

Footway Parking and Double Parking (Scotland) Bill

Consultation response by Fife Council

(September 2015)

1. What are your experiences of parking on a footway or on a road next to a dropped kerb or double parking?

Parking is one of the most common subjects of concern regularly raised with the Council, next to inappropriate speed. Our enquiry handling systems cannot currently break-down parking enquiries to a level of detail that would provide an analysis of the different types of parking concerns, however anecdotally there are probably more parking concerns received related to difficulties experienced by drivers than there are from pedestrians about obstruction. The types of concerns raised by drivers include finding appropriate parking spaces for vehicles within residential streets where demand quite often exceeds capacity, or where inappropriate parking by other drivers causes obstructions to vehicular access in narrower streets or where it blocks private driveway crossings of the footway. Concerns raised about double parking generally relate to obstructions to traffic and vehicular access rather than pedestrian obstruction.

This may be evidencing the consequences of greater numbers of cars in our urban area competing for limited parking and may also be evidencing much lighter pedestrian movement on Fife's urban roads compared to larger cities.

Where parking on a footway or across a section of dropped kerb occurs and is reported as causing a problem, if waiting restrictions are in place the Council's decriminalised parking enforcement team are able to issue an enforcement notice if the offence is observed. Where there are no restrictions on waiting in place, the matter is passed to Police Scotland as a potential obstruction/road safety problem. Where such problems occur in the same place more regularly causing repeated concerns we usually assess the need/appropriateness of introducing new or supplementary waiting restrictions or advisory road markings or liaise more closely with Police Scotland since it often relates to a local parking problem involving local residents. It is also worth mentioning that removing parking from some streets, for whatever reason, can sometimes lead to increased speed. In other words, some on-street parking provides good traffic calming.

It is also envisaged that there may be some issues around the definition of a "dropped kerb" and whether the Bill would apply or not in relation to parking across such kerbed locations. There are many footway crossings to private driveways on residential roads where the road kerb is below the recognised standard kerb height and is low enough to allow safe access over the kerb. It could be judged in these situations that the kerb is not dropped at the driveway crossing, that drivers would not be aware of the presence of a vehicular access and that the Bill would not apply.

2. There are a number of exceptions whereby parking on a footpath, next to a dropped kerb or double parking would be permissible.

This is noted from the Bill and accompanying documents.

3. Do you have a view on these exceptions?

The proposed exceptions would address the “legitimate” needs for parking in such locations on the basis of a proposed zero tolerance approach within the areas covered by the Bill.

Fife Council does not condone parking on a footway, other than at some specific locations where footways are designed to accommodate both pedestrian movement and off-carriageway parking (as a consequence of custom and practice in a street or as part of a parking management plan). In principle, therefore, widespread restrictions on such parking, with safeguards for those excepted locations, would be aligned with the Council’s aspirations for a sensible and considerate approach to be taken by drivers and riders.

That said, based on the types of concerns raised about parking detailed at question 1, the Council considers that this national blanket restriction approach would:

- be disproportionate to the extent of the problems being encountered with pedestrian obstructions and exacerbate the problems regularly raised about lack of parking capacity;
- assume that most current practices of footway parking can be collectively described as unacceptable wherein a variety of balanced circumstances may be good practice in some cases;
- underestimate and understate the number of exemption areas under Section 6 of the Bill that would likely be required;
- require a significant, robust and sustainable enforcement regime (probably decriminalised parking);
- introduce further traffic signs and regulation into our streets which are already cluttered and where good street design policy and proposed amendments to the Traffic Signs Regulations and General Directions (TSRGD) sets out to remove such clutter and “over-engineering”;
- lead to a potentially significant and on-going workload and budget commitment addressing the aftermath of parking displacement issues which may not be identifiable or envisaged at the outset.

It would be preferable for Fife Council to consider and address specific problems of poor parking practice using current powers and pragmatic local solutions. It may be more proportionate for this Bill to be restricted to parking at dropped kerbs and double parking only.

4. What exceptions should be allowed, if any, to allow a vehicle to wait whilst parked on a footpath, next to a dropped kerb or double parked?

The proposed exceptions in the draft Bill would address the “legitimate” needs for waiting whilst parked in such locations on the basis of a zero tolerance approach within the areas covered by the Bill.

5. The Bill would allow local authorities to designate areas as being exempt from these restrictions.

This is noted from the Bill and accompanying documentation.

6. Do you have a view on what the criteria for exemption should be?

This can be a complex matter since it could involve a number of factors such as road width, footway width, available off-street residential parking, presence of nearby businesses creating parking demand or turn-around of vehicular loading/unloading, parking displacement from nearby streets, history of significant parking demand etc. Identifying areas for exemption could therefore be a significant on-going task and would likely require a lot of local operational knowledge rather than just set criteria. For example, in many of the coastal villages around Fife (and also in some landward locations) the road network can barely support vehicular access let alone setting a zero tolerance on parking. It is therefore envisaged that there would need to be a significant number of exemption areas and that the setting up of differing parking regimes covered by the Bill and covered by Section 6 exemptions will create pressures on the Council to extend exemption zones to locations where an initial assessment had not identified a need for exemption.

7. Enforcement of the Bill would be the responsibility of the Police (via fixed penalty notices) in areas where parking is criminalised or local authorities (via penalty charge notices) in areas where parking has been decriminalised.

This is noted from the Bill and accompanying documentation. Fife currently operates a decriminalised enforcement regime.

8. Do you have any comments in relation to how the Bill would be enforced?

If introduced, the Bill would be enforced by Fife Council through decriminalised parking but there would need to be amendments to the parking enforcement procedures. It may also be sensible that all envisaged exclusion areas would need to be in place before the Bill was fully operational and enforceable. This could take a long time.

The Bill would put a significant demand on the Council's already stretched parking enforcement resources and may require supplementing these resources to meet this demand. Wherein at present enforcement beats are significantly designed around town centres where most of the existing waiting and parking restrictions are in place, this Bill would raise expectations that beats should be expanded to cover many residential areas, and possibly out

of hours, to ensure effective enforcement through close presence and observation. This would put significant pressure on resources and associated budgets and would be disproportionate in relation to cost -v- income.

9. Are there any equality issues that arise as a consequence of the proposals in the Bill?

“Designing Streets” (Scottish Government) is the first policy statement in Scotland for street design. Many of the locations where parking on footways or at dropped kerbs will occur, or will be likely to occur, are within parts of our transportation network that can be considered as “streets” under the terms of this new policy. Such locations will include town and village centres and residential areas.

The policy statement provides that pedestrians and cyclists, connections within streets and to other streets, and walkable neighbourhoods are all higher priority considerations in the structure of the street design hierarchy. Enforcing parking on footways and at dropped kerbs could therefore be considered as an effective strategy which could support this policy in existing situations where a retrofit approach will be the only way to deliver the policy principles on good streets and walkable neighbourhoods. Additionally, there may be good road safety and footway maintenance benefits that would accrue.

However, whilst the Bill would potentially improve some access and accessibility for pedestrians, including those with mobility and visual impairments, it could disadvantage others through potential loss of convenient access to premises, traffic congestion, journey time delays and reduced access as a consequence of alternative parking practices that have a greater negative impact on traffic flow.

There is great potential for a number of downstream effects resulting from any implementation of this Bill. There are likely to be many local situations, which may not be able to be fully identified and assessed at the outset, where occasional footway parking/partial parking resolves local problems of general parking and access without compromising pedestrian movement. Whilst not condoning such practices, in a very diverse transportation network developed over centuries it is a fact of life that such situations will exist and will be tolerated within local communities. These situations may emerge as traffic management problems that would require being resolved, leading to a potentially significant hidden workload and cost for local authorities. It is therefore of concern that the effort, cost and implications of the Bill will be hugely out of balance with the actual benefits that accrue to a proportion of society, laudable as that benefit certainly would be.

At a time when local government is going through significant change in terms of reducing budgets and staff and in terms of potentially taking a more enabling role towards service delivery in partnership through alternative delivery models, the implications of this Bill may be realistically beyond the capacity of some smaller local authorities to deliver. Further, at a time when

we are now moving more towards community and locally based problem solving, the use of increased heavy national legislation and regulation is at odds.

Unless a local authority has implemented decriminalised parking management arrangements, the enforcement of this Bill will fall to the police. This will be the case at present in the great majority of local authority areas. At a time when Police Scotland are struggling on parking enforcement (which is one of the key drivers for decriminalised parking) this Bill, and the DPPP Act, will significantly increase the demand on their capacity to cope, which in turn may very well undermine the legislation, the public perception of it and their respect for it.

How to submit your evidence

[mailto:lgr.committee@scottish.parliament.uk?Subject=Footway%20Parking%20and%20Double%20Parking%20\(Scotland\)%20Bill%20submission](mailto:lgr.committee@scottish.parliament.uk?Subject=Footway%20Parking%20and%20Double%20Parking%20(Scotland)%20Bill%20submission)

Alternatively, hard copy responses can be sent to the Clerk to the Local Government and Regeneration Committee, Committee Office, Scottish Parliament, Edinburgh, EH99 1SP.

The closing date for receipt of submissions is 5pm on Friday 6 November 2015.

Before submitting your evidence please read the [Parliament's policy on treatment of written evidence by subject and mandatory committees](#).

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