

REPORT TO: CITY DEVELOPMENT COMMITTEE - 27 SEPTEMBER 2010
REPORT ON: DISABLED PERSONS' PARKING PLACES (SCOTLAND) ACT 2009
REPORT BY: DIRECTOR OF CITY DEVELOPMENT
REPORT NO: 443-2010

1 PURPOSE OF REPORT

- 1.1 Following Report 443-2009 which outlined the procedures and timescales involved in making the existing advisory disabled spaces enforceable in order to satisfy the requirements of the above Act this report gives more detailed information on the number of spaces involved and the necessary consultation exercise.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee approve the preparation of two Traffic Regulation Orders to enable enforcement of all on-street disabled parking spaces and those off-street disabled parking spaces where the owners of the relevant car parks agree to such measures.

3 FINANCIAL IMPLICATIONS

- 3.1 Currently, the budget for provision of disabled spaces is £8,000 per annum. This was based on an estimated number of spaces provided by the Social Work Department when the responsibility for their provision was transferred to the City Development Department in 2007. This has proved to be significantly underfunded for the demand and has resulted in both a backlog of applications being dealt with and the non-removal of redundant spaces.
- 3.2 The cost of satisfying the requirements of the Act can be broken down as follows:
- a lining works and the supply and erection of poles and signs to make the spaces enforceable will require additional capital expenditure of £100,000 funded by CFCR from the Car Park Trading Account. An annual maintenance cost of £25,000 will be required to keep the signs and lines to an enforceable standard; this will be funded from the parking team's revenue budget;
 - b the annual budget for the provision of new spaces should be increased from £8,000 to £12,000 per annum to satisfy the demand; and
 - c the scale of the scheme will require additional enforcement costs of £40,230 per annum to pay for two additional parking attendants and £5,000 per annum for the supply and maintenance of an electric/sustainable vehicle car. These additional costs will be offset with increased parking enforcement income.

4 BACKGROUND

- 4.1 In 2007 the City Development Department inherited responsibility for the provision and maintenance of disabled spaces throughout the city. Owing to inaccurate records this was estimated to be 530 spaces; in actuality, the figures have been found to be 855 spaces that have been marked and a further 285 where they have been allocated and may only have signs attached to fences but have remained

unmarked. A recent works order has been placed to provide 60 new spaces. This equates to 875 disabled parking spaces allocated across the City of Dundee.

- 4.2 To be enforceable all spaces must conform to The Traffic Signs Regulations and General Directions 2002 which specify the size and type of marking and the provision of signing at every space. Many markings do not conform to the regulations. Faults such as the size of the space being inadequate, no "Disabled" legend and solid lines instead of intermittent lines will have to be rectified. This could in many instances require the existing markings to be burnt off and remarked.
- 4.3 Another requirement of the Act is that any off-street disabled space within Council operated car parks should also be included in the Order. As well as car parks operated by the Council the Act obliges the Council to approach every owner of a private car park to offer to enter into an arrangement under s33(4) of the Road Traffic Regulation Act 1984 that would allow the Council to make a disabled off street parking order to enforce any disabled parking space within. No information is held as to which businesses etc have private car parks and, if so, whether or not they have disabled spaces.
- 4.4 Although the Council is obliged to offer to enforce these private spaces the owner is under no obligation to accept. It should also be noted that whether or not the offer is accepted, the exercise has to be repeated every 2 years.
- 4.5 Making an assumption that any business which operates with less than 10 employees is either unlikely to have a car park or if they do even less likely to have disabled spaces there are 700 businesses and 425 licensed premises which will have to be consulted to make the offer of enforcement. Other organisations to be consulted are Housing Associations, Medical Centres, Retail and Leisure Parks, Shopping Centres, Care Homes, Banks, Universities, Railway Stations and Sports and Leisure Centres, other Council Departments etc. As a safety net, Dundee City Council will place an advertisement in the local press giving any who may be missed the opportunity to request enforcement.
- 4.6 It is proposed to create two traffic orders in support of this legislation; one for on and one for off street disabled parking provision. Details of locations of the on street disabled parking spaces can be found in the Traffic Orders Section of the following web page <http://www.dundee.gov.uk/citydevelopment/transportationdiv/>

5 POLICY IMPLICATIONS

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. The major issues identified are:
 - a Sustainability – there are no implications in relation to this report;
 - b Strategic Environmental Assessment – there are no implications in relation to this report;
 - c Anti-poverty – there are no implications in relation to this report;
 - d Equality Impact Assessment – enforcement of Disabled Parking Spaces will improve parking opportunities for the disabled. An Equality Impact Assessment

has been carried out and will be made available on the Council website <http://www.dundee.gov.uk/citydevelopment/eqiacitydev>; and

e Risk Management – there are no implications in relation to this report.

6 CONSULTATIONS

6.1 The Chief Executive, Depute Chief Executive (Support Services), Director of Finance, Assistant Chief Executive and the Legal Services Manager have been consulted and are in agreement with the contents of this report.

7 BACKGROUND PAPERS

7.1 Report No 721-2005 - Assistance with Parking – Disabled Persons: Reported to Social Work Committee – 19 December 2005 and Planning and Transportation Committee – 9 January 2006.

7.2 Report No 443-2009 - Disabled Persons' Parking Places (Scotland) Act 2009: Reported to City Development Committee – 28 December 2009.

7.3 Disables Persons Parking EQIA

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15 September 2010

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