

Transport Research

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

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This research, conducted by Transport & Travel Research Ltd (TTR) on behalf of the Scottish Executive, investigated measures used to combat the abuse of parking bays reserved for use by disabled people, through both desk based research and consultation with car park providers and users (involving depth interviews and group discussions) on the most effective measures that can be used in off-street car parks in Scotland. The research also examined the reasons underlying the abuse of such facilities in different contexts and identified the behavioural characteristics and attitudes of different types of abusers. The purpose of this research was to provide advice and assistance for those responsible for the provision of off-street parking in Scotland in adhering to the guidelines as set out in the Disability Discrimination Act (DDA) 2005.

Main Findings

- The abuse of off-street parking facilities reserved for disabled people in Scotland was highlighted in a 2003 survey of parking at retail outlets, which found that 44% of designated bays were used by non Blue Badge holders. This can prevent disabled people from accessing a service and cause them to abandon trips altogether¹.
- The misuse 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. Other issues relate to bay design, social factors, attitudes, mobility, journey purpose, cost of parking, environmental conditions, and the type of enforcement in place at a facility.
- People who misuse off-street parking for disabled people fall into five groups according to the reasons 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.
- People who fall within the 'justified' group might include people who do not qualify for a Blue Badge but have reduced mobility, and people travelling with small children and/or older relatives might have a genuine need to use reserved parking bays in order to access a service.
- Service users (disabled and non-disabled people) and organisations representing the interests of disabled people have called for interventions to enforce reserved parking facilities for disabled people. For any intervention measure to be effective, it must have consequences for the person who misuses the space.
- 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.

¹ Capability Scotland (2003) Are you being served? – Research into how prepared Scotland towns and cities are for new consumer legislation in 2004.

Introduction

According to government statistics there are approximately one million people with disabilities living in Scotland, likely to be covered by the DDA. This is around 1 in 5 of the population (DRC Scotland, 2004).² One of the most common mobility problems faced by people with disabilities is the lack of available 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 objectives of this research were to:

- outline the policy and legislative context
- identify the factors that lead people to abuse off-street parking facilities for disabled people
- develop a profile of people who abuse such facilities
- review enforcement measures
- offer recommendations for car park providers

The focus of the work was on **off street-parking**. 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 using a given service. The provision of off-street parking facilities for disabled people has the dual purpose of enabling disabled people to gain access to the service more easily and of fulfilling certain statutory obligations on the part of the car park provider.

Methods

The study involved a range of research methodologies including:

- A desk-top literature review of existing evidence, focusing on the effectiveness of different intervention methods
- Case studies of 6 car parks, covering a range of interventions, contexts and locations
- 6 depth interviews with car park providers and 33 depth interviews with 'bay abusers'
- 2 stakeholder workshops comprising service providers and organisations representing the interests of disabled people
- 4 focus group discussions with disabled and non-disabled people

Policy and legislative context for off-street parking

Part III of the **Disability Discrimination Act 2005** imposes a legal requirement for service providers to ensure that

² Disability Rights Commission (2004) Disability in Scotland 2004 Key Facts and Figures.

people with disabilities do not find it “unreasonably difficult or impossible” to enjoy a given service in the same way as non-disabled people. Car park operators have to demonstrate that as well as marking out disabled persons’ parking spaces, they have taken reasonable steps to prevent the abuse of reserved parking spaces by non-disabled drivers. They should both provide a specified number of parking bays suitable for people with disabilities, and actively monitor them to ensure that there is no incorrect use. In principle, failure to safeguard disabled customers’ right to access 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 **Blue Badge Scheme** provides a national arrangement in the UK, and a partnership arrangement in most European countries, of **on-street** parking concessions for people with certain disabilities who travel either as drivers or passengers. The concessions do not automatically apply to car parks and off-street parking, but there is a common view that off-street reserved spaces should also be for the sole use of Blue Badge holders.

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. Although the reservation of parking spaces for Blue Badge holders off-street is not normally enforceable, car park providers can apply through their Local Authority for a Traffic Regulation Order to ensure that parking bays are legally enforceable.

A **Traffic Regulation Order** (TRO) can be used by off-street parking providers to enforce the restriction of the use of a parking bay reserved for people with disabilities. There may be a situation where a provider of an off-street car park would want to consider applying for a TRO and if so they would have to apply to their relevant local authority.

Factors that influence people to misuse reserved parking

In addition to factors such as the design and layout of the car park, and the extent to which the capacity of the car park meets demand, 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 the number of bays reserved for disabled people appears to exceed demand for them.

Signage and bay markings – poor signage and inconsistent bay markings could lead to people using the reserved bays inadvertently. A lack of 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.

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 – A lack of visible interventions to enforce parking bays could also encourage their misuse. 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 factors – 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.

Behavioural characteristics of people who misuse parking facilities for disabled people

The research identified five different types of abusers based on their attitudes to reserved parking facilities and the factors motivating them to misuse such facilities:

Group 1 **'In denial'**: people who have misused reserved bays for people with disabilities but deny their actions.

Group 2 **'Reluctant'** abusers: people who might have misused reserved bays once or twice, and are reluctant to re-offend.

Group 3 People who believe their actions are **'justified'** because: (a) they had parked in a reserved bay unknowingly (b) they are entitled to use other reserved parking facilities such as parent and child, or staff parking (c) they have a temporary disability or reduced mobility or care for someone with specific needs, but are not entitled to use a Blue Badge.

Group 4 **'Persistent'** abusers: this group admit to using disabled people's parking bays on a regular basis, and therefore pose a real threat to disabled people's access to services.

Group 5 **Misusers and fraudulent users** of the Blue Badge.

Effectiveness of intervention measures and their appropriateness in different contexts

This research reviewed the effectiveness and appropriateness of a range of possible intervention measures:

Patrolled 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. This 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.

Barrier systems – in sites where 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 can offer the clearest and fairest approach to intervention, and the only means of preventing all types of 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. This relies on 'live' monitoring, otherwise the action caught on camera would need to be followed up with a warning or penalty.

Imposition of fines – the effectiveness might depend on whether the fine is enforced by a police traffic warden or a local authority parking attendant. For example, where parking has been decriminalised (e.g. Edinburgh) there are lower compliance rates than in cities where parking is still dealt with by the city's traffic wardens (e.g. Inverness).

'Charging for all' – the introduction of a 'charging for all policy' for parking at Ninewells hospital in Dundee has resulted in a significant reduction in the occurrence of

parking abuse. However, consideration should be given to offering concessions to disabled users if they regular medical appointments.

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

Recommendations

The research findings point to the need for car park providers to consider the following key points:

- Undertaking regular monitoring of the car park, and consulting users on their parking requirements to help determine which measures will be most practical and effective.

- Raising awareness among service users on the correct use of the Blue Badge.
- Charging for facilities/services – in principle, access to services was considered to be more important to research participants with a disability than free parking.
- ‘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.
- The 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.
- Circumstances in which abuse might be tolerated e.g. people with reduced mobility who do not fall within the eligibility criteria of the Blue Badge scheme.

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