

WEST LOTHIAN COUNCIL

**DISABLED PERSONS' PARKING PLACES (SCOTLAND)
ACT 2009**

**RESIDENTIAL ON-STREET PARKING PLACES
IMPLEMENTATION POLICY**

INTRODUCTION

This policy statement sets out how West Lothian Council will implement the ongoing requirements of section 5 of the Disabled Persons' Parking Places (Scotland) Act 2009 (DPPP Act). In particular, it explains how we will deal with certain issues which are not specifically covered by the Act. The policy has been developed in conjunction with local groups representing disabled people and supersedes all previous policies on the provision of Disabled Persons' Parking Places.

RESIDENTIAL DISABLED PERSONS' PARKING PLACES

The DPPP Act permits any individual who holds a disabled persons' badge (blue badge) and who has a suitable vehicle registered at their address (a qualifying person) to apply to the council for a disabled persons' street parking place from which there is convenient access to their address. A request may also be made through another person acting on behalf of a qualifying person.

The council must then decide whether it has the power under the Road Traffic Regulation Act 1984 (RTRA) to provide such a parking place. If it decides that it has the power, the council must then start the statutory process to make a traffic regulation order (TRO) to implement the parking place. In these circumstances, the council can mark an advisory parking place on the street whilst it undertakes the TRO process. In no other circumstances can the council mark an advisory disabled persons' parking place either on-street or off-street.

It should be noted that if the council proceeds with designating a disabled persons' parking place, that parking place is for the use of **any blue badge holder** and is not for the exclusive use of the original applicant.

In deciding whether the council has the power to provide a disabled persons' parking place, Section 45(3) of the RTRA requires that it must consider both the interests of traffic and those of owners and occupiers of adjoining properties and in particular:

- The need for maintaining the free movement of traffic

- The need for maintaining reasonable access to premises; and
- The extent to which parking accommodation (whether open or covered) otherwise than on highways is available in the neighbourhood

Section 122 of the RTRA also places a duty on the council to exercise its powers to secure the “expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.”

This means that there will be circumstances when the council must refuse an application for a disabled persons’ parking place because the requested location would not meet the requirements of the RTRA.

The main issues in considering whether to designate a residential disabled persons’ parking place are discussed below.

Requests from non-qualifying persons

The council will only consider applications for residential disabled persons’ parking places from qualifying persons as defined in the DPPP Act. This ensures that the limited resources available are prioritised to those blue badge holders covered by the DPPP Act.

Type of vehicle

The DPPP Act requires that a qualifying person has a “suitable vehicle for the carriage of the individual” registered at their address. The DPPP Act does not give any definition of what a suitable vehicle might include.

The council considers that road registered mobility scooters (ie Class 3 invalid carriages), which can legally be driven on footways do not require on-street parking spaces and therefore are not suitable vehicles for the purposes of the DPPP Act.

Similarly, two-wheeled motor vehicles can generally be parked in much smaller spaces and therefore, will not normally be eligible for disabled persons’ parking places.

Requests for parking places within turning areas

In many culs-de-sac, there are areas at the end of the road which provide the facility for larger vehicles to turn. As parking pressures have increased, these areas often become informal parking areas and in some cases, advisory disabled persons' parking places have been provided in the past. However, in terms of the RTRA, the council has no power to designate a disabled persons' parking place in such a turning area as it would interfere with the free movement of traffic and could affect access to premises by larger vehicles.

Therefore, the policy is not to designate parking places in such turning areas.

Requests from qualifying persons who have off-street parking at their address

Since it started providing disabled persons' parking places in residential areas, the council has refused applications from badge holders who have off-street parking. This is on the basis that off-street parking is usually much more convenient to the address of the badge holder and it avoids removing a free parking space on the road. However, in some situations, the badge holder is unable to use their off street parking for example because the vehicle is too large or there are steps from the area to the house.

Therefore, the policy is that the council will not designate a disabled persons' parking place where the applicant has ***suitable***¹ off-street parking available at their address.

Parking place signs and markings

The size of the parking place markings is prescribed by the Traffic Signs Regulations and General Directions 2016. However, as the minimum size of the prescribed marking is difficult to achieve in many of our residential streets, the council has

¹ Suitability of off-street parking will be assessed on a case by case basis.

obtained a special authorisation from Scottish Ministers to provide smaller parking places where necessary.

However, as the parking places are for the use of any blue badge holder, the council will aim to maximise the size of every disabled persons' parking place, within the constraints of the specific location and considering the impact on adjoining parking spaces.

Previously there was a requirement for signage to be erected to accompany the road markings to make a bay enforceable. This is no longer the case and signage will no longer be provided on the basis that the road marking in isolation is considered appropriate to inform motorists of the restriction in place. Any existing signage at disabled parking places will be retained until such a time as the bay is no longer required.

Requests for disabled persons' parking places on non-adopted land

In some areas, particularly within Livingston, the council receives requests to provide disabled persons' parking places in parking areas which are not part of the adopted road network. These parking areas are not considered to be on-street parking and therefore, the council has no powers to designate a street parking place. We will, wherever possible, offer an alternative location for a parking place which is deemed to be on-street but often this is not convenient for the applicant.

In these circumstances, the applicant will have to approach the landowner and ask that an advisory off-street disabled persons' parking place is provided. The landowner can then, if desired, enter into an agreement with the council to have an off-street parking places order made to cover the advisory bay. However, the council cannot designate nor mark the advisory bay as the DPPP Act expressly prohibits doing so.

Provision of dropped kerbs associated with residential disabled persons' parking places

The council will not normally provide new dropped kerbs in association with a new residential disabled persons' parking place. This is because the cost of doing so would quickly deplete the very limited budget and this would place a limit on the number of parking places we could provide in a given year.

However, if the applicant makes the council aware that they have a special requirement for a dropped kerb (for example if they are a wheelchair user and there is no alternative convenient dropped kerb provision), we will give due consideration to the provision of a new dropped kerb.

Review of parking places

The DPPP Act requires that the council keeps the provision of disabled persons' parking places under review.

When we are informed of ad-hoc changes to applicants requirements (for example if the applicant moves away or dies), we will investigate and give consideration to removing the parking place. However, as part of this, we will assess whether the parking place could be convenient for another qualifying blue badge holder and if this is the case, we may retain the parking place.

We will carry out a full audit and review of on-street disabled persons' parking places every two years. We will do this by writing to the original applicants and asking if they still require the originally requested parking place.

Application process

Applicants must complete the required form and submit a copy of their blue badge and the V5 vehicle registration document for the vehicle registered at their address. Where the vehicle is registered through the Motability scheme, the applicant can obtain a copy of the V5 registration document direct from Motability. Once copies of

an applicant's documents have been checked they will not be retained physically or electronically by the council.

An illustration of the application process is shown in Appendix A.

Appeals Process

Where a qualifying person is unhappy with any decision made by officers in relation to the provision of a disabled persons' on-street parking place, they may apply to the Head of Operational Services to have the case reviewed within 3 months of receiving the letter of refusal. In doing so, the qualifying person must state the grounds for the appeal. The Head of Operational Services will then consider the appeal and inform the applicant within 21 days of the outcome. Should the applicant remain dissatisfied, the council's complaints procedure will apply.

Data Protection

The council will collect and hold personal information of persons who apply for disabled persons' parking places for as long as is necessary to maintain any parking place provided at their request. In the case of applications from non-qualifying persons or unsuccessful qualifying persons, we will hold the information for no more than 9 months following receipt of the application. This is to allow sufficient time to accommodate the decision process and any potential appeals that may arise. The information will be collected and held for the purpose of administering the disabled persons' parking places scheme but may be shared with other agencies to assist in the prevention of fraud. Applicants will be informed of this and asked to sign a declaration to confirm that they agree to this use of their information.

We will write to those qualifying persons at least every two years as part of the review process and we may also contact applicants to undertake customer satisfaction surveys.

Policy Review

We will review this policy at least every three years or more frequently if required.

Contact Details

This policy is developed and implemented by Transportation Service within Operational Services. All enquiries should be addressed to:

Road Safety and Traffic Management

WHSC, North Site

4 Inchmuir Road

Whitehill Industrial Estate

Bathgate

West Lothian EH48 2HA

Tel: 01506 280000

e-mail: customer.service@westlothian.gov.uk

APPENDIX A - APPLICATION PROCESS DIAGRAM

