

TACKLING THE ABUSE OF OFF-STREET DISABLED PARKING IN SCOTLAND

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1. INTRODUCTION

This paper reports on the findings and conclusions of a research project conducted by Transport & Travel Research Ltd (TTR) on behalf of the Enterprise, Transport and Lifelong Learning Department of the Scottish Executive. The overall objective of this research is to review intervention measures used to combat the abuse of parking bays reserved for disabled people, and to assess those measures which are most appropriate to providers of off-street parking facilities in Scotland. The Scottish Executive's aim is for this review to result in the provision of good practice guidance on the most effective and appropriate measures for tackling such abuse, so that advice and assistance can be provided for those responsible for the provision of off-street parking for disabled people.

The research findings have not yet been published and are subject to the approval of the Scottish Executive and the project's Advisory Group. The findings presented in this paper have been written by TTR and do not necessarily reflect the views of the Scottish Executive.

2. METHODOLOGY

The project has reviewed previous research on the use and effectiveness of intervention measures and the psychology of enforcement. Primary research was then carried out to build on the psychological factors underlying the abuse of disabled people's parking facilities, and to determine the likely effectiveness of different intervention measures. Because of the emphasis on attitudes and perceptions, this part of the research relied heavily on qualitative data collection techniques; these included a series of thirty-three in-depth interviews with people who had abused disabled people's parking bays and four focus group discussions with disabled people and non-disabled people (non abusers). Stakeholder workshops were also undertaken to guide the research design and presentation of the Good Practice Guide.

A large proportion of the research work was undertaken through six case studies of off-street car parks in Scotland. These sites were selected by context, geographical location and approach to enforcement of reserved parking. Telephone interviews were undertaken with the site managers relevant to

appraise the effectiveness, practicality and constraints of intervention measures used at the sites.

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 city.

In addition to the enforcement approaches adopted at the case study sites, the research evaluated other possible measures to parking enforcement, including high-tech and innovative approaches (e.g. the issuing of licence penalty points, vehicle removal). The full range of measures evaluated included;

- *Low technology measures*: polite notices, stickering, patrolled car park, bay design
- *Medium technology measures*: wheel clamping, vehicle removal, electronic barrier, traffic wardens
- *High technology measures*: mini-barrier system operated by a handheld remote control device, automatic electronic announcement for bay users, points on driving licence, vehicle registration recognition

3. SUMMARY OF FINDINGS AND CONCLUSIONS

3.1 The extent and nature of parking abuse in Scotland

Since this research was largely qualitative, no statistical assumptions could be drawn on the true extent of the abuse of parking facilities in Scotland. However, the research has identified the following key themes and issues;

- The abuse of off-street parking facilities reserved for disabled people, whilst perceived as being fairly widespread, varies both geographically, and in terms of the context of the parking facilities provided.
- 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.
- Fines and penalties can be imposed on customers or clients 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, but, in practice, the payment of fines tends not to be rigorously pursued in Scotland. Ultimately, therefore, 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.
- Service users do not expect to be penalised for using disabled people's parking facilities. This has been indicated by their lack of awareness of the legal obligation on service providers to provide such facilities and by a low compliance with payment of fines imposed for inappropriate parking off-street.
 - The experiences of disabled people show that parking abuse can prevent them accessing services, which can have serious negative impacts for example, abandoning trips altogether and missing hospital appointments.
 - Overall the abuse of off-street parking facilities in Scotland has been acknowledged by service users, service providers and other stakeholders, from whom there is strong support for intervention for their enforcement.

Contextual issues:

- There appears to be a greater propensity for people to abuse reserved parking facilities in supermarkets / retail parks than in any other context.
- Evidence has been received from a particular supermarket chain that there are individual stores abuse presents problems relating to both the provision of accessible parking facilities for the customers that need them, and the issue of customers' aggression being directed at supermarket staff should they intervene.
- Inappropriate parking in hospital car parks is attributed to small and badly designed car parks, and the fact that some of them are non-charging. Service providers consider tackling parking abuse for hospitals to be the highest priority.
- Abuse is greater at unmanned rail stations compared to manned stations.
- The comparison of municipal parking in Edinburgh and Inverness has shown that the compliance of paying fixed penalty fines is lower in Edinburgh where parking has been decriminalized than it is in Inverness where parking is still dealt with by the city's Traffic Wardens.
- Abuse is reported to be evident in heavily used municipal city centre car parks where there are irregular users in comparison with car parks that offer daily parking for regular users. This might be an indication of the car parks being rarely at capacity, or because regular users know the arrangements at a given facility.

1.2 Who abuses disabled people's parking and why?

One general conclusion of the research is that the sample of thirty-three participants who stated that they had abused parking facilities intended for use by disabled people at some point, could be divided into the following groups;

- *In denial / reluctant abusers* – this group accounted for a minority of the sample. This group either denied their inappropriate behaviour or were reluctant to admit to abusing disabled people's parking facilities. They

were likely to have used facilities a few times and disliked the possibility of confrontation. This group would be most likely to conform to enforcement measures.

- *Justified abusers* – this group accounted for a third of the sample, and included people who had used disabled people's parking facilities for reasons which they considered to be justifiable. This group has been split into three sub-groups (a). people who parked in reserved bays unknowingly e.g. because of unclear bay markings and signage; (b). people who parked in reserved bays because they believed they had a genuine need, or should be entitled to use them, because they are entitled to use other reserved parking facilities e.g. parent & child, or staff parking; and (c). participants who had a temporary disability or reduced mobility as a result of a permanent medical condition, or care for people with reduced mobility but are not entitled to a Blue Badge. Because the latter two groups believed their reasons were genuine, they had a high propensity to re-offend.
- *Persistent abusers* – this group accounted for a majority of the sample and 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. Participants who fell into this behavioural category had also committed other traffic and parking offences. Of all the types of abuser identified in this study, careful consideration needs to be given in influencing the behaviour of this group, as their reactions to intervention show that they would be most likely to defy or manipulate measures where possible.

From the stakeholder workshops and consultation with case study providers, another group was identified as being misusers and fraudulent users of the Blue Badge.

The research has demonstrated that abuse could be attributed to a number of factors, such as;

- *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 or, people might be inclined to follow the behaviour of other drivers and might see abuse as acceptable if others are seen to do it and get away with it.
- *Reduced mobility* – people who have temporary or permanent disabilities, which can reduce mobility, but do not qualify for a Blue Badge might need to use accessible parking.

- *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 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, nip in and out of shops. Bays that are positioned close to facilities such as ATM machines might also increase abuse.
- *Signage and bay markings* – poor signage and inconsistent bay markings could lead to people using the bays ‘accidentally’.
- *Cost of parking* – free parking for disabled people has been shown to increase abuse.
- *Environmental* – inclement weather.
- *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 people’s decisions on whether or not to use a reserved bay. If people were familiar with the site’s arrangements and they got away with it once, they were likely to repeat the offence. Overall, the findings show this to be an overriding reason underlying abuse.

1.3 Effectiveness of enforcement measures and their appropriateness in different contexts

Findings from previous research and the interviews with service providers and users have provided insights to the advantages, practical considerations and constraints of a number of different intervention measures, as summarised below.

Low technology measures

Attaching polite notices or stickers on the cars of people who abuse reserved parking spaces is a simple, relatively low-key means of reducing inappropriate parking. The opportunity for direct, face-to-face involvement with a car park attendant, together with signs alongside reserved parking spaces warning of the imposition of a fine, does seem to reduce the occurrence of abuse. The evidence from city centre municipal car parks is that car park attendants who are highly visible, are the main deterrent to the abuse of spaces reserved for disabled people. This approach could also be appropriate for supermarkets / retail parks where, clearly, the main issue is to ensure access to all disabled customers while maintaining high levels of customer satisfaction among non-disabled people.

Bay design, although essential in preventing ‘accidental’ abuse, was shown to have no impact on preventing other types of abuse.

Medium technology measures

Supermarkets have found electronic barrier systems to be the most direct and effective way of preventing abuse of disabled people’s parking facilities but have also found that there are cost and practical constraints with their implementation. This measure might also be appropriate for some hospitals that have an integrated layout and segregated reserved parking areas, but consideration needs to be given to people with temporary reduced mobility who do not qualify for a Blue Badge but nevertheless have a need to use accessible parking.

The use of traffic wardens and the imposition of fines have the deterrent effect of costing people money. This has been the approach applied in Dundee and Angus for the enforcement of disabled people’s parking off-street, which has received high levels of compliance. There is, of course, no guarantee that the same level of compliance would be afforded to fines issued by a supermarket, or other provider of facilities in a privately owned car park. There is actual evidence that shows low compliance in other Scottish cities where parking has been decriminalized to recover outstanding fines through civil channels. There have been recent estimates¹ that 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 unpaid². Similarly, in the City of 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.

In Inverness, on the other hand, where parking has not been decriminalized and where traffic wardens are still used to enforce disabled people’s parking, the recovery of fines has been much less of a problem. Overall, these findings could 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, or the lack of compliance in off-street car parks could be a direct result of service users being aware of the legal situation. 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.

¹ “200,000 drivers defy parking fines, leaving cities £14m out of pocket.” The Scotsman (20th of February 2006).

² 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.

The study findings suggest that a £30 fine could deter many people from abusing reserved parking bays, but 'persistent' abusers were likely to value the bay more than the fine and were therefore likely to defy this.

From the case study site evaluation, it was found that different providers had varied degrees of experience and knowledge of Traffic Regulation Orders (TROs) to cover the enforcement of disabled parking. Site providers have generally found them to be effective at preventing abuse of disabled parking. However, 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.

Vehicle removal and wheel clamping would be strong deterrents to parking abuse although they were not regarded by the research participants in this study as fair measures for first time offenders. Edinburgh City Council has a policy to tow offending vehicles found in off-street car parks in the city centre. Elsewhere in the UK, e.g. 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, which, as noted above, has been shown to deter most potential abusers, without the need for additional measures so wheel clamping or vehicle removal might not be necessary. However, there is evidence to suggest that 'persistent' abusers might try to manipulate or defy car park attendants and notices, as found to be the case at supermarkets and hospitals; under these circumstances, measures such as wheel clamping and vehicle removal could have a greater impact. However, the restriction on vehicle removal and wheel clamping is that the operating companies are 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.

High technology measures

It is likely that the ambiguity of some of these measures would deter people from using or attempting to abuse a parking bay. However, as demonstrated by certain supermarkets and retail parks, measures such as automated electronic announcements have limited effect once people become more accustomed to them and realise that there are no real consequences or penalty for using the bay.

The remote controlled mini-barrier would physically prevent unauthorised cars from entering a bay, but there is a chance that key fobs could be misused. 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 (e.g. leisure centres, universities), as opposed to sites that are open to the general public.

A 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. This could be an appropriate measure for supermarkets and rail stations where there might be safety concerns about using station staff to confront customers and enforce fines. ANPR has also been suggested as a possible measure to track the misuse of the Blue Badge and other offences such as evasion of vehicle tax and insurance.

The issuing of penalty licence points was seen as a contentious measure. Whilst this approach 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.

The effectiveness of measures and their public acceptability are likely to depend upon the following;

- Highly visible measures which send a clear message to people thinking of parking inappropriately.
- Clear signage and warnings of the possible consequences of inappropriate parking.
- The possibility of flexibility – the findings suggest that there might be a case for people who have reduced mobility but do not have a Blue Badge. Other cases include patients who drive to hospital for treatment and clearly need to park somewhere, 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. Such abuse should only be tolerated where there is a parking attendant or other member of staff present and able to make considered judgement on the merits of the situation.
- Deploying measures such as wheel clamping, vehicle removal and the issuing of penalty licence points for 'persistent' abusers and not first time offenders.

Overall, the evidence from this study is that enforcement is key to the prevention of abuse and a range of options for dealing with abuse should be provided. There is no single method that would be appropriate and effective for all situations but at the same time, there should also be an authoritative and concise "set of rules" for providers of parking facilities.