

## Annex A – List of questions

**Responses to Questions:** The following responses represent the feedback from discussions with the DESUIF Focus Group 14 January at Gateshead Civic Centre and during a follow-up Focus Group discussion on this consultation at Gateshead Access Panel (GAP) Offices, Team Valley, Gateshead 17 January 2014, with members who also attended the earlier discussion. **All** questions have been answered.

GAP is a registered charity and disability user led organisation.

Gateshead DESUIF (Disability Equality Service User Involvement Forum) is facilitated by GAP in partnership with Gateshead Council's Access Officer Darren Ramshaw, to provide engagement and involvement with disabled people and representatives of service user led organisations in Gateshead to review and discuss issues relating to disability equality and inclusive design that impact on issues of policy, service provision and environments in Gateshead Borough. DESUIF is also a member of the Gateshead Strategic Partnership.

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

Members of the group attending were unanimous in their belief that parking enforcement is not applied fairly in particular for vehicles used by disabled people and that this was in their opinion due to enforcement staff not having adequate awareness and discretion.

Members of the group generally believe that enforcement officers do not have adequate training in diversity issues and particularly in regard to disability.

The group believe that the national operational guidance to local authorities for parking policy and enforcement should be updated to recognise the greater need for discretion around parking issues for disabled persons displaying the Blue Badge parking permit on the vehicle they are using, as a reasonable adjustment under the General and Specific Duty of public bodies.

The group members believe that the officers responsible for enforcement, on or off street and the back-office staff who are able to

exercise discretion, should be given training to make them aware of how difficult it can very often be for:

- disabled drivers to park;
- for disabled people transferring in and out of vehicles by the methods most appropriate to the disabled persons needs; and
- the effect of local physical environment constraints of the parking location can have on their access and use of the parking location;
- how difficult it can be to park adequately within any bay markings, especially when many disabled drivers are unable to see where they are in respect to the bay markings whilst they are inside the vehicle and may not be able to fully assess this until they have transferred to their mobility aid and/or exited the vehicle.

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

Members generally agreed their view on this issue was that they do not wish to abolish CCTV use for parking enforcement, but they agree with the Transport Select Committee advice on this issue in paragraph 4.4 of the Consultation document, i.e.: -

“that ‘As long as the use of cameras remains legal, local authorities must ensure that they are not used as a matter of routine, particularly where permits or exemptions (such as resident permits or Blue Badges) not visible to the camera equipment may apply.’ However, the Committee pointed out that cameras can still be helpful for enforcement in some areas where the use of a parking warden is not practical.”

The group also recommended, “additional discretion should be used” by local authorities when considering the use of CCTV, which should be “tempered with local circumstance”, i.e. in response to an identified need for enforcement that specifically warrants the use of CCTV and not as routine policy.

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

Members believe there is a responsibility on the local authority to have “due regard” to the effect of its policy on disabled people when making the policy and on the authorities officers when enacting the policy in their enforcement procedures, practices, and actions.

Members also believe there is a responsibility on the adjudicator considering an appeal to have “due regard” to the effect on disabled people of:

- the local authority parking policy;
- the authorities enforcement procedures, practices, and actions;
- the national operational guidance.

Members believe it is not adequate to assume that national guidance complies in all respects and circumstances with the duties under current equality legislation, as compliance with the national ‘Operational Guidance to Local Authorities: Parking Policy and Enforcement’ from the Department of Transport will not automatically confer compliance with the Equality Act 2010.

**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?**

Yes. The group believe that adjudicators should be required to give consideration to:

- The efforts required for the individual to respond to the PCN, to make an informal challenge to the issuing authority, and the formal representation to the adjudicator;
- The needs of persons who require considerably more effort in regard to the time required to prepare such a challenge and representation, particularly where the person is a disabled person and/or requires the support of a professional advocate or advisor to facilitate their response;
- Reasonable financial costs associated with the provision of the support from such as a professional advocate or advisor to facilitate their response, where this may include individuals or groups whom the disabled person may or may not normally rely on for assistance with issues that they may otherwise be unable to address or deal with independently without such support.
- The advocacy support to disabled persons should be available free of charge at the point of service, but unfortunately lack of government or alternative funding generally means there is a lack of adequately trained advocates and advice workers who could provide such service.

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

Yes. The group thought it reasonable to offer such a discount for prompt payment after losing an appeal, so as not to discourage persons who believe they have valid reason for an appeal.

**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?**

Yes. The group thought it reasonable that local residents or businesses affected by parking restrictions should be able to require a local authority to initiate a review of parking policy in a particular area, i.e. by petition or representation to the local council.

The group consider there are potentially several triggers, according to local circumstances, location and the persons or businesses affected.

The group also consider that reviews should cover yellow lines, parking provision, charges, and other restrictions on waiting or stopping to pick-up / drop-off.

There should be some automatic triggers where such issues have an adverse effect on vulnerable persons, such as the very young, elderly or disabled persons, or there is evidence of a safety issue.

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

No. The group agreed that national guidance should be updated to allow everyone to benefit from a grace period at the end of paid for parking, but this should not be written into regulations, as this would likely reduce or remove the potential for discretion.

**Q8. Do you think that a grace period should be offered more widely – for example a grace period for overstaying 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)?**

Yes, the group agreed a grace period should be allowed for:

- Overstaying in free parking bays;
- At the start of pay-and-display parking and paid for parking bays, because many elderly persons, disabled persons, and persons with children require more time to obtain a paid parking ticket to affix to their vehicle before leaving the parking location;
- In areas where there are parking restrictions (such as loading restrictions, or single yellow lines) subject to local issues, i.e. local circumstances, location, and the parking / waiting / loading and unloading needs of local people and businesses, especially where the vehicle is in use by/with a disabled person who's access to a building, facility, or service would otherwise be unreasonably prevented; also recognising that subject to the relevant parking restriction the disabled person may not be able to officially display a Blue Badge even where they possess one.

**Q9. If allowed, how long do you think the grace period should be?**

Group consider the following to be reasonable time for a grace period:

- 20 minutes for Blue Badge Holders (because of they generally need more time to get around and for transfers in and out of vehicles);
- 5 minutes for anyone else.

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

Group considers all of the following listed issues should be considered as genuine anti-social behaviour requiring further measures:

- Parking on pavements;
- Parking in front of, over, or adjacent to dropped kerbs; and
- Parking in front of driveways, whether public or private;

The group also supported a suggestion that all of the above should be specifically identified as issues to be addressed as an Equality Act duty for local authorities where it is likely to effect access for disabled persons as pedestrians or in vehicles as a driver or passenger.

The group believe that Parking Enforcement Officers (EOs) need to know under what circumstance they can and should deal with obstructing vehicles, or when it is appropriate to and that they should take enforcement action: by calling the police to remove the vehicle, such as where the above listed anti-social behaviour is obstructing access or creates a safety hazard for pedestrian access, and particularly affects disabled persons generally, or persons belonging to a particular group of disability such as persons with restricted physical mobility or visual impairment; or by taking action to have the vehicle removed by the local authority responsible for the enforcement area.

“Where a vehicle is causing a hazard or obstruction the enforcement authority should remove rather than immobilise. If the vehicle is parked where parking is prohibited (such as on double yellow lines), then the vehicle can be removed as soon as a PCN has been served.” Ref: Operational Guidance to Local Authorities: Parking Policy and Enforcement, DfT 2008, Chapter 8.95.

The group believe the national “Operational Guidance” should provide additional guidance to Enforcement Officers (EOs) on when removal of vehicles should take place, what action EOs should take, including when removal should be effected by the local authority or by the Police.