be submitted by **20 March 2013** and sent to:

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or email to:

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