

David Cullum

Clerk, Local Government and Regeneration Committee

Scottish Parliament

Edinburgh

EH99 1SP

3 November 2015

Dear Mr Cullum

Footway Parking and Double Parking (Scotland) Bill

The Equality and Human Rights Commission is the National Equality Body (NEB)¹ for Scotland, England and Wales, and works to eliminate discrimination and promote equality across the nine protected grounds in the Equality Act 2010: age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment. We are an “A Status” National Human Rights Institution (NHRI)², and share our mandate to promote and protect human rights in Scotland with the Scottish Human Rights Commission (SHRC).

The Commission supports the policy intentions of the Footway Parking and Double Parking (Scotland) Bill at Stage 1. Our key considerations are: whether the Bill is likely to enhance equality of opportunity and/or human rights for people who share one or more protected characteristics, and; how the Bill’s provisions fit with the legal and regulatory framework for equality and human right in Scotland.

Policy Aims

Irresponsible and inconsiderate parking can be a significant issue for many, for example people with mobility or visual impairments, older people or parents with prams and buggies. A survey of over 2000 people, commissioned by Guide Dogs in 2014, indicated that

¹ www.equineteurope.org/

² www.ohchr.org/EN/Countries/NHRI/Pages/NHRIMain.aspx

- 72% of pedestrians using buggies or prams for children find it harder to walk along pavements due to vehicles obstructing their path
- 62% are forced into the road with their buggies
- More than half (51%) of people aged 55 or over are forced into the road³

An earlier 2013 study reported that more than 90% of respondents with a visual impairment regularly found the pavement blocked by parked cars⁴.

Pavement parking is therefore not simply dangerous, but represents a barrier to the full and equal use and enjoyment of the built environment by everyone. Challenging attitudes which see pavement parking as acceptable is important, although the number of drivers who park on the pavement does seem to be lower in Scotland than other parts of the UK⁵. Attitudinal change should however go hand in hand with effective, enforceable law. The Commission notes the Stage 1 evidence from Police Scotland which sets out how the Bill provides a clear legal framework, addresses weakness in current legislation and would be easily enforceable⁶. As Police Scotland notes, the exemptions contained in the Bill also allow for sufficient flexibility in applying the law.

Equality and Human Rights Framework

Parking enforcement is a matter for either the relevant local authority or Police Scotland. Both councils and the police are subject to the Public Sector Equality Duty (PSED)⁷ which requires public authorities, in the exercise of their functions, to have due regard for the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

³ www.guidedogs.org.uk/news/2015/january/new-year-could-herald-new-parking-law-that-benefits-millions#.VjN0ILfhCHu

⁴ www.guidedogs.org.uk/media/2424030/Parking_Attitudes_Survey_Executive_Summary.pdf

⁵ *ibid*

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www.scottish.parliament.uk/S4_LocalGovernmentandRegenerationCommittee/General%20Documents/009_PoliceScotland.pdf

⁷ S149 of the Equality Act 2010 www.legislation.gov.uk/ukpga/2010/15/part/11/chapter/1

A more effective and enforceable legal framework for addressing obstructive and inconsiderate parking could assist local authorities and councils in meeting the requirements of the PSED, particularly as the 2010 Act makes clear that due regard involves the need to “remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic” (S149, (3), (a)).

The Bill’s provisions could also help give effect to the United Kingdom’s obligations under the United Nations Convention on the Rights of Persons with Disabilities⁸, in particular Article 9 (accessibility):

To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment.

The Convention makes clear that this measure should include “the identification and elimination of obstacles and barriers to accessibility”.

For the reasons above, the Commission believes that the Bill would assist in addressing a persistent physical barrier to equal enjoyment of the built environment, fits with the wider legal framework for equality in Scotland, and would support efforts to meet our international obligations to give effect to disabled people’s human rights.

I hope these points are of use to the Committee. If you require any further information, please do not hesitate to get in touch.

Yours sincerely



Alastair Pringle

National Director, Scotland

⁸ www.un.org/disabilities/convention/conventionfull.shtml