

Clerk to the Local Government and
Regeneration Committee
Scottish Parliament,
Edinburgh

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Transport Research Institute –
TRI
Edinburgh Napier University
Merchiston Campus
Edinburgh EH10 5DT
Scotland

T +44 (0)131 455 2951
F +44 (0)131 455 2953
tri@napier.ac.uk
www.tri.napier.ac.uk

Dear Ms Johnston

Consultation response to Footway and Double Parking Bill

I understand that you may be accepting late submissions of evidence/views on the Bill. In case this is so, our response is set out as a footnote to this letter. However, we fully accept that it may not be considered because it is late.

Yours sincerely



Tom Rye,
t.rye@napier.ac.uk
Professor of Transport Policy and Director of Transport Research Institute, www.tri.napier.ac.uk

Transport Research Institute, Edinburgh Napier University - Response to the Local Government and Regeneration Committee's call for evidence on the Footway Parking and Double Parking (Scotland) Bill

Thank you for allowing TRI at Edinburgh Napier University an opportunity to submit evidence to the Local Government and Regeneration Committee's investigation into the Footway Parking and Double Parking (Scotland) Bill.

We strongly support the Bill's proposals, for the following reasons:

- After travel by car, travel on foot is the next most significant mode of transport in Scotland in terms of the percentage of total trips made. It is essential therefore that for reasons of economic vitality, social inclusion and health (physical activity) that our walking infrastructure is protected and improved. This Bill is an important step in so doing.
- Under the Equality Act 2010 there is a legal duty on authorities to make reasonable adjustments to roads and other public space to ensure that people with "protected characteristics" are not directly or indirectly discriminated against in terms of their access to activities. Parking on footways and across dropped kerbs reduces access to activities for disabled people, but the unclear legislative situation has made it difficult (although not impossible) for authorities to make such adjustments.

- Whilst local authorities currently have powers under the 1984 Road Traffic Regulation Act to implement TROs to make parking on footways and across dropped kerbs enforceable (as Aberdeen City has done with regard to footways in one part of the city, and as many have done with specific dropped kerbs), this is time consuming and resource intensive. A blanket ban across Scotland, with exemptions in certain areas, is therefore welcome.
- To our knowledge there is no existing power that allows enforcement of double parking, other than through the laws on obstruction. A law that therefore made it possible to enforce this practice would be extremely beneficial for all road users, especially emergency services.

In terms of responses to the consultation questions, please see below.

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

We understand from many disability groups that this is a very significant problem for disabled people trying to travel on foot. In addition, footway parking is highly problematic for anyone with a pram or heavy baggage, and of course causes road safety problems where it forces anyone to walk in the road.

2. There are a number of exceptions whereby parking on a footpath, next to a dropped kerb or double parking would be permissible. Do you have a view on these exceptions?

To maximise enforceability we believe that exceptions in the Bill should be kept to an absolute minimum. If these exemptions make enforceability problematic, the provisions of the Bill, once it is law, will be flouted. In particular we disagree with the exemptions for loading from a footway and the overlengthy observation period of 20 minutes. Any exceptions proposed should be subject by the Bill Committee to a rigorous test of reasonableness so as not to fall foul of the Equality Act 2010, since presumably a failure to demonstrate that you have considered this before deciding on exemptions could fall foul of the indirect discrimination aspects of the Equality Act.

3. 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?

Please see above.

4. The Bill would allow local authorities to designate areas as being exempt from these restrictions. Do you have a view on what the criteria for exemption should be?

No strong view, but we suggest asking a few London authorities, as they deal with this issue given the legislative situation on footway parking in London.

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

The Bill should place a specific requirement on the Police to report annually on how they are complying with the Public Sector Equality Duty of the Equality Act in terms of their strategy for enforcing the Bill (in the areas where they have enforcement responsibility) once it becomes law.

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

See earlier in our response.