

# BRITISH PARKING ASSOCIATION

DRIVING ISSUES, RAISING STANDARDS



STUART HOUSE, 41-43 PERRYMOUNT ROAD  
HAYWARDS HEATH, WEST SUSSEX, RH16 3BN  
TELEPHONE: +44 (0) 1444 447300 FAX: +44 (0) 1444 454105  
[www.britishparking.co.uk](http://www.britishparking.co.uk) [info@britishparking.co.uk](mailto:info@britishparking.co.uk)

Accessibility Action Plan Consultation  
Department for Transport  
Zone 2/14  
Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

Emailed to: [AAPConsultation@dft.gsi.gov.uk](mailto:AAPConsultation@dft.gsi.gov.uk)

22<sup>nd</sup> November 2017

Dear Sirs,

## **Response to Draft Accessibility Action Plan Consultation**

### **About the British Parking Association**

We welcome your consultation 'Accessibility Action Plan'. We are the largest, most established and trusted professional association representing parking and traffic management in Europe, and the recognised authority within the parking profession. We represent the best interests of our members and the parking community and provide an extensive range of membership services to support parking professionals & organisations in their day-to-day work. Our diverse membership community of around 700 organisations includes technology developers & suppliers, equipment manufacturers, learning providers, consultants, structural & refurbishment experts, local authorities and parking on private land operators including retail parks, healthcare facilities, universities, airports and railways stations.

We manage the Disabled Parking Accreditation (DPA) on behalf of Disabled Motoring UK (DMUK). The DPA is primarily aimed at improving parking for disabled people and reducing abuse of disabled spaces. It requires owners/operators to adopt an active management strategy to ensure that there is minimal occurrence of disabled bay abuse, that there are facilities suitable for disabled people, and that recognition is made of the extra time taken by disabled people in the form of a concession. The scheme, which recognises off-street parking facilities as accessible to disabled motorists, is now a lawful Certification Mark awarded to DMUK by the Intellectual Property Office (IPO), the official UK government body responsible for patents, designs and trademarks. For more information please see <http://www.dpaccreditation.org.uk/>

We actively contributed and informed the original Blue Badge Reform programme and the resultant Blue Badge Improvement Scheme (BBIS) and we are committed over the next 5 years to continue this work, as laid out on page 9 of our [Blueprint for Parking](#). We would welcome changes that would improve the service for Blue Badge holders and the efficiency of LAs enforcement of the scheme.

For more information regarding the BPA and our Blueprint please click [here](#).

### **Our response to specific consultation sections and questions**

I am pleased to set out below our response made on behalf of our members. The specific sections of this consultation we will be replying too are **Section 4: Action 7** relating to Blue Badge reform, **Section 5: Action 22** Publishing Enforcement Newsletter, **Section 8: Action 39** relating to on street parking and Traffic Regulation Orders and **Section 9: Action 44** Strengthening our Evidence base.

Before responding to the specific questions in the discussion document, we would like to make a general observation.

We are surprised at the limited mention of operators who manage parking on private land in the Draft Plan. Whilst we recognise the Blue Badge provides for a Scheme of on-street parking concessions only, we believe the input that these operators could make to improvements in the provision of parking spaces for disabled persons and their families should not be ignored. The call for feedback appears to have already made some assumptions and we recommend that rather than relying on anecdotal evidence, comprehensive research of users, operators and landowners should be carried out and we are willing to assist you with this.

### **Consultation Response**

- 1. Section 4: Action 7:** We will review, in co-operation with DPTAC and others, Blue Badge eligibility for people with non-physical disabilities. This will include considering the link to disability benefits. *Do you agree or disagree with the action proposed? Are there any other areas which require further attention? Please explain why.*

In our Blueprint for Parking, we commit to contributing to the reform of the Blue Badge scheme and in helping to introducing new powers to assist LA in enforcing it.

Previous consultations with our members and those working in Blue Badge management and enforcement, have strongly reiterated the need for strict controls to be in place to avoid misuse, including regular assessments of people with a Blue Badge to ensure they remain eligible. Continued misuse and abuse of the Scheme means fewer spaces are available for genuine badge holders, bringing the scheme further into disrepute.

Thus, in principal a review of eligibility would fit that objective, provided such a review was fair and consistent, and helped in making the system easier to manage on the ground. Understandably there is a medical needs assessment to determine the eligibility for the badge, but it must be recognised that the issue of every badge has a traffic and road safety impact.

Every badge holder is in effect someone who is exempt from parking controls often provided for traffic management and road safety purposes. Consideration needs to be given as to how this thinking can be joined-up to provide greater consistency for all.

The review must carefully consider the 2.38m Blue Badges currently in circulation too, to ensure that holders remain eligible and that any change doesn't result in an unnecessary increase [in badges issued] or further compromise and complicate the provision of parking which might lead to a regulatory and operational headache. We believe that any changes to eligibility arrangements would require some form of transition arrangements to smooth the process for all involved.

We would also like to raise a related issue around the operation of the Blue Badge scheme principally in private off-street car parking where the Blue Badge scheme has no statutory value. Many operators provide designated spaces to comply with the Equality Act, with the badge accepted as proof of the motorist's eligibility to use these disabled spaces. Any future review needs to present clear guidance, for off-street parking to minimise the risk of confusion over who is entitled to use a disabled space.

- 2. Section 5: Action 22:** We have begun publishing enforcement newsletters aimed at local authorities (i.e. all Blue Badge teams and parking teams) to promote enforcement success stories and good practice, in order to help encourage better enforcement of disabled parking spaces. We will also continue our regional engagement workshops with local authorities and will work with DPTAC on both initiatives. *Do you agree or disagree with the action proposed? Are there any other areas which require further attention? Please explain why.*

Together with DMUK, Revo (formerly the British Council of Shopping Centres (BCSC) and DfT, we undertook major research in 2009, which indicated that as part of the duty allocate 6% of all parking spaces to disabled users as a one size fits all approach leads to oversupply in some situations and undersupply in others.

The current guidance, [Inclusive Mobility](#) published by the Department for Transport (DfT), is out of date with many of the figures inaccurate. This is leading in some places to the misuse of the designated bays. We would urge the DfT to update their guidance on the number of designated bays operators should be providing.

Whilst we believe that enforcement of the Blue Badge scheme is being applied fairly and reasonably throughout the UK, we would welcome and encourage the sharing of knowledge to help improve the service, and provide LA with the means to more effectively manage and enforce the scheme.

- 3. Section 8: Action 39:** We will begin a survey to gather evidence and identify examples of improvements that could be made to the wider process for making Traffic Regulation Orders, by autumn 2017. This evidence will help inform our approach to tackling pavement parking. We would welcome your feedback. *Do you agree or disagree with the action proposed? Are there any other areas which require further attention? Please explain why.*

We agree with the principal of DfT surveying LAs on the current operation of Traffic Regulation Orders (TRO) and the options for change. We have previously called for reviews, principally because the current TRO procedures are outdated, fail to recognise modern

communication and consultation techniques, and as a result are costly and time-consuming, relying upon publication in local newspapers.

A further area of consideration is that following the review that created the TSRGD 2016, consideration was given to several situations where TRO's could be dispensed with completely. Most of this was discarded and should be factored in again during this review.

Our members advise us that the whole TRO process needs to be simplified to maximise efficiency, while ensuring that local democracy and accountability is retained. Some examples of their thoughts are laid out in **Appendix A**.

With regards to the wider issue of pavement parking, we have always believed that parking on and obstruction of the footway is wrong. We have worked with our members and other stakeholders including Guide Dogs, DMUK, Local Government Association (LGA), and Living Streets. Collectively, these organisations agree that the issue of on street parking needs to be addressed to provide a beneficial and accessible environment for all.

- a. **Action 44:** We will ensure that DfT innovation competitions highlight the need for prospective funding recipients to consider accessibility within their project proposals, where projects impact on transport users.

We are a strong supporter of technological innovation in the parking sector. We are committed to ensuring that the parking profession understands these demands, reacts to them to provide the infrastructure and services to facilitate these changes, and meets the expectations of government, regulators and customers.

One area which we believe Government should revisit is the use of camera technology in parking management. One of the most effective ways of making it easier for motorists to park without causing long queues or congestion is to embrace new technology, for example automatic number plate recognition (ANPR). The increasing use in the private sector of ANPR enables motorists to park without paying, or to stay for as long as they like and to make payment either on their return or online within, say, 24 hours.

This is the same principle as applies to London's congestion charging scheme and the governments' Dart-charge on the Dartford crossing. It is often referred to as 'park now; pay later' and overcomes the limitations of conventional pay and display systems which requires motorists to predict how long they intend to stay; often this limits the time people stay in a high street or prevents them from spontaneously extending their stay. By utilising this technology parking operators can improve the management of parking and improve the economy through better access for motorists and reduced congestion.

However, LAs do not have the powers to use ANPR in this way, as the Deregulation Act placed additional restrictions on the use of CCTV by local authorities operating Civil Enforcement Powers under the Traffic Management Act. This is counter-intuitive if government is attempting to promote technological solutions to problems and encourage innovation and new technology.

We urge government to revisit this issue as part of this discussion and to recognise the value such technology brings particularly to users in pre-booking technology, paying on departure and improved access for people with disabilities. Such technology is readily used in private car parks and we believe LAs should be able to use it too.

We agree that safeguards need to be put in place to ensure such technology is not used simply for enforcement and we are willing to help in the production of guidance for best practice.

## **In Summary**

We are always very willing to work with government to develop parking policy and are at your disposal to assist with any further information, advice or support in relation to this very important area of public policy.

We have recently worked with students at London Southbank University to complete research around how the Blue Badge is used and administered across Europe. This work was identified by the European Parking Association (EPA) to ensure that the Scheme of Parking Concessions for people with disabilities, (the EU Blue Badge Scheme) is properly understood, deployed and used across the EU to ensure only those who have genuine need of a Blue Badge have access to designated spaces and facilities. If you would like more information on this research project please contact us.

The importance of this subject is clear by the extension to the deadline and by the wide discussion we have encounter across the sector. We hope you find these comments of interest. We are ready to work with government to achieve its desired aims and look forward to discussing with you how we can assist in taking these issues forward.

Please do not hesitate to contact my colleague **Glenn Dives** by emailing [consultations@britishparking.co.uk](mailto:consultations@britishparking.co.uk) or calling **01444 447 300** if you require any further information.

Yours faithfully



**Kelvin Reynolds**  
**Director of Corporate and Public Affairs**

## **Appendix**

### **Appendix A – Simplifying the TRO process – examples of member comments**

#### **North Essex Parking Partnership**

*“The costs and timescales associated with this advertising could be significantly reduced by using social media and/or online promotion and advertising, rather than using traditional printed media. The online solution could include maps and representative plans to make for more easily understood information.”*

#### **London Borough of Camden**

*“The current advertising/notification regulations require that authorities advertise orders in a local newspaper and (usually) the London Gazette. We would recommend that the consultation requirements be restrained and should be directed to be online only to save resources. When costs are factored in, the statutory requirement is*

*burdensome. Additionally, some parking schemes are of interest only to the immediate neighbourhood rendering the necessity to reach the potential readership unnecessary. Street notices have been found to be more effective for localised changes and cost far less.”*

### **Newcastle City Council**

*“The TRO process is dated, costly and prevents authorities in delivering schemes in a timely manner. Due to legislative requirements, the press notice are very difficult to interpret. It is recognised that consultation and opinion is a vital element of scheme design, however, this is normally addressed via the general consultation with the local community and other road users...Whilst it is important to retain a statutory procedure for certain proposals (resident permit schemes, charge parking etc) Councils should be allowed to place small sections of yellow lines where there is a history or road safety problems or where practical (i.e. at junctions)”*

During the same survey, we also asked our members for their views on parking on footways and verges. Some of their responses are detailed below (please see Appendix B for our summary):

### **Chelmsford City Council**

*“We believe Government should introduce primary legislation to introduce a national ban on footway/verge parking for consistency. This would ensure that footways and verges are protected for the most vulnerable pedestrian and would avoid the need for authorities having the expense of introducing Byelaws or local Acts of Parliament or doing nothing.”*

### **Cambridge City Council**

*“We have byelaws permitting partial pavement parking in some Cambridge streets. This is a necessity, given the narrow streets and massive congestion experienced in a city designed in medieval times.”*

### **Manchester City Council**

*“Manchester City Council already have the ability to implement TROs using current signs defined in TSRGD for footway parking. Therefore, we wouldn't support a blanket ban on parking on footways, as we know that for many residents this is there only option due to lack of off-road parking / narrow roads etc.”*

1. The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 Schedule 1 Part 1 should be amended or replaced to recognise modern aspirations, digital communication and community engagement Forum.

Online solutions, which could include map-based TRO and representative plans should provide more easily understood information about the proposals. Contrasting current requirements for text based descriptions and sometimes lengthy public notices in the press and media with community engagement meetings and pictorial/graphical illustrations with online access to the information is surely more appropriate nowadays.

It should be simple for local authorities to set up on-line portals where residents and stakeholders could view plans and raise objections as appropriate. Systems could be set up to allow stakeholders to view proposals via postcode or any reasonable search if it related to their residence or place of work.

Better use of mapping, especially in on-site notices which refer to an online presence with other details, could well prove to reach more of the target audience than newspaper advertising currently does, at a fraction of the cost.

This could also outline more of the process with clearer details of changes proposed, who is involved in the decision-making, what evidence exists, when a decision will be made and how to object. This would make the process clearer and more transparent to more people affected, and the appropriate use of technology would save resources.

2. Regulations should also allow for the minimum of locational data as to where an Order will take effect (see 4 below) with more detailed information or plans being provided as under 6 below.
  1. The name of the order making authority.
  2. The title of the order.
  3. A brief statement of the general nature and effect of the order.
  4. A brief description of the streets, area or off-street locations where the Order will take effect.
  5. Where the order relates to a parking place and prescribes charges for its use or restricts the times during which, or classes of vehicle for which, it may be used, a statement of those charges, times or classes.
  6. A statement that documents giving more detailed particulars of the order are available for inspection and a statement of the places at which they are so available and of the times when they may be inspected at each place. This could include web-based locations, which would be available all of the time.
3. A simplification of the Order making processes, so that amendments and changes can be easily improved, and schedules added, preferably through the use of mapping systems rather than archaic complex-documents and schedules
4. Acceptance of alternative, cheaper and more accessible ways to advertise and consult about TROs- using newspaper adverts is ineffective, not particularly transparent, and sometimes very expensive. These two could include social media and web-based applications.
5. It would be helpful if there was a distinction between the restrictions for which the TRO process must be followed and the publication of information about restrictions that are enforceable, for example:
  - a. Bus Stop Clearway – enforceable, but no TRO required to implement or remove;
  - b. Pedestrian crossing – as above; or
  - c. Controlled Parking Zone – a TRO is required to revoke a resident parking bay within the CPZ, but not to replace the default waiting restriction in its place as this originates from the original CPZ Order.

These changes to restrictions on street, which are enforceable, but which do not need a TRO, create a lack of transparency and understanding for the motoring public.

Likewise, it is harder for a TRO map schedule to show anything other than the restrictions applicable at one point in time. It is in the public's interest to have Orders that clearly depict what enforceable restrictions or parking places apply and for any revision to be publicised. We would welcome the opportunity to meet with you and explain further our proposals to simplify either TRO restrictions or non-TRO restrictions in the key to the map schedule.

6. Experience with Local Authorities suggests that the ability to implement some restrictions with a minimal process where few are impacted, such as personal disabled parking bays outside properties would be also helpful to avoid delays which often result in those it is being applied for moving or dying.
7. Many exemptions included within Traffic Orders are standard or very similar throughout the country. In fact, it makes sense for exemptions to be standardised as they are rarely part of the restriction signing and knowledge of the TRO would be required to know what exemptions apply. The ability to use a stand set of exemptions, or select exemptions from a standard list would reduce the repetition and variations of these statements in all TROs prepared.
8. Many Authorities and the Parking Adjudicators have expressed a desire to see model TROs provided, to simplify the Order making process and reduce the likelihood of drafting errors, often only identified when the Order fails when challenged. This was introduced by the GLC for London and has continued to operate to this day in many London authorities. There is significant guidance, manuals and regulations for the signing and marking of Traffic Order restrictions, but nothing other than the primary legislation or procedures for making of Orders to assist practitioners on how a TRO should be prepared for alternative restrictions. Given the TRO is the basis for all restrictions and their enforcement, this seems to be an obvious area were the process could be easily improved.
9. During the review and creation of TSRGD 2016, consideration was given to a number of situations where TRO's could be dispensed with completely. Most of this was discarded and should be factored in again during this review of TRO efficacy and efficiency.