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**REPORT TO: ECONOMIC DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE ON 15 JUNE 2010**

**SUBJECT: UPDATE ON DISABLED PERSONS PARKING PLACES**

**BY: DIRECTOR OF ENVIRONMENTAL SERVICES**

**1. REASON FOR REPORT**

- 1.1 This report is to advise the Committee of the financial impact of the Disabled Persons Parking Places (Scotland) Act 2009 for the Moray Council.
- 1.2 This report is submitted to Committee in terms of the requirements of the Council as Roads Authority to comply with the new legislation. The financial requirements to existing facilities and the on-going costs of meeting our duties.

**2. RECOMMENDATIONS**

- 2.1 It is recommended that the Committee authorise the up-grade of the existing 269 disabled person's parking places to meet the new legislation.
- 2.2 The Committee is asked to instruct the Transportation Manager to meet the duties of a local authority to provide disabled person's parking places.
- 2.3 It is recommended that the Committee instruct the Transportation Manager to prepare, publish and submit annual reports on "on-street" and "off-street" disabled persons parking places, to the Scottish Ministers as required by the legislation.

**3. BACKGROUND**

- 3.1 The Disabled Persons Parking Places (Scotland) Act 2009, came into force on 1 October 2009.
- 3.2 Reference is made to the report to this Committee on "Disabled Parking Legislation" on 26 May 2009 (Para 9 of the minute refers).
- 3.3 Duties imposed by the Act that The Moray Council have carried out to date:
- 3.3.1 The Local Authority has identified every advisory "on-street" parking space in our area that is designated or provided for use only by disabled persons vehicles.

- 3.3.2 There are currently 269 disabled on-street parking bays in residential areas in Moray. Of these, 52 are no longer required resulting in road markings and/or sign plates to be removed at a cost of £7800.
- 3.3.3 A further 102 parking bays do not meet the requirements of the Traffic Signs Regulations and General Directions 2002 with respect to the road markings, and it will cost £15 - £20,000 to bring them up to standard.
- 3.3.4 In order to reduce the likely costs of complying with the above, the Scottish Government has advised Roads Authorities that they may seek approval from them to retain the current non compliant markings without alteration. A request has been submitted to the Scottish Government, and if this is successful the cost of providing only amended signs will reduce the costs significantly to £8100.
- 3.4 Duties imposed by the Act that require further more detailed investigation.
- A local authority must identify every advisory street parking place in its area. An eligible parking place is one provided by the authority itself or under arrangements that the authority has made.
  - Enforcement of all off-street Traffic Regulation Orders would be the responsibility of the local authority.
  - For every existing off-street advisory parking place not provided by the authority, the authority must seek to make arrangements for the provision of the parking place with a view to making an order for it. This includes all retail premises which currently provide car parking for disabled customers and employers car parks where spaces may be provided for employers and visitors.
  - The local authority must prepare and publish an annual report on its performance of its functions in relation to parking places for disabled persons vehicles and submit a copy to the Scottish Ministers.
  - For every existing eligible disabled street parking place, the local authority must make an order under the Road Traffic Regulations Act 1984.
  - The local authority must remove or amend existing disabled parking bays.
- 3.5 There are approximately 60 to 70 applications for disabled parking bays granted each year.
- 3.5.1 The cost of processing applications, placing road markings and signs is estimated at £16000 of which £8500 would be construction costs.
- 3.5.2 It is proposed that these be collected, assessed and a Traffic Regulation Order promoted twice a year to cover the new disabled persons parking places and the removal of any no longer required. This is estimated to cost £2500 per year and is included in the figure in 3.5.1 above.

- 3.6 No additional funding has been made available by the Scottish government to reimburse local authorities for any costs in carrying out the new duties under the legislation. If this work is to be carried out the suitable revenue funds will have to be found from existing Direct Services budgets.

#### 4. SUMMARY OF IMPLICATIONS

(a) **Single Outcome Agreement/Service Improvement Plan**

This report encompasses the main aims of the Economic Development programme by ensuring sufficient and appropriate parking places for disabled persons.

(b) **Policy and Legal**

This report is in response to an Act of the Scottish Parliament that came into force on 1 October 2009 and which places specific duties upon all local authorities in Scotland.

(c) **Resources (Financial, Risks, Staffing and Property)**

Funding will be met from existing revenue budgets.

This will be a once-only cost of around £16000 (rising to £28000 if the Scottish Government approval is not given as in 3.3.4) with recurring costs of around £16000 annually.

The legislation does not include any penalties which can be imposed on the Roads Authority for failure to discharge this duty, but performance of all Roads Authorities will be published and reported to the Scottish Parliament annually.

(d) **Consultations**

Scott Mann, Traffic Inspector of Grampian Police has been consulted on this report and is in agreement.

Lorraine Paisey, Principal Accountant has been consulted on this report and comments have been incorporated.

Alasdair McEachan, Principal Solicitor (Commercial and Conveyancing) has been consulted and is in agreement.

#### 5. CONCLUSION

- 5.1 The Disabled Persons Parking Places (Scotland) Act 2009 came into force on 1 October 2009 and imposes duties on each local authority in Scotland. These duties and financial implications of complying with the legislation are outlined above.

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Background Papers:

Ref: ARD/CAS