

# Transport Research Series

Tackling the Abuse of Off-Street Parking for  
People with Disabilities in Scotland

# **TACKLING THE ABUSE OF OFF-STREET PARKING FOR PEOPLE WITH DISABILITIES IN SCOTLAND**

**Transport & Travel Research Ltd**

Scottish Government Social Research

2007

Tackling the abuse of off-street parking for people with disabilities in Scotland

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# **EXECUTIVE SUMMARY**

## **1 Introduction**

This document reports on the findings and conclusions of a research project conducted by Transport & Travel Research Ltd on behalf of the Enterprise, Transport and Lifelong Learning Department of the Scottish Executive. The overall aim of this research was to investigate and review measures used to combat the abuse of parking bays reserved for disabled people, and to put forward best practice guidance, based on a review of the evidence through both desk based research and carrying out interviews with key service providers and users, on the most effective measures that can be used in off-street car parks in Scotland. The purpose of this research was to provide advice and assistance for those responsible for the provision of off-street parking in adhering to the guidelines set out in the Disability Discrimination Act 2005.

## **2 Study Aims**

The research aimed to:

- Explore and review the existing evidence-base of what is known about the effectiveness of different intervention methods
- Conduct an evaluation of a range of existing intervention methods which are considered to be of practical interest within a Scottish context, including perceived attitudes towards their effectiveness and practical considerations/constraints
- Build on existing knowledge of the psychological factors influencing abuse of parking facilities reserved for disabled people
- Provide advice and assistance for those responsible for the provision of off-street parking in adhering to the guidelines set out in the Disability Discrimination Act 2005

## **3 Method**

In order to meet the above aims and objectives, a range of research methodologies were applied including:

- A desk-top review of existing evidence on the effectiveness of different intervention methods
- Six case studies covering a range of interventions, contexts and locations (these included interviews with service providers and ‘bay abusers’)
- Two stakeholder workshops
- Four focus groups with people with and without disabilities

In addition to the intervention measures deployed at the case study sites, the use and effectiveness of other intervention measures were reviewed, including high-tech and innovative approaches to the enforcement of off-street parking. The full range of measures considered included:

- Possible measures which are available to service providers for enforcing off-street parking. Among these were: polite notice, stickering, patrolled car parks, electronic barrier, remote controlled mini-barrier system for individual parking bays, automatic

electronic announcement for bay users and Automatic Number Plate Recognition (ANPR).

- Measures which are used in Scotland for the enforcement of on-street parking but are not commonly used in off-street car parks e.g. vehicle removal, the use of traffic wardens.
- Suggested measures which are not currently possible or legal for the enforcement of off-street parking but are used as methods of intervention for other offences, e.g. points on driving licence, and wheel clamping.

#### **4 Overview**

The research has shown that the abuse of off-street parking facilities intended for use by disabled people can be attributed to a number of factors which can vary in different contexts. The research participants who had abused such facilities were divided into five groups according to the factors underlying the abuse. These groups have been defined as *'in-denial' abusers*, *'reluctant' abusers*, *'justified' abusers* and *'persistent' abusers*. The fifth group includes misusers and fraudulent users of the Blue Badge. Service providers can tackle the abuse of reserved parking facilities through the deployment of a range of measures, but the appropriateness and effectiveness of an intervention method is likely to depend on the context and the factors that influence abuse at the particular site.

#### **5 Summary of Findings**

The research has identified the following key themes and issues:

##### **The factors influencing abuse and key considerations for intervention**

The abuse of off-street parking facilities reserved for disabled people, whilst perceived as being fairly widespread, varies in terms of the context of the parking facilities provided, the design and capacity of the car park, and the demand for parking. The research has found abuse to be more evident in heavily used car parks in comparison with car parks that are rarely at capacity. There is also evidence to suggest that there is a greater propensity for people to abuse reserved parking facilities in supermarkets/retail parks, than in any other context because there is a perception amongst non-disabled people (bay abusers) that more parking bays are reserved for disabled people than there are actually seen to be used by disabled people.

The design of car parks has been shown to play an important role in abuse and the possibilities for enforcement. A comparison of NHS hospital sites has revealed that much inappropriate parking is due to small and badly designed car parks. Another aspect that has increased pressure on hospital car parks is the fact that some of them are non-charging, and therefore tend to be used by people with no connection to the hospital.

Attitudes to, and understanding of disability varies by the type of facility provided at the car park, and this greatly influences the use of parking bays. For example, there is more consideration among the public for the needs of disabled people at hospitals than in other contexts, as the expectation is that the demand by disabled people for the bays is higher.

The research has identified that abuse could also be attributed to:

- **Social factors** – there might be a lack of understanding of disability among members of the public who see other people using reserved bays who do not appear to have a disability. People might also be inclined to follow the behaviour of other drivers, seeing abuse as being acceptable if others are seen to do it and get away with it.
- **Reduced mobility** – some people who do not qualify for a Blue Badge, including those with some temporary disabilities and permanent medical conditions, nevertheless consider that they have a mobility problem, and so feel they are entitled to park in reserved bays.
- **Journey purpose** – some journeys have increased pressure to park somewhere, e.g. hospital trips, travelling with small children, and work-related journeys.
- **Bay design** – the width and position of reserved bays, in relation to the entrance to a facility could make them convenient or attractive to people who want to collect heavy shopping, get children safely in and out of the vehicle, quickly nip in and out of a facility, or want to feel safe and secure. Bays that are positioned close to facilities such as ATM machines might be the subject of increased abuse. Also, potential abusers might think it is acceptable to park in a bay where capacity appears to exceed demand.
- **Signage and bay markings** – poor signage and inconsistent bay markings could lead to people using the bays inadvertently.
- **Cost of parking** – free parking for disabled people has been shown to increase abuse.
- **Environmental** – inclement weather might increase the probability of reserved parking bays being used by non-disabled people.
- **Lack of enforcement** – the lack of visible intervention or clear signage to warn drivers not to park inappropriately, or of the consequences of abuse, could clearly have an impact on non-disabled people's decisions on whether or not to use a reserved bay. Furthermore, the research participants generally did not expect to be penalised for misusing disabled person's parking bays in off-street car parks, as they did for on-street, which might be an indication of their awareness of the legal situation.
- **Psychological** – behaviour (whether or not a person abuses reserved parking bays) could be greatly dependent on a person's conscience; for example, whether or not the possible impacts of bay abuse on a disabled person are considered before he or she uses the bay. Some participants in this study (bay abusers) stated that they would not use a reserved bay if they thought that there was a possibility that a disabled person might be affected in a negative way.

### **Types of abuser**

- The sample of 33 participants who stated that they had abused parking facilities intended for use by disabled people, could be divided into four groups, according to their attitudes and the reasons underlying their use of such facilities.
- These groups have been categorised as those 'in denial' of their actions, 'reluctant' abusers, 'justified' abusers (including those who considered their use of parking bays for disabled people to be justifiable), and 'persistent' abusers.
- 'Persistent' abusers admitted to using disabled people's parking bays on a regular basis and therefore, pose a real threat to disabled people's access to services. Some participants

in this group had also committed other traffic and parking offences, such as speeding, parking on double yellow lines, and not paying parking fines.

- A fifth group was highlighted by the case study site providers and other stakeholders as being misusers and fraudulent users of the Blue Badge. As the study focused primarily on off-street parking, it did not evaluate misuse of the Blue Badge, but it has been raised as an important issue for providers of off-street car parks to consider.

### **Need for enforcement and considerations for intervention**

- Abuse of reserved parking facilities had prevented many research participants (disabled people) from accessing a service - they had missed medical appointments, and had abandoned trips altogether because they were not able to access a suitable parking space.
- There was a call for intervention for the enforcement of reserved parking facilities for disabled people by service users (disabled and non-disabled people) and organisations representing the interests of disabled people consulted during the study.
- There was a strong feeling that, for any intervention measure to be effective, it must have consequences.
- Whilst legislation relating to the Blue Badge Scheme refers primarily to on-street parking, the promotion of a Traffic Regulation Order (TRO) to protect an off-street parking bay can restrict its use to Blue Badge holders.

### **Effectiveness of intervention measures and their appropriateness in different contexts**

The evidence from this study is that there is no single method that would be appropriate and effective in all situations. The approach to enforcement should be relevant to the context and type of facility, design of the car park and the resources available to carry out monitoring and enforcement.

This research has evaluated the effectiveness and appropriateness of a range of possible intervention measures as follows:

#### *Car park management*

A patrolled car park is most effective when the site is integrated and where there is one single entry point to the reserved bays that are segregated from the rest of the car park. The opportunity for direct, face-to-face involvement with a parking attendant, together with signs adjacent to parking bays warning of the imposition of a fine, does seem to reduce abuse.

#### *Barrier systems*

In sites where there are limited resources available and regular monitoring by staff is not possible, barrier systems could offer the best solution. Alternatively, in smaller car parks, a provider might consider installing a remote controlled mini-barrier system in individual bays, but this is shown to be only practical for sites that have a 'closed' membership. Barrier systems were regarded as the clearest and fairest intervention measures in terms of their intended purpose.

Furthermore, they can offer the only means of preventing all types of abuse and might be the most effective solution to preventing ‘persistent’ abuse.

### *Automatic Number Plate Recognition*

Supermarket providers have realised that the use of Automatic Number Plate Recognition (ANPR) camera technology works well in monitoring the use of segregated parking areas for registered disabled customers and in dealing with the problem on the spot, without the need to penalise customers. This is particularly important for the retail sector where the aim is to attract as many customers as possible. This relies on ‘live’ monitoring, otherwise the action caught on camera would need to be followed up with a warning, or penalty. With ANPR there is no requirement for staff to regularly patrol the car park or confront potentially aggressive service users, which precludes concerns relating to health and safety.

### *Imposition of fines*

The research has shown that the imposition of fines could be effective at reducing inappropriate parking, but that this might depend on whether the fine is enforced by a parking attendant or a traffic warden. The comparison of municipal parking in Edinburgh and Inverness has also shown that compliance in paying fixed penalty fines is lower in Edinburgh, where parking has been decriminalised, than it is in Inverness, where parking is still dealt with by the city’s traffic wardens. Fines can be imposed on customers found to be parked inappropriately, given that the motorist enters into a contract with the car park provider as soon as he or she starts to use the facility. Much reliance is placed on the compliance of the motorist, in terms of both payment of any fine imposed, and any change in relation to parking behaviour in the future.

To make these fines legally enforceable the provider needs to apply for a Traffic Regulation Order (TRO). TROs have been found to be an effective method for reducing inappropriate parking in some cities (e.g. Inverness and Stirling), but it has emerged that the application, enforcement and parameters of a TRO (including costs, maintenance, potential changes to the value of the land etc) need further clarification among service providers.

### *‘Charging for all’*

One of the main factors influencing abuse related to the fact that free parking is provided for disabled people. The introduction of a ‘charging for all policy’ for parking at Ninewells hospital has resulted in a significant reduction in the occurrence of abuse at these sites. However, consideration should be given to offering concessions to disabled users if a disabled person needs to visit the facility for medical needs.

### *Advisory measures*

Advisory measures such as automated electronic announcements and bay design, although essential in preventing ‘accidental’ abuse, were shown to have little impact on preventing other types of abuse when used on their own.

## 6 Recommendations

In summary, the conclusions of the research point to the need for service providers of off-street car parks to consider the following key points:

- 1) The importance of intervention for the enforcement of bays reserved for disabled people should abuse occur or at least be a possibility. If providers do not monitor whether the service is accessible to disabled customers by ensuring that reserved spaces are not used by non-disabled customers, then it is possible for a disabled person to make a claim against the service provider under Part III of the Discrimination Disability Act (DDA) 2005.
- 2) There is no single intervention method that would be appropriate and effective in all situations. Service providers are advised to undertake regular monitoring of the car park, and consult users on their parking requirements to determine the factors influencing abuse, and to consider issues surrounding the design, capacity and demand levels of the car park, in order to select intervention measures that will be most practical and effective.
- 3) Service providers should consider the practicalities involved with different enforcement measures. For instance, parking providers may need to find significant financial resources for some enforcement measures, and other policies may entail putting staff potentially at risk when confronting members of the public. There are also certain regulations to consider, e.g. attaching stickers to cars might infringe the rights of the vehicle owner.
- 4) The use and misuse of Blue Badges has been identified as a major issue for providers of off-street car parks to consider, as has raising awareness among service users on the correct use of the Blue Badge. One approach might be for this to be done using signs next to parking bays.
- 5) Monitoring misuse of the Blue Badge has been raised as an important issue for providers of off-street car parks to consider. The use of automatic number plate recognition (ANPR) has been suggested as a potential method for doing this. It has also been suggested that the creation of a database of offenders that could be used by a number of enforcement agencies, in order to identify and target persistent offenders, might be beneficial. (The establishment of a national database of Blue Badge Holders was a key recommendation of the 2002 review of the scheme by the Disabled Persons Transport Advisory Committee (DPTAC), and one that was accepted by UK Ministers. This would be a prerequisite to establishing a record of abusers).
- 6) Charging for facilities/services - in principle, access to services was considered to be more important to research participants with a disability than free parking. The general perception was that disabled people would be willing to pay for parking if it meant they were guaranteed to have access to a reserved bay. However, consideration should be given to offering concessions in particular circumstances, e.g. if a disabled person needs to visit the facility for medical needs.

- 7) 'Designing out abuse' and reducing the need to travel by private car - there are benefits of 'designing out' abuse through thoughtful car park design, as opposed to penalising or confronting abusers. Additionally, implementing solutions that reduce car dependency and the need for people to access services by car would reduce pressure on parking, e.g. community transport, dedicated shuttle buses and other public transport solutions, and initiatives such as Green Travel Plans. It was considered important to encourage staff (especially at hospitals) to make "greener" travel choices, to relieve pressure on demand for parking facilities at hospital sites generally. Other design considerations might include placing reserved parking bays close to the car park attendant's kiosk or the customer services desk and the repositioning of facilities such as ATM machines.
- 8) 'Dropping off' bays - reserved bays situated outside a hospital entrance, for dropping off or picking up a passenger, might be a possible solution for hospitals; it was considered that such a move might potentially tackle much abuse and prevent people from missing medical appointments.
- 9) Traffic Regulation Orders - in order to make fines legally enforceable in off-street car parks, service providers need to apply to use a Traffic Regulation Order (TRO). There are issues that service providers should consider before applying for a TRO, such as the need to ensure signs and bay markings conform to the Traffic Sign Regulations and the prescriptive nature of the application process, from drafting a TRO, to its eventual 'seal'.
- 10) 'Naming and shaming' - the 'embarrassment factor' associated with being shown to have parked in a bay reserved for a disabled person can be a powerful deterrent (except for persistent offenders). However, highlighting offenders' actions might sometimes have the effect of making some disabled people feel self-conscious. Any policy or equipment implemented to enforce parking bays should not in any way make it more difficult or less comfortable for disabled people to use them.
- 11) Need for education - the research highlighted a general perception that there is, among some people, a lack of respect for disabled people and of the impacts that parking abuse can have on a disabled person. Service providers should be aware of this, and should seek to play a role in educating their customers in the needs of disabled people.
- 12) Consultation with service users is important, to determine user needs and aspirations. Information on any scheme introduced should be clear and time should be taken to develop the most appropriate strategy.
- 13) Circumstances in which abuse might be tolerated - there are people with reduced mobility who do not fall within the eligibility criteria of the Blue Badge scheme although these badges are often effectively used as a proxy for entitlement to off-street reserved parking. There might be a case for people who do not have a Blue Badge to use parking facilities that are reserved for disabled people, such as for non-disabled patients who drive to hospital for treatment and clearly need to park somewhere (e.g. out-patients including heavily pregnant women), and in some car parks that become anti-social environments at night time, so that more vulnerable users might feel safer parking close to their destination. However,

acceptance of these circumstances can only realistically be enforced where there is a car park attendant or other member of staff present who is able to make a considered judgment on the merits of an individual case.

## CHAPTER ONE INTRODUCTION

This research project, conducted by Transport & Travel Research Ltd on behalf of the Enterprise, Transport and Lifelong Learning Department of the Scottish Executive, has reviewed current evidence for the effectiveness of a range of intervention measures for tackling the abuse of off-street parking facilities intended for use by disabled people.<sup>1</sup> The overall aim of this research was to investigate and review measures used to combat the abuse of parking bays for disabled people and put forward best practice guidance, based on a review of the evidence, on the most effective measures that can be used in off-street car parks in Scotland. The purpose of this research is to provide advice and assistance for those responsible for provision of off-street parking in adhering to the guidelines set out in the Disability Discrimination Act 2005.

### 1.1 Background

The focus of the work has been on enforcement measures that can be used to combat the abuse of parking bays intended for use by disabled people, in off-street locations in Scotland. Off-street parking refers to both public car parks provided and managed by municipal authorities, and privately owned car parks that are provided for customers, clients and patients by providers of a given core service. The provision of off-street parking facilities for disabled people has the dual purpose of fulfilling certain statutory obligations, and enabling disabled people to gain access to the core service more easily by providing parking spaces close to their destination.

Whilst the abuse of on-street parking spaces reserved for members of the Disabled Persons Parking Scheme (i.e. Blue Badge holders) by non Badge holders can be addressed using the powers that Local Authorities have for administering this Scheme, the reservation of parking spaces for disabled people off-street is not legally enforceable. In a privately owned facility, the use of a car park is a contractual matter between the provider and the user, and the conditions of use and charges, if any, must be clearly displayed.

According to government statistics for Scotland there are approximately 1 million disabled people living in Scotland which is around 1 in 5 of the population (DRC Scotland, 2004). It is widely known that the prevalence of disability increases with age. As the population of Scotland is ageing the number of disabled people in Scotland continues to grow (Scottish Executive, 2007). One of the most common mobility problems faced by disabled people is the lack of availability of parking spaces in off-street car parks that are located near to their destination, and which have been designated for their use. This is often because they are occupied by the cars of drivers for whom they are not intended.

The problem of parking abuse in Scotland and the UK was highlighted in 2004 by campaign group Baywatch who monitored parking at more than 800 stores owned by the four major supermarket chains across the UK. The results show that almost 21% of parking spaces for

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<sup>1</sup> TTR and the Scottish Executive subscribe to the Social Model of Disability, which recognises that people are not disabled by medical conditions or their physical characteristics, but by the physical environment and the attitudes of others. Because people are disabled in this way, the term 'disabled people' is used in this document, in preference to the term 'people with disabilities'.

disabled people were occupied by cars without a blue parking badge - which compared with 18.5% at the same time the previous year (Baywatch, 2004). It was found that in more than one third of stores, disabled people were unable to park in a designated space because of abuse by non-badge holders. The problem of abuse in off-street car parks has also been identified by a survey by the Access Committee for England on the Blue Badge scheme. Of a sample of 15,000 disabled, 71% of people responded to the survey of which 90% believed that the scheme was being abused and 76% thought that private car parks were unsupervised and no action was taken against abusers. Research conducted for the Disabled Persons Transport Advisory Committee (DPTAC) in 2002 revealed that a specific concern for disabled people was finding a suitable place to park when reaching their destination. Eighty per cent of a sample of nearly 1000 disabled people stated that they did not feel that there is adequate enforcement of parking restrictions. (DPTAC 2002).

Further to this research a Mystery Shopper Survey conducted by Capability Scotland in 2003, found that 44% of reserved parking bays for disabled people, in retail outlet car parks in Scotland, were used by non-Blue Badge holders. The inability of retailers/outlets and traffic wardens to properly police the misuse of parking facilities reserved for disabled people made many outlets totally inaccessible to disabled people. Capability Scotland called for a review of the situation whereby traffic wardens are not permitted to monitor retail car parks (without a Traffic Regulation Order), suggesting that either traffic wardens' powers need to be extended or retailers or outlets need to be able to penalise the misuse of parking facilities reserved for disabled people. (Capability Scotland, 2003).

## **1.2 Research Aims and Method**

The overall aim of this research was to investigate and review measures used to combat the abuse of parking facilities for disabled people and put forward good practice guidance. This has been based on a thorough review of the evidence through both desk based research and consultation with car park providers who have implemented intervention measures, and consultation with disabled people and non-disabled people (including those who have abused reserved parking facilities), on the most effective measures that can be used in off-street car parks in Scotland.

More specifically the research aimed to:

- Explore and review the existing evidence-base of what is known about the effectiveness of different intervention methods
- Conduct an evaluation of a range of existing intervention methods which are considered to be of practical interest within a Scottish context, including perceived attitudes towards their effectiveness and practical considerations/constraints
- Build on existing knowledge of the psychological factors influencing abuse of parking facilities reserved for disabled people
- Provide advice and assistance for those responsible for the provision of off-street parking in adhering to the guidelines set out in the Disability Discrimination Act (2005)

The research has comprised a range of activities aimed at gathering a range of views, experiences and solutions including:

- 1) **A comprehensive desk-top review:** a preliminary review of the current evidence for the effectiveness of intervention measures for tackling the abuse of off-street parking facilities intended for disabled people. A key function of this review has been to identify any innovative anti-abuse measures (a) for which there is little or no evidence as to their effectiveness, and (b) which might be worthy of closer analysis and evaluation. The findings of this review informed the decision as to which intervention measures were to be examined in the project.
- 2) **Case studies:** a large proportion of the research work was undertaken through six case studies of off-street car parks in Scotland – these sites were selected to reflect a range of different contexts, geographical locations, and approaches to intervention to enforce reserved parking facilities. Some of these case studies include locations where it is known that there is a problem with the abuse of parking facilities provided for disabled people, such as Monklands and Ninewells hospitals. The sites included:
  - One charging, and one non-charging NHS facility - Ninewells hospital in Dundee (urban) and Monklands hospital in Lanarkshire (rural)
  - Falkirk High railway station (“stickering” used as enforcement measure)
  - Asda supermarket in Aberdeen (barrier system and polite notices used as enforcement measure)
  - Decriminalised municipal car parks in Edinburgh, and non-decriminalised car parks in Inverness

The case studies involved:

- Site visits and telephone interviews with the site manager for each of the six case study sites, to appraise the cost, practicality and effectiveness of intervention measures used at the sites.
  - Thirty-three face-to-face depth interviews with non-disabled drivers who have used parking facilities for disabled people at the case study sites and elsewhere (5-6 participants were recruited from each of the six case study sites), to explore the factors underlying abuse and reactions to intervention. This sample of participants comprised a mix of gender, socio-economic groups, and age groups. A pre-screening questionnaire was used to recruit the participants which included questions designed to reveal inappropriate behaviour, including the use of parking facilities for disabled people. This group of participants has been referred to as **‘Bay Abusers’** in this report.
- 3) **Consultation with disabled people:** two focus group discussions (each comprising 8-10 participants) were undertaken with disabled people and carers of disabled people, to ascertain attitudes to and experiences of off-street parking and impacts of abuse.
  - 4) **Consultation with non-disabled people (non-abusers):** two focus groups (each comprising 8-10 participants) were carried out comprising non-disabled drivers. A pre-screening questionnaire was used to recruit participants and included questions designed to reveal whether or not they had attempted to misuse a reserved parking bay or were inclined to. The purpose of consulting this group was to explore attitudes to the misuse of parking facilities

for disabled people and the likely effectiveness of intervention measures. The groups were recruited at different geographical locations (covering urban and rural areas) and comprised a mix of genders and age groups. This group of participants has been referred to as ‘**Non-abusers**’ in this report.

- 5) **Stakeholder consultation:** two interactive workshops took place during the course of the project; one at the beginning of the research (attended by 17 participants) to help guide the project, and one towards the end of the research (attended by 31 participants), to help guide the recommendations for the presentation and content of the good practice guide. Participants included site managers of facilities featured in the case studies, other service providers, organisations representing the interests of disabled people, the research team and representatives of the Scottish Executive.
- 6) **Appraisal and analysis of practicality and constraints:** as noted above, interviews were held with management staff at the case study sites, during which information was elicited on the practicality (including cost considerations) and constraints of the intervention measure. This information was also sought during the desk-top review and the stakeholder workshops. Views were also sought on how effective the case study providers thought that the intervention measure(s) that had been used at the sites had been, whether any positive or negative feedback had been received as a result of the interventions, whether the intervention scheme(s) had had any impact (positive or negative) on the organisation’s core business, and whether, on balance, the organisation would like to retain, extend, modify or terminate the scheme.

### 1.3 Contents of this Report

The remainder of this document is compiled as follows:

Chapter 2 provides an overview of current guidance and policy developments in relation to parking provision in Scotland and the rest of the UK. Chapter 3 presents the behavioural characteristics of the participants who abused parking facilities for disabled people while Chapter 4 evaluates the factors that influenced the participants to abuse such facilities. Chapter 5 introduces the possible enforcement measures for off-street parking facilities for disabled people and Chapter 6 includes an evaluation of user reactions to these measures. Chapter 7 provides a summary of the findings related to the case study site evaluation while Chapter 8 focuses more on the effectiveness, practicality and constraints of the individual intervention measures for enforcement. Chapters 9 and 10 present the conclusions and recommendations of the study.

The annexes to this report provide additional information on the findings of the desk-top review and of the primary research that was carried out during the study. The annexes also provide more detail on the research methodology and the complete list of references. **Copies of the annexes are available on request.**

## **CHAPTER TWO      SCOTTISH      POLICY      AND      LEGISLATIVE CONTEXT**

### **2.1      Introduction**

This chapter provides the context of the study, describing related policy developments and the legal situation in Scotland relating to the provision of reserved parking for disabled people. Planning guidance and policy developments for the UK in general is included in Annex One.

### **2.2      Blue Badge Scheme**

The Blue Badge Scheme provides a national arrangement in the UK, and a partnership arrangement in most European countries, of parking concessions for disabled people who travel either as drivers or passengers. The aim of the Scheme is to allow badge holders to park close to their destination, but the concessions may not actually apply to car parks and off-street parking. Nevertheless, because of the common view that off-street reserved spaces should be for the sole use of Blue Badge holders, it is infeasible and inappropriate to consider the issue of abuse of reserved parking facilities off-street without some consideration of the Blue Badge Scheme.

Although the Scheme does not apply in off-street car parks, some sites may provide spaces for disabled people in which the enforcement of the availability of parking facilities is a requirement under disability discrimination legislation (see Section 2.3). All providers of parking facilities have a duty to both provide reserved parking spaces for disabled people, and monitor their use/misuse in order to ensure that they are available for disabled people. The “some sites” refers to the fact that not all off-street spaces are related to the Blue Badge Scheme, which was introduced for on-street parking. In many cases the problem arises from a non-disabled person using a reserved parking bay with a complete disregard for the fact that he or she is not entitled to do so, but there are other ways in which the system can be abused, such as:

- People using a Blue Badge or a permit that has expired
- Illegal sharing of permits and Blue Badges among friends and relatives
- Stealing of a Blue Badge or permit from a Badge holder’s car, or the illegal purchasing of such documentation that is either no longer needed, or has been stolen

If service providers do not monitor whether the service is accessible to disabled customers by ensuring the spaces are not used by non-disabled customers, then it is possible for a disabled person to make a claim against the service provider under Part III of the Discrimination Disability Act (DDA) 2005, as described in Section 2.3 below.

Individuals who are eligible for the Blue Badge Scheme in Scotland include people who:

- Receive the higher rate of the mobility component of the disability Living Allowance
- Receive a War Pensioners’ Mobility Supplement

- Use a motor vehicle supplied for disabled people by the Scottish Executive or the Department of Social Security
- Have a severe disability in both upper limbs, regularly drive a motor vehicle but cannot turn the steering wheel of a motor vehicle by hand
- Have a permanent and substantial disability which means they are unable to walk or have very considerable difficulty in walking
- Are registered blind
- Are unable to walk or have considerable difficulty in walking because of a temporary but substantial disability which is likely to last for a period of at least 12 months but less than 3 years
- Children under 2 whose medical needs require that he or she is accompanied by bulky medical equipment

A Power to Inspect Blue Badges was introduced in Scotland on 1 January 2004. This is designed to protect the rights of legitimate badge holders by stopping people who are forging, stealing or tampering with badges that are not their own. It is an offence for badge holders not to show their badge when requested. A Policeman, a traffic warden or Local Authority car parking attendant has power to inspect badges (Scottish Executive 2007). Whilst legislation relating to the Blue Badge Scheme refers primarily to on-street parking, the promotion of a Traffic Regulation Order (TRO) to protect an off-street parking bay can restrict its use to Blue Badge holders only (see section 2.5).

### **2.3 Disability Discrimination Act and the Disability Equality Duty**

The importance of safeguarding the rights of disabled people to be able to benefit from the Blue Badge Scheme has been underpinned by the Disability Discrimination Act (DDA) (2005), and more especially by the Disability Equality Duty (DED), which came into force on the 4th of December 2006. Whilst the DDA promotes equality of opportunity, the removal of barriers to accessing goods and services, and the obligation to take reasonable steps towards making facilities accessible, the DED goes a step further, in as much as it imposes a duty on public bodies to actively promote equality of opportunity for disabled people. Organisations will be required to produce, in consultation with disabled people, a Disability Equality Scheme (DES) demonstrating how they intend to fulfil their disability equality duty. Essentially the DES is a framework to assist authorities in planning, delivering, evaluating and reporting on their activities to ensure compliance with the general duty.

Plans and procedures for ensuring that parking spaces designated for disabled people are available for their use are very much part of the Disability Equality Duties of public authorities. Even the Scottish Ministers, including those in key Cabinet positions, will be subject to these Specific Duties. Monitoring of performance against this detailed strategy will be carried out through current audit and inspection bodies. DRC Scotland has produced a code of practice to support this legislation, entitled “The Duty to Promote Disability Equality: Statutory Code of Practice for Scotland”.

Part III of the Disability Discrimination Act (DDA) 2005 imposes a legal requirement for service providers to ensure that disabled people do not find it “unreasonably difficult or impossible” to

enjoy a given service in the same way as non-disabled people. The core principles of the Act are that:

- It is unlawful to discriminate against a disabled person by refusing to provide a service which is provided to other members of the public, or by providing a service which is of a lower standard or on less good terms;
- Changes should be made to any practice, policy or procedure which makes it impossible or unreasonably difficult for a disabled person to make use of the service; and
- Any auxiliary aid or service which would enable a disabled person to use the service should be provided.

Since October 2004, when the exemption formerly held by the providers of transport facilities from the mandatory requirements of Part III of the Act was removed, more attention has been paid to the provision of car parking for service users. It is suggested in guidelines to the DDA, published by the Disability Rights Commission (DRC), that it is not unreasonable for service providers providing a car park for customers to ensure that this facility can also be used by disabled customers, by monitoring reserved bays to ensure their availability. This means that reasonable steps need to be taken by the service provider to prevent the abuse of reserved parking spaces by non-disabled drivers. In principle, failure to safeguard disabled customers' right to have access to parking spaces that they can use might result in a financial penalty for the service provider and/or financial compensation for any disabled person who is discriminated against in this way.

The Act requires service providers employing more than five employees to take reasonable steps to ensure that disabled people do not find it impossible, or unreasonably difficult, to enjoy the service on the same basis as non-disabled people. This will have implications for car park operators, who may have to demonstrate that as well as marking out disabled person's parking spaces, they have taken reasonable steps to ensure that they are available to disabled people. This implies that they should both provide a specified number of parking bays suitable for disabled people, and actively monitor them to ensure that there is no incorrect use.

#### **2.4 Disabled Person's Parking Bays (Scotland) Bill**

In November 2006, a proposal was lodged in the Scottish Parliament to introduce a Bill that would facilitate the enforcement of parking bays reserved for disabled people (this was the Disabled Person's Parking Bays (Scotland) Bill, proposed by Jackie Baillie MSP). Whilst it is currently not clear whether this Bill will become law, its aim would be to make all reserved bays enforceable, in place of the current situation, where some reserved bays are enforceable, and some (approximately 85%) are not. One of the stated justifications for the Bill is the perception that Local Authorities are currently required to endure a long, complex, and therefore costly, process, in order to designate a reserved parking bay for disabled people that is legally enforceable. This Bill is relevant to the current research in as much as it refers to reserved parking facilities both on-street and off-street. Its aim is to facilitate the process by which an enforceable parking bay can be established, so that, if the Bill were to become law in Scotland, it is likely that more parking providers will be encouraged to use legislative means for enforcing reserved parking facilities.

Furthermore, if the Bill succeeds in its objective to make all reserved parking bays legally enforceable, then this would clarify the status of such facilities for both disabled people who might wish to use them, and non-disabled people who might be liable to use them when they are not entitled to do so. Currently, the fact that some reserved bays are enforceable, whilst others are merely advisory, is a source of uncertainty, and makes all designated bays liable to be abused by non-disabled people. This situation is made worse by the fact that it is Local Authorities' responsibility to designate which reserved parking bays are advisory and which are enforceable, which means that the number and proportion of legally-enforceable bays vary geographically. The ultimate objective of the Bill is to increase the availability of conveniently sited reserved parking bays for disabled people, by making it possible for Authorities to deter abuse by imposing fines on people found to be abusing these facilities. This should help to remove barriers to participation for disabled people, and encourage them to take a more active role in society.

## **2.5 Traffic Regulation Orders**

One legislative tool that off-street parking providers can use to enforce the restriction of the use of a parking bay reserved for disabled people is a Traffic Regulation Order (TRO). In Scotland, the procedures for local traffic authorities applying for a TRO are contained in the Local Authorities' Traffic Regulation Orders (Procedure) (Scotland) Regulations 1999. The Road Traffic Offenders Act 1988 enables the authorities to impose a fine of up to £1,000 for use of such a space by a non-disabled person. A TRO details the nature and extent of parking controls within a Council's area.

The contravention of the controls specified within a TRO can give rise to the issuing of a Penalty Charge Notice (PCN) in Local Authority areas where decriminalised parking enforcement has been introduced (see section 2.6). When receiving a PCN in Scotland, it is possible for the recipient of the Notice to appeal to the Scottish Parking Appeals Service (SPAS), an independent adjudication service. In non-decriminalised Local Authority areas, enforcement would be by the police and traffic wardens.

Local authorities have powers under the Road Traffic Regulation Act 1984 to promote TROs to secure the expeditious, convenient and safe movement of traffic, including the provision and any subsequent restriction for holders of a disabled badge. A Local Authority may also promote a TRO to enforce off-street parking, with subsequent provision for Blue Badge holders.

The relevant statutory process requires that there should be a period of public consultation, after which the TRO must be advertised in the local press, to provide the opportunity for objections to be raised by members of the public. If any objections are raised, then the Local Authority must consider these, and, if necessary, amend the TRO, after which further consultation might be required. This process both incurs costs, in the form of legal fees and advertising fees, and takes time to complete - it has been suggested that the average time taken from the design of a TRO to its implementation is 9 to 12 months. The Disabled Person's Parking Bays (Scotland) Bill, (if it becomes law) aims to remove such procedural deterrents to Local Authorities introducing enforceable reserved bays.

## **2.6 The Decriminalisation of Parking**

The two Acts of Parliament that are of relevance in this context are The Road Traffic Regulation Act 1984, and the Road Traffic Act 1991. It was the 1984 Act that first enabled Local Authorities to take part in the enforcement of parking offences, although enforcement actions were still dealt with through the criminal court system and many parking offences remained the responsibility of the Police and traffic wardens. The Road Traffic Act 1991 decriminalised parking offences that were already enforced by Local Authorities. The major change was that enforcement could then be effected by civil means; the monitoring and enforcement of restricted parking, which had previously been the responsibility of the Police and Traffic wardens, were also transferred to councils. The 1991 Act stipulates that, in order to use these legal powers of enforcement, a council must first obtain a Special Parking Area Order. A detailed proposal of how a decriminalised scheme would be viable is also required.

The Road Traffic Act 1991 introduced provisions enabling the decriminalisation of most non-endorsable parking offences in London and permitted similar arrangements to be introduced elsewhere throughout the UK. The relevant provisions of the 1991 Act were commenced in Scotland in June 1997. The City of Edinburgh Council were the first to introduce decriminalised parking enforcement (DPE) within the city on 5 October 1998. Since then Glasgow City Council, Perth & Kinross Council, Aberdeen City Council, Dundee City Council and South Lanarkshire Council have also introduced DPE.

Under the scheme, participating local authorities administer their own parking penalty schemes and retain the penalties collected to finance its parking enforcement procedures. Under existing arrangements, income generated from fines arising from parking infringements accrues to the Exchequer as these are criminal offences. A breach of parking rules within an area where DPE is in force will require payment to the local authority of a penalty charge. Motorists can appeal against the issue of Penalty Charge Notices to the Scottish Parking Appeals Service (SPAS) whose decision is final.

The enforcement of parking within a DPE area is no longer the responsibility of the Police or Traffic Wardens but is implemented by employees of the local authority, either directly or under contract. Revenue generated from parking penalties under DPE will accrue to the local authority and will be used to fund the operation of the scheme. Any surplus is first used to improve off-street parking facilities and second for general traffic management purposes within the area of the authority. Therefore, the revenue is effectively ring-fenced for traffic management measures and cannot be used by an authority for other purposes.

## **2.7 Scottish Planning Guidance**

The precise design and location of reserved parking spaces for disabled people, within a parking facility provided for the general public, is the subject of guidance published in Part S of the Technical Standards for compliance with the Building Standards (Scotland) Regulations 1990 (Scottish Executive 1990). As a general rule, however, the guideline is that parking for disabled people should be located as close to building entrances as feasible, and with level access between vehicle and building. Similar guidance is provided by the UK Department for Transport in their

leaflet “Parking for the Disabled- Traffic Advisory leaflet” and is also contained within the DfT publication “Inclusive Mobility” (Oxley, 2002)

Scottish Planning Policies provide statements of Scottish Executive policy on nationally important land use and other planning matters. Scottish Planning Policy-SPP 17 –Planning for Transport states that local authorities have powers, under The Road Traffic Regulation Act 1984, to designate, by an order under The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, spaces for parking facilities reserved for disabled people on private land with the agreement of the land owner. Such designation allows such parking facilities to be enforced by Police, traffic wardens or, in areas with decriminalised parking, car park attendants. It also states that Local Authorities should consider designation, especially where there is a history of abuse of parking facilities reserved for disabled people in retail, leisure and recreation developments in the area.

Part S of the Technical Standards for compliance with the Building Standards (Scotland) Regulations 1990 states that parking spaces for use by disabled people should be provided at a ratio of at least one car parking space per 20, or part thereof, and that these spaces should be located not more than 45 metres from the principal entrance to the facility, and should be clearly marked as being for the use of disabled people. In terms of dimensions, each parking space must be at least 4.8 x 2.4 metres, with a clear space (which may be shared between two contiguous spaces) at least one metre wide along one side.

### **2.7.1 Car Parking Health Facilities Note**

The Car Parking Health Facilities Note 21 (HFN 21) was published in 1996 by NHS Estates. HFN 21 reviews the issues surrounding the optimum provision of car parking facilities for healthcare premises in the UK, offers a framework for appraising the options, and enables healthcare managers to effectively brief park designers. It categorises potential users of parking space by need; some staff must have easy access while others who require parking by virtue of residence have less defined needs. Allowance must be made for spread of use throughout the day and for any key features particularly affecting the user level of the building. Most staff and out-patients who require parking space will do so during normal working hours; most patients' visitors will arrive in the evenings or at weekends.

On parking provision for disabled people, HFN 21 recommends that a number of spaces should be provided for their exclusive use, both staff and patients, and should be clearly marked and easy to find. It also states that, whenever possible, spaces for disabled people should be situated near to building entrances, and if necessary, in segregated parking areas, and placed so that disabled people do not have to cross a road. NHS estate managers are advised to follow the design guidelines of BS 5810:1979, Clause 9.2; HBN 40 ‘Common activity spaces, Volume 1 – Public Areas’, Chapter 6 and Appendix 1 ‘Designing for Disabled People’ (1995); BS 5810, the Code of Practice for Access for the Disabled to Buildings; the Disability Scotland Access Guide.

However no suggestions are made on how to tackle and prevent the abuse of spaces for disabled people, or how these should be managed and monitored. HFN 21 does highlight the problem of people using NHS parking facilities who are not using the health facilities, especially where

parking is free, and suggests introducing charges. The most effective option highlighted is pay and display, which is identified as being more cost effective for health facilities than barrier systems and most effective in smaller car parks, with the advantage of not causing congestion at entrance/exit points, but is prone to abuse, given that the enforcement of penalties may be inconvenient for a health authority. Other options suggested include: a) payment on entry or exit (which gives the parking provider no control of length of stay), b) the collection of money for a ticket on entry or exit, and c) the issuing of a ticket on entry with payment required when leaving the car park.

The guidance was updated in 1996 with draft guidelines on how hospitals should best comply with their duties under the Disability Discrimination Act, with particular reference to the Scottish context. This guidance, which provides details of both car parking and drop-off facilities, informed the design of the new Edinburgh Royal Infirmary.

# **CHAPTER THREE BEHAVIOURAL CHARACTERISTICS OF PEOPLE WHO ABUSE PARKING FACILITIES FOR DISABLED PEOPLE**

## **3.1 Introduction**

This chapter describes the behavioural characteristics of the research participants who had abused parking facilities for disabled people. The participants from the depth interviews (33 in total) were recruited at each of the case study test sites in which they had responded to a survey where they had admitted to using bays reserved for disabled people at least once in the past. The participants can be categorised into four main groupings according to their behaviour (frequency of abuse) and the factors that motivated them to abuse parking facilities for disabled people. In addition, a fifth category of abuser has been considered based on the findings of the focus groups with disabled people and the stakeholder workshops.

### **Group 1: Abusers ‘in denial’**

Three participants admitted to having used a disabled person’s parking facility during the screening interview but then denied their behaviour when asked again at the main interview. However, they indicated circumstances in which they would consider it to be justified, for example, for attending medical appointments and when travelling with small child(ren) and when no parent and child parking bays are available. Participants in this group were likely to have used disabled people’s parking facilities once or twice and had a low propensity to re-offend if confronted with an enforcement measure. They were generally aware and respectful of disabled people’s needs.

### **Group 2: Reluctant Abusers**

Three participants fell into this category. This group had admitted to having abused disabled people’s parking facilities once or twice, and stated that they would be reluctant to re-offend. The reasons underlying abuse included attending medical appointments at hospitals where parking is limited, reduced mobility, and collecting heavy goods. Participants had used disabled people’s parking facilities only in circumstances in which they considered there to be no impact on disabled people, or when they had been given permission by the site provider; however, they were very reluctant to use them again. Like the former category of abusers, they were embarrassed by their actions and were likely to be deterred from using disabled people’s parking bays by the possibility of confrontation.

### **Group 3: Justified Abusers**

Eleven participants fell within this category, and included people who had used disabled people’s parking facilities for reasons which they considered to be justifiable. This group can be split into the following three sub-groups:

- (a) Participants who parked in reserved bays unknowingly, e.g. because of poor bay design, and unclear markings and signs, and would not have used the bay if they were aware of its purpose. This group has a low propensity to re-offend.
- (b) Participants who parked in reserved bays because they believed they had a genuine need, or should be entitled to them, because they are entitled to use other reserved parking facilities such as parent and child, or staff parking. Most participants in this group used disabled people's parking facilities when they had problems accessing parking bays which they were entitled to use, e.g. as a result of limited capacity of parking for staff at hospitals (Monklands and Ninewells), abuse of parent and child parking facilities at supermarkets and retail parks. They were generally aware of the needs of disabled people, but felt that they also had justifiable need to use reserved parking facilities and were unlikely to move their vehicle out of a disabled person's reserved bay should a disabled person need to use it. This group had a high propensity to use disabled people's parking facilities under these circumstances on a regular basis.
- (c) Participants who have a temporary disability or have reduced mobility as a result of a permanent medical condition, or who care for people with reduced mobility but are not entitled to use a Blue Badge (this group includes those who work in Social Services, with responsibility for children and teenagers with behavioural problems). Other participants who fell within this group included those who used disabled people's parking bays to enhance their feeling of personal security in large car parks at night time. This group used disabled people's parking facilities only when they needed them, and, unlike the previous group, put the needs of disabled people before their own, and considered the impacts on disabled people in their decision to park. This group had a medium to high propensity to re-offend, but only in circumstances in which there are no perceived negative impacts on disabled people.

#### **Group 4: Persistent Abusers**

This group accounted for the majority of the sample of reserved bay abusers (sixteen participants) and they admitted to using disabled people's parking facilities on a regular basis. A key factor that motivated this group to use reserved parking facilities related to bay design and position - participants in this group had a high propensity to park in bays that offered the most convenience to them, in terms of walking distance to destination, protecting their vehicle, and cost. This group was likely to have committed other traffic and parking offences (speeding, not wearing a seat belt whilst driving, inappropriate on- and off-street parking), and had a high propensity to re-offend, despite the threat of being penalised with fines, or having their vehicle removed, etc. They did not necessarily consider the risks and impacts of their actions and claimed to be 'under pressure' to park because their journeys were work-related or they were travelling with their children, and often the value of the bay was more important to them than the consequences.

### **Group 5: 'Blue Badge' Abusers**

The 'Blue Badge' abuser was highlighted by participants present at the stakeholder workshops and by participants of the focus groups with disabled people.

Due to high levels of fraudulent use of the Blue Badge (many are stolen each year), it was thought by the workshop participants that many people may see a non-disabled person misusing a reserved parking bay, so other members of the public feel that they have the right to do so as well. One Local Authority representative noted that Blue Badges are now more desirable than tax discs, as they enable people to park almost anywhere for free. It was highlighted that, at present, it is difficult to spot fraudulent use of the Blue Badge, as each Local Authority has a different design, and, for security reasons, the Badge is displayed face down, making it vulnerable to fraud. It was pointed out that Blue Badge holders are rarely asked to show their Badge for inspection, and those that use the Badge fraudulently are aware of the legal issues surrounding the Blue Badge and who has powers to inspect it. It was felt strongly that the difficulty in spotting fraudulent use of the Badge leads to higher levels of abuse.

Nearly all disabled participants of the focus groups believed that abuse of the Blue Badge was a major problem that needs to be addressed. The general perception was that there is currently widespread misuse of Blue Badges by relatives/carers of Blue Badge holders. This perception was verified by some participants within these focus groups, who, as relatives of Blue Badge holders, had wrongly thought that it was acceptable for a carer of a Blue Badge holder to use the Blue Badge for making journeys on behalf the holder, as well as when travelling with the holder.

## CHAPTER FOUR FACTORS INFLUENCING THE ABUSE OF RESERVED PARKING FACILITIES FOR DISABLED PEOPLE

### 4.1 Introduction

The previous chapter has demonstrated that there are different categories of drivers who abuse disabled people’s parking bays, which may be defined according to their behaviour and the factors that motivate them to abuse such facilities. This chapter goes further to examine these factors in greater depth, based on the findings of the depth interviews with participants who had abused bays. The evaluation also takes into account the findings of the stakeholder workshop, where appropriate.

The interviews with bay abusers revealed eight different factors motivating the abuse of reserved parking facilities. These included (in no particular order) the following factors:

**Table 4.1 Factors influencing abuse and related issues**

<b>Influencing factor</b>	<b>Related aspects</b>
<i>Bay design</i>	<i>Bay width, position, unclear signage, limited capacity, inconsistent bay markings</i>
<i>Social</i>	<i>Anti-social environments and feeling of security, following other drivers’ behaviour, attitudes to and perceptions of disability, perceptions of socially acceptable behaviour</i>
<i>Reduced mobility</i>	<i>Temporary disabilities and permanent medical conditions which can sometimes make walking difficult</i>
<i>Psychological</i>	<i>Where behaviour is dependent on conscience e.g. the possible impacts of bay abuse on a disabled person are considered, and determine the person’s decision to park. Other factors include user familiarity with sites and expectations of getting caught – if a person can get away with it once, then he or she is likely to repeat the offence</i>
<i>Journey purpose</i>	<i>Journeys which increase pressure to park</i>
<i>Economic</i>	<i>Cost of parking</i>
<i>Environmental</i>	<i>Weather conditions, pollutant emissions</i>
<i>Lack of enforcement</i>	<i>Where service providers have not implemented any means of enforcement of reserved bays, or have implemented measures that do not offer any real consequences of abuse</i>

These factors are described in more detail below.

## 4.2 Bay Design

The design of car parks and the position of reserved parking facilities were major factors motivating the majority of participants to use reserved parking facilities (for disabled people and parent and child). Such design considerations relate to the following factors:

### 4.2.1 Capacity

Many of the persistent abusers used disabled people's parking bays when no other parking spaces were available for them to use, rather than wait for a non-reserved parking space to become available, which they said made them anxious. Some participants said they waited up to 15 minutes searching for a free space before they used a reserved parking bay. *"I use disabled bays because I get so frustrated with trying to find a parking space"* (Persistent abuser, Edinburgh)

There was a common perception among participants who were persistent abusers that the capacity of disabled people's parking facilities, particularly at supermarkets and retail parks, exceeded actual demand by disabled people using the sites. For this reason, some participants said that they used a disabled person's parking space because other reserved bays were available. *"I would not take the last bay... if there were 10 bays free I would just park there."* (Persistent abuser, Inverness). *"there must be a thousand parking spaces for disabled people in Inverness, half of them are never used or would not be used if it weren't for people like me."* (Persistent abuser, Inverness)

Abusers were also inclined to use disabled people's parking bays on-street in zones that were restricted to reserved parking only, as they could not find alternative parking that was as accessible and convenient. For example, some participants reported that they used disabled people's parking bays on the High Street in Falkirk town centre to collect heavy shopping goods, as the entire street is dedicated to parking for disabled people and they could not find an alternative suitable car park which offered them as accessible a route to the shops which caused them to use reserved bays on-street.

Participants who were entitled to use reserved parent and child parking bays said they used disabled people's parking facilities when they could not find a parent and child bay. This was a major issue for the participants with small children, as they reported this to be a common problem and felt that demand for parent and child parking facilities exceeded capacity at the car parks they used. However, some participants attributed lack of availability to people using the reserved parking bays who were not entitled to use them. *"nine times out of ten, parent and child [parking] spaces are all full"* (Justified abuser, Monklands)

One respondent who was a reluctant abuser said that she had only used disabled people's parking facilities at a multi-storey car park because she was given permission to do so by the car park attendant.

#### **4.2.2 Bay width**

Participants who were entitled to use parent and child parking facilities said they used parking bays reserved for disabled people when they were not able to find other suitable parking, because of the wider width of the bays, which was important to them in terms of enabling them to get their children safely in and out of the vehicle, and for securing seat belts.

Within the group of persistent abusers, a common reason for using disabled people's parking facilities was to protect their car from other cars, as the bays were wider and segregated from the other parking bays. Two participants said they parked over two bays.

#### **4.2.3 Personal security**

This was a particular issue for female participants – two said they used disabled people's parking facilities, whilst using supermarkets and multi-storey car parks at night, because of their proximity to the entrance. Here, it was pointed out that car parks can be “*intimidating*” outside peak hours, especially if they are large, unmanaged, underground and not well lit. In this respect, participants (including men) preferred open car parks which are on one level.

One respondent said she used her local supermarket (open 24 hours) late at night and always parked in reserved parking bays close to the entrance to avoid passing youths that loitered in the car park.

#### **4.2.4 Signage**

Some participants (justified abusers) said they had used disabled people's parking bays ‘accidentally’ as a result of unclear signs and markings. “*On a wet day the yellow [paint] isn't as bright*” (Justified abuser, Aberdeen)

#### **4.2.5 Position of bays**

Nearly all participants who abused parking facilities were motivated by the position of the bays in relation to the services they used, for what they considered to be justified and unjustified reasons. The justified reasons included some of those highlighted above (personal security, collecting heavy goods, getting children safely in and out of the vehicle) and those highlighted below (reduced mobility and journey purpose). Other reasons (regarded as unjustified) were simply related to convenience. Persistent abusers, in particular, chose to park in bays that were closest to their destination, whether they are reserved for disabled people or other people, because they said they were “*too lazy*” to walk, and did not feel that they were causing a problem for disabled people, because their stay was short.

Many participants had parked in disabled people's parking bays because they were close to ATM machines and had observed “*many other drivers*” doing the same, especially at weekends.

On reasons why drivers abuse reserved parking facilities one participant commented:

*“pure laziness... absolutely, its definitely because parent and child and disabled parking bays are a lot closer to the door and if the car park is three quarters full then it’s easy for them to just nip in instead of parking right down the bottom they’ll just nip into parent and child [parking facilities], parent and child more often than [parking facilities for] disabled people, they think its OK, I’m only going to be 2 minutes”*

(Justified abuser, Inverness)

Some participants in Falkirk said that they used parent and child parking facilities instead of disabled people’s parking bays at a local supermarket because they were closest to the entrance.

#### **4.2.6 Inconsistent bay markings**

Both service users and providers represented at the stakeholder workshop indicated that inconsistencies in the marking of reserved parking bays led to a certain amount of confusion as to where people could park. Currently, at some supermarkets and shops, blue and yellow markings are used to indicate a space for a disabled person or a parent with young children. Amongst all stakeholders, there was the wish for there to be a greater harmonisation of the system, to make it more straightforward for disabled drivers, service providers and the wider public.

### **4.3 Social**

Several broad themes relating to social aspects emerged from the interviews with abusers, as described under the appropriate headings below.

#### **4.3.1 What is considered to be socially acceptable/unacceptable**

There was a common perception within the sample of non-disabled participants that parent and child parking facilities were subject to greater abuse than disabled people’s parking facilities. Many of the participants who abused reserved parking facilities suggested that they would seek a reserved parent and child bay before deciding to use a disabled person’s parking bay, as they perceived the impacts to be more severe on disabled people. However, the more persistent abusers admitted to choosing parking bays that are the most convenient in terms of minimal walking distance. On another level, one respondent said that she would not consider using disabled people’s parking facilities at municipal car parks, as she thought this was more *‘socially unacceptable’* than using reserved parking bays at supermarkets and retail parks. *“I use parent and child [parking] spaces when I don’t have my child with me, and he is five and quite capable of walking so I don’t really need to use them when he is with me but I still use them.”* (Reluctant abuser, Monklands)

#### **4.3.2 Anti-social/intimidating environments**

As mentioned earlier, personal security was a key concern for some participants, especially when using car parks outside peak hours. Multi-storey car parks in particular were described as being

“dark” and “scary” to use at night if not patrolled. Certain car parks were also reported to attract gangs of youths at night time (e.g. supermarkets open 24 hours), because they were open and unmanaged.

### **4.3.3 Perception and lack of understanding of disability**

Some participants who abused parking facilities for disabled people had a limited understanding of disability and of disabled people’s needs. Some abusers tended to associate a disabled person as a person with walking problems or a wheelchair user and commented that they did not see people with these conditions or with ‘obvious’ disabilities using reserved parking bays in off-street car parks, and therefore it was assumed that people parked in the reserved bays were abusers of the Blue Badge Scheme. Their attitudes towards disabled people and their entitlement to reserved parking facilities had been tarnished by their perceptions of the misuse of the Blue Badge Scheme, which had in turn motivated them to abuse parking facilities. Participants said that they knew of, or had heard about, non-disabled people using the Blue Badge, or of relatives/friends of Blue Badge holders using the Badge for their own benefit. *“its very rare that you see a disabled person with a walking stick or wheelchair using a disabled bay.”* (Persistent abuser, Inverness)

### **4.3.4 Following other drivers’ behaviour**

Some participants suggested that their use of disabled people’s facilities was a reaction to other drivers’ behaviour – they had noticed other drivers abusing facilities without any consequences: *“everybody else does it!”* (Persistent abuser, Monklands)

## **4.4 Reduced Mobility**

Three participants said they needed to use disabled people’s parking facilities because they had a medical condition which reduced their mobility (this included arthritis). They had not applied for a Blue Badge as they did not think they would meet the eligibility criteria, because their condition was temporary or only affected their mobility on certain days. Other participants said they had also needed to use a disabled person’s parking bay when they were heavily pregnant. Nearly all the participants who were recruited from the hospitals (Ninewells and Monklands) had used reserved parking facilities at the sites because they were taking their relatives/friends with temporary disabilities to medical appointments.

## **4.5 Psychological**

Most of the participants who fell within the justified, reluctant and in denial categories made conscious decisions before using a disabled person’s parking bay, in that they considered the impacts on disabled people and the risk of getting caught. Some participants convinced themselves that their behaviour was acceptable, because they did not anticipate their actions to have any impact on the people for whom the spaces are reserved. *“if there’s about 30 spaces not being used and I’m only going to be 5 minutes”*(Reluctant abuser, Edinburgh)

Persistent abusers, on the other hand, had a tendency to park without consideration of the impacts on disabled people or consequences for them – the value of the space was usually greater to them than the risk of being caught.

The participants' familiarity with the car parks had a major influence on their behaviour – there was a higher propensity to use disabled people's parking facilities at the car parks which were familiar to participants, because they knew they could get away with it. They had abused facilities before, with no consequences, so did it again.

## **4.6 Journey Purpose**

Almost half of the sample said that they had used a disabled person's parking bay because they were 'under pressure' to park. Journeys which were highlighted as being potentially stressful included those described below.

### **4.6.1 Work-related journeys**

Participants (mainly persistent abusers) said that they were pressured by time when carrying out personal activities during work hours, or attending meetings/meeting clients, so parked close to their destination to save time. Some participants said that they needed to park close to their destination to carry heavy equipment as part of their job; for example, one respondent was a painter and decorator, and needed to carry scaffolding, so parked as close to his destination as possible.

*“if I'm going to the bank, I'm on my lunch break and there is not a lot of time to spare, I'm in a rush, if there's a [reserved] bay right outside the bank, I will park in it, I would use them [reserved parking facilities] all, except police bays... I don't really mind it”.*

(Persistent abuser, Inverness)

### **4.6.2 Travelling with children**

As noted earlier, participants with a small child(ren) felt particularly under pressure to find reserved parking facilities when travelling with their child(ren), especially when shopping, as they regularly experienced problems accessing facilities reserved for parent and child and needed to use wider parking bays for safety reasons as mentioned earlier. In many cases, these participants used a disabled person's parking bay if they were not able to access a bay for parent and child.

### **4.6.3 Accompanying a friend/relative with a mobility problem**

Some participants were full or part-time carers of people with mobility problems, so it was important for them to park close to their destination. One respondent worked with young offenders who had learning difficulties with associated behavioural needs and used reserved parking bays to prevent her clients from running away, which was a possibility with longer walking distances or walking through large car parks.

#### **4.6.4 Visiting hospitals**

Many participants had negative experiences of using hospital car parks because they were not able to find suitable parking which led to some participants missing medical appointments. Participants said they had used reserved parking facilities for disabled people at hospitals because they had a temporary disability and needed to park close to the hospital entrance and/or to get to medical appointments on time. Other participants said they had used disabled people's parking facilities at hospitals because the car park was busy and there was nowhere else to park (these included hospital staff, and people giving lifts to out-patients and hospital staff). However, some participants who abused parking facilities for disabled people (including the persistent abusers) indicated that they would only consider using a reserved parking bay at a hospital car park if there was no other alternative as they perceived the impacts on disabled people and people with temporary disabilities as much greater than at a supermarket or retail car park. *"there's more respect for disabled people at hospitals than there is in a supermarket"* (Justified abuser, Dundee)

#### **4.7 Economic**

Cost of parking was an important factor to nearly all participants. Some participants said they used on-street disabled people's parking bays for a short time because it was free as they were not willing to pay for parking for 15 minutes or less. Other participants said they would park anywhere that was free, which led them to park in residential areas or private car parks instead of using off-street car parks. *"I'll abandon my car anywhere where I don't have to pay"* (Persistent abuser, Inverness)

#### **4.8 Environmental**

A lot of abusers had a higher propensity to use disabled people's parking facilities during inclement weather than during dry, calm conditions.

One participant believed that he was contributing to the environment by using reserved parking facilities as he was not driving around to find a suitable parking space. He considered this to be a plausible reason for using reserved parking facilities when they are not in use.

#### **4.9 Lack of Enforcement**

It was apparent to stakeholder workshop participants that many off-street parking bays are not enforced and that there are very little consequences for those that abuse off-street parking facilities. It was stated that people abuse the bays as they are not enforced effectively and that they know they can manipulate the system. It was generally felt that service providers need to do a better job of enforcing, but that ultimately they would need to be backed by legislation.

Not all participants who had abused disabled people's parking facilities were aware of the legal obligation on service providers to provide such facilities; some participants thought that service providers were just being *'courteous'* in providing them. For this reason most of the participants who abused them did not expect to be penalised.

#### 4.10 Summary

Table 4.2 summarises the assessment of factors motivating the abuse of off-street parking facilities reserved for disabled people, according to their frequency by type of abuser. It should be noted that some of the participants gave multiple reasons for their behaviour.

**Table 4.2: Frequency of factors influencing abuse of disabled people’s parking facilities**

<b>Factors influencing abuse</b>		<i>Persistent</i>	<i>Justified</i>	<i>Reluctant</i>	<i>In denial</i>	<b>Total</b>
<i>Bay design</i>	Bay width, position, signage, and capacity	6	7	1	2	<b>16</b>
<i>Social</i>	Anti-social environments and feeling of security, other drivers’ behaviour, perceptions of disability and socially acceptable behaviour	8	4	1	1	<b>14</b>
<i>Reduced mobility</i>	Temporary disabilities and permanent medical conditions which can sometimes make walking difficult	1	4	1		<b>6</b>
<i>Journey purpose</i>	Journeys which increase pressure to park	9	4	1	1	<b>15</b>
<i>Economic</i>	Cost of parking	3	2			<b>5</b>
<i>Environmental</i>	Weather conditions, pollutant emissions	4	1	1		<b>6</b>
<i>Psychological</i>	Where behaviour is dependent on conscience e.g. the possible impacts of bay abuse on a disabled person are considered, and determine the person’s decision to park. Other factors include user familiarity with sites and expectations of getting caught – if a person can get away with it once, then he or she is likely to repeat the offence.	To some degree, this factor was relevant to all abusers of disabled people’s parking facilities.				

## CHAPTER FIVE INTERVENTION MEASURES AND OTHER MEASURES FOR TACKLING THE ABUSE OF PARKING FOR DISABLED PEOPLE

This chapter provides descriptions of the intervention measures that were reviewed and evaluated during the study. The research participants' reactions to these measures are described in Chapter 6 while the practical considerations, constraints, and effectiveness of these measures are presented in Chapter 8.

The full range of measures evaluated included:

- Possible measures which are available to service providers for enforcing off-street parking. Among these include: polite notice, stickering, patrolled car parks, electronic barrier, remote controlled mini-barrier system for individual parking bays, automatic electronic announcement for bay users and Automatic Number Plate Recognition (ANPR).
- Measures which are used widespread in Scotland for the enforcement of on-street parking but are not commonly used to enforce off-street car parks e.g. vehicle removal, the use of traffic wardens.
- Suggested measures which are not currently possible or legal for the enforcement of off-street parking, but are used as methods of intervention for other offences, i.e. points on driving licence, and those that are currently illegal in Scotland i.e. wheel clamping.

### 5.1 Possible Measures for the Enforcement of Off-Street Parking

#### 5.1.1 Polite notice, stickering and patrolled car park

This approach is a simple, relatively low-key means of reducing inappropriate parking. A sheet of non-adhesive paper or adhesive sticker is secured behind the windscreen or stuck on the window of the offending car. Reference is made to their inappropriate parking with a polite request not to do it again or to the consequences of this action (e.g. a fine and what the driver needs to do next). This approach requires car park operators to operate a regular patrol to deter and challenge unauthorised parking in reserved bays.



This approach has been applied to tackle the abuse of parking facilities for disabled people in off-street car parks at airports (e.g. Edinburgh), rail stations/interchanges, NHS hospitals (where parking sites are integrated), supermarkets and retail parks. Surveys at rail stations/interchanges show that abuse is not a major problem at manned stations but at stations with no physical presence, abuse takes place.



### 5.1.2 Electronic barrier

This measure can offer the most direct and effective measure for preventing the abuse of parking facilities. It provides an electronic means of preventing the departure of an offending vehicle from an area where there are reserved bays for disabled people, or preventing the entrance of a vehicle that does not have the right to access an area where there are reserved bays for disabled people.

This approach has been applied in supermarket and hospital car parks to control access to segregated parking areas for Blue Badge holders. However it might not be appropriate for all sites e.g. where car park space is limited, as it is most cost-effective if its cost is spread over a large number of spaces.



### 5.1.3 Remote controlled mini-barrier system for bays



A mini-barrier system is installed directly onto a road surface, in individual parking bays. To access the space the driver presses a button on a hand held remote control device which automatically lowers the barrier. The mini barrier will automatically remain down until the car has left the space when the barrier will return to its upright position. When fully operational, the system can prevent access to a space for all unauthorised users and therefore provide an effective means of tackling abuse.

The physical distribution, and administration, of the remote control units means that this system is best suited to sites that have a 'closed' membership e.g. universities, leisure centres, hotels, as opposed to sites that are open to the general public.

### 5.1.4 Automatic electronic announcement for bay users

This is a system that consists of discs, situated in the middle of the reserved bay, which are linked to one of a series of bollards which can interface with the discs. When a car drives into the space, a sensor is triggered, and this initiates an audible announcement which reminds customers of the purpose of the spaces, and encourages them to park elsewhere if they have no need to park in the reserved space.



A model of an electronic automated announcement system has been installed in retail parks (e.g. Merry Hill Centre, Dudley), hospitals (e.g. in the Vale of Leven, the Inverclyde Royal Hospital in Greenock and the Royal Alexandra in Paisley) and extensively by one supermarket chain.

### **5.1.5 Automatic Number Plate Recognition (ANPR)**

Automatic Number Plate Recognition (ANPR) is a high tech means of ensuring that parking facilities reserved for disabled people are only used by disabled people. The system is based on advanced Digital Image Processing (DIP) technology. The system functions by detecting, on a real-time video image, the number plate of a vehicle entering a premises, and then reading the characters on this number plate. The information read is then logged and checked against a database of information, which, in the context of monitoring the use of parking bays reserved for disabled people, would consist of a list of people who are registered as being permitted to use a given facility.

The system has been trialed at supermarket car parks where it requires disabled people to register their licence plate in-store in order that their number plate is recognised and a barrier to enter a space in a segregated area is lowered. Since mid-May 2005, a number of parking facilities reserved for disabled people at these stores have only been accessible to disabled customers who have signed-up and registered their number plate details in-store. In general it has been found to be effective.

### **5.1.6 The use of traffic wardens/imposing fines**

This approach can be an effective policy for tackling the abuse of parking for disabled people. It has been applied successfully in Dundee and Angus where all enforcement of off-street car parking regulations is carried out by the Local Authority Roads Department staff operating out of Dundee; this task is carried out intermittently by staff who do so in conjunction with their other duties (Angus Roads, 2000). Since municipal car parks in Angus are free, this duty concerns checking that a Blue Badge is displayed in a vehicle parked in a bay reserved for disabled people, and that there is no parking outwith the boundaries of designated parking spaces. Offending motorists are issued with a Fixed Penalty charge of £30, but this will be discounted to £25, if paid within three weeks.

### **5.1.7 Traffic Regulation Orders (TROs)**

It is possible for service providers on private land to give control of a car park to a Local Authority through the application of a Traffic Regulation Order (TRO) so that the Local Authority becomes responsible for the enforcement of the parking bays. This approach is adopted by Stirling City Council for enforcing free parking facilities for disabled people in municipal off-street car parks within and outwith the city centre. If they are being used by a vehicle without a valid Blue Badge a fine is issued and enforced by the use of a TRO. Stirling Local Authority reports this approach as effective and that it does not identify a need for consideration of other measures to tackle the abuse of reserved parking bays, as the number of complaints from users is very low.

### **5.1.8 Vehicle removal**

This measure involves the physical removal of the offending vehicle if it were found not to display a valid blue badge. Central Parking System Ltd, which has a contract to manage off-street car parks on behalf of Edinburgh City Council, can, and does, tow offending vehicles away to be impounded.

## **5.2 Other ‘Suggested’ Measures**

The measures below are suggested other measures which are not currently possible or legal for the enforcement of off-street parking in Scotland, but were considered in the study as potential solutions.

### **5.2.1 Points on driving licence**

This measure refers to the use of penalty points being applied to a valid UK driving license of a driver who has parked in a reserved bay without displaying a valid blue badge. It should be noted that this is matter reserved to the UK government and currently not legally possible in Scotland.

### **5.2.2 Wheel clamping**

This measure refers to the use of wheel clamping (and subsequent de-mobilisation of the vehicle) once it has been identified as being parked in a reserved bay without displaying a valid blue badge. Wheel clamping in off-street car parks is illegal in Scotland but has proved to be an effective solution to the abuse of spaces reserved for disabled people in retail parks elsewhere in the UK (e.g. the Trafford Centre in Manchester and the Merry Hill Centre in Dudley). In Scotland wheel clamping is legal in areas of decriminalised parking.

## **CHAPTER SIX USER REACTIONS TO THE INTERVENTION MEASURES**

### **6.1 Introduction**

This chapter summarises the findings of the assessment in relation to the attitudes and reactions of the research participants who had abused parking bays reserved for disabled people (referred to as ‘**bay abusers**’), the participants from the focus groups comprising disabled people, and the participants from the focus groups comprising non-disabled people who had not abused bays (referred to as ‘**non- abusers**’). Firstly, a summary of the evidence review on the psychology of enforcement is presented. This is then followed by the findings of the focus group discussions with disabled people on the impacts of abuse and the need for greater enforcement before the research participants’ reactions to the intervention measures are assessed.

A more detailed assessment of general attitudes to reserved parking facilities for disabled people and the experiences of disabled people in using these facilities is included in Annex Two.

### **6.2 The Psychology of Enforcement: An Overview**

#### **6.2.1 Evidence from previous studies**

The desk-top review identified little knowledge relating to drivers’ reactions to either being prevented from parking in a reserved parking space, or being fined for doing so. Figures were quoted as to compliance rates in relation to the payment of fines (see section 7.3.2), but no evidence was found of people’s attitude to being fined, or of their propensity to re-offend. Ultimately, a preventative intervention measure will only have the desired effect of changing behaviour if its purpose is clear and if it is perceived by the public as being fair and just. Whether drivers who have been deterred from abusing reserved parking spaces decide to park elsewhere in the same car park, or go to another car park or city, is not known. Similarly, no evidence-base was found as to drivers’ future actions, in terms of how, say, a sticker on the windscreen, or a fine, might influence their behaviour the next time they require a parking space. Most importantly, there have been no studies into any long-term effects that intervention policies might have in educating the motoring public as to the needs of disabled people, or in changing people’s attitudes towards the provision of reserved parking facilities. Awareness campaigns such as those adopted by Almondvale Shopping Centre in Livingston, WM Morrisons and particularly the ‘Enabled Parking’ Scheme sponsored by Tesco have each produced encouraging results, as advertising campaigns to highlight the issue as well as announcements to ‘sound out’ perpetrators have produced a positive response from most members of the public involved. However, First ScotRail have reported that their leafleting campaigns to tackle this issue have produced mixed results due to variations in staffing levels and the volume of parking spaces per station. Overall it is difficult to conclude how effective these campaigns have been both in the short and long term.

### **6.2.2 Primary evidence**

Within all the focus group discussions, but especially those comprising disabled people, the majority of participants thought that intervention was necessary. Disabled people reported experiencing many problems trying to find suitable parking in off-street car parks. They experienced difficulties in all types of car park contexts, although hospitals and supermarkets were cited as being amongst the worst places to find somewhere to park and that trying to find somewhere to park was often quite stressful. The impacts of abuse on the disabled participants caused them to:

- Spend a long time searching or waiting for a reserved parking space to become available
- Park quite far from the destination and struggle to walk to it
- Abandon their trip altogether
- Miss hospital appointments

Disabled participants generally felt very strongly that reserved parking facilities should be policed and better enforced than they currently are. Most disabled participants pointed out that there was very little intervention for enforcing the reserved bays, which they thought was a major factor influencing their abuse. Disabled people suggested introducing legislation and using an intervention measure such as a fixed penalty fine.

Non-disabled participants (non abusers) generally thought that the bays should be enforced in the same way as any other traffic offence. However, some participants felt less strongly about intervention; these participants tended to be the younger participants of the groups and believed that the provision of reserved parking facilities for disabled people was greater than the demand for them.

Participants, who abused reserved parking facilities, gave mixed reactions, which could be linked to their behaviour. Most of the participants who fell within the ‘justified’, ‘reluctant’, and ‘in denial’ behavioural categories of abuse expressed agreement with, and support for, the intervention of disabled people’s parking facilities, while most of the ‘persistent’ abusers held the view that intervention was unnecessary because they did not believe abuse was a problem for disabled people. This was due to the fact that they had seen reserved parking facilities not in use by disabled people.

When introduced to the measures, all participants, including disabled people, abusers and non-abusers, were asked for their first impressions, what they perceived to be the possible benefits and disadvantages, and whether they felt there was a need for additional intervention. The findings are summarised below, for each category of intervention measure.

### **6.3 Driver Reactions to Possible Measures**

Most of the participants (including bay abusers and non-abusers) had seen and encountered measures for people parking inappropriately at supermarkets, retail parks, hospitals and private car parks before (including polite notices, stickering, bay design and patrolled car parks).

### 6.3.1 Polite notices, stickering

Most of the participants (bay abusers) had received a polite notice or sticker for parking in a disabled person's bay. Some of them considered it to be a good way of reminding someone if they had accidentally parked in a reserved bay. A sticker was regarded as more effective than a non-adhesive polite notice, because it can be an inconvenience to drivers and a way of embarrassing them, while people are likely to ignore and throw a polite notice away. However, it was strongly felt that for those who park for reasons that are unjustified, a sticker would have very little effect – as it had with most of the participants who had received one (at hospitals, retail parks and train stations).

It was highlighted by some participants (bay abusers) that the value of the parking bay is more to them than the inconvenience of a sticker, as the following quotes illustrate: *“when parking in disabled bays, people do it because they are under pressure so a warning isn't worth leaving the space”* (Persistent abuser, Falkirk). *“I always got caught out for it but all they did was put a sticker on my window... I was heavily pregnant and couldn't be bothered to walk so didn't care about the sticker.”* (Justified abuser, Monklands)

Within the focus groups of disabled people in Glasgow and Inverness, there were some participants who claimed to issue their own polite notices and stickers on cars parked in reserved bays without the Blue Badge on display that stated “if you take my parking space, do you want my disability as well”.

An issue of concern raised on the use of stickering which the research participants (bay abusers and non-abusers) felt should be addressed prior to implementation related to the legality of placing stickers on vehicles. Participants felt that this could be potentially dangerous if it obstructs the driver's view or causes damage to the vehicle.

It was also suggested that large stickers that cause inconvenience but do not compromise safety should be used and that the message on the notice/sticker should highlight the impacts of abuse on a disabled person, in addition to asking the vehicle owner not to use a reserved parking bay when they are not entitled to.

### 6.3.2 Good bay design

This measure includes clear, visible signs, use of bright colours and contrast to outline bays. Although this was regarded as being essential and beneficial to disabled people, it was not seen as a deterrent to abuse, because nothing can stop unauthorised users from entering the bay.

Nevertheless, this measure was liked because:

- Drivers cannot deny that have parked where they are not entitled to park
- Disabled people benefit from clearer bay markings and better overall design

It was pointed out that surface paint should be non-slip and weather resistant.

### 6.3.3 Patrolled car parks

This approach was liked by most participants because:

- It was considered to work well at hospitals, airports and multi-storey car parks
- It was believed to enhance people's feeling of security when using car parks
- It allows people to make a judgment call, and patrol staff can be sympathetic towards people who have a reasonable excuse for using the facilities and in circumstances where demand is low, or outside peak times (this was considered to be particularly important to endorse at hospital sites)
- Most importantly, it was considered to be an effective measure in deterring abuse, as the following quotes illustrate: *"Physical presence is always a threat"* (Former abuser, Monklands). *"British people still pay attention to someone in a uniform"* (Justified abuser, Edinburgh)

The following concerns were raised in relation to patrolled car parks:

- Abusive/persistent behaviour from the service users - this was a concern, particularly for hospital car parks, which were identified as being *"very stressful"* for all users (visitors, patients and staff), and where people are likely to be more emotional for a variety of reasons
- Effectiveness would depend on the individual(s) patrolling the car park – it was thought that some patrollers might be more vigilant than others

The following suggestions were made:

- Patrolling officers must be uniformed, as this suggests authority, which was considered to deter many potential abusers
- 'Friendly' approach to be adopted by patrolling officers

### 6.3.4 Electronic barrier

There was generally a high awareness of electronic barriers used to control access to reserved parking areas (mainly at hospitals and multi-storey car parks). This measure was generally well received by participants (including disabled people, bay abusers and non-abusers), because it physically prevents abuse and because unauthorised service users have no option but to park elsewhere. However, possible problems and concerns were raised in relation to its use for enforcing off-street reserved parking, as follows:

- Technical breakdown – it was pointed out by many participants that technology does break down and needs to be properly maintained in order to maximise its use and benefits. One respondent noted that at one supermarket car park the barrier system had broken down for a long time, and was open to abuse. Some participants were also aware of systems damaging cars because they did not work properly.
- Segregation – some non-disabled participants (non-abusers) felt that a barrier system would draw attention to disabled people and make them feel segregated. However, this

was not a concern raised by disabled participants who were generally in favour of this measure.

- It was suggested that people with certain disabilities, for example, reduced manual dexterity or upper limb impairments, might have difficulty operating the system should it be self-service
- Fraudulent use of entry cards

Participants questioned how users would operate the barrier; would users have to apply for an entry card/code via the Driver and Vehicle Licensing Agency (DVLA) or through the service provider, or would they be given a card at the point of service? It was suggested that users should apply to the DVLA or the service provider, as accessing the card at the point of service might not be accessible or practical. It was felt, however, that users should have the option to access a card from the service provider at the point of service to ensure access.

Overall, the barrier system was regarded as a good idea in principle, but there was concern about its practical application and whether it would be feasible in off-street car parks such as supermarkets and smaller car parks: *“you would have to have a large segregated area.”* (Persistent abuser, Falkirk)

The barrier system was regarded as an appropriate measure to implement at hospital car parks, as such sites can accommodate the space. For example, the system at a hospital in Glasgow which is used for staff parking (staff who car-share benefit from secure parking close to the entrance) was cited as an example of good practice.

### **6.3.5 Remote controlled mini-barrier system for bays**

Initially, participants (bay abusers and non-abusers), reacted very positively to this measure, although they had not heard of it, or seen it, before. It was generally regarded as a *“good idea”* as it prevents unauthorised people from using the bay. However, the participants identified possible disadvantages, such as:

- Technical failure
- Loss or theft of handheld devices – it was suggested that sites should be managed to ensure disabled people have access
- Handheld devices being copied and sold on the black market
- People might park erratically either in front or behind the barrier
- Motorcycles are able to use the space
- Vulnerability to vandalism
- Potential accidents as a result of people hitting the barrier, or technical failure
- Exclusion of people with certain disabilities that might make using a handheld device very difficult, for example, reduced manual dexterity and upper limb impairments

Participants also questioned whether it would be practically feasible to use a barrier system in every reserved bay and doubted the willingness of service providers, such as supermarkets, to cover the costs.

The following additional measures were regarded as necessary to increase the effectiveness of a mini-barrier system:

- Effective bay design to prevent blockage and misuse of the parking space, as it was pointed out that a vehicle could still park in the parking bay (horizontally) or a motorbike could be easily parked in the space.
- Operate the barrier by a chip attached to the Blue Badge that can be scanned when the user wants to use the space, rather than a handheld device, so that disabled people do not have to worry about losing or operating it. This way, the user would not have to worry about the possible problems of applying for and accessing a handheld device at the point of service, and would be able to gain access at any time.
- Opening the barrier for others to use outside peak hours (as suggested by abusers) when demand is low.

Despite these concerns, the remote controlled mini-barrier was a popular measure with disabled and non-disabled participants (including bay abusers and non-abusers) and was generally regarded as a good idea, at least in principle.

*“you’ve got to be fair to disabled people, because they need those spaces as well... it [remote controlled mini-barrier] would make people stop and realise the space is reserved for disabled people”* (Persistent abuser, Falkirk)

### **6.3.6 Automatic electronic announcement for bay users**

A lot of participants were intrigued by this measure as they had not seen or encountered it before, with the exception of some participants who claimed that they had seen this measure at Asda supermarkets in England and Scotland (Inverness) but did not know how it worked.

Some participants (especially persistent abusers) particularly liked this approach because it does not damage the car or impinge on people’s privacy or civil rights. In this respect they commended the measure because it allows drivers to make a conscious decision to park or leave the bay. Therefore, they cannot later deny that they had parked inappropriately. They also liked it because it does not penalise those who use the bay accidentally or have a genuine need to use it.

The participants who abused bays said that they would initially be reluctant to use a bay with an automated electronic announcement because of ambiguity about the consequences. However, most of them (including the persistent and justified bay abusers) indicated that they would not be deterred once they became aware of its function and would not be embarrassed by an audio announcement. In order to deter all potential abusers of disabled people’s parking bays additional enforcement such as a patrolled car park was considered to be necessary.

The perceived disadvantages and concerns in relation to this type of approach included the following:

- Familiarity – it was expected that the system would be effective initially and in the short-term because people would be deterred as they would be uncertain about the consequences. From the picture, shown to participants, some participants who were abusers thought the measure was a rising bollard and did not like the idea of their car being damaged. However, as people become more familiar with the system and see other people using the bays when they are not entitled to, it was felt that the system would be ignored and ineffective. Reluctant abusers on the other hand are likely to be deterred by an audio announcement and/or confrontation.
- Impact on disabled people - the non-disabled participants of the focus group discussions thought that an electronic announcement would embarrass disabled people; however, this was not a concern of the disabled participants.
- Technical failure.

### **6.3.7 Automatic Number Plate Recognition (ANPR)**

Initially most participants were unclear about what this measure would entail in relation to the enforcement of disabled people’s parking facilities. It was associated mainly with congestion charging, speed enforcement, traffic lights, and checking vehicle tax but the impact of misusing a parking bay with this measure was not clear.

After the measure was explained to participants, there was a general acceptance of the idea, with the exception of some participants (persistent abusers) who were not in favour of closed-circuit television (CCTV) cameras, as it felt too much like “Big Brother”.

Other participants thought ANPR was a good idea because it can be used to check vehicle tax and insurance as well as help to enforce disabled people’s parking facilities. It was also suggested that the measure could be used to monitor the abuse of the Blue Badge. Another perceived benefit of ANPR was that the technology could not be tampered with.

Some participants (including bay abusers), however, suggested that this measure would be ignored by potential abusers, based on the perception that existing measures such as CCTV, sometimes do not work or are not switched on: *“half the time they [CCTV cameras] don’t work”* (Persistent abuser, Falkirk)

Overall, there was some cynicism generally towards high technology measures such as ANPR, for reasons highlighted above, with some participants expressing a preference for low technology measures, as illustrated by the following quote: *“high-tech breaks down, low-tech works much better”* (Reluctant abuser, Monklands)

### **6.3.8 The use of traffic wardens/imposing fines**

There was generally a high awareness of the use of traffic wardens, but only in relation to the enforcement of on-street parking.

Participants who had abused disabled people’s parking facilities expressed a general dislike towards traffic wardens. Most of the abusers, particularly the persistent type, had negative

encounters with traffic wardens in which they felt they were treated unfairly, for example, getting penalised for exceeding parking time by two minutes. Traffic wardens were mainly criticised for being furtive and waiting to catch people out. However, the disabled and non-disabled (non-abusers) participants commended this approach as it was believed to work well on-street, and thought it could be applied successfully off-street. It was generally felt that the presence of traffic wardens and the threat of a fine would deter many potential abusers from parking in a bay reserved for disabled people. *“I hate the furtive, underhand way of enforcing parking.”* (Persistent abuser, Edinburgh)

The following disadvantages were raised with the use of traffic wardens to enforce off-street disabled people’s parking facilities:

- Some participants in Glasgow, including disabled and non-disabled people (non-abusers), disagreed with the use of traffic wardens on the basis that they work on commission and are therefore prone to issue more tickets than is necessary.
- The fixed penalty system can sometimes mean that low-income households, or people with justified reasons (e.g. parent and child, person with a temporary mobility), are affected more than those who abuse bays on a regular basis and can afford to pay a £30 fine.

Overall, the use of traffic wardens to enforce off-street disabled people’s parking facilities was considered to be a possible measure and a very effective deterrent particularly if deployed during peak times because *“people know that traffic wardens mean business”*.

### **6.3.9 Vehicle removal**

In terms of vehicle removal, participants had seen or heard about it being implemented in city centres for inappropriate on-street parking, citing Edinburgh and Glasgow as examples. Some of the bay abusers who fell into the ‘persistent’ category had encountered this measure with negative experiences but this did not deter all of them from repeating the offence.

Vehicle removal was generally regarded as a strong deterrent to potential abusers of reserved parking bays and likely to deter most abusers. However, it was pointed out by the participants who had abused bays that persistent abusers are likely to defy the measure or try to manipulate it in some way.

The following issues of concern were raised for vehicle removal:

- Operation – a main issue of concern for most participants (including disabled people and bay abusers) was how these measures would be operated. There was concern that this would be contracted out to profit-making companies, so that motorists could be treated unfairly.
- Low-income households – it was felt that the effectiveness of the measures in deterring bay abusers would depend on the individual’s socio-economic circumstances, with people from low-income households likely to be most affected.

- It was considered unfair to penalise users who have a genuine or justifiable reason to use the reserved bay, e.g. people who have a temporary disability or need to park because of an emergency.
- Practical application – participants could not see the measures working at multi-storey car parks.

Persistent abusers particularly disliked vehicle removal, as illustrated by the following quote: “[vehicle removal] *would probably deter people but would antagonise law breakers like myself.*” (Persistent abuser, Inverness)

It was a widely held view that vehicle removal would deter some if not most abusers but not all. “*50% would steer clear, the other 50% would still take a chance*”, (Justified abuser, Inverness)

Suggestions for the implementation of vehicle removal for preventing the abuse of disabled people’s parking facilities included:

- Clear signage (essential) - users need to be aware that they must display their Blue Badge or face the consequences
- Release fee of £50-£80
- Report cases of vehicle removal in local newspapers (to raise awareness)
- The use of a single organisation or regulation body to operate the measures using a set of guidelines, and in a fair manner

The majority of the disabled and non-disabled (non-abusers) participants were generally against measures such as vehicle removal, based on the concerns listed above. Vehicle removal was regarded as appropriate for first time offenders. It was suggested that first time offenders should receive a sticker and/or a fine to warn them that they face vehicle removal should they repeat the offence.

## **6.4 Other ‘Suggested’ Measures**

Although the following measures (points on driving licence and wheel clamping) are not actually legally possible for the enforcement of off-street parking in Scotland, participants nevertheless were asked for their general attitudes to their deployment in the future, should they be legal.

### **6.4.1 Points on driving licence**

On first impression, this measure was considered to be quite a ‘*harsh*’ consequence of abusing bays intended for use by disabled people. Nevertheless it was regarded as potentially one of the most effective deterrents to parking abuse: “*that’s harsh, that’s very harsh, but it would definitely work*” (Justified abuser, Inverness). “*It works for drink driving*” (Abuser in denial, Falkirk)

Interestingly, non-disabled participants (non-abusers) thought that this was an appropriate intervention measure for parking bays reserved for disabled people, while many disabled participants considered licence points to be “*too severe*” and disabled people in Inverness did not

think it would ever be implemented. However, the stakeholders (service providers and organisations representing the interests of service users with disabilities) at the workshop supported this approach as they thought that it would be taken seriously by the public but it was not regarded as a realistic option in the foreseeable future.

Concerns were raised about this measure in relation to the following possible impacts:

- The impact on insurance premiums without the insurance company knowing the real reason for the points.
- Impacts unrelated to the original parking offence, for example, to lose a driving licence, which could have other negative consequences, such as someone losing their job.
- Some of the justified abusers were concerned about how the licence points would be applied - automatically or via court. If it is an automatic process the measure was considered to be a strong deterrent, however, it was suggested that, if the licence points are issued after a 'court case' it would be less of a deterrent because in a court case actions can be considered and justified.

The justification of this measure was considered by some participants to depend on the legality of parking in reserved parking spaces in off-street car parks. Some participants did not believe the abuse of reserved off-street parking facilities to be illegal and therefore could not see this measure working in practice.

It was suggested by the participants who abused bays that it would be most appropriate and fair to penalise drivers with licence penalty points after they have abused facilities more than three times and after receiving a polite notice, sticker or fine. Here it was suggested that 3 points should be added to their licence, and if the driver continues to abuse parking facilities increase the penalty to 6, and then 9. It was suggested that if a person reaches 12 points make them take their driving test again and make the offense on a par with a drink driving offence. It was also suggested by disabled people and non bay abusers that licence points would be appropriate to enforce on the 3<sup>rd</sup> or 4<sup>th</sup> time that a person is caught abusing the facilities. It was not considered to be necessary or justified to impose this measure on people who have used reserved parking bays for very short periods of time e.g. 5-10 minutes.

#### **6.4.2 Wheel clamping**

Some participants claimed that they had seen wheel clamping in operation at off-street car parks in Scotland. Many other participants had (correctly) understood this to be an illegal activity in Scotland and suggested that people might ignore the warnings because of this.

The reactions to wheel clamping for the enforcement of off-street parking facilities for disabled people in Scotland were similar to those for vehicle removal. The same concerns were raised with regard to its operation and its potential impacts on low-income households, and people who have justified reasons for using a bay. Participants identified other consequences of wheel clamping which might incur further costs, for example, should the vehicle not have road tax and is taken to a compound as a result.

Persistent abusers particularly disliked wheel clamping, as the following quote illustrates: *“no one has the right to touch my car and damage my wheels”*(Persistent abuser, Inverness)

Should wheel clamping become a legal method in the future for the enforcement of parking facilities for disabled people in off-street car parks in Scotland, it was considered to be most appropriate to implement at car parks where there is a major problem, such as hospitals. Suggestions made with regard to its implementation were the same as those expressed on vehicle removal:

- Clear signage (essential) - users need to be aware that they must display their Blue Badge or face the consequences.
- Release fee of £50-£80.
- Report cases of wheel clamping in local newspapers (to raise awareness).
- The use of a single organisation or regulation body to operate the measures using a set of guidelines, and in a fair manner.

## **6.5 Additional Measures Suggested**

Some of the possible measures for enforcing parking for disabled people were not regarded as offering adequate intervention. Warnings (polite notices and stickers), patrolled car parks and good bay design were considered to be necessary, but should be used in conjunction with other measures. Additional measures suggested included:

- Fixed penalty fine.
- Number plate recognition to identify abusers and monitor abuse.
- Giving the patrolling officers the same authority as a traffic warden.

As an alternative measure to wheel clamping and vehicle removal, some participants suggested that fines should be imposed instead – the fine should be on the spot and the penalty should increase with the number of times the offence is repeated.

Additional measures were suggested with the implementation of ANPR, as follows:

- Nearly all participants felt it was necessary to use additional measures, such as sending a letter to the vehicle owner to inform them of the offense, and threatening them with a fixed penalty fine should they do it again.
- At supermarkets, it was suggested that the registration numbers should be read out over the audio announcement system to ‘name and shame’.
- Clear signage – it was regarded as unfair to motorists if they are not aware of the possible impacts and to ensure that drivers do not ignore the measure or associate it with other purposes such as checking vehicle tax.

## **6.6 Summary**

Tables 6.1 and 6.2 highlights the key findings of the focus groups (including disabled people, and non-disabled people who did not abuse bays) and depth interviews (including bay abusers), in terms of reactions to the intervention measures listed above, their likely effectiveness and appropriate contexts. The likely behavioural responses of the participants who abused disabled people's parking facilities to the intervention measures are summarised as indicated by their attitudes and behaviour.

**Table 6.1: Summary of driver reactions and their likely behavioural responses to the ‘possible’ intervention measures**

Measure	Awareness	Perceived benefits	Issues of concern/ perceived disadvantages	Additional enforcement and other measures required	Likely behavioural response	Appropriate contexts
<i>Polite notice</i>	High	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>Litter</li> </ul>	<ul style="list-style-type: none"> <li>Adhesive sticker</li> <li>Fixed penalty fine</li> <li>Vehicle registration recognition</li> <li>Information about impacts of abuse on disabled people</li> </ul>	Little impact	The measure alone was not regarded as an effective deterrent in any context.
<i>Stickers</i>	High	<ul style="list-style-type: none"> <li>Inconvenient to remove</li> <li>Potentially cause embarrassment</li> </ul>	<ul style="list-style-type: none"> <li>Safety</li> <li>Difficult to prove without photographic evidence</li> </ul>	<ul style="list-style-type: none"> <li>Fixed penalty fine</li> <li>Vehicle registration recognition</li> <li>Large stickers, without comprising safety</li> </ul>	Little impact	Not considered effective unless used with a fixed penalty fine.
<i>Patrolled car parks</i>	High	<ul style="list-style-type: none"> <li>Work wells at hospitals, multi-storey car parks</li> <li>Enhances feeling of personal security</li> <li>Can be flexible for justified abusers</li> </ul>	<ul style="list-style-type: none"> <li>Abusive/aggressive behaviour</li> <li>Some patrollers might be more vigilant than others</li> </ul>	<ul style="list-style-type: none"> <li>Fixed penalty fines</li> <li>Uniformed patrolling staff</li> <li>Friendly, polite approach</li> </ul>	High impact on justified abusers, persistent abusers will try to ignore staff	Any context
<i>Bay design</i>	High	<ul style="list-style-type: none"> <li>Bright colours and contrast are good design</li> <li>Drivers cannot claim accidental abuse</li> </ul>	<ul style="list-style-type: none"> <li>Health and safety</li> <li>Increase awareness to potential abusers</li> </ul>	<ul style="list-style-type: none"> <li>Patrolled car park</li> <li>Fixed penalty fine</li> </ul>	Little impact, if not implemented with other measures	Appropriate in all contexts
<i>Remote controlled mini-barrier system</i>	Low	<ul style="list-style-type: none"> <li>Physically prevents abuse</li> </ul>	<ul style="list-style-type: none"> <li>Technical cost</li> <li>Loss/theft/fraudulent use of handheld devices</li> <li>Erratic parking around the barrier</li> <li>Vulnerable to vandalism</li> <li>Excludes people with reduced dexterity or upper limb impairments</li> </ul>	<ul style="list-style-type: none"> <li>Effective bay design</li> <li>Blue Badge chip to activate barrier</li> <li>Open barrier outside peak hours for others to use</li> </ul>	Significant impact on all types of abusers	Hospitals or where abuse is a significant problem

**Table 6.1: Summary of driver reactions and their likely behavioural responses to the ‘possible’ intervention measures**

Measure	Awareness	Perceived benefits	Issues of concern / perceived disadvantages	Additional enforcement and other measures required	Likely behavioural response	Appropriate contexts
<i>Electronic barrier</i>	High	Physically prevents abuse	<ul style="list-style-type: none"> <li>• Technical reliability</li> <li>• Segregation of disabled people</li> <li>• Excludes people with reduced dexterity or upper limb impairments</li> <li>• Fraudulent use of access devices</li> <li>• Practical application</li> </ul>		Significant impact on all types of abusers	Hospitals, large supermarkets and retail parks.
<i>Automatic electronic announcement</i>	Low	<ul style="list-style-type: none"> <li>• Effective in the short term</li> <li>• No damage to vehicle</li> <li>• Makes people aware</li> </ul>	<ul style="list-style-type: none"> <li>• Effectiveness reduces as familiarity increases</li> <li>• Technical reliability</li> <li>• Potentially embarrassing for disabled people</li> </ul>	<ul style="list-style-type: none"> <li>• Patrolled car park</li> </ul>	Low impact on persistent abusers	Not an effective deterrent in any context, unless used with patrolled car parks.
<i>ANPR</i>	Low	Can check vehicle tax/insurance as well as abuse (including Blue Badge abuse)	<ul style="list-style-type: none"> <li>• Technical reliability</li> <li>• Infringement of civil rights</li> <li>• Complacency of CCTV</li> </ul>	<ul style="list-style-type: none"> <li>• Clear signage</li> <li>• Written warnings</li> <li>• Fixed penalty fine</li> </ul>	Little impact if users are unaware of the consequences	Appropriate in contexts where there are persistent abusers, esp. supermarkets, train stations.
<i>Traffic wardens</i>	High	Very effective	<ul style="list-style-type: none"> <li>• Impact of fixed penalty fine on low-income households</li> <li>• Wardens working on commission</li> </ul>	Should be lenient towards people who have justifiable reasons to use a reserved bay	Extremely effective – likely to deter	Where abuse is a major problem.
<i>Vehicle removal</i>	Mixed	Strong deterrent	<ul style="list-style-type: none"> <li>• Extortionate activities</li> <li>• Impact on low-income households</li> <li>• Unfair on first time and justified abusers</li> <li>• Legislation</li> </ul>	<ul style="list-style-type: none"> <li>• Clear signage and written warnings</li> <li>• Raise awareness of abusers being penalised</li> <li>• Regulation</li> </ul>	<ul style="list-style-type: none"> <li>• Likely to deter most abusers.</li> <li>• Persistent abusers are likely to ignore warning.</li> </ul>	Could be appropriate in any context, but should target serial abusers

**Table 6.2: Summary of driver reactions and their likely behavioural responses to the ‘suggested’ other measures**

Measure	Awareness	Perceived benefits	Issues of concern / perceived disadvantages	Additional enforcement and other measures required	Likely behavioural response	Appropriate contexts
<i>Wheel clamping</i>	Mixed	Strong deterrent	<ul style="list-style-type: none"> <li>Extortionate activities</li> <li>Impact on low-income households</li> <li>Unfair on first time and justified abusers</li> <li>Legislation</li> </ul>	<ul style="list-style-type: none"> <li>Clear signage and written warnings</li> <li>Raise awareness of abusers being penalised</li> <li>Regulation</li> </ul>	<ul style="list-style-type: none"> <li>Likely to deter most abusers.</li> <li>Persistent abusers are likely to ignore warning.</li> </ul>	Could be appropriate in any context, but should target serial abusers
<i>Points on licence</i>	High	Strong deterrent	<ul style="list-style-type: none"> <li>Unfair on first time or justified abusers</li> <li>Not effective if it involves a court case</li> </ul>	<ul style="list-style-type: none"> <li>Clear signage and written warnings</li> <li>Raise awareness of abusers being penalised</li> <li>Regulation</li> </ul>	<ul style="list-style-type: none"> <li>Likely to deter most abusers.</li> <li>Persistent abusers are likely to ignore warning.</li> </ul>	Serial abusers (if they are caught committing the offence after receiving warning and a fine)

## **CHAPTER SEVEN      COMPARISON OF DIFFERENT CONTEXTS FOR INTERVENTION**

### **7.1      Introduction**

This chapter includes a review of different contexts for intervention, combining evidence from previous studies and primary research. The evaluation identifies the key issues and opportunities for intervention of enforcing disabled people’s parking bays in different contexts. It is based on the perceptions and experience of the case study site providers and other site providers that were consulted during the desk-top review, towards the effectiveness of measures currently in use at sites, practical considerations and constraints. The views of the users of these sites (obtained from the depth interviews with bay abusers) on the effectiveness of measures are also reported here.

### **7.2      Retail: supermarkets, retail parks, shopping centres**

#### **7.2.1      Main issues in relation to reserved parking facilities and considerations for intervention**

The abuse of parking facilities intended for use by disabled people, especially abuse that occurs for no justifiable reason, is perceived to be greater at supermarkets than in any other context. Reasons given for the occurrence of abuse in this context included:

- Availability of spaces – research participants who had abused reserved bays did not think that their actions had any impact on disabled people, mainly because of the number of bays that were available when they had used one.
- Short stay parking – many abusers of reserved parking facilities believed that their actions have minimal or no impact on disabled people because they are parked for a short time (10-20 minutes).

A key issue highlighted for supermarket/retail providers in relation to enforcement is the need to balance the rights of customers with disabilities with the attractiveness of the supermarket/retail/shopping centre. Therefore service providers state a preference for non-confrontational approaches, such as those that have been applied in this context, described below.

#### **7.2.2      Examples of intervention measures used in this context**

These have included:

- **Car park management and advisory stickers** - procedures involving a “customer friendly” approach – the visible presence of a parking attendant appears to act as a deterrent to abuse. At a Morrisons store, customers have responded well to polite notices and requests (via announcement in-store) to move their vehicles if parked inappropriately.

- **Segregated Blue Badge parking areas** - greatly facilitates management and requires less enforcement. The use of an electronic barrier offers a direct and effective measure (if properly maintained) as it physically prevents abuse (with electronic barrier), any uncertainty over the role of the reserved bays is removed. Automated Number Plate Recognition (ANPR) also shown to work well if implemented in conjunction with this approach and is regarded as effective and practical among supermarket users.
- **Automated electronic announcement for bays** - a model of this system has been installed in retail parks (Merry Hill Centre, Dudley), three hospitals (in the Vale of Leven, the Inverclyde Royal Hospital in Greenock and the Royal Alexandra in Paisley) and extensively by Asda. The Merry Hill Centre removed the system because it was discovered that drivers were ignoring it. Asda has used this system at stores with varied success.
- **Fines** - managers at the Beaumont Leys Shopping Centre shopping centre in Leicester say a scheme to fine drivers £60 has been successful. The charge is reduced to £40 for those who pay within seven days. So far, the fines have raised about £6,000, 10% of which will go to local charities for disabled people. Tesco have operated the trial to fine offending vehicles in 20 stores, charging £50 for each offence, reduced to £25 if paid within 14 days.
- **Number plate recognition, notices and fines** - at a David Lloyd Leisure Centre, in Moortown, Leeds, signage has been added to reserved bays to inform car owners that they are entering into a contractual agreement by using the bay. Cars not displaying a Blue Badge are having their licence number logged and a warning notice is placed on their car informing the owner that he or she has parked in a space reserved for disabled people. When a licence plate is noted for the second time a fine is issued, which is legally binding by virtue of the contract displayed by the spaces.
- **Wheel clamping** - at a retail centre in Manchester, wheel clamping has been shown to be a more effective means of enforcing disabled people's parking bays than notices and automated electronic announcements that were previously used. Prolific offenders face their car being clamped, and a possible ban from the centre, if they illegally park more than three times. This measure would require car park attendants to regularly patrol and monitor the car park. Wheel clamping in off-street car parks is illegal in Scotland.

### **Box 7.1: Case Study Example: ASDA Supermarket**

Asda has implemented a range of intervention measures aimed to tackle the abuse of parking bays reserved for disabled people at a number of stores across the UK:

- 1) **Automatic Electronic Announcement** (Spacehog) is now installed as part of the standard specifications for new Asda stores. Asda's perception is that this measure has limited effect against serial abusers of reserved parking bays, but does help to reduce accidental abuse of such facilities.
- 2) **Car park management** procedures are now in place at approximately one third of Asda's 110 UK stores, and this often involves the application of a waiting limit (normally 2 hours), visible Asda staff in the car parks to help direct cars to spaces and subcontracted parking attendants to enforce waiting limits and reserved spaces for disabled customers with a £40 fine (Penalty Charge Notices), which is reduced to £20 if paid within 10 days. The perception is that the fines issued for the abuse of parking bays reserved for disabled people are effective, and are likely to deter the individual from parking in a disabled person's bay in future. The visible presence of an attendant appears to act as a deterrent.
- 3) **Segregated Blue Badge parking areas and ANPR** have been implemented at five Asda stores in conjunction with automatic number plate recognition camera technology. In addition to the segregated area, there are standard disabled person's parking bays, which provide parking facilities for passing, or unregistered, visitors. The five stores have so far each attracted approximately 6,000 registrations from disabled customers. There is potential for the related database to be shared across stores (or even other supermarket chains) as the number of locations with the ANPR controlled barriers increases. This approach has been well received by disabled customers. The long-term aspiration is to extend the barrier system to as many stores as possible, but Asda has indicated that older stores, or those with unconventional car park layouts, may prove difficult to retro-fit with the system. The barrier system is considered by Asda as the most direct and effective measure of intervention. Asda concedes, however, that the system is not likely to be appropriate for all sites (i.e. where car park space is restricted), and the costs associated may prove prohibitive in some locations.

## **7.3 City Centre Municipal Car Parks**

### **7.3.1 Main issues in relation to reserved parking facilities and considerations for intervention**

The following key issues emerged from the consultation with service providers with relation to municipal car parks (using Edinburgh and Inverness as case study examples):

- The extent to which the abuse of parking facilities intended for disabled people is dependent on the total demand there is for parking; e.g. in Edinburgh, there is reportedly little problem with abuse at National Car Parks Ltd (NCP) Castle Terrace car park, which is used by regular users (workers), but abuse is slightly more of an issue at the company's much busier car park that serves the St James Centre shopping precinct and is used by irregular users (shoppers, visitors).
- There was an anecdotal view that in areas, serving a largely rural catchment area (e.g. Inverness), visitors might have a greater propensity to park inappropriately, as a result of having travelled a long distance to access facilities.
- Personal security and convenience were reported as the two most important factors by the research participants when using municipal car parks. In Inverness, the position of reserved bays for disabled people next to entrances or lifts, motivated abuse. The wider

width of the bays was an additional attractive feature (for those wishing to protect their vehicle).

In Inverness, the site manager reported:

- The abuse of parking facilities for disabled people to be much worse in private, off-street car parks, than in the city centre municipal car parks. This was attributed to free parking - visitors to the city and people working in the city want to avoid paying for parking facilities.
- Abuse was also reported to be a greater problem on-street in Inverness, because the facilities are closer than the off-street car parks are to the shops. The research participants (service users) indicated a higher propensity to abuse bays on-street than off-street to minimise walking distance.

In Edinburgh abuse was also reported to be low (particularly at sites used by regular users), but as a result of the following:

- Availability – it is nearly always possible to find available parking space, and patrolling staff assist motorists in finding a suitable space.
- A number of different intervention measures and car park design (see Box 7.2 below). Participants who usually misuse disabled people’s parking facilities did not admit to using such facilities at the municipal car parks in Edinburgh; this may be due to the enforcement measures in place.

The service providers that were interviewed suggested that ‘large’ stickers, backed up with fines issued by patrolling attendants, would be the most effective and fairest way of enforcing reserved bays in municipal car parks.

### **7.3.2 Examples of intervention measures used**

In Edinburgh where parking has been decriminalised – the physical presence of parking attendants, fines and a charging policy (see Box 7.2) have proved to be effective deterrents (minimal abuse reported). NCP believes that the approach they adopt is effective and see it as part of their policy to offer a good service to all customers. There was an acknowledgement that the most effective deterrent to the abuse of spaces reserved for disabled people was the constant presence of a member of staff at the facility, together with signs alongside reserved parking spaces warning of the imposition of a fine.

In cities where parking has been decriminalised to recover outstanding fines through civil channels (Edinburgh, Glasgow, Dundee and Aberdeen), there have been recent estimates that suggest low compliance in the payment of fines (The Scotsman, 2006). In Edinburgh there are 72,140 parking fines still outstanding (worth an estimated £5.7 million), whilst in Glasgow 71,315 of the 1.4 million fines imposed on motorists since 1999 (worth some £5.6 million) remain unpaid<sup>2</sup>. Similarly, in Dundee, 10,303 fines, worth some £500,000, are still outstanding, and the corresponding figures for Aberdeen are approximately 57,000 fines, worth £2.1 million.

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<sup>2</sup> In spite of these figures, the view of Glasgow City Council’s Parking Unit is that the imposition of fines is effective, in as much as people do tend to pay these fines.

It is interesting to note that, in Inverness, where parking has not been decriminalised (see Box 7.3), only 294 on-street parking tickets, representing a value of some £5,880, remain outstanding.

In Stirling, fines are issued to offending motorists in the city's municipal car parks by the use of a Traffic Regulation Order (TRO). A representative of the council reported this to be effective to date and that the Local Authority does not identify a need for consideration of other measures to tackle the abuse of reserved parking bays, based on a reduction in the number of complaints received by disabled people.

### **Box 7.2: Case Study Example: Decriminalised Parking in Edinburgh**

In Edinburgh, a large proportion of off-street car parks in the capital are managed by either National Car Parks Ltd (NCP) or Central Parking System Ltd (CPS). At Castle Terrace, a 750-space facility which is mostly used by tourists and office workers, abuse of reserved spaces is deterred by the following measures:

- An on-site kiosk which is manned 24-hour hours a day, seven days a week
- Staff members makes periodic checks around the car park
- The car park is monitored by CCTV cameras
- If the driver is present, they are politely requested to move, if not, a £50 fine is issued.
- Disabled people are obliged to pay the same rates as non-disabled people
- Electronic barrier to ensure all drivers purchase a parking ticket

When there are instances of abuse of disabled person's parking spaces, NCP's policy is to issue a Penalty Charge Notice. However compliance with the payment of fines is reported to be low.

The site manager preferred to ask motorists to move their car rather than to issue fines. This more low key approach, using direct face to face contact, was thought to be, in the majority of cases, very effective. When motorists are approached by car park attendants, they are often embarrassed, and move their car. Furthermore, the fact that many of the bays reserved for disabled people are located near to the attendant's kiosk means that they can be readily overseen.

### **Box 7.3: Case Study Example: Non-decriminalised Parking in Inverness**

The policy in **Inverness**, where car parking has not been decriminalised, is for 5% of spaces in the Council's car parks to be dedicated to Blue Badge holders, who are entitled to free parking; this provision is in addition to the 21 on-street parking spaces that are available in Inverness. The spaces available in the city centre are soon occupied by the vehicles of office workers, who, once they have parked, tend to occupy the space for the whole day. Any abuse of these spaces that does take place in Inverness, on-street or off-street, is dealt with by the city's traffic wardens.

At the multi-storey car park in the city centre, there is one supervisor and eight car park attendants, on two shifts (operating between 7.30am till 10.30 pm). Attendants patrol every hour. Non-disabled drivers exceeding the time limit are issued with an excess charge notice of £20.

All the municipal car parks are covered by Traffic Regulation Orders (TROs). The site manager stated that the main advantage of TROs is that they provide a legal basis for intervention. Compliance with payment of fines has been found to be a lot of higher than in cities where parking has been decriminalised to recover fines through civil channels.

## **7.4 NHS Hospital Sites**

### **7.4.1 Main issues in relation to reserved parking facilities and considerations for intervention**

The following issues relevant to hospitals (drawing on the experience of an urban hospital, Ninewells, Dundee and a rural hospital, Monklands, Lanarkshire) have been identified:

- Most parking difficulties were related to capacity and the extent to which hospital policy influenced capacity (see the Monklands hospital case study example, Box 7.5).
- A lot of inappropriate parking in hospital car parks is often due to small and badly designed car parks.
- The problems are exacerbated by pressure on parking due to a high number of staff travelling by car, limited public transport links and a high volume of day patients attending. Hospitals that are not well integrated, especially older facilities (e.g., Monklands), with a number of different entrances and car parks makes it difficult to monitor and enforce bays.
- Newer hospitals (e.g. Wishaw, Lanarkshire), on the other hand, where parking is provided by outsourced car parking management services, are more integrated with a main general entrance so parking is easier and more cost effective to manage by parking attendants and security staff.
- Another aspect that increases pressure on hospital car parks is the fact that some of them are non-charging, and therefore tend to be used by people with no connection to the hospital. This huge demand for parking and lack of parking spaces inevitably leads to the abuse of spaces reserved for disabled people. However, for older, less integrated sites, a charging policy would be prohibitive because of size and layout of site (e.g. Monklands).
- There was a view that those who misused reserved parking bays included hospital staff who were displaying a Blue Badge that did not belong to them. The research

participants' knew other people that had abused bays reserved for disabled people in hospital car parks, and some knew of people who misused the Blue Badge when using such facilities.

- The research participants, who had used hospital facilities, justified their use of reserved parking facilities on the basis of:
  - a temporary disability affecting their mobility
  - a lack of available parking
  - to avoid missing a medical appointment

Overall, tackling abuse in hospital car parks was considered to be the highest priority amongst the majority of service providers and about half of the service users present at the workshops. However, it was perceived that those that abused reserved spaces at a hospital did so due to the belief that they had a genuine need to use one (i.e. because they had a temporary mobility problem, did not feel well, or due to the lack of parking and the need to keep a hospital appointment). This understanding was reflected in the enforcement measures suggested by the stakeholders to tackle abuse at hospitals: service providers and users considered it to be unreasonable to clamp/remove inappropriately parked vehicles at a hospital visitors' car park.

One suggestion was for there to be a commitment to a '**dropping off bay**', where patients can be dropped off (in a safe, sheltered area), so that the driver can then drive off and park in a non-reserved bay, instead of taking up a reserved space for a longer period of time. This would reduce the need for reserved bays being taken up for long periods of time, but still provide patients who are not eligible for a Blue Badge with access to the hospital according to their needs.

#### **7.4.2 Examples of intervention measures used in this context**

Among these include:

- **Charging policy for all:** Ninewell's hospital has introduced a charging for all policy to address the problem of abuse. Charging was selected over a Traffic Regulation Order in order to generate income for funding special permits for those who genuinely need them. Since its introduction in August 2006, abuse is reported to have decreased dramatically (see Box 7.4). In contrast, Monklands hospital operates a no charge policy and abuse is high.
- **Car park design and segregated Blue Badge parking areas:** Wishaw hospital in Lanarkshire which is a relatively new build site, with integrated medical facilities, has one main open public car park with a segregated area for Blue Badge holders. This area is regularly patrolled by a parking attendant and polite notices are placed on vehicles that do not display a Blue Badge. The integrated design of the car park together with the constant presence of a parking attendant has proved to work well in deterring abuse of the facilities.
- **Stickering, fines and vehicle removal** – applied at the Royal Infirmary of Edinburgh, hospital staff carry out stickering. The Local Authority also provides a regular patrol three times a day, and can (and does) levy fines or have cars towed away if they are

parked inappropriately or illegally. The use of stickers has not been effective at tackling the problem.

#### **Box 7.4: NHS Hospital Case Study Example: Ninewells Hospital (Charging)**

**Ninewells NHS Hospital** in Dundee provides 2500 spaces in 10 locations and shares the site with a University Medical School. The car park is provided for staff, visitors, patients and students to use. Of these spaces, 94 are reserved for Blue Badge holders, 70 of which are located at the main entrance. The remaining spaces are located outside various other entrances. The hospital has a **charging policy** for all users, including Blue Badge holders. A flat rate of £1.60 is charged per day in all car parks, where it is £1.60 for up to four hours, £5.00 for over four to seven hours and £7 for over seven hours. This is to deter all day parking in the car parks at the main entrance. Any patient that stays over the four hour period due to their clinical appointment and receives a penalty ticket can have it cancelled. If a disabled person requires parking for clinical needs (i.e. an appointment) they are not expected to pay more than £1.60/day.

The site manager reported no problems with misuse or abuse of reserved bays for disabled people since the charging for all policy was introduced. Prior to charging, there was a high degree of abuse of reserved bays; of 70 reserved spaces, often some 30 were used inappropriately.

The site manager reported that many disabled people initially opposed the charge for reserved parking, and complaints rose significantly as a result. However, because the system (as reported by the site manager) is working so well, the number of complaints has reduced and people seem to be accepting the charges as they can find a parking space now.

Some of the wider consequences of the introduction of charges have been as follows:

- All the additional money raised from charging disabled people goes toward funding special permits for free parking for certain patients (those on renal dialysis, nuclear medicine treatment, cancer patients and neo-natal compassionate permits). It is anticipated that there will be 100 free parkers per day who would not qualify for a Blue Badge, but whose needs are such that they need regular access to hospital facilities. A “shopmobility” scooter service will also be set up for the use of disabled people.
- Feedback from the outpatient clinic has been that there are far fewer missed appointments (‘no shows’), resulting in financial savings, as these appointments do not have to be rescheduled.
- The reduction in ‘no shows’ will ultimately improve the hospital’s performance tables and reduce inconvenience to patients attending for clinical appointments.
- The introduction of variable rate charging in car parks near the entrance has taken away the incentive of non-disabled drivers attending for out patient appointments and parking in bays reserved for disabled people.

### Box 7.5: NHS Hospital Case Study: Monklands Hospital (non-charging)

**Monklands Hospital in Lanarkshire** is an example of a hospital built in the 1970s within a large rural/greenbelt setting and where car parking management has not been outsourced. It is a large district general hospital with a 24 hour Accident and Emergency department and specialised outpatient departments. The hospital provides 1,100 parking spaces; 1014 spaces are allocated for the acute hospital (107 of these are allocated for key staff, and access is controlled by a barrier), 50 spaces are allocated to Airdrie Primary Care Centre, and, in total, 36 spaces are reserved for disabled people. These reserved spaces are spread over six separate car parks, with six separate entrances. In the main entrance car park there are 8 of the 36 designated reserved bays for disabled people which is patrolled by an attendant (Monday to Friday, 8am to 4pm). Monklands hospital operates a **no charge policy**.

Most parking difficulties were related to capacity and the extent to which hospital policy influenced capacity, as described below.

- The presence of such a large outpatient service means that there is a high demand for parking spaces on site throughout the day (the hospital is reported to have 1,800 visiting patients per day over a 10 hour period). The NHS Boards in Scotland are currently reviewing all outpatient facilities, hoping to take 'return visits' to community services. This will reduce the number of outpatients attending the hospital.
- It is reported that there are often more visitors per patient in the first few weeks of a hospital stay than at any other time. When the hospital was first built the average length of an inpatient stay was six weeks. Now, with improvements in community services, the average hospital stay is down to two weeks. This means that the high volume experienced as a result of visitors in those first two weeks is replicated every two weeks, rather than diminished.
- The hospital is reported to have 2,100 members of staff, and because of the highly specialised nature of the hospital many of these staff travel long distances, some from rural areas. The use of public transport is not a viable option for many of these staff, as there are no direct services, with a poor cross-country connection.
- The layout of the hospital grounds and lack of integrated parking– the main entrance does not face the car park. There are 5 entrances to hospital (common for older NHS hospitals and non-PFI sites) each with reserved spaces for disabled people which makes it difficult and costly to manage. The hospital had considered barrier controls but implementation was not proved to be feasible due to lack of space to accommodate them.

Currently, the hospital does not have a policy to charge for parking. The site manager highlighted the potential high cost of implementing on site penalty charges and the follow up enforcement and collection of these without some compensatory off setting of costs through onsite charging for parking. There is also the negative impact surrounding on site parking fines or charges for working in or visiting hospitals for treatment, particularly within an area of high social exclusion. This may only be resolved if some central government policy around the use of parking within sites which have limited capacity to develop parking facilities is implemented.

## **7.5 Public Transport Interchanges**

### **7.5.1 Main issues in relation to reserved parking facilities**

The following key issues emerged from the consultation with ScotRail:

- The level of abuse in the 190 car parks at railway stations across Scotland varies greatly from car park to car park. It has not been straightforward to explain the abuse, as in busy car parks there is sometimes no abuse, whereas in car parks that are not busy the rate of abuse is sometimes high. A number of factors were highlighted:
  - car parks in stations are subject to external inspections (SQUIRE), and if the auditor finds a car parked in a disabled bay without a Blue Badge then the operator of the station is fined.
  - car parks at stations are subject to external/internal inspections, so they have a good idea as to the levels of abuse, but are not in the position to explain the reasons for abuse, and have problems enforcing the parking bays reserved for disabled people.
  - abuse seems to be greatest at unmanned stations e.g. at Falkirk High Train Station only one staff member is able to check the car park only once a day. At the Newcraighall station, which is unstaffed, abuse takes place in spite of this being a very large car park, with plenty of spaces available.
  - little consequence to misusing reserved parking facilities means that many people abuse the system.
  - ensuring the health and safety of station staff in carrying out enforcement is a major issue of concern, in which case the use of ANPR technology to record the details of offending vehicles might be appropriate which would avoid the need to confront offenders.

The research participants who had used the car park at Falkirk High train station reported that the park has restricted capacity and limited management, stating that it was often very difficult to find a parking space particularly in high demand periods and that parking bays were narrow which often exacerbated the likelihood of drivers seeking and using wider bays such as those reserved for disabled people.

The site manager for Falkirk High station was aware that vehicle removal was in operation in some city centres in Scotland, and he believed that this could be an effective intervention measure. He thought that even just a sign informing people that if they park in a bay reserved for a disabled person without a Blue Badge they would have their vehicle removed would be effective. He thought that this could be effective, but that it could also lead to confrontation with staff. A fixed penalty fine, that is used to enforce other traffic offences, was also suggested as a potentially effective intervention measure, and one that may be more acceptable to station users than vehicle removal.

### **7.5.2 Examples of intervention measures in use**

First ScotRail carries out daily checks on the car parks in order to meet the standards set in the SQUIRE service quality regime. Stickers and polite notices are commonly used at stations

across Scotland to tackle the problem (see case study example in Box 7.5). In extreme cases, where abuse by one individual is persistent, the British Transport Police becomes involved, but this is rare.

#### **Box 7.5: Case Study Example: Falkirk High Train Station**

**Falkirk High railway station** has approximately 200 parking spaces available - approximately 5% are reserved for Blue Badge holders. These bays are located near the booking office and entrance to the station. The car park is mainly used by people who park their car and then commute to work in Edinburgh or Glasgow, so, as a consequence, the car park is usually near full capacity from 8:30am. The car park operates charges; parking costs £2.50 for the whole day, but there are also weekly, annual and monthly rates available.

The site manager reported that Customer Services receive many complaints from disabled people who are unable to find a parking space free at various First ScotRail car parks (not specifically Falkirk High). The intervention measure at Falkirk High involves one member of staff who issues **stickers**. This one person, who works at the station, has a range of duties and responsibilities, but checks the car park once a day for cars parked without a ticket and other infringements, such as abusing a disabled person's bay, parking on the pavement etc. This employee has to fill in a check-list about the car park and cars, including information on time, day and details of cars parked in a reserved bay without a Blue Badge. A note is made of the registration number of offending vehicles. If a car is found to be parked without a ticket or in a parking bay reserved for disabled people, without a Blue Badge, a sticker is placed on the vehicle which informs the driver that they have parked inappropriately and that their car vehicle registration details have been noted down and recorded. Each week, the checklist is sent (from all First ScotRail car parks) to the central office, where the information is recorded on a central database. If a vehicle is repeatedly caught offending, then the car registration details are passed onto the British Transport Police, who will then take action.

The site manager did not regard stickering as an effective intervention measure, as service users are aware that it carries no real consequences and the number of complaints made by disabled users remains high.

## **CHAPTER EIGHT EFFECTIVENESS, PRACTICAL CONSIDERATIONS AND CONSTRAINTS OF INTERVENTION MEASURES**

### **8.1 Introduction**

The preceding chapters have evaluated user reactions to intervention for the enforcement of off-street parking for disabled people, and the contextual issues in relation to the application of intervention measures in the different case study sites. This chapter focuses more on the intervention measures to examine the overall effectiveness of the measures (drawing on evidence from the desk-top review, interviews with service providers, and stakeholder workshops) and takes into account the practical considerations (including cost implications) and constraints of these measures.

### **8.2 Possible Measures for Enforcing Off-Street Parking in Scotland**

#### **8.2.1 The issuing of notices, stickers and patrolled car parks**

##### *Effectiveness*

- The issuing of notices, stickers and patrolled car parks are all relatively simple, low key means of reducing inappropriate parking. These methods used in combination can be effective, depending on car park design and layout, as demonstrated at municipal car parks in Edinburgh, hospital sites and supermarkets and shopping centres.
- These sites have demonstrated that a patrolled car park is most effective when the site is integrated and where there is one single entry point to the reserved bays that are segregated from the rest of the car park. The opportunity for direct, face-to-face involvement with attendant, together with signs alongside reserved parking spaces warning of the imposition of a fine, does seem to reduce the occurrence of abuse, suggesting that, by creating a more personalised service, the likelihood of abuse could be reduced.
- ScotRail has found that effectiveness varies between stations, depending on location and resources. Surveys show that abuse is not a major problem at manned stations but at stations with no staff abuse takes place even where there is ample parking.
- The issuing of polite notices and stickering alone has not been found to be effective by service providers who have deployed this approach (e.g. Edinburgh Royal Infirmary Hospital).

##### *Practical considerations and constraints*

- There is a requirement for regular monitoring and staff resources. For example a rail station that is well-staffed might be able to monitor reserved parking spaces on a fairly regular basis, but employees manning a station alone, are less likely to carry out regular monitoring and far more likely to be reluctant to implement the policy of monitoring abuse for personal security reasons.

- Additional personnel-related costs incurred through such activities might include the cost of additional training (in conflict resolution etc.), sick leave taken as a result of assaults by members of the public, and increased absenteeism as a result of the stress induced by this aspect of the job. This is likely to vary by location.
- There are also often regulations in applying stickering; there are only some parts of a vehicle to which stickers and tickets might be attached (i.e. not the windscreen), and, if using a strong adhesive, the sticker has to be water-based and provide instructions as to how to remove it, otherwise the service provider could be fined.
- The stickers have to include instructions on how to remove them.

#### *Advantages*

- A main advantage that has been associated with this approach is that it could offer flexibility for people with justified reasons for using a bay, such as reduced mobility and travelling with small children. However, persistent abusers might continue to offend if the car park is not regularly patrolled or the attendant does not have authority to impose a fine.

### **8.2.2 Electronic Barrier**

#### *Effectiveness*

- This approach can offer one of the most direct and effective measure of intervention.
- It is best implemented with segregated Blue Badge parking areas. It is also shown to work well in conjunction with automatic number plate recognition (ANPR) camera technology as demonstrated by the supermarket context.

#### *Practical considerations and constraints*

- There are cost and practical constraints with implementing this measure. For example, an electronic barrier could only be implemented in large car parks since it is most cost-effective if its cost is spread over a large number of spaces, but is disproportionate if applied over a small car park.
- Careful consideration needs to be given on how the entry cards would be administered to disabled users.
- One option is for disabled people to register with the service provider for the entry card, or obtain the entry card as and when they visit the facility; however, measures should also be put in place to allow non-registered customers or people who have not used the facility before, to access the reserved parking.
- The electronic barrier is susceptible to technical failure if not regularly maintained.

#### *Advantages*

- Electronic barriers in combination with ANPR have been well received by disabled customers of the supermarket stores where this has been implemented.

- In the supermarket context, there is potential for the related database of registered disabled users to be shared across stores (or even other supermarket chains) as the number of locations with ANPR controlled barriers increases.
- It is regarded by the research participants (service users) as one of the most clear and fair intervention measures in its purpose.

### **8.2.3 The use of traffic wardens, imposition of fines and Traffic Regulation Orders (TROs)**

#### *Effectiveness*

- The use of traffic wardens to monitor reserved parking facilities in off-street car parks can be an effective policy for tackling the abuse of parking for disabled people, as demonstrated in Dundee and Angus. Also in Inverness and Stirling where parking has not been decriminalised, and reserved parking facilities for disabled people in off-street car parks are enforced by the Local Authority through the use of a Traffic Regulation Order, abuse is reported to be low. Compliance with the payment of fines is also higher than in other Scottish cities where parking has been decriminalised to recover outstanding fines through civil channels (e.g. Edinburgh, Glasgow, Dundee and Aberdeen).
- The difference in the psychology of monitoring and enforcing parking policy using traffic wardens and parking attendants has been commented on by a spokesman for the RAC, who made the following remarks, based on the RAC's own research,

*“Nowadays, many people feel that they’re filling a council’s coffers, and we have research that shows private parking attendants, like the ones many councils employ, come bottom of tables in terms of trust among motorists.”*

- From the interviews with service users, while it was found that the presence of traffic wardens and the chance of a £30 fine would be enough to deter most participants from misusing reserved parking facilities, it was suggested that some participants (especially the persistent abusers) would still be inclined to continue offending, as they have ignored similar measures for other traffic offences.
- Overall, these findings would suggest that the use of traffic wardens could have a greater impact on abuse than the possibility of face-to-face involvement with parking attendants. The lack of compliance in off-street car parks that are monitored and enforced by parking attendants could be a direct result of service users' perception and awareness of the legal situation in that the fixed penalty fines might not be legally enforceable. Any parking 'offence' on private land would be a civil offence, not a criminal offence, as the car park is not subject to the Road Traffic Act.

#### *Practical considerations and constraints*

- In theory, there might be a considerable amount of administrative cost and effort involved in ensuring that fines are paid, with the Local Authority perhaps having to trace the identity of an offending motorist through the Driver and Vehicle Licensing Agency.

- Traffic Regulation Orders were considered to be a good solution among the stakeholders consulted in this study. However, a Local Authority representative expressed doubts as to whether a Local Authority would be willing to take this on, as many local authorities are already overstretched in terms of both funding and staff resources. It was pointed out that his Local Authority had recently handed control of a municipal car park to a supermarket as the supermarket was able to better maintain the car park.
- From the consultation with service providers, it has been reported that the process of seeking approval for the initial order and sealing the final order could take up to nine months. The process is highly regulated, with a clear timetable that must be adhered to, from initial Council approval (according to the contract standing orders), to consultation. If there were objections, then the order must be resubmitted to the Council for further consideration. If the order is especially contentious, then it would have to go to a Public Enquiry.
- From the discussions with stakeholders, it emerged that the application, enforcement and parameters of a Traffic Regulation Order (including costs, maintenance, potential changes to the value of the land etc) needs further clarification among service providers. There also seems to be uncertainty among some service providers of whether the private parking provider has the legal authority to issue penalties.
- For employing a parking contractor to carry out the enforcement of fines service providers should undergo a vetting process and ensure that the parking contractor has been approved by the Driver and Vehicle Licensing Agency to carry out this function.

### *Advantages*

- The evidence of this research suggests that the presence of traffic wardens and the chance of a **£30 fine** would be enough to deter most people from misusing reserved parking facilities, however, it is unlikely to deter people who persistently misuse bays.

### **8.2.4 Automatic electronic announcement for bays**

#### *Effectiveness*

- Previous research findings indicate that this type of measure can reduce the level of abuse to less than 1%. Asda's perception is that this measure has limited effect against persistent abusers of reserved parking bays, but it does help to reduce accidental abuse of such facilities. The ambiguity of this system has deterred people from using or attempting to abuse a parking bay. It has been realised that the system's effect on deterring potential abusers reduces as they become more accustomed to the system.
- The Merry Hill centre in the West Midlands removed the system because it was discovered that drivers were ignoring it.
- Due to no physical barrier this measure would need to be implemented in conjunction with a patrolled car park to be effective.

### *Practical considerations and constraints*

- The batteries which power the system typically last for two years – Asda, for example, uses the service organisation that maintain its fridges and other in-store equipment to perform the task of changing the batteries, at which time the system’s electronics pods can also be changed. It is also possible for the system to be powered by mains electricity, but this is usually only feasible when the reserved spaces are adjacent to a building.
- It has been shown to have limited effect on ‘persistent’ abusers and the cost of implementing the system at larger car parks could be prohibitive.

### *Advantages*

- One feature of the system is that it can be used to monitor reserved parking bays without the involvement of members of staff – some employees are keen to not place their employees at risk of confrontation with members of the public.
- Another characteristic of the system, in contrast to systems which involve a physical obstruction or deterrent, is that it does not present a barrier to potential customers; this is very important for supermarkets and other retailers, because of their interest in welcoming the wider public as much as possible.
- Also because there is no physical barrier individuals are able to decide for themselves whether they are entitled to park in a space reserved for disabled people. This is important in the context of the number of people who have significant mobility difficulties, and might be registered as disabled, but who are not currently eligible for a Blue Badge.
- The system’s audible announcement is flexible, in as much as it can be adapted to give any message, or play any tune. It is also linked to a timer, since it is usually desirable for the audible announcements to be inactive during certain times.

## **8.2.5 Remote controlled mini-barrier system**

### *Effectiveness*

- The remote controlled mini-barrier would physically prevent unauthorised cars from entering a bay.

### *Practical considerations and constraints*

- The physical distribution and administration of the remote control units means that this system is most practical in the context of a facility with a finite membership of known size, as opposed to sites that are open to the general public e.g. supermarkets, hospitals, municipal car parks, because of the practical issue of issuing remote controls to all potential users (which is less complex with a finite membership of known size).
- The system was considered by Asda but was not implemented due to concerns relating to the barrier’s technical reliability, the possibility for damage to customers vehicles’ should the barrier malfunction with a car parked over it and the cost in administering large numbers of remote control devices to customers in order to activate the barrier.

- There is a chance that key fobs (which serve as the remote control units) could be misused or copied by non-disabled people.
- For small enterprises e.g. Oxtalls Tennis Centre, Gloucester, the cost of the remote control fobs is considered to be too expensive. At Liverpool John Moores University remote control units were issued to Blue Badge holders at considerable expense and caused management problems when these units were lost.

### *Advantages*

- On the positive side, the system has proved to be relatively low maintenance as it requires little after sales support, equipment or supervision (therefore precluding the need for confrontation) after it is installed.
- The battery remains charged for at least 6 months, and end users can be trained in making repairs to the system.
- The system requires no staff supervision or routine input, which precludes the issue of Health and Safety of staff, since staff members are not required to confront members of the public when abuse of a parking space occurs.

During this research Asda expressed the opinion that a similar system to the national key scheme operated by the Royal Association for Disability and Rehabilitation (RADAR) that gives keys to disabled people that allows them to independently access to locked public toilets across the UK. Applied to reserved parking such a system could mean that every reserved bay could be activated by a standard Radio Frequency and it could offer the best approach to developing an industry-wide standard solution for protecting disabled people's parking provisions.

### **8.2.6 Automatic Number Plate Recognition (ANPR)**

#### *Effectiveness*

- Asda supermarket, has demonstrated that ANPR could be effective in monitoring the use of segregated parking areas for registered disabled customers and dealing with the problem on the spot, without the need to penalise customers. This relies on 'live' monitoring otherwise the action caught on camera would need to be followed up with a warning, or penalty.

#### *Practical considerations and constraints*

- For supermarkets, the scheme requires disabled people to register their licence plate in-store in order that their number plate is recognised and a barrier to enter a space in a segregated area is lowered.
- One possible drawback for the ANPR technology is the fact that it is only really effective in a situation where there is a single entry point, or at least very few entry points, to a car park, so that this point can be policed by CCTV camera.
- The technology cannot monitor reserved parking spaces distributed around an area that is used for general parking, and implies that, if parking facilities are to be monitored, then

there is a requirement for them to be confined to a separate and segregated area, (which is the case in the Asda stores in which the system is currently being used).

- Another supermarket chain, that has not yet begun to use such technology, reported that some problems were encountered with the compilation and maintenance of a database of entitled users of such a system, particularly the issue of some disabled customers naming a number (up to 20, it was claimed) of carers who might provide them with transport to the supermarket.
- The technology might be used in conjunction with a hand-held device, used by dedicated patrol staff and linked to an internet-based database. This database would need to be created and maintained either in-house or by an external contractor to check whether vehicles are registered to use the reserved parking bays at the particular site. Entitled users would need to register their vehicle with the car park provider.
- As parking attendants already use hand-held equipment, it might be feasible for new equipment linked to an ANPR functionality to be phased in as and when hand-held devices are replaced and upgraded. This would provide an outsourced, decriminalised option for car parking enforcement.
- The use of ANPR does not, however, provide visible evidence to passers-by that the car is not inappropriately parked. A possible solution to this would be for a discrete window sticker to be used as a means of identification – the use of an easily removable permit might put the user at risk of having their car broken into by a permit thief.

### *Advantages*

- A main advantage that has been associated with ANPR for the enforcement of disabled parking is that the technology cannot be tampered with and therefore the abuse cannot be denied.
- One possible application of ANPR technology is that of addressing the issue of stolen or traded Blue Badges and other permits. This can be done by identifying people who are entitled to use the facilities by the list of nominated car registration numbers that are specified by each badge holder, so that someone in possession of a Blue Badge that has been stolen or illegally purchased can be identified.

### **8.2.7 Vehicle removal**

#### *Effectiveness*

- There was generally high awareness amongst participants, of vehicle removal in Edinburgh and Glasgow for the enforcement of on-street parking but not for off-street parking, although Edinburgh City Council has a policy to tow offending vehicles found in off-street municipal car parks in the city centre. The findings suggest that vehicle removal would be a strong deterrent to inappropriate parking in off-street car parks, although they were not regarded as fair measures for first time offenders.

### *Practical considerations and constraints*

- The restriction on this policy, however, is that the company is not permitted to make a profit from the fees that drivers pay to have their vehicle released, as this would be regarded, under Scottish Law, as being extortion, in much the same way as wheel clamping.

### *Advantages*

- This research suggests that vehicle removal would be a strong deterrent to inappropriate parking in off-street car parks although they are not regarded by users (including people with and without disabilities) as fair measures for first time offenders.

## **8.3 Other ‘Suggested’ Measures for Enforcing Off-Street Parking**

### **8.3.1 Wheel clamping**

- Whilst wheel clamping is currently illegal in Scotland it is a solution to the abuse of spaces reserved for disabled people that has been used elsewhere in the UK.
- The Trafford Centre, in Manchester, for example, has over 200 spaces reserved for disabled people available, and now prolific offenders face their car being clamped, and a possible ban from the Centre, if they illegally park more than three times. The number of external officers patrolling the Centre’s car parks on bicycles and security vehicles has also been stepped up and they carry out spot checks on the bays reserved for disabled people.
- Wheel clamping of vehicles parked inappropriately in the Merry Hill shopping centre car park, in Dudley, carried out by clamping contractors, is reported to have worked well and more effective at deterring abuse of parking facilities for disabled people than other measures previously used (automated electronic announcements, notices), although it was expensive, with costs exceeding recouped fines.

### **8.3.2 Licence points**

Since licence penalty points are not currently applied for the enforcement of on- or off-street parking, it was not possible to review the effectiveness and practical considerations/constraints of its application. However the reactions of the research participants suggest that this approach, whilst considered to be ‘severe’ as a consequence of misuse of reserved parking facilities, was regarded as an enforcement measure that would be taken more seriously by the public and would most likely deter all types of abusers. It was not regarded as a particularly fair measure, unless applied in circumstances where it is used against persistent abusers. Clearly, at least one consideration for its application would be public consultation and gauging public acceptability.

## **8.4 Summary**

The following table summarises the effectiveness, practicality and constraints of the invention measures:

**Table 8.1: Summary the effectiveness, practical considerations and constraints of intervention measures**

Measure	Where implemented	Cost components <sup>3</sup>	Practicality	Effectiveness
<i>Polite notice</i>	<ul style="list-style-type: none"> <li>AIRPORTS (Edinburgh)</li> <li>RAIL STATIONS/ INTERCHANGES (First ScotRail)</li> <li>NHS HOSPITALS (Royal Infirmary of Edinburgh, Wishaw hospital - new medical facilities where facilities are integrated)</li> <li>RETAIL CENTRES, SUPERMARKETS</li> <li>Stockport Disability Forum</li> </ul>	<ul style="list-style-type: none"> <li>Relatively low cost</li> <li>Staff training (in conflict resolution)</li> <li>Sick leave taken as a result of assaults by members of the public</li> </ul>	<ul style="list-style-type: none"> <li>Simple, low key</li> <li>Politely requests a change in behaviour; does not alienate the customer</li> <li>Regulations to adhere to with stickering.</li> <li>Health and Safety issues with using members of staff to carry out.</li> </ul>	<ul style="list-style-type: none"> <li>A ticket/notice can easily be ignored.</li> <li>Visible presence of a parking attendant does appear to deter abuse</li> <li>Effectiveness depends on monitoring and resources</li> </ul>
<i>Wheel clamping and vehicle removal</i>	<ul style="list-style-type: none"> <li>RETAIL PARKS (the Trafford Centre, in Manchester, and the Merry Hill Centre in Dudley)</li> </ul>	<ul style="list-style-type: none"> <li>Patrolling officers</li> <li>Under Scottish law, not permitted to make a profit from the fees that drivers have to pay to get vehicle released.</li> </ul>	<ul style="list-style-type: none"> <li>Wheel clamping is illegal in Scotland.</li> </ul>	<ul style="list-style-type: none"> <li>Proved to work well in at shopping centres/retail parks in England</li> </ul>
<i>Imposing fines</i>	<ul style="list-style-type: none"> <li>SHOPPING CENTRES (Beaumont Leys shopping centre in Leicester).</li> <li>SUPERMARKETS (Tesco, Asda, Morrisons)</li> <li>LEISURE CENTRES (David Lloyd Leisure centre (Moortown, Leeds)</li> </ul>	<ul style="list-style-type: none"> <li>Staff costs for enforcement</li> <li>Staff and administration costs for pursuing fines.</li> </ul>	<ul style="list-style-type: none"> <li>Fines levied in off-street car parks are not legally binding.</li> <li>Not very practical for less integrated sites e.g. as demonstrated by hospitals.</li> </ul>	<ul style="list-style-type: none"> <li>Has deterrent effect of costing motorists money if they park inappropriately.</li> </ul>
<i>TROs</i>	<ul style="list-style-type: none"> <li>Municipal Car parks</li> <li>Public Highways</li> </ul>	<ul style="list-style-type: none"> <li>Costs associated with advertising and consultation with the public.</li> <li>Administration costs.</li> <li>Requires regular maintenance</li> <li>Costs can be prohibitive for larger car parks.</li> </ul>	<ul style="list-style-type: none"> <li>A long process to obtain a TRO ( typically 9-12 months )</li> </ul>	<ul style="list-style-type: none"> <li>High compliance with payment of fines</li> </ul>
<i>Electronic barrier</i>	<ul style="list-style-type: none"> <li>SUPERMARKETS</li> <li>HOSPITALS</li> </ul>		<ul style="list-style-type: none"> <li>Might not be appropriate for all sites (e.g. where car park space is limited).</li> </ul>	<ul style="list-style-type: none"> <li>Off-street providers' experience of this measures shows that the barrier can offer one of the most direct and effective measure.</li> </ul>

<sup>3</sup> Manufacturers have supplied precise cost figures but these have been omitted in the interests of commercial confidentiality.

Measure	Where implemented	Cost components <sup>4</sup>	Practicality	Effectiveness
<b>Remote controlled mini-barrier system for bays</b>	<p>Examples include private sites that are open only to its customers (closed to the public at large);</p> <ul style="list-style-type: none"> <li>Holiday Inn hotel</li> <li>Oxtells Tennis Centre</li> <li>GL1 Leisure Centre (all in Gloucester)</li> <li>Liverpool John Moore University</li> <li>Stockport College</li> <li>University of Huddersfield</li> </ul>	<ul style="list-style-type: none"> <li>Relatively low maintenance - little after sales support or equipment required.</li> <li>Battery remains charged for at least 6 months.</li> <li>End users can be trained in making repairs to the system.</li> <li>No staff supervision or routine input.</li> <li>Remote control fobs can be expensive.</li> </ul>	<ul style="list-style-type: none"> <li>Does not require staff supervision or routine input.</li> <li>Best suited to sites with a 'closed' membership.</li> </ul>	<ul style="list-style-type: none"> <li>When fully operational, the system can prevent access to a space for all unauthorised users.</li> </ul>
<b>Automatic electronic announcement for bays</b>	<ul style="list-style-type: none"> <li>SUPERMARKETS (Asda)</li> <li>NHS HOSPITALS (Vale of Leven, the Inverclyde Royal Hospital in Greenock and the Royal Alexandra in Paisley).</li> </ul>	<ul style="list-style-type: none"> <li>Advantage – monitoring capabilities (without the need for staff resources).</li> <li>Batteries need to be renewed</li> </ul>	<ul style="list-style-type: none"> <li>Potential tripping hazard for staff and members of the public.</li> </ul>	<ul style="list-style-type: none"> <li>Cannot actually stop abuse of a parking space.</li> <li>Limited effect against 'persistent' abusers of reserved parking bays.</li> </ul>
<b>ANPR</b>	<ul style="list-style-type: none"> <li>SUPERMARKETS - The technology has been piloted at 5 Asda stores and there are plans to extend it to other stores across the UK.</li> </ul>	<ul style="list-style-type: none"> <li>Installation costs</li> <li>Administration costs in creating and maintaining database of registered users</li> </ul>	<ul style="list-style-type: none"> <li>Might need to be confined to a separate and segregated area.</li> <li>Involves compilation and maintenance of a database of entitled users.</li> <li>Restricted to a situation where there is a single or very few entry points to a car park</li> </ul>	<ul style="list-style-type: none"> <li>Technology is failsafe.</li> <li>Effective at Asda stores.</li> <li>The system has been well-received by Asda customers.</li> </ul>

<sup>4</sup> Manufacturers have supplied precise cost figures but these have been omitted in the interests of commercial confidentiality.

## **CHAPTER NINE            CONCLUSIONS**

### **9.1     The Study**

The objectives of this research have been to investigate and review measures used to combat the abuse of parking facilities for disabled people, and to put forward good practice guidance. This has been based on a thorough review of the evidence through both desk based research and consultation with car park providers who have implemented intervention measures, and consultation with disabled people and non-disabled people (including those who have abused reserved parking facilities), on the most effective measures that can be used in off-street car parks in Scotland. More specifically, the research evaluated their effectiveness, practical considerations and constraints in different contexts. Furthermore, the research explored psychological and other factors that can influence the abuse of off-street parking facilities for disabled people.

Previous chapters have demonstrated that there are a number of factors influencing abuse, which can vary by context (type of facility), demand and capacity, and the design of the car park. Chapter three showed that people who abuse parking facilities for disabled people can be divided into five different groups based on their behaviour and attitudes towards the provision of reserved parking facilities, and chapter four described the factors that motivate them to misuse these facilities. Whilst a key objective of the research has been to build on existing knowledge of the psychological factors influencing abuse, the research has identified that abuse can be attributed to a number of other factors in relation to bay design, social factors, mobility, journey purpose, cost of parking, environmental conditions, and the type of enforcement in place at a facility.

Chapter six confirmed that abuse of reserved parking facilities can prevent disabled people from accessing a service, which raises important issues in relation to service providers' compliance with disability discrimination legislation. There was a call for intervention for the enforcement of reserved parking facilities for disabled people by service users (disabled and non-disabled people) and organisations representing the interests of disabled people, consulted during the study. Chapter seven compared different contexts for intervention, drawing on previous evidence, and evidence from the case study evaluation, on where intervention measures have been effective. This highlighted the key issues and considerations for intervention relevant to different types of facility – the case studies showed that service providers had varied degrees of success in applying enforcement measures.

Finally, all the evidence obtained from the case studies in Scotland and from previous research elsewhere in the UK has been summarised in chapter eight, to highlight the effectiveness, practical considerations and constraints, in relation to each of the possible intervention measures, as a reference for service providers.

The overall conclusions of this study are provided below.

## 9.2 The factors influencing abuse and key considerations for intervention

The abuse of off-street parking facilities reserved for disabled people, whilst perceived as being fairly widespread, varies in terms of the context of the parking facilities provided, the design and capacity of the car park, and the demand for parking. The research has found abuse to be more evident in heavily used car parks in comparison with car parks that are rarely at capacity. There is also evidence to suggest that there is a greater propensity for people to abuse reserved parking facilities in supermarkets/retail parks than in any other context, because there is a perception amongst non-disabled people (bay abusers) that more parking bays are reserved for disabled people than there are actually seen to be used by disabled people.

The design of car parks has been shown to play an important role in levels of abuse and the possibilities for enforcement. The comparison between the NHS hospital case study sites reviewed in the research has shown that much inappropriate parking is due to small and badly designed car parks and the extent to which hospital policy influences capacity. The pressure on parking can be exacerbated by a high number of staff travelling by car, limited public transport links, and the high volume of out patients attending. Another aspect that has increased pressure on hospital car parks is the fact that some of them are non-charging, and therefore tend to be used by people with no connection to the hospital. Newer hospitals (e.g. Wishaw, Lanarkshire), on the other hand, have applied a more integrated approach, with one main general entrance and one segregated parking area for Blue Badge holders, making enforcement easier and more cost-effective.

Furthermore, the research findings reveal that attitudes to, and understanding of, disability vary by the type of facility that is associated with the car park, which greatly influences the use of parking bays. For example, the research has found that non-disabled service users generally have more consideration for the needs of disabled people at hospitals, than in other contexts, as the expectation is that the demand by disabled people for the bays is higher.

One general conclusion of the research is that the sample of 33 participants who stated that they had abused parking facilities intended for use by disabled people, at some point, could be divided into four groups, according to their attitudes and the reasons underlying their use of such facilities. These groups have been described in chapter three and have been categorised as those 'in denial' of their actions, 'reluctant' abusers, 'justified' abusers, and 'persistent' abusers. This latter group admitted to using disabled people's parking bays on a regular basis, and therefore pose a real threat to disabled people's access to services. Some participants in this group had also committed other traffic and parking offences, such as speeding, parking on double yellow lines, and not paying parking fines. Of all the types of abuser identified in this study, careful consideration needs to be given to influencing the behaviour of people in this group (persistent abusers), as their reactions to interventions show that they would be most likely to ignore intervention measures, unless there were major consequences for them.

A fifth group was highlighted by the case study site providers and other stakeholders as being misusers and fraudulent users of the Blue Badge. As the study focused primarily on off-street

parking, it did not evaluate misuse of the Blue Badge, but it has been raised as a major issue for providers of off-street car parks to consider.

In addition to car park design and capacity, the research has identified that abuse can be motivated by the following:

- **Social factors** – some car parks become anti-social environments at night time; there could also be a lack of understanding of disability among members of the public who might see other people using reserved bays who do not appear to have a disability, and people might be inclined to follow the behaviour of other drivers and might see abuse as being acceptable if the practice appears to go unpunished.
- **Reduced mobility** – some people who do not qualify for a Blue Badge, including those with temporary disabilities and permanent medical conditions, nevertheless consider that they have a mobility problem, and so feel they are entitled to park in reserved bays.
- **Journey purpose** – some journeys have increased pressure for parking somewhere, e.g. hospital trips, travelling with small children, and work-related journeys.
- **Bay design** – the width and position of bays in relation to the destination could make it convenient or attractive to people who want to collect heavy shopping, get children safely in and out of the vehicle, quickly nip in and out of shops, or feel safe from personal attack. Bays that are positioned close to facilities such as ATM machines, might have an increased probability of abuse. Also, potential abusers might think it is acceptable to park in a bay where the provision of reserved parking appears to exceed demand.
- **Signage and bay markings** – poor signage and inconsistent bay markings could lead to people using the bays inadvertently.
- **Cost of parking** – free parking for disabled people appears to encourage some non-disabled people to feel that abuse of such facilities is justified.
- **Environmental** – inclement weather encourages abuse.
- **Lack of enforcement** – the lack of visible intervention or clear signage to warn drivers not to park inappropriately, or to advise of the consequences of abuse, could clearly have an impact on people's decisions on whether or not to use a reserved bay. Furthermore, the research indicates that service users generally do not expect to be penalised for misusing disabled person's parking bays in off-street car parks, which might be an indication of their awareness of the current legal situation.
- **Psychological** – behaviour (whether or not a person abuses reserved parking bays) could be greatly dependent on a person's conscience; for example, whether or not the possible impacts of bay abuse on a disabled person are considered before he or she uses the bay. Some participants in this study (bay abusers) stated that they would not use a reserved bay if they thought that there was a possibility that a disabled person might be affected in a negative way.

Generally, it was a widely held view amongst the service users and providers consulted in the study that, for any intervention measure to be effective, it must have consequences.

### **9.3 Effectiveness of measures and their appropriateness in different contexts**

The evidence from this study is that there is no single method that would be appropriate and effective in all situations. The approach to enforcement should be relevant to the context and type of facility, design of the car park and the resources available to carry out monitoring and enforcement.

#### **Car park management**

A patrolled car park is most effective when the site is integrated and where there is one single entry point to the reserved bays that are segregated from the rest of the car park. The opportunity for direct, face-to-face involvement with a parking attendant, together with signs adjacent to parking bays warning of the imposition of a fine, does seem to reduce abuse. At a municipal car park in Edinburgh city centre, minimal abuse is reported and has been attributed to the constant visible presence of a parking attendant and a customer services desk situated next to the area of reserved parking bays.

#### **Barrier systems**

In sites where there are limited resources available and regular monitoring by staff is not possible, barrier systems could offer the best solution. Although this measure would also depend on the design and size of the car park – the electronic barrier is best implemented with segregated Blue Badge parking areas in a large car park. Alternatively, in smaller car parks a provider might consider installing a remote controlled mini-barrier system in individual bays, but this is shown to be only practical for sites that have a ‘closed’ membership. With both barrier systems, careful attention needs to be given to how authorised users would access the reserved parking bays – one option is for disabled people to register with the service provider for an entry card or obtain the entry card on arrival. Barrier systems were regarded by the research participants of this study as the clearest and fairest intervention measure. Furthermore, they offer the only means of preventing all types of abuse and appear to be the only solution to preventing ‘persistent’ abusers.

#### **Automatic Number Plate Recognition**

Supermarket providers have realised that the use of Automatic Number Plate Recognition (ANPR) camera technology works well in monitoring the use of segregated parking areas for registered disabled customers and in dealing with the problem on the spot, without the need to penalise customers. This is particularly important for the retail sector where the aim is to attract as many customers as possible. This relies on ‘live’ monitoring, otherwise the action caught on camera would need to be followed up with a warning, or penalty.

With ANPR there is no requirement for staff to regularly monitor the car park or confront potentially aggressive service users, which precludes the issue of health and safety. This could also be a potential solution in train station car parks, where the personal security of staff in confronting offenders has been raised as an issue of concern, and has been a barrier to enforcement. In order for ANPR to work, the car park needs to have a single entry point, or at

least very few entry points, to a car park, so that this point can be policed by CCTV camera. A main advantage that has been associated with ANPR for the enforcement of reserved parking facilities is that the technology cannot be tampered with, and therefore the abuse cannot be denied. It has been proposed by service users and providers consulted during this study that ANPR technology should also be used to address the issue of stolen or traded Blue Badges and other permits.

### **Imposition of fines**

The research has shown that the imposition of fines could be effective in reducing inappropriate parking, but this might depend on whether the fine is enforced by a parking attendant or a traffic warden. The comparison of municipal parking in Edinburgh and Inverness has also shown that the compliance of paying fixed penalty fines is lower in Edinburgh, where parking has been decriminalised, than it is in Inverness, where parking is still dealt with by the city's traffic wardens. The lack of compliance in off-street car parks could be a direct result of service users being aware of the legal situation. Emerging as a major inhibiting factor on attempts to enforce the provision of reserved spaces for disabled people has been the fact that such facilities are not enforceable in law when they are provided in a private car park, unless the provider applies for a Traffic Regulation Order (TRO). It should be noted that a TRO is only applied for making fines legally enforceable – it does not provide a means of preventing abuse. However, the research has found that it is unlikely that an off-street provider would want to apply for a TRO. Given that private car park providers can issue penalty charges to users of the car park anyway, there is a feeling among some that there is no need for a TRO, even though fines issued are not legally enforceable without one. From discussions with site providers and other stakeholders it emerged that the application, enforcement and parameters of a TRO (including costs, maintenance, potential changes to the value of the land etc) need further clarification among service providers

### **'Charging for all'**

One of the main factors influencing abuse was free parking. The introduction of a 'charging for all' policy for parking at Ninewells hospital has resulted in a substantial reduction in the occurrence of abuse at these sites. However, consideration should be given to offering concessions to disabled users if a disabled person needs to visit the facility for medical reasons.

### **Advisory measures**

Measures including bay design and automated electronic announcements, although essential in preventing 'accidental' abuse, was shown to have little impact on preventing other types of abuse, when used on their own.

Overall, the findings reveal that the effectiveness of intervention measures and their public acceptability are likely to depend upon the following:

- The visibility of measures – measures are likely to be more effective if they are seen in use, therefore sending a clear message to people thinking of parking inappropriately.

- Clear signage – a consistent theme across the interviews with service users was that there should be clear signage and warnings of the possible consequences of inappropriate parking, which, it was felt, would deter potential abusers, and make measures fair and just.
- The possibility of flexibility – service users felt that allowances should be made for people who need to use an accessible parking space as a result of reduced mobility (temporary disabilities or permanent disabilities that do not fall within the eligibility criteria of the Blue Badge), or travelling with small children.
- Revenue generated from fixed penalty fines, and other measures e.g. vehicle removal should not appear to be ‘extortionate’.
- More extreme measures such as vehicle removal should only be introduced after warnings and tickets have been issued, and should only be targeted at ‘persistent’ abusers.
- Awareness of the legal situation – evidence from the interviews with service users indicate that abusers do not expect to be penalised for using disabled people’s parking facilities in off-street car parks which could be a result of the following: because they are aware that fines in off-street car parks are not normally legally enforceable; or because they are unaware that service providers are legally obligated (under the Disability Discrimination Act 2005) to monitor and enforce parking facilities that are reserved for disabled people.

## CHAPTER TEN RECOMMENDATIONS

This chapter presents recommendations on how service providers can tackle the abuse of off-street parking intended for use by disabled people, based on the evidence obtained during the study. The conclusions of this study point to the need for service providers to consider the following:

### 1) **Importance of enforcement and awareness-raising**

Overall, the conclusions of this study point to the need for providers of off-street car parks to enforce spaces reserved for disabled people should abuse occur or at least be a possibility. If providers do not monitor whether the service is accessible to disabled customers by ensuring the spaces are not used by non-disabled customers, then it is possible for a disabled person to make a claim against the service provider under Part III of the Discrimination Disability Act (DDA) 2005.

Evidence from previous research, from the consultations with service users undertaken in this study and from case study evidence, indicate that, in spite of any educational or awareness-raising activities that take place, actual enforcement is key to the prevention of abuse. At the same time, however, it is important for service providers to raise awareness, among all facility users, of any enforcement measures that are in place. This was a recurrent theme of the interviews with service users and providers, and was recognised as being an important issue.

### 2) **Selection of intervention measures**

A range of options exists for dealing with the abuse of parking facilities for disabled people. The evidence from this study is that there is no single method that would be appropriate and effective in all situations. Service providers are advised to:

- Assess and monitor the problem and causes of abuse at individual sites – undertake regular monitoring of the car park to check that parked vehicles are authorised to use the facilities, and consult users on their parking requirements.
- Consider issues surrounding the design and capacity of, and demand for, the car park, in order to select intervention measures that will be most practical and feasible to deploy for that particular site.

It should be noted that there are limitations with implementing any intervention measure, and as such, providers need to ensure that they deploy measures which are best suited to the specific requirements of the site. An assessment of contextual issues, considerations for intervention, practicalities of different intervention measures and their effectiveness is included in chapters seven and eight of this report as a guide for service providers.

### **3) Evaluate the type of abuse**

The research has identified a number of factors that can be linked to the abuse of parking facilities at any given facility (see chapter three). Service providers should be aware of the causes of abuse at the site and adopt solutions as appropriate. For example, the abuse of parking facilities could be eliminated by re-positioning facilities such as ATM machines, or implementing security measures to enhance customers' feeling of safety when using the car park at certain times of the day.

### **4) Consideration of practicalities involved**

Service providers should consider the practicalities involved with different enforcement measures; for instance, it should be borne in mind that parking providers would need to find financial resources for some enforcement measures, and other policies may entail putting staff potentially at risk when confronting members of the public. There are also certain regulations to consider, e.g. attaching stickers to cars might infringe the rights of the vehicle owner. The practical considerations and constraints of all the possible intervention measures have been evaluated in this study and highlighted in chapter eight of this report.

### **5) Clarification of the Blue Badge Scheme**

The use and misuse of the Blue Badge Scheme has been identified as a major issue for providers of off-street car parks to consider. Therefore, raising awareness among service users on the correct use of the Blue Badge is another issue for consideration. One approach might be for this to be done using signs next to parking bays. This could also have a positive impact on reducing abuse that is motivated by perceptions of the misuse of the Blue Badge. One of the factors found to influence the research participants to abuse bays, was that they had seen other drivers misuse the Blue Badge Scheme.

### **6) Monitoring misuse of the Blue Badge Scheme**

Misuse of the Blue Badge Scheme has been raised as an important issue for providers of off-street car parks to consider. The use of Automatic Number Plate Recognition (ANPR) has been suggested as a potential method for doing this. It has also been suggested that the creation of a database of offenders that could be used by a number of enforcement agencies would assist in identifying and targeting persistent offenders. (The establishment of a national database of Blue Badge Holders was a key recommendation of the 2002 review of the scheme by the Disabled Persons Transport Advisory Committee (DPTAC), and one that was accepted by Ministers; this would be a prerequisite to establishing a record of abusers).

### **7) Charging for facilities/services**

In principle, access to parking facilities was considered to be more important to disabled people in this research than free parking. The general feeling was that parking providers should have no qualms about charging disabled people for off-street parking, since the primary aim of parking concessions is to provide convenience, not to ease the cost of mobility. Others regarded the

introduction of charging for reserved parking bays as a potentially contentious issue, as disabled people are statistically more likely to be on a low income than non-disabled people. Nonetheless, the general perception was that disabled people would be willing to pay for parking if it meant they were guaranteed to have access to a reserved bay. However, consideration should be given to offering concessions to disabled users if a disabled person needs to visit the facility for medical reasons.

#### **8) “Designing out abuse” and reducing the need to travel by private car**

There are benefits of “designing out” abuse through thoughtful car park design, as opposed to penalising or confronting abusers. Design considerations might include placing disabled people’s bays close to the car park attendant’s kiosk or the customer services desk, and the repositioning of facilities such as ATM machines.

#### **9) Reducing the need to travel by private car**

Service providers reported, from experience, that making more parking spaces available generally attracts more car drivers. It was suggested that implementing solutions that reduce car dependency and the need for people to access services by car would reduce pressure on parking. For example, hospitals serving rural catchment areas should consider alternatives, e.g. community transport, dedicated shuttle buses and other public transport solutions and initiatives, including Green Travel Plans. It was considered important to encourage staff (especially at hospitals) to make “greener” travel choices, to relieve pressure on demand for parking facilities at hospital sites generally.

#### **10) “Dropping off” bays**

Further to the previous recommendation, ‘Dropping off’ bays (reserved spaces situated outside a hospital entrance for dropping off or picking up a passenger) were a particular solution suggested for hospitals, considered to potentially tackle much abuse and thus prevent disabled people from missing appointments.

#### **11) Traffic Regulation Orders**

In order to make fines legally enforceable in off-street car parks, service providers need to apply to the appropriate Local Authority for a Traffic Regulation Order (TRO). The making of a TRO is a statutory process which begins with a public consultation period. Following this, the proposed TRO will be advertised in the local press for 21 days, during which time formal objections can be raised. Service providers should be made aware of the time the application is expected to take if there are any objections (reported to take up to nine months). There are issues that service providers should consider before applying for a TRO, such as the need to ensure signs and bay markings conform to the Traffic Sign Regulations, and the prescriptive nature of the application process, from drafting a TRO, to its eventual ‘seal’. Service providers should refer to chapters seven and eight of this report for guidance on the use of TROs, and on where/how these have been shown to work.

## **12) “Naming and shaming”**

Previous research has shown that the “embarrassment factor” associated with being shown to have parked in a bay reserved for a disabled person can be a powerful deterrent (except for persistent offenders). However, highlighting offenders’ actions could sometimes have the effect of making some disabled people feel self-conscious. By the same token, any policy/equipment implemented to enforce parking bays should not in any way make it more difficult or less comfortable for disabled people to use them.

## **13) Need for education**

The research highlighted a general perception that there is, among some members of the community, a lack of respect for disabled people and of the impacts that parking abuse can have on a disabled person. It was thought that this was a result of a lack of awareness of disability and of the different types of conditions that contribute to disability. Furthermore, a key finding of the research has been that some abusers (described as ‘persistent’ abusers in this report) do not believe that their actions have negative consequences for disabled people. Service providers should be aware of this, and should seek to play a role in educating their customers on the needs of disabled people.

## **14) Importance of consultation**

The importance of user consultation to determine user needs and aspirations has been identified, including consultation with organisations representing the interests of disabled people, and other interested parties. Information on any scheme introduced should be clear, and time should be taken to develop the most appropriate strategy.

## **15) Circumstances in which abuse might be tolerated?**

The study has drawn attention to the eligibility criteria for the Blue Badge Scheme. There are people with reduced mobility who do not fall within these eligibility criteria, which are effectively used as a proxy for entitlement to off-street reserved parking.<sup>5</sup> There might be a case for people who do not have a Blue Badge to use parking facilities that are reserved for disabled people. Furthermore, there are certain circumstances in which abuse of reserved parking facilities might be tolerated, such as for patients who drive to hospital for treatment and clearly need to park somewhere (e.g. out-patients including heavily pregnant women), and in some car parks that become anti-social environments at night time, so that more vulnerable users might feel safer

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<sup>5</sup> Individuals who are eligible for the Scheme in Scotland include people who: receive the Higher Rate Mobility Component of the Disability Living Allowance, receive a War Pensioners’ Mobility Supplement, use a motor vehicle supplied for disabled people by the Scottish Executive or the Department of Social Security, have a severe disability in both upper limbs, regularly drive a motor vehicle but cannot turn the steering wheel of a motor vehicle by hand, have a permanent and substantial disability which means they are unable to walk or have very considerable difficulty in walking, are registered blind, are unable to walk or have considerable difficulty in walking because of a temporary but substantial disability which is likely to last for a period of at least 12 months but less than 3 years, are children under 2 whose medical needs require that they are accompanied by bulky medical equipment. (From “The Blue Badge Scheme: Parking Concessions for People with Disabilities.” (Scottish Executive 2007).

parking close to their destination. However, acceptance of these circumstances can only realistically be enforced where there is a car park attendant or other member of staff present who is able to make a considered judgment on the merits of an individual case.

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