

East Lothian Council

FOI Ref: 2018/523394

In consideration of The Disabled Person's Parking Place (Scotland) Act 2009, which stipulates that ---

Under Section 5 (1a) "A qualifying person may request a local authority to make a disabled street parking order in respect of a street parking place."

with Section 5 (1b) "from which there is convenient access to the person's address."

and

Section 5 (3) "If the authority identifies such a parking place, it must — 5 (3)(b) start the statutory procedure for the making of such an order."

and under The Freedom of Information (Scotland) Act 2002 and/or The Environmental Information (Scotland) Regulations 2004, the following information is requested.

Q1 --- Having established the Applicant meets the criteria for a "Qualifying Person" by possession of a valid Blue Badge, what administrative processes are then necessary in order to reach the point whereby the Statutory Procedure for the creation of a TRO must be started.

The Qualifying Person has to confirm that they have a blue badge, they use a car and that the car is registered at their address. Once confirmed, an instruction is sent to our road marking contractor to apply the disabled parking bay. Due to resources East Lothian Council (ELC) has yet to start the Statutory Process to make any of our residential disabled parking spaces enforceable.

Q2 --- An approximate/average time value for the collective processes to be completed is also requested.

ELC has not started the Statutory Process for residential disabled parking bays yet. As a guide, however, other Traffic Regulation Orders we have promoted have taken between 9 – 18 months.

It may help to explain that Freedom of Information legislation only applies to information which is held or recorded by a public authority. It does not apply to views, opinions, intentions or questions which simply require a yes/no answer. In view of this, the questions asked are not technically valid for the purposes of this legislation as they are not requests for specific recorded information that ELC may or may not hold.

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In order to assist you, however, colleagues have addressed the questions posed to the best of their knowledge. For future reference, a link to the "Tips for Requesters" page of the Scottish Information Commissioner's website has been provided which you may find useful:

<http://www.itspublicknowledge.info/YourRights/Tipsforrequesters.aspx>