



COUNCIL EXECUTIVE

OBJECTIONS TO DISABLED PERSONS' PARKING PLACES ORDER (PTO 18/05)

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

The purpose of this report is for the Council Executive to consider two objections which have been received in respect of a proposed new parking bay, identified for qualifying persons, in line with the Disabled Persons' Parking Places (Scotland) Act 2009.

B. RECOMMENDATION

It is recommended that the Council Executive does not uphold the objections submitted during the statutory objection period to the making of the traffic regulation order to provide disabled persons' parking bay in Grieg Crescent, Armadale

C. SUMMARY OF IMPLICATIONS

I	Council Values	Focusing on our customers' needs; and Being honest, open and accountable;
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Policy: None. Legal: The promotion of a legal Traffic Regulation Order under the Roads (Scotland) Act 1984.
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	None
VI	Resources - (Financial, Staffing and Property)	Financial: Funded through the Roads Capital budget. Staffing: None. Property: None.

VII Consideration at PDSP	Not required.
VIII Other consultations	Police Scotland has been consulted and has made no adverse comments. Disability West Lothian has been consulted and made no comments.

D. TERMS OF REPORT

D1 Background

In line with the decisions made at Council Executive on 24 April 2012 and 13 November 2012, the power to start the statutory legal process in relation to residential disabled parking bays has been delegated to the Head of Operational Services.

Approval was given by the Head of Operational Services on the 15 May 2018 to commence the statutory process for enforcement of the Traffic Regulation Order for a disabled bay in Greig Crescent in Armadale. The bay was included in an Order (ref: PTO 18/05) along with numerous other new bays and amendments and was advertised in October 2018. Two objections were received, both in relation to the proposed bay in Greig Crescent.

D2 Details of the objections received and officers responses

Copies of the objections are provided in Appendices 1 and 2.

Both objections state that the bay is not required because the applicant does not have a vehicle at the address.

Officer's response

Under the Disabled Parking Places (Scotland) Act 2009 the council is required to provide bays, where it has the power to do so, when a request is made by a qualifying person (as defined within the Act). The requirements are that the applicant has a valid blue badge, and that there is a vehicle registered to the same address as the applicant.

In this case, officers have seen the blue badge and the vehicle registration document which matches with the address of the blue badge holder and therefore, in terms of the Act, the applicant is a qualifying person. There is no other evidence, other than that contained within the objections, that the applicant is not a qualifying person.

Therefore, it is the officer's opinion that the council has a duty to provide the bay.

The most appropriate position for the disabled bay to be installed on the public road network, which has been accepted by the applicant, is shown in Appendix 3.

It should also be noted that any person with an appropriate blue badge and vehicle can use this bay, it is not for the sole use of the applicant.

If it is considered or alleged by members of the public that the misuse of a blue badge or a legal bay is occurring, then this can be reported to Police Scotland accordingly. The Police will be able to take the appropriate enforcement action against offending motorists if the bay is made legally enforceable by the conclusion of the statutory Traffic Regulation Order process.

D3 CONSULTATION

Police Scotland was consulted and officers are happy to support the recommendation. Officers noted that there is ample on-street parking for other vehicles.

Disability West Lothian was consulted and made no comments.

Local ward members were consulted and provided comments as follows:

- Councillor Borrowman commented that he had no grounds to question the assessment of officers.
- Councillors A Macguire and S King made no comments.

D4 SUMMARY

It is considered that these two objections should not prevent this bay being made legally enforceable by the promotion of the Traffic Regulation Order. Once this order has been made, Police Scotland can provide the necessary level of enforcement to ensure that this bay is not abused or being misused by members of the public.

E. CONCLUSION

It is recommended that the objections to the parking bay in Greig Crescent, Armadale are not upheld and the Traffic Regulation Order is made for the bay in question.

F. BACKGROUND REFERENCES

None.

Appendices/Attachments:

Appendix 1 – Objection 1 details

Appendix 2 – Objection 2 details

Appendix 3 – Proposed agreed location drawing for the disabled persons parking bay

Contact Person: Kevin Hamilton, Roads Network Manager tel: 01506 282341, e-mail: kevin.hamilton@westlothian.gov.uk

Jim Jack, Head of Operational Services, Whitehill House, Whitestone Place, Bathgate, West Lothian

Date: 15 January 2018

APPENDIX 1

From: [REDACTED]
Sent: 21 March 2018 18:32
To: Noble, Graeme
Subject: Re: Enquiry 6737561 - Disabled parking place at Greig Crescent, Armadale -
[OFFICIAL]

Thank you for your e-mail.

I would like to confirm that I object to a disabled parking space in Greig Crescent, Armadale. My reason for this is that the person requesting the disabled bay does not keep a vehicle at their home address over night or even on a daily basis as the vehicle in question only appears once a week to pick up the applicant and then drop off again, so essentially creating a parking bay, which is in my opinion not necessary and is going to make parking even more difficult for the residents of Greig Crescent if there is a space taken up by a bay which would not be used.

Please notify me of a formal consultation so I may formally object to this.

Many thanks
[REDACTED]

From: Noble, Graeme
Sent: 21 March 2018 09:31
To: [REDACTED]
Subject: Enquiry 6737561 - Disabled parking place at Greig Crescent, Armadale -
[OFFICIAL]
DATA LABEL: OFFICIAL

Dear [REDACTED]

Thank you for your enquiry to West Lothian Council regarding a proposed disabled parking bay in Greig Crescent, Armadale.

Under the Disabled Parking Places (Scotland) Act 2009 the council are required to provide bays, where it has the power to do so, when a request is made by a qualifying person (as defined within the Act). The request that we received from a resident at Greig Crescent included the appropriate documentation to support that they are a qualifying person and on this basis we are required by the Act to provide a disabled parking place. As included within your enquiry if it is considered that the misuse of a blue badge is occurring then this should be reported to Police Scotland accordingly. The bay is marked in an advisory capacity in the first instance in line with Section (9) of the Act.

If you can confirm that you wish to object to the bay being made legally enforceable then I will retain your details within our records to ensure that you are notified of the consultation period at which point a formal objection can be made in writing to the Chief Solicitor.

I hope that this is of assistance with regards to your enquiry.

Best Regards,
Graeme Noble

APPENDIX 2

For the attention of The Chief Solicitor

I would like to raise a formal objection the proposed disabled parking bay at ■ Greig Crescent, Armadale.

I visit family regularly who live in this street as I look after my grand children. I wonder if you have visited Greg Crescent. The parking situation is already restricted due to this being a pre war street so extremely narrow so you cannot park both sides of the street, to do so would leave no space for other drivers or emergency services to get through.

I do appreciate the need for disabled parking bays for those people in genuine need whereas I do not believe this to be the case for ■ Greig Crescent. I believe the parking bay in question is being requested as a deliberate attempt to stop residents and/or their families being able to get parked.

Since the Council marked what I understand to be a temporary bay I have never once saw the supposed mobility vehicle in fact this bay lies vacant 24/7. Furthermore the space is so big you could park a bus in it so in effect if this proposal goes ahead there will be 2 less parking spaces which is absolutely disgraceful.

Not once has the applicants alleged motor vehicle been parked in the space so this much needed space has lain empty/unused for almost 6 months- surely this is not a valid reason for the Council to grant such a request.

The mobility car in question I understand is used by another family member and parked 365 days a year in another town altogether!

Under the circumstances given that non disabled should have the same rights and be permitted to park their vehicle at their home address too. Given my objections I urge you to reassess this application.

Yours faithfully

■

Armadale

APPENDIX 3

