Response to the Department for Transport on the:  
Consultation on local authority parking

Introduction

Disabled Motoring UK (DMUK) welcomes the opportunity to comment on the Consultation on local authority parking. This document is our formal response to that consultation. We would be pleased to expand our comments if required and are happy for them to be made public. The consultation requests responses to specific questions and we enclose our responses to those questions. This document provides additional background information on DMUK.

Background

DMUK is a national charity that works to improve access and mobility for all disabled drivers, passengers, Blue Badge holders, scooter and wheelchair users. We currently serve around 11,000 members and we work with businesses and government to improve the transport issues faced by people with disabilities.

DMUK was formed at the end of 2005 by the merger of the Disabled Drivers’ Motor Club (DDMC) and the Disabled Drivers’ Association (DDA). The Disabled Drivers’ Motor Club (DDMC) was founded in 1922, the world’s first motoring organisation for disabled people. The Disabled Drivers' Association was established in 1948 as the Invalid Tricycle Association, changing its name later to reflect changes in the vehicles members used.

Disabled Motoring UK publishes a monthly magazine that goes out to all of its members and is also distributed through various other voluntary organisations and healthcare providers. The magazine aims to empower its disabled readers and foster a sense of community as well as keeping people informed. We run regular features on road safety and updated legislation as well as more light-hearted features from our members on accessible holidays, disability sport and reviews of adapted vehicles.

For further information, please contact:
Consultation Questions

Q1. Do you consider local authority parking enforcement is being applied fairly and reasonably in your area?

DMUK is a national charity and so we represent people from all over the UK. Therefore we hear many different views on whether people think parking enforcement is being applied fairly. However, in general our members would welcome visible Blue Badge parking enforcement and parking on the pavement being better controlled as these two issues can seriously affect the mobility of disabled people.

The public are not often aware of how much Blue Badge enforcement, if any, is actually carried out in their area as results or prosecutions are rarely published. In addition the statistical document on Blue Badge enforcement published by the Department for Transport (DfT) is often incomplete as a significant number of authorities choose not to submit their figures and it seems there is no obligation for them to do so.

DMUK would like to an obligation on Local Authorities to provide DfT with their Blue Badge enforcement data and to publish the results on their own website. This would give the public a much better opportunity to find out what was happening in their area and to take it up with their MP if nothing was being done.

Q2. The Government intends to abolish the use of CCTV cameras for parking enforcement. Do you have any views or comments on this proposal?

Illegal parking often goes unnoticed due to councils reducing staff and there being insufficient enforcement officers. Considering that the majority of our members would prefer to see more enforcement of Blue Badge bays we believe that CCTV could be of assistance in preventing abuse. In addition CCTV footage could be used in evidence where Blue Badge abuse is suspected.

CCTV is also a vital tool to help improve road safety and especially for enforcement outside schools, bus stops and other locations where there are road hazards. Control room staff would have illegal parking in danger areas on camera and so there should be sufficient evidence for a prosecution. This should aid a reduction in illegal parking which has the knock on effect of reducing traffic congestion and accidents.

Q3. Do you think the traffic adjudicators should have wider powers to allow appeals?

From our experience of helping members with their parking appeals, parking and traffic adjudicators already have wide ranging powers. We believe they can and do refer cases back to the Chief Executive of the issuing authority with directions to reconsider the case and don't see the need to give further powers.
Q4. Do you agree that guidance should be updated to make clear in what circumstances adjudicators may award costs? If so, what should those circumstances be?

It is always beneficial to have up-to-date guidance so people know and understand when awarding costs might be relevant. We have occasionally helped our members seek redress for unfair enforcement through the Local Government Ombudsman Service but we are not aware that anyone was ever awarded costs.

Q5. Do you think motorists who lose an appeal at a parking tribunal should be offered a 25% discount for prompt payment?

Our understanding and experience from helping members appeal their PCNs is that local authorities already have the option to accept the initial discount payment later than 14 days when motorists appeal against the PCN, and most authorities re-offer the discount for early payment when they reject the appeal. Therefore if a 25% discount was brought in it would therefore mean people who would have previously been offered the 50% discount would end up paying more.

We would also like to make the point that parking in disabled bays and parking across drop kerbs should not be included in the local authority discretion to impose lower penalties. Parking in these bays is an obstruction matter and so should remain in the higher penalty band.

Q6. Do you think local residents and firms should be able to require councils to review yellow lines, parking provision, charges etc in their area? If so, what should the reviews cover and what should be the threshold for triggering a review?

We believe that local residents should have the ability to require councils to review the parking provisions in their area. From disabled motorists point of view any changes in the number or siting of disabled bays should trigger a review as should any change in parking fees particularly if concessions for Blue Badge holders are removed from off street car parks.

Q7. Do you think that authorities should be required by regulation to allow a grace period at the end of paid for parking?

It is important that allowances are made for Blue Badge holders at the end of paid for parking. Paying for tickets at machines and loading mobility equipment can often take longer than expected especially if an obstruction has been caused by another motorist or the payment machine has proved difficult/impossible to use. If a disabled person can show that they exceeded their time because of any difficulty encountered in the car park after returning to their vehicle the PCN should be cancelled.

Q8. Do you think that a grace period should be offered more widely – for example a grace period for over staying in free parking bays, at the start of pay and display parking and paid for parking bays, and in areas where there are parking restrictions (such as loading restrictions, or single yellow lines)?

DMUK agree, in principle, that grace periods could be offered for staying in free parking bays, and in pay and display car parks. Our views concerning disabled people are the same as above.

However, we do not support permitted parking on single or double yellow lines for vehicles not displaying a valid Blue Badge. There are now 2.5 million Blue Badge holders in England, a proportion of which cannot use car parks due to size of vehicle or the nature of their disability. These people rely on being able to park on double and single yellow lines and if all these places were taken by motorists enjoying their “grace period” then many disabled people would be prevented from being able to park close to their destination which could impede their mobility.
Q9. If allowed, how long do you think the grace period should be?

DMUK believes that 10 minutes would be a fair time period. However, should a disabled person exceed that grace period we would like due consideration to be given to their reason. (see answer to question 7)

Q10. Do you think the Government should be considering any further measures to tackle genuinely anti-social parking or driving? If so, what?

One of the problems affecting disabled people is the issue of vehicles parking across a dropped kerb. It is especially difficult for disabled people, whether they are a scooter/wheelchair user or ambulant disabled to cross a road, if the dropped kerb is blocked. DMUK frequently have complaints from disabled people that there are not enough dropped kerbs in their area and some people have to go some distance out of their way to cross the road. If the nearest dropped kerb is then blocked this makes the situation considerably worse.

Although this is an annoying irritation, what is even more inconvenient for disabled people is drivers who park on the pavement and don’t leave enough space for them to get passed. This means they have to double back, leave the comparative safety of the pavement to go on the road, pass the car and then get back on the pavement at the next dropped kerb (sometimes a fair distance away). This is not only a waste of time but also incredibly dangerous.

In London, parking on the pavement is prohibited except where the highway authority deems that it is safe to do so and traffic signs indicate this. The reverse is true in the remainder of the UK causing confusion amongst motorists and inconsistency in enforcement. DMUK would like to see the London rules applied throughout the rest of the country so drivers know what they are permitted to do and the pavements are kept free for pedestrians.

Another problem we would like to see addressed is abuse of the Blue Badge scheme. We welcomed the Blue Badge reforms in 2011 which created a national data base of holders and a better designed badge but the system is still suffering from abuse. Until local authorities start prosecuting people for using badges which do not belong to them, the scheme will not benefit those who it is supposed to. In some areas Blue Badge fraud investigators estimate abuse levels to be around 50%. Not only is this preventing genuine disabled people from parking but it is also depriving authorities of parking revenue. The Disabled Persons’ Parking Badges Act 2013 has made inspection and removal of badges easier. We urge local authorities who are currently doing nothing to police the scheme to act now to ensure that only genuine users are benefiting from the concession.