

Proposed Footpath Parking and Double Parking (Scotland) Bill

Thank you for your consultation document relative to the above and the opportunity to comment on it.

South Lanarkshire Council (SLC) does not condone parking on a footway, on a road next to a dropped kerb or double parking where it obstructs or impedes the safe and efficient passage of pedestrians and receives many request for parking restrictions (either in the form of enforceable Traffic Regulation Orders or advisory “Keep Clear” and driveway protection markings).

SLC recognises, however, that there are many narrow carriageways, in both urban and residential streets, where footway parking facilitates the passage of traffic, and that there are many residential streets where the demand for parking considerably out-strips supply. Given the historic nature and development of our road network SLC has always sought to strike a balance when dealing with the issues surrounding parking on footways, at dropped crossings and double parking. This balance must consider the often competing interests, particularly in urban areas, to ensure that all of our streets are safe, viable and attractive environments.

The proposed Bill would provide exemptions for emergency service vehicles, certain public service vehicles, facilitate deliveries and to allow vehicle passengers to board and alight and these are all considered sensible and appropriate. The proposed Bill would, however, also allow local authorities to designate “exempt areas”, where the provisions in the Bill would not apply. While SLC believes that such areas will be necessary, for the reasons outlined above, undertaking the necessary assessments to establish where these areas should be will place a considerable burden upon local authorities, as surveys of both the physical environment as well as levels of parking demand will require to be completed prior to the commencement of the Traffic Regulation Order process.

In order to obtain a true representation of the situation in predominantly residential streets the parking surveys will need to be undertaken when demand is at its highest i.e. out-with the normal working day. In some streets where there is a mix of residential and commercial properties multiple surveys may be required. Due to the complex nature and diversity of issues from street to street it will not be possible to apply a “one size fits all” criteria for exemptions and each location will need to be looked at individually and considered on its own merits.

Once the promotion of the Traffic Regulation Order(s) for exempt areas commences it can be anticipated that a significant number of objections will be received from residents and businesses in streets / areas who consider that they should also be exempted. SLC would, most likely, promote one “exempt areas” Traffic Regulation Order, with individual streets listed in the schedules, as it would not be practical or sustainable to promote individual Orders for each street. This approach, however, means that just one maintained objection would delay, and potentially jeopardise, the whole process. Anticipating a significant number of maintained objections the whole process would become exceedingly protracted, cumbersome and maybe even untenable. If it were to be deemed necessary to abandon the “exempt areas” Traffic Regulation Order not only could we anticipate a considerable number of complaints from residents and businesses but also increases in traffic congestion in certain areas, with an associated potential increased risk to road safety. Traffic management issues, not evident at the outset, may arise which would require to be resolved, resulting in a potentially significant hidden workload and cost implications. SLC would be inundated with requests for additional areas for parking which it would not be able to satisfy.

With regard to enforcement of the proposed Bill SLC is one of the local authorities operating decriminalised parking enforcement. While, on the face of it, this may seem to be an advantage, as it would permit targeted enforcement at known “hot spots”, a robust and transparent policy would have to be devised and rigorously applied, to avoid accusations of victimisation. As outlined above, in the majority of residential areas the highest parking demand, and hence the highest potential for

regulation contravention, will occur out-with the normal working day. If enforcement is, therefore, to be effective additional resources will be required, at a time of austerity when local authorities are looking to make year on year savings. As has been noted in earlier consultations and correspondence there is concern in some areas that in those non-decriminalised local authorities, where Police Scotland are responsible for enforcement, the level provided may not be high, owing to the Police's other priorities and commitments. There could be, therefore, the potential for shoppers, and maybe even workers, to migrate from decriminalised to neighbouring non-decriminalised areas, where there may be a perception that they can "get away with it".

While there are no obvious equality or minority issues that arise as a consequence of the proposals in the Bill there may be some, as hinted at above, who feel victimised because of it. SLC often encounters the widely held misconception of residents believing that they have a "right" to park outside of their own property. While this view is found across all areas it is usually more prevalent in less affluent areas and schemes, engendering an "us and them" mentality with more prosperous, private housing, which is more likely to have sufficient off-street parking available. It can be envisaged that some in society may see the proposed Bill as being a further burden on the less well off.

In summary, as has been stated previously by SLC and various other local authorities, while there is obvious merit in legislating against parking next to a dropped kerb or double parking the issue of footway parking is much more complicated. While the concept that footways be kept clear and free for pedestrians is laudable there must be a balance so as not to disadvantage residents and businesses as a consequence of displaced parking problems, which may not be quantifiable at this stage. Other road users could be disadvantaged through potential traffic congestion, journey time delays and reduced access as a consequence of alternative parking practices that have a negative impact on traffic flow. While the mechanism would exist to promote "exempt areas" in reality the procedure would be cumbersome and costly, and may even prove unworkable.

In these times of austerity and the ongoing requirement for local authorities to implement savings, if introduced, the proposed Bill would undoubtedly place a burden on councils, as well as Police Scotland. Its introduction would be a radical change to the current situation and would most likely prove unpopular with a significant proportion of people, who, whilst saying that they support it in principle, in reality would think that it should apply to others rather than them. It will require an extensive national publicity campaign both prior to commencement as well as follow-up publicity in the immediate aftermath if it is to have any chance of success.

Alternatively, the existing Road Traffic Act 1984 does contain sufficient powers to allow local authorities to prohibit pavement parking at any location they wish.

The reason it has not been widely used to date, is that parking at any location, whether on the road or footway, which causes congestion is dealt with through normal waiting restrictions. In areas where the demand for parking is light, drivers tend to park responsibly. The few that don't can be dealt with, under current legislation, by the police. In areas where the demand for parking is high, there is no demand from communities to prohibit pavement parking. If there was, the local authority would have dealt with it.

Within the urban environment, where waiting restrictions exist, the blocking of dropped kerb crossings can be easily dealt with.

In other areas, there are very few reported problems. Any persistent issue could be dealt with through the implementation of a localised traffic order. The proposed legislation is not required. Any legislation, which introduced a blanket ban on parking across a dropped kerb, would result in reactive

enforcement only. The legislation would be unenforceable as it would be reactive rather than proactive as residents and their visitors would be allowed to park in front of driveways, which have dropped kerbs, with the householder's permission

Should the proposals go ahead, this council would require to introduce exemption Orders to allow pavement parking over many kilometres of residential streets. As detailed above, the cost of this, both in terms of man hours to produce, and signing, is likely to be excessive.

Therefore, our view is that this legislation is not needed and would be costly at a time when fiscal prudence is required. The beneficiaries would be few in number and those inconvenienced could be counted in thousands. The legislation is available at present. At most what is required is clarity in relation to the existing law, not more legislation.

If it is the intention to place the burden of dealing with obstructive parking onto local authorities from the police, the simplest way would be to decriminalise "obstruction" and include "keeper liability" in the legislation.