

## ABERDEEN CITY COUNCIL

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COMMITTEE : Enterprise, Planning and Infrastructure Committee      DATE : 20<sup>th</sup> April 2010

CORPORATE DIRECTOR: Director of Corporate Governance and Director of Enterprise, Planning and Infrastructure

TITLE OF REPORT : Disabled Persons' Parking Places (Scotland) Act 2009 Implementation Update

REPORT NUMBER      EPI/10/113

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### 1. PURPOSE OF REPORT

To update Members on implementation of the Disabled Persons' Parking Places (Scotland) Act 2009, in particular tackling fraud or abuse in relation to the Blue Badge scheme, streamlining the application process and the enforcement of off-street Disabled Person's Parking Places.

### 2. RECOMMENDATION

That the Committee instructs the Director of Enterprise, Planning and Infrastructure to:

- a) Develop and consult on a policy and process with respect to detection and prosecution of fraud and abuse of the Blue Badge scheme and report back with views of stakeholders and the potential resource implications of this and the implementation of the new legislation.
- b) Advertise, via public notice, requests for private land owners to notify the Council that they wish to create statutory Disabled Persons' Parking Places within their establishments or off-street parking areas.
- c) Directly contact persons or entities suggested by representatives of Blue Badge holders, particularly the Disability Advisory Group, with regards to off-street parking spaces in relation to b).
- d) Note the progress to date on streamlining the application process and implementation of the increased charges for Blue Badges.
- e) Develop a policy with respect to the proportion of kerbside parking for the Disabled Persons' Parking Places, in consultation with the Disability Advisory Group, and to report back with a formal proposal.
- f) Report back after the recess with an update on the ongoing discussions with regards to the standardisation of the design of the places and implementation of a traffic order for on and off-street places.

### 3. FINANCIAL IMPLICATIONS

The 2010/11 budget of £40,000 is expected to allow for up to 30 spaces to be implemented, depending upon the final design of the space and whether or not a traffic order is required. This is not expected to meet demand for new spaces or to upgrade existing spaces so further estimates of expenditure will be developed as we have a greater understanding of systems, road marking requirements and likely take up.

### 4. SERVICE & COMMUNITY IMPACT

The implementation of the new Act is intended to benefit Blue Badge holders and the further steps suggested within this report are specifically aimed at identifying and tackling fraud and abuse of the scheme. The Single Outcome Agreement sets out a priority of tackling inequalities in society, the provision of the Blue Badge scheme and parking places provides an advantage to people with mobility difficulties with respect to access around the City.

### 5. OTHER IMPLICATIONS

Streamlining the application process for both the badge and parking space into one process will make better use of existing resources and reduce administrative costs of the scheme.

### 6. REPORT

#### 6.1 Background

The Enterprise, Planning and Infrastructure Committee on the 1<sup>st</sup> September 2009 considered a report entitled 'Disabled Persons' Parking Places (Scotland) Act 2009' that set out, broadly, the implications of the new Act. The Committee resolved:

(i) that the Council's obligations under the legislation be pursued as outlined in the report, with a further report back in October, 2009;

(ii) that a £15,000 saving previously allocated to on-street disabled parking for 2009/2010 (i.e. the proposed introduction of charges for providing advisory on street bays) be made not by introducing charges but by reducing the budget for making the provision, with the effect that, when funds had been used up for the current year, subsequent applicants would then have to wait until further finance became available; and

(iii) that Aberdeen City Council write to the Minister for Transport, Infrastructure and Climate Change at Holyrood, and also to COSLA, NESTRANS and SCOTS (the Society of Chief Officers for Transportation in Scotland), outlining its serious concern about this situation, calling for significant financial support to enable local authorities to deal with their new obligations, and exploring lines of enquiry that could ameliorate some of the worst difficulties now being confronted.

Recommendation (ii) has been implemented. This report updates the work to date and current position with respect to (i) and (iii).

## 6.2 Disabled Persons' Parking Places and Traffic Orders

One of the principal concerns about the legislation that was highlighted in the previous report related to the requirement for Traffic Orders to be processed for a Disabled Persons' Parking Place – this has significant cost and resource implications for the Council.

Through SCOTS (the Society of Chief Officers for Transportation in Scotland), local authorities are working with the Scottish Government and the Department for Transport with respect to a solution that would not involve a traffic order or the lengthy consultation process, similar to Bus Stop Clearways.

At the time of writing the previous report in September 2009, there was an expectation that the matter would have been resolved swiftly. However the Department for Transport have advised SCOTS that the issue of an updated Traffic Signs Regulations and General Directions (the road signs and lines statutory instrument) has been delayed.

A future report will be submitted when the matter is resolved. Until this time any new spaces will be implemented through the specified traffic order process.

The physical design on the new spaces is expected to comprise a yellow box with the word 'Disabled' and a wheelchair logo.

## 6.3 Fraud / Abuse of the Blue Badge Scheme and Disabled Persons' Parking Places

The implementation of this new legislation provides an opportunity to develop the Council's policy with regards to detection and prosecution of fraud and abuse.

The new legislation may actually make abuse and fraud more attractive as spaces that were previously personalised will be open to anyone who displays a badge.

There are currently around 10-20 registered complaints per year with respect to Blue Badge fraud or abuse and 70 names on an abuse register. Complaints usually result in a letter being sent to the badge holder where it has been used outwith the rules or officers may refer a complaint to the Department for Work and Pensions with respect to their eligibility for Disabled Persons' Living Allowance. In an extreme case we would ask that the holder undertake an independent medical assessment. Where someone is proven to not be eligible, the badge is removed.

Other local authorities' experiences would support the claim that without significant pro-active steps to detect and prosecute fraudulent use and abuse of the spaces and badges the true extent will never be fully understood.

Training is provided to the Council's City Wardens in this respect, however they have a wide range of responsibilities and are limited in the capacity of their resources to undertake significant levels of enforcement. It is therefore difficult for them to systematically detect any fraud or abuse.

Research of other authorities' policies and practices have identified how different scales of abuse and fraud can be managed. However there is a significant difference in the scale of resources deployed.

It would be fair to assume that whilst the Council is aware of abuse it has not been tackled in such a high profile manner as has been done in other areas. As such there is not a substantial evidence base on the level of fraud or abuse within the City and therefore the resources that would be required to effectively tackle it.

Many Local Authorities in the UK provide significant financial and staffing resources to the detection and prosecution of Blue Badge fraud and abuse. It is proposed to develop a suitable policy, recognising the new legislation, in conjunction with key stakeholders (Police, Procurator Fiscals Office, representatives of Blue Badge holders) who would be integral in effectively tackling fraud or abuse with a view to adapting it to be implemented in the City. A further report will be submitted on the proposed policy and what it would mean in terms of resourcing.

### 6.3 Off Street Disabled Persons' Parking Places

A requirement of the Act is to have started procedures for traffic orders for off-street spaces, such as those in supermarkets, doctors surgeries, offices etc, by October 2010.

Given the obvious resource challenges with regards to identifying and then contacting all landowners of such spaces, it is proposed to advertise, via public notice, asking interested land owners to contact the Council with respect to the formalisation of their blue badge parking spaces.

It is further proposed to liaise with representatives of Blue Badge holders, particularly the Disability Advisory Group, to identify any establishments or particular locations where they feel the Council should contact the relevant person or entity directly with a view to making them aware of the opportunity for the blue badge spaces to be made enforceable.

Internal discussions with regards to Council owned off-street places such as those in parks, housing, and recreation centres etc, (which spaces are currently marked but not enforceable) are ongoing on a case by case basis. As agreement is reached, such places will form part of a future list for a draft traffic order.

### 6.5 Application Process & Charges for Blue Badges and administrative matters

In order to reduce administration costs and to streamline the process for applicants, the application forms for the badge and space have been combined and a single database is being adapted.

This will reduce administrative costs and give the applicant one point of contact within the Council, where there are currently two separate processes.

Once a decision has been made upon the final design of the spaces, new or renewal applications which are approved for both a badge and space will be implemented where financial resources allow.

Existing places that are of the currently personalised type will be updated upon renewal (currently every 3 years).

Surveys have shown a significant number of current on-street spaces are occupied regularly by vehicles not displaying a Blue Badge. As the new spaces are introduced this will be addressed.

Where the National Fraud Initiative has identified badge holders that are deceased where badges have not been returned, letters are to be sent out to ascertain that the badge has been destroyed or if not returned to the Council. This will be a one-off exercise for badges approved pre 2009.

Since 2009, information sharing within the Council has allowed officers to quickly identify deceased badge holders and to then contact the estate with a view to having the badge returned or confirmation that it has been destroyed. This tightening of the procedure will be rolled out more fully during 2010 as part of the renewal of badges and spaces.

#### 6.6 Developing a Policy on the Proportion of Kerbside Space to Blue Badge Parking

Officers expect that with the implementation of the legislation there will be pockets of streets where the potential demand from blue badge holders will affect the availability of parking for other residents. This is further complicated by the need to consider whether a blue badge holder with a driveway or indeed a person who has no car should be eligible.

There needs to be some further work done on these and other issues to develop a robust policy which has been through an Equalities and Human Rights Impact assessment in order that the Council can be satisfied that it has considered all aspects and a measured way forward.

It would be intended that representatives of DAG would be offered the opportunity to participate in such a review and this would be reported along with other outstanding issues raised earlier in this report after the summer recess.

As any policy will influence the content of any traffic orders to introduce the spaces a full list of proposed new places will be brought back to members after the recess and in time to meet the deadlines set within the 2009 Act.

#### 7. REPORT AUTHOR DETAILS

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