



The Scottish Parliament  
Pàrlamaid na h-Alba

**Local Government and  
Regeneration Committee**

**5th Report, 2014 (Session 4)**

**Stage 1 Report on the Disabled  
Persons' Parking Badges  
(Scotland) Bill**

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## Local Government and Regeneration Committee

### 5th Report, 2014 (Session 4)

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The Scottish Parliament  
Pàrlamaid na h-Alba

## **Local Government and Regeneration Committee**

### **Remit and membership**

#### **Remit:**

To consider and report on a) the financing and delivery of local government and local services, and b) planning, and c) matters relating to regeneration falling within the responsibility of the Cabinet Secretary for Infrastructure and Capital Investment.

#### **Membership:**

Cameron Buchanan  
Mark McDonald  
Stuart McMillan  
Anne McTaggart  
Alex Rowley  
Kevin Stewart (Convener)  
John Wilson (Deputy Convener)

#### **Committee Clerking Team:**

##### **Clerk to the Committee**

David Cullum

##### **Senior Assistant Clerk**

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##### **Assistant Clerk**

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##### **Committee Assistant**

Ben Morton



The Scottish Parliament  
Pàrlamaid na h-Alba

## Local Government and Regeneration Committee

### 5th Report, 2014 (Session 4)

#### Stage 1 Report on the Disabled Persons' Parking Badges (Scotland) Bill

The Committee reports to the Parliament as follows—

#### INTRODUCTION

1. The Disabled Persons' Parking Badges (Scotland) Bill (“the Bill”) was introduced to the Parliament on 17 December 2013 by Dennis Robertson MSP, the Member in Charge of the Bill (“the Member in Charge”). The Parliament designated the Local Government and Regeneration Committee as lead committee for consideration of the Bill.
2. The Bill is a Members' Bill, as specified under Standing Order Rule 9.14, prepared with the assistance of the Scottish Government, to satisfy Standing Order Rule 9.3.3A. The Bill is accompanied by a Policy Memorandum, Explanatory Notes, and Financial Memorandum.
3. We issued a call for written evidence on the Bill on 23 January 2014. The call for evidence closed on 12 March 2014 with 27 submissions<sup>1</sup> received in response. We thereafter heard oral evidence at two meetings.
4. On 26 March 2014 we took oral evidence from three panels of witnesses. The first was local authority representatives: the second comprised third sector representatives: and the last comprised representatives from professional bodies: Police Scotland and the Law Society of Scotland.
5. At our second oral evidence session on 2 April 2014 we heard from Keith Brown MSP, the Minister for Transport and Veterans (“the Minister”) and the Member in Charge. The Official Reports for both meetings are available at Annexe A.

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<sup>1</sup> Scottish Parliament Local Government and Regeneration Committee. *Submissions received as part of the Disabled Persons' Parking Badges (Scotland) Bill*. Available at: <http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/74164.aspx> [Accessed 3 April 2014].

## **Blue Badge Scheme**

6. The Disabled Persons' Parking Badge scheme was introduced throughout the UK in 1971 (it was originally known as the orange badge scheme). The scheme is now commonly referred to as the blue badge scheme ("the scheme") and the disabled persons' blue badge is mutually recognised throughout the European Union. Local authorities are responsible for the administration of the scheme. The badge itself is produced and distributed through a central point and the design of the badge is the same for Scotland, England and Wales, incorporating security features to the same standard as those contained in a British passport.

7. In Scotland, the scheme provides parking concessions to enable badge holders to park without charge or time limit in otherwise restricted on-street environments (on-street parking meters, pay and display parking bays, designated disabled parking bays). It also allows badge holders to park on single and double yellow lines, but this only applies where it can be done safely and where there are no loading or other local parking restrictions.

8. The scheme is open to disabled people who meet statutory eligibility requirements. Blue badge holders must be present in the vehicle, irrespective of whether they are travelling as a driver or a passenger, for valid use of the badge. Badges are normally issued for a period of 3 years.

9. Having a blue badge allows people to be independent with their travel arrangements, enabling them to access jobs, shops and other services and to lead full and active lives. At 31 March 2012 there were 263,000 badges on issue in Scotland (around 3000 of these are issued to organisations which are responsible for the care and transport of persons who would qualify for a blue badge).

10. The blue badge scheme does not apply to private off-street car parks, for example supermarkets and airports. However, many private car park owners permit badge holders to access disabled parking bays or to have free access to other facilities such as work place parking bays.

## **Policy objective of the Bill**

11. The policy objective of the Bill, as stated in the Policy Memorandum,<sup>2</sup> is to protect the rights of badge holders and strengthen the existing framework of the scheme.

12. The scheme provides concessions to disabled people, who meet the scheme's prescribed eligibility criteria, to park where restrictions may otherwise apply. Without their blue badge, many disabled persons would be confined to their home.

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<sup>2</sup> Disabled Persons' Parking Badges (Scotland) Bill. Policy Memorandum (SP Bill 44, Session 4 (2014)). Available at: [http://www.scottish.parliament.uk/S4\\_Bills/DisabledPersonsParkingBadges/b44s4introdpm.pdf](http://www.scottish.parliament.uk/S4_Bills/DisabledPersonsParkingBadges/b44s4introdpm.pdf) [Accessed 3 April 2014].

13. The proposals in the Bill follow a four year period of reform of the scheme and are primarily aimed at improving the ability of local authorities to tackle misuse of the blue badge, particularly by third parties, principally relating to on-street parking concessions. Each time a blue badge is misused by a third party, whether that be in a disabled parking bay or other place where badge holders are permitted to park, blue badge holders are prevented from parking in that place. The Bill aims to improve the quality of life for many disabled people by tackling misuse to free up parking spaces for those who are entitled to the parking concessions and who need them most.

14. The Bill provides additional powers to local authority and police officials relating to the enforcement of the blue badge scheme in Scotland. It strengthens current enforcement powers, including the ability to cancel or confiscate a badge in certain circumstances. It also provides for future security features of the blue badge format to be approved administratively by Scottish Ministers and allows people refused a blue badge on eligibility grounds to seek a review of the decision from the local authority.

#### GENERAL PRINCIPLES OF THE BILL

15. The Committee considered the general principles of the Bill primarily under the following headings.

##### *Levels of use and misuse*

16. The 263,000 or so blue badges on issue in Scotland are widely used, for example in Glasgow we were told “about 20 per cent of bays in Glasgow are occupied by blue badge holders.”<sup>3</sup> To put that figure in context it relates to 669 of the 3400 parking bays available in Glasgow city centre.

17. We heard people are misusing badges for financial gain and one of the benefits of the proposed provisions would be the power to confiscate badges. We were told vehicles displaying blue badges often parked throughout the day and with parking costing £3 an hour in Glasgow city centre, there is an attraction for people to misuse a blue badge, the risks of getting caught being slim.

18. We received evidence of the frustrations badge holders feel at being unable to access disabled spaces as a consequence of misuse or abuse. This has consequential impacts on their quality of life and can prevent badge holders accessing vital as well as everyday services. Research carried out for Transport Scotland in 2012 found that for badge holders the “greatest value of the badge was securing their independence and ability to get out and about allowing a certain quality of life.”<sup>4</sup>

19. The Member in Charge noted that “the bill’s aim is to improve and support enforcement of the blue badge scheme” and “we have evidence to suggest that

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<sup>3</sup> Scottish Parliament Local Government and Regeneration Committee. *Official Report, 26 March 2014*, Col 3280.

<sup>4</sup> Disabled Persons’ Parking Badges (Scotland) Bill. Policy Memorandum (SP Bill 44, Session 4 (2014)). Available at: [http://www.scottish.parliament.uk/S4\\_Bills/DisabledPersonsParkingBadges/b44s4introdpm.pdf](http://www.scottish.parliament.uk/S4_Bills/DisabledPersonsParkingBadges/b44s4introdpm.pdf) [Accessed 3 April 2014].

the blue badges are being misused on a fairly grand scale, so we need to tackle the issue.”<sup>5</sup> Misuse can take a number of forms with common ones including allowing family members or carers to use the badge when the disabled person, the badge holder, is not with them. We heard of relatives refusing to collect shopping for badge holders unless they were able to use their badge. Other examples of misuse include displaying a badge with the photograph side up so the details on the front cannot be read; copying or tampering with the badge; or using the badge if it has expired or if the disabled person is no longer eligible.<sup>6</sup> Some forms of misuse were classified as “unintentional” by witnesses representing disability groups with examples being given of the (unwitting) use of cancelled badges and they stressed there was a need for distinctions to be drawn between wilful and unintentional misuse. But the main abuse suggested by Disability Motoring UK was “when people do not show a badge at all.”<sup>7</sup>

20. The extent of possible misuse was provided in oral evidence sessions with Michael Brady, the Assistant Group Manager Parking Projects and Events at Glasgow City Council, stating ‘misuse is rife’. Gordon Catchlove, the Parking Fraud Prevention Officer for the City of Edinburgh Council, stated there are 17,000 badges on issue to Edinburgh residents and that—

“...between 52 and 70 percent of all badges that are on display [in Edinburgh] will be being misused.”<sup>8</sup>

21. The Minister commenting on these figures added—

“The 52 per cent figure is the same as the percentage of blue badge holders who believe that they have experienced abuse of the system. It is obviously a very real problem...”<sup>9</sup>

22. While it is unclear how accurate these figures are or indeed whether they refer to overall abuse rates, it is clear from the evidence we received there is a substantial problem which impacts adversely on people’s lives. The Bill aims to address by improving the ability of the enforcement authorities to take action in a number of ways.

23. We also learned one of the areas of greatest concern for badge holders was abuse within private parking areas such as supermarket car parks where there is less enforcement undertaken. We were told “people think “It doesn’t matter if I park there because no one’s going to do anything about it.” If people know that in certain areas nothing is going to happen, they will never stop doing what they are

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<sup>5</sup> Scottish Parliament Local Government and Regeneration Committee. *Official Report, 2 April 2014*, Col 3333.

<sup>6</sup> Scottish Parliament Information Centre. (2014) *Disabled Persons’ Parking Badges (Scotland) Bill*. SPICe Briefing 14/24. Available at: [http://www.scottish.parliament.uk/ResearchBriefingsAndFactsheets/S4/SB\\_14-24.pdf](http://www.scottish.parliament.uk/ResearchBriefingsAndFactsheets/S4/SB_14-24.pdf) [Accessed 25 April 2014].

<sup>7</sup> Scottish Parliament Local Government and Regeneration Committee. *Official Report, 26 March 2014*, Col 3300.

<sup>8</sup> Scottish Parliament Local Government and Regeneration Committee. *Official Report, 26 March 2014*, Col 3278.

<sup>9</sup> Scottish Parliament Local Government and Regeneration Committee. *Official Report, 2 April 2014*, Col 3334.

doing.”<sup>10</sup> Legislating in private areas is outwith the competence of the Scottish Parliament although the owners have the option of making private enforcement arrangements or negotiating with the local authority to ascertain if they would be willing to enforce on their behalf.

*Offences created by the Bill*

24. Section 4 of the Bill seeks to bring Scotland into line with England and Wales and make it an offence to drive a vehicle whilst displaying a blue badge which has been cancelled or should have been returned to the local authority. The section would also make it an offence to display a blue badge in a parked vehicle, where that badge has been cancelled or should have been returned to the local authority. Both offences are summary offences and can be punished with a fine of up to level three on the standard scale, currently £1000. The Law Society of Scotland had concerns about the offence provisions at section 4 suggesting “it creates a new strict liability criminal offence, which in the (Law Society’s) view is disproportionate.”<sup>11</sup>

25. In oral evidence we explored this suggestion further. David Cabrelli from the Law Society of Scotland indicated a number of reasons for this—

“First, the misuse or abuse of a blue badge is already covered under the common-law offence of fraud. Secondly, in relation to the proposed strict-liability criminal offence, we are concerned that the requisite intention to defraud would be lacking. Someone could be prosecuted and convicted under section 4 without having had any motive or intention to defraud. Therefore, our concern is about, first, unnecessary duplication and, secondly, the absence of any mens rea for the commission of an offence.”<sup>12</sup>

26. Assistant Chief Constable Wayne Mawson of Police Scotland had a different view stating—

“Quite often local authorities cancel a badge for a serious reason, such as theft or some sort of fraud, and taking that type of offence to a civil court is quite a step. Perpetrators of that type of crime probably view prosecution in the civil court less seriously than they view prosecution in the criminal court. I would say that what the legislation proposes is right.”<sup>13</sup>

27. While we accept the Law Society’s point there is an existing offence available, **we agree with the views of the police and consider the offence provisions in section 4 of the Bill are necessary, proportionate and appropriate.** We note similar criminal provisions exist in England and Wales.

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<sup>10</sup> Scottish Parliament Local Government and Regeneration Committee. *Official Report, 26 March 2014*, Col 3297.

<sup>11</sup> The Law Society of Scotland. Written submission.

<sup>12</sup> Scottish Parliament Local Government and Regeneration Committee. *Official Report, 26 March 2014*, Col 3309.

<sup>13</sup> Scottish Parliament Local Government and Regeneration Committee. *Official Report, 26 March 2014*, Col 3310.

## **Enforcement of provisions**

### *Parking infringements*

28. On-street parking enforcement is the responsibility of the police and local authorities. The police are responsible where parking remains criminalised (see paragraph 31) and Police Scotland use police officers or police traffic wardens to enforce parking restrictions. Local authorities are responsible in areas where parking has been decriminalised and use uniformed parking attendants or contractors to impose Penalty Charge Notifications for parking infringements. Currently 12 local authorities operate Decriminalised Parking Enforcement (“DPE”).

29. In off-street parking areas, responsibility for enforcement lies with the local authority where the local authority owns and operates the car park and with the relevant private operators in the case of private car parks.

### *Misuse of a badge*

30. The misuse of a blue badge is a criminal offence and the potential penalty is more serious than for a parking infringement. It is a criminal offence to display a blue badge that does not conform to the regulations (see paragraph 24).

### *Decriminalising of parking offences*

31. In their written evidence COSLA highlighted concerns at the withdrawal of the Police Scotland Traffic Warden Service and the impact on local authorities in terms of enforcement—

“The withdrawal of the Police Scotland Traffic Warden Service will result in a gap in enforcement of up to two years in councils who have not yet but are seeking to move to Decriminalised Parking Enforcement (DPE) while councils who deem it unfeasible or not cost-effective to move to DPE face total uncertainty. It is our view that the link must be made between the practicability of the provisions set out in this Bill and the need for full and consistent enforcement of parking regulations across Scotland.”<sup>14</sup>

32. A number of local authorities where parking offences had not moved to DPE and relied upon enforcement by the police also expressed such concerns including West Lothian and North Lanarkshire. Although the position of the police and any move towards DPE were not matters for the Bill we nevertheless explored this issue in oral evidence. In his opening statement on 26 March 2014, Assistant Chief Constable Wayne Mawson laid out the forthcoming Police Scotland commitment—

“We are changing the way we conduct parking enforcement by removing the traffic warden role. However, we are committed to tackling dangerous or obstructive parking and the misuse of blue badges, including parking in disabled bays. That commitment will remain after the traffic warden service ceases. We are determined to work with councils to tackle all forms of

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<sup>14</sup> COSLA. Written submission, page 2.

abuse in that regard.”<sup>15</sup> Adding later “We take them (offences) extremely seriously. For me, anything that significantly and disproportionately impacts on people who have less mobility or some kind of physical impairment has to be tackled, and Police Scotland is absolutely committed to doing that.” And noting “We have found that, as you said, there has been no significant impact since the traffic warden service was largely removed on 3 February. We have 11,000 front-line operational divisional police officers in local policing, and we have made it absolutely clear to every one of our 14 divisional commanders that we have to be robust and that people who have no blue badge and who park in on-street disabled parking bays have to be dealt with. Where off-street parking is involved, we need to link up with our statutory partners and community groups, listen to them and deal with problems in partnership, and we are doing that...we are changing the way in which we enforce. We have not walked away from enforcement—quite the reverse, in fact: we are absolutely committed to it.”<sup>16</sup>

**33. We accept the position as set out by the police and consider COSLA have misconstrued the provisions of the Bill in relation to the wider issue of DPE, which is not a matter covered in the proposed legislation.**

*Central database and police*

34. There was some confusion during evidence about identification of valid badges and the existence of a central database recording details of badges issued by each local authority. We were aware that on 1 January 2012 the Blue Badge Improvement Scheme (“BBIS”) was launched. This provides a database for use by local authorities in England, Scotland and Wales and contains key information on badge holders. The BBIS is designed to help assist in the prevention of fraud and to enable effective monitoring of cancelled, lost or stolen badges. The police initially seemed unaware of the existence of BBIS, however we were reassured by officials that talks with the people who produce the badges were ongoing to provide access for the police to the BBIS.

*Confiscation*

35. The police, traffic wardens and parking attendants have existing powers to require a person to produce a badge for examination. Section 3 of the Bill gives them additional power to retain a badge produced for examination when the badge appears not to have been issued under the Act, has been cancelled, should have been returned to the local authority or is being misused. These additional enforcement powers are also conferred on persons employed or engaged by a local authority by section 5 of the Bill. These new officials need not be uniformed. To ensure the public know a person not in uniform is entitled to request production of the badge, they must produce evidence of their authorisation (see paragraph 39).

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<sup>15</sup> Scottish Parliament Local Government and Regeneration Committee. *Official Report, 26 March 2014, Col 3308.*

<sup>16</sup> Scottish Parliament Local Government and Regeneration Committee. *Official Report, 26 March 2014, Col 3313.*

36. The power of confiscation was subject to a number of comments with disabled groups in particular expressing concern about the impacts on the badge holder following confiscation. Inclusion Scotland—

“supported the proposal to allow badges that have been cancelled or are otherwise invalid (eg expired, tampered with or should have been returned to the issuing authority) to be confiscated to prevent further misuse. However, we have concerns that extending this power to automatically confiscate valid badges that have been misused could unjustifiably penalise disabled people who may be unaware that their badge has been misused, and may restrict their right to independent living.”<sup>17</sup>

37. Helen Dolphin from Disability Motoring UK however accepted “the disabled person has to take some responsibility for their badge – that should go with the badge.”<sup>18</sup> She went on to make a plea, stating that “If badges are confiscated and then found to be genuine, I would like them to be returned quickly to their genuine holders”.<sup>19</sup>

38. The Member in Charge stressed—

“Badges that are confiscated will be returned as quickly as possible to the badge holder. We are trying to ensure that badges that are being misused by a third party are returned to the badge holder as quickly as possible. A person misusing a badge for on-street parking is denying a legitimate badge holder access to a parking space.”<sup>20</sup>

#### *Non-uniformed officers*

39. Concerns were also raised about the use of non-uniformed officers as provided for by section 5 of the Bill (see paragraph 35 above). Inclusion Scotland expressed “serious reservations” both in written and oral evidence. They insisted that “non-uniformed officers must not have face-to-face contact with or challenge disabled people; they need to be identifiable, because if they are not the process will be open to abuse.”<sup>21</sup> The main issue centred on identification of non-uniformed officers and the potential for abuse.

40. In response both the Member in Charge and the Minister indicated they did not share the concerns of Inclusion Scotland and nor did a range of other disability organisations. The Member in Charge stated—

“Whether someone has a uniform is not really the issue. The relevant point is that people can identify themselves with the appropriate identification. Sometimes, being approached by someone in uniform can raise even more

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<sup>17</sup> Inclusion Scotland. Written submission, page 2.

<sup>18</sup> Scottish Parliament Local Government and Regeneration Committee. *Official Report, 26 March 2014*, Col 3304.

<sup>19</sup> Scottish Parliament Local Government and Regeneration Committee. *Official Report, 26 March 2014*, Col 3305.

<sup>20</sup> Scottish Parliament Local Government and Regeneration Committee. *Official Report, 2 April 2014*, Col 3345.

<sup>21</sup> Scottish Parliament Local Government and Regeneration Committee. *Official Report, 26 March 2014*, Col 3296.

anxiety among people in some vulnerable groups. Inclusion Scotland gave the example of people with cognitive or sensory impairments, but such people will no doubt have a third party with them. I suspect that there will be someone else with such people when the identification is produced.”<sup>22</sup>

41. We heard provision will be made for all officers involved in enforcement activity to receive full training and a multi-agency working group was developing appropriate guidance. We are aware provisions to empower non-uniformed officers are not novel; there are non-uniformed council officers in a range of areas across Scotland operating without the difficulties suggested.

**42. We are content with the provisions in the Bill relating to confiscation and the use of non-uniformed officers.**

*Review of local authority decisions in relation to applications for a badge*

43. Local authorities issue blue badges to persons meeting the eligibility criteria prescribed in regulations. There is a standardised assessment process across Scotland. Around half are issued to those who qualify automatically and do not require assessment. Many applications are determined through a desk based assessment using information supplied by the applicant from verifiable sources, or information held by the local authority for example, through other services received as a result of the person’s disability. In cases where a desk based assessment cannot determine eligibility, the local authority may refer the applicant for an Independent Mobility Assessment which is undertaken primarily to determine whether a person meets the specific definition in the scheme of being “unable to walk or virtually unable to walk”.<sup>23</sup>

44. Although there are no statutory appeal provisions following an assessment many local authorities currently follow advice in the blue badge Code of Practice by having a review process in place. Section 6 of the Bill allows Scottish ministers, by regulation, to require all local authorities to review, on request, a decision not to award a badge on the grounds the applicant is not eligible.

45. The Law Society of Scotland and others raised concerns in their written and oral evidence on 26 March 2014 with regard to section 6 and the “absence of a procedure for appealing a local authority’s internal decision to a sheriff.”<sup>24</sup> David Cabrelli stated—

“The machinery that the section envisages means that any decision that a local authority takes to cancel, refuse or not renew a badge would simply be

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<sup>22</sup> Scottish Parliament Local Government and Regeneration Committee. *Official Report, 2 April 2014*, Cols 3344-3345.

<sup>23</sup> Disabled Persons’ Parking Badges (Scotland) Bill. Policy Memorandum (SP Bill 44, Session 4 (2014)). Available at: [http://www.scottish.parliament.uk/S4\\_Bills/DisabledPersonsParkingBadges/b44s4introdpm.pdf](http://www.scottish.parliament.uk/S4_Bills/DisabledPersonsParkingBadges/b44s4introdpm.pdf) [Accessed 3 April 2014].

<sup>24</sup> Scottish Parliament Local Government and Regeneration Committee. *Official Report, 26 March 2014*, Col 3311.

dealt with in-house. We are slightly concerned that the process would breach article 6 of the European convention on human rights.”<sup>25</sup>

46. During questioning David Cabrelli conceded the existence of judicial review was sufficient to satisfy article 6. However, he maintained concerns over the costs that could arise in taking a judicial review and queried whether its availability was both reasonable and proportionate.

47. Stuart Foubister, Legal Directorate at the Scottish Government, stated—

“Frankly, I think that the Law Society’s point is misconceived. It has mixed up the availability of judicial review with its costs. The availability of judicial review provides compatibility with article 6, and, by putting in place the rather simpler internal review procedure, the bill simply reflects the fact that judicial review is neither a cheap nor a terribly user-friendly procedure.”<sup>26</sup>

48. We were assured Regulations would require reviews to be undertaken by different officials. We are also aware from our wider work there could be a role for the Scottish Public Services Ombudsman in considering the administrative approach taken by local authorities in such cases.

**49. We are satisfied the proposed review provisions in the Bill are reasonable and proportionate.**

#### *Education of badge holders*

50. At paragraph 19 we considered the various forms of misuse of blue badges. It is clear in many cases misuse is inadvertent and we explored with witnesses how blue badge holders could be better informed and better understand their responsibilities and the uses that can and cannot be made of blue badges. We heard holders of a blue badge receive a booklet, a blue badge book, but many do not read it or perhaps fully understand it.

51. The Member in Charge in his evidence indicated—

“Third sector organisations are asking us to produce a fairly concise script for people with blue badges. The booklet that people get at the moment is probably too large and complicated, with far too much information. That information is pertinent, but we probably just need some bullet-point information for blue badge users. I think that that in itself would reduce the level of misuse.”<sup>27</sup>

52. Scottish Government officials added—

“We have been working with the multi-agency group. We are considering having 10 top tips for blue badge holders to distil the information down. We

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<sup>25</sup> Scottish Parliament Local Government and Regeneration Committee. *Official Report, 26 March 2014*, Cols 3311-3312.

<sup>26</sup> Scottish Parliament Local Government and Regeneration Committee. *Official Report, 2 April 2014*, Col 3350.

<sup>27</sup> Scottish Parliament Local Government and Regeneration Committee. *Official Report, 2 April 2014*, Col 3334.

have also had Scottish Government marketing colleagues working with us. We have case studies from blue badge holders, and we are considering a campaign nearer the time of the launch. We know that we have to distil the messages down, just as we have done for road safety.”<sup>28</sup>

**53. We encourage the Scottish Government to work with its multi-agency group to bring forward new and focussed ways to educate badge holders with the aim of improving compliance and reducing inadvertent misuse.** We also encourage the group to look closely at ensuring road signage is both visible and clear. As this level of misuse falls it will become easier for the authorities to take the necessary robust action against those whose misuse is wilful.

## **Financial Memorandum**

### *Finance Committee*

54. The Finance Committee considered the response to their call for evidence and wrote to us on 12 March 2014.<sup>29</sup>

55. The key provision, identified by the Finance Committee in the responses to their call for evidence, was the Bill’s requirement for each local authority to put into place a process to review a decision to refuse an application for a blue badge on eligibility grounds. It was noted concerns have been raised that the Bill might lead to an increase in requests for such a review to take place.

56. Notwithstanding these concerns, the revised “best estimate” of review of the number of requests per annum has been assessed by the Member in Charge as 400.<sup>30</sup> This remains lower than the “high-end estimate” of 600 reviews and is based on seven months’ worth of data from 28 local authorities covering a period from 1 September 2012 to 31 March 2013.

## **Delegated Powers**

### *Delegated Powers and Law Reform Committee*

57. There are provisions in the Bill which will confer delegated powers to make regulations. As such the Delegated Powers and Law Reform Committee (“DPLR Committee”) considered the provisions and submitted its report<sup>31</sup> to this Committee on 19 March 2014.

58. The DPLR Committee considered each of the delegated powers in the Bill at its meetings on 25 February and 18 March 2014.

59. At its meeting on 25 February 2014 the DPLR Committee determined it did not need to draw to the attention of the Parliament delegated powers concerning Section 3 (power to confiscate) and Section 7 (commencement). It subsequently

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<sup>28</sup> Scottish Parliament Local Government and Regeneration Committee. *Official Report, 2 April 2014*, Col 3339.

<sup>29</sup> Scottish Parliament Finance Committee. Written submission, 12 March 2014.

<sup>30</sup> Dennis Robertson MSP. Written submission. 5 March 2014.

<sup>31</sup> Scottish Parliament Delegated Powers and Law Reform Committee. 24<sup>th</sup> Report, 2014 (Session 4). *Disabled Persons’ Parking Badges (Scotland) Bill* (SP Paper 500).

wrote to the Member in Charge of the Bill to raise questions on the remaining delegated powers in the Bill.

60. At its meeting on 18 March 2014, and in light of the correspondence of response from the Member in Charge of the Bill, the DPLR Committee agreed it did not need to draw the Parliament's attention to the remaining delegated powers concerning section 1 (form of the badge) and section 6 (review of local authority decisions); this correspondence is reproduced at the Annex to the DPLR Committee report.

61. The DPLR Committee concluded it was content with the delegated powers provisions contained in the Bill as introduced.

### **Accompanying Documents**

62. We are content with the Accompanying Documents provided in support of the Bill.

### CONCLUSIONS ON THE GENERAL PRINCIPLES OF THE BILL

**63. The Committee reports to the Parliament, it is content with the general principles of the Bill and recommends the Bill be agreed at Stage 1.**

**ANNEXE A: ORAL EVIDENCE RECEIVED BY THE LOCAL GOVERNMENT  
AND REGENERATION COMMITTEE**

**9<sup>TH</sup> Meeting, 2014 (Session 4), Wednesday 26 March 2014**

**ORAL EVIDENCE**

Simon Cameron, Diversity Advisor, South Lanarkshire Council;  
Gordon Catchlove, Parking Fraud Prevention Officer, City of Edinburgh Council;  
Colin McNicol, Roads Manager (Support and Public Transport), Stirling Council;  
Michael Brady, Assistant Group Manager Parking Projects and Events, Glasgow  
City Council;  
Grahame Lawson, Mobility Access Committee Scotland;  
Sally Witcher, Chief Executive, Inclusion Scotland;  
Helen Dolphin, Director of Policy and campaigns, Disabled Motoring UK;  
Mike McCormick, Assistant Chief Constable, Local Policing East, Police Scotland;  
Craig Naylor, Superintendent, Lead on Reform and Local Engagement, Police  
Scotland;  
David Cabrelli, Member of the Society's Equalities Law Committee, Law Society of  
Scotland.

**10<sup>th</sup> Meeting, 2014 (Session 4), Wednesday 2 April 2014**

**ORAL EVIDENCE**

Keith Brown, Minister for Transport and Veterans, Scottish Government;  
Dennis Robertson, Member in Charge of the Bill, Scottish Parliament;  
Jill Mulholland, Transport Accessibility and Road Safety, Transport Scotland;  
Sharon Grant, Bill Manager, Transport Scotland;  
Stuart Foubister, Divisional Solicitor, Legal Directorate, Scottish Government.

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