



## **Footway Parking and Double Parking (Scotland) Bill**

### **Call for Evidence: Headline Results**

#### **Introduction**

The Local Government and Regeneration Committee issued a call for evidence on the provisions of the Footway Parking and Double Parking (Scotland) Bill on 14 September 2015. The closing date for responses was 6 November 2015. A total of 59 responses were received, which can be broken down as follows:

<b>Respondent</b>	<b>Number of responses</b>
Anonymous	5
Community Council or local representative group	3
Individual	23
Local authority	6
Non-governmental Organisation	20
Police	1
Regional Transport Partnership	1

This paper outlines key themes that have emerged from the responses to the call for written evidence.

#### **Key Issues raised by Respondents**

Survey respondents were asked base their responses around six questions:

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

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

As might be expected, views vary considerably between respondents and most did not directly answer the questions above. However, clear areas of consensus did emerge which are explored below. It is worth noting that the following analysis does not include an exhaustive list of every issue raised by every respondent. It is simply highlights key issues raised by multiple respondents and issues that may be of particular interest to Committee members.

## **Key Issues**

The following section outlines 16 key issues raised by respondents to the call for evidence. The table at the end of the section shows which issues were raised by each respondent. Again, it is worth noting that the analysis does not aim to include every issue raised by every respondent, but identify broad areas of consensus between numbers of respondents.

### **1. Broadly supportive of the general principles of the Bill**

Thirty two respondents expressed clear support for the Bill, e.g. the Equality and Human Rights Commission Scotland states that:

“...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.”

The Bill is also supported by individuals, as well as NGOs, e.g. Johnston Gray states:

“I am writing to support the Footway Parking and Double Parking (Scotland) Bill. I believe no vehicles should be allowed to park on footpaths... My own child was involved in accident due to this parking practice. And since then I never let her walk to her friends nearby or walk to school because of this incident.”

Only those who expressly stated support for the Bill have been counted. Other respondents also appeared supportive, but have not been counted as they did not clearly state support.

## **2. Mainly opposed to the general principles of the Bill**

Four respondents expressed opposition to the Bill, e.g. South Lanarkshire Council states that:

“...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.”

Again, only those who expressly stated opposition to the Bill have been counted. Other respondents also appeared concerned about some of its provisions, but have not been counted as they did not clearly state opposition.

## **3. The layout of some narrow residential streets, where there is no off-street parking, forces people to park on the footway**

Several respondents raised concerns that the Bill did not take account of the nature of many older residential streets, which are often narrow and built prior to mass car ownership, e.g. Glasgow City Council states that:

“...in many areas within the city, e.g. Croftfoot or Knightswood there is little or no provision for off-street parking for residents and an accepted practice is for resident's cars to park with two wheels one side of the road, since if the cars parked wholly on the road/ footway then it be obstructed.”

## **4. Footway parking damages the surface, creating trip hazards and puddling**

Eight respondents raised concerns about damage caused to footways by parked vehicles, e.g. the British Parking Association considers that:

“Parking on the pavement can also cause damage to the footway, adding costs for local authorities in repair bills.”

## **5. Concerned about the impact of footway parking on pedestrians, particularly the safety of vulnerable groups**

Thirty six respondents highlighted problems caused to pedestrians, particularly groups such as the elderly, disabled and people with prams/pushchairs, by footway and dropped kerb parking, e.g. the Scottish Disability Equality Forum states that:

“There is a widespread problem for disabled people in using pavements due to drivers blocking dropped kerbs and parking on pavements. Many of our members experience a daily struggle to live their life independently due to this barrier to access which can be controlled.

This selfish act can cause unnecessary stress on someone who uses a wheelchair, mobility aid or unable to walk long distances. In the many examples provided by our members, people have to take long diversions

because of this problem, causing deterioration in their health and wellbeing but also putting their safety at risk.”

Guide Dogs Scotland also highlight that:

“Parking on pavements affects all people who use the streets. It is particularly problematic and dangerous not solely for sight impaired, also for older people, people with pushchairs and walking toddlers, wheelchair users, mobility scooters, and other people with mobility and cognitive impairments. Pavement parking forces all these people to walk into the road amongst moving traffic.”

## **6. Concerned about the availability of local authority and police funding and staff to effectively enforce the provisions of the Bill**

Seventeen respondents raised concerns about the ability of local authorities and police to adequately fund and provide sufficient staff to enforce the provisions in the Bill, e.g. East Renfrewshire Council considers that “The promotion and enforcement of the Bill's provisions are likely to be cumbersome, controversial and costly to Local Authorities and the Police.”

This view is echoed by the Society of Chief Officers of Transportation Scotland, which considers that “...would be worth noting that neither councils nor the police have the resources for any significant increase in enforcement activity and both are under pressure to make savings.”

However, it is worth noting that Police Scotland state “There is also recognition, as quoted by Living Streets, that enforcement of parking offences by Police Scotland would be low and either conducted alongside daily business or during bespoke operations to address significant problems. This is an accurate reflection of policing priorities but where parking issues of this nature are a significant problem and pose a risk to the safety and wellbeing of local communities then this would be addressed. The new legislation provides both Police Scotland and Local Authorities, where appropriate, with the necessary legislation to take action, supporting local community concerns and addressing road safety issues.”

## **7. Concerned about the impact of dropped kerb parking and double parking on the safety of cyclists**

Ten respondents highlighted how dropped kerb and double parking impacts on the safety of cyclists, with SPOKES (the Lothian cycle campaign) stating that:

“Footway parking, double parking and the blocking of dropped kerbs present a significant barrier to both walking and cycling, making both modes less convenient and more dangerous. In some of the worst cases pedestrians may be forced onto the road, wheelchairs may be blocked entirely, and cyclists may be forced out into a stream of fast-moving traffic.”

## 8. Proposed detailed changes to drafting of the Bill

Several respondents proposed detailed changes to the drafting of the Bill. The most detailed response was from the Society of Chief Officers of Transportation in Scotland, who highlight a number of areas where the footway parking provisions of the Bill may require amendment, these include:

- **A, B and private roads:** The Bill would not apply to A-class, B-class and private roads in urban areas, as the provisions would only apply to “restricted roads”.
- **Parking spaces on footways:** While the Bill exempts disabled persons parking spaces located on footways from the provisions of the Bill, it would criminalise parking in ordinary parking bays located on a footway.
- **Cycle paths and footpaths:** The Bill as drafted would still permit parking on a cycle track or footpath (that is a path for pedestrians that is not adjacent to a carriageway).
- **Footway utility works:** The Bill does not exempt utility vehicles necessarily parked on the footway for maintenance purposes from its provisions.

One of the individual respondents, H. Diack, asks that the definition of footway and footpath be extended to include verges between a carriageway and footpath/footway and that “passage by foot” is extended to include passage by “motorised wheelchairs, wheelchairs, pushchairs etc”.

## 9. Legislation already exists to deal with the issues of footway, dropped kerb and double parking

Six respondents considered that existing legislation could be used to deal with the problems of footway, dropped kerb and double parking, e.g. South Lanarkshire Council states “...the existing Road Traffic Act 1984 does contain sufficient powers to allow local authorities to prohibit pavement parking at any location they wish.” While East Renfrewshire Council considers that “Legislation already exists to control waiting & loading, obstruction and driving on the footway”.

## 10. Cost of implementing the legislation for local authorities has been underestimated

Several local authorities have raised concerns about the cost of implementing the exempted area provisions of the Bill. Glasgow City Council highlights that “...it is expected to “only designate (exempt areas) in exceptional circumstances e.g. streets where no other parking is available”. However, the majority of social housing stock within Glasgow, both pre and post war was built with no off-street parking and narrow streets. The practice of parking with two wheels on the footway is prevalent in many of these streets and it would be necessary to exempt these areas to offer residents a continuity of practice. Based on the costs provided within the explanatory notes, the cost to exempt streets within Glasgow could be in excess of £1M.”

### **11. Provisions of the bill could lead to increased neighbour disputes due to changes in parking behaviour**

Two local authority respondents were concerned about the impact of the proposals on community relations, with East Renfrewshire Council stating:

“Implementation and enforcement of these regulations in such areas will be extremely unpopular. There will also be significant vehicle displacement to the surrounding road network which will exacerbate disputes and tensions between residents about the availability of parking spaces and may lead to unforeseen traffic management issues arising.”

### **12. Possible unforeseen consequences, including increased congestion, reduced access in some areas and increased difficulty for some mobility impaired people in getting between their car and home/services**

Three respondents are concerned that the Bill might result produce potentially negative results, which have not been considered by the promoters. Fife Council highlights this issue, indicating that:

“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.”

### **13. Increased traffic sign clutter**

Three respondents were concerned that implementation of the provisions in the Bill, particularly those exempting areas from those provisions, could lead to an increase in streets signs and road markings, going against advice from the UK and Scottish Governments on street clutter. Fife Council states that to “...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””

### **14. The implementation of the Bill should be accompanied by a promotional campaign and Scottish Government guidance to local authorities on its implementation**

Several respondents wanted, if the Bill becomes law, its introduction to be accompanied by a publicity campaign and the issue of guidance to both local authorities and the general public. Respondents asked for two specific actions, summarised below:

- **Public information campaign:** Guide Dogs Scotland asked “...when the Bill becomes law, implementation should include a public education and

encouragement programme. This programme could include what the issues are, the impact of obstructive parking on communities, as well as an encouragement to comply, and finally, what the enforcement penalties are.”

- **Guidance to local authorities:** Transform Scotland “...recommend that the Scottish Government provide specific guidance on when and where exemptions are appropriate, and that the use of exemptions be restricted as far as possible. In all cases, at least 1m of the footway should be reserved for pedestrian use.”

## 15. Issues and possible changes to exemptions

Eighteen respondents made comments, or suggestions, about the proposed exemptions from the restrictions on footway, dropped kerb and double parking. Many of these concerns focused on three particular issues, which are outlined below:

**Utility vehicles:** Several respondents did not think that vehicles used by utility companies for infrastructure repairs and maintenance should benefit from an exemption on dropped kerb parking, e.g. Cycling Scotland “...are not convinced that vehicles being used in connection with utility works should have a blanket exemption to park next to a dropped kerb/raised crossing because people may require those facilities to avoid the utilities work, whether walking or cycling.”

**Residential dropped kerbs:** A number of respondents argued that home owners or occupiers should not be allowed to give permission for people to park in front of a dropped kerb that provides access to their property, e.g. Inclusion Scotland “...questions whether this exemption is necessary or advisable. Access to the dropped footway may be necessary for the safe crossing of the road, even if the dropped footway is in front of a residential property. In many streets, this could result in all dropped footways being blocked by residential property occupiers, defeating the purpose of the legislation.”

Glasgow City Council also raises additional concerns about the enforcement of these provisions, stating “The Council is also unclear as to the practicality of allowing a vehicle to park, with permission, in front of a footway crossing into a residential driveway. This will lead to confusion and considerable practical difficulty for those who have to enforce this restriction. From the information available, there seems to be a suggestion that Parking Attendants (PA) should ask the resident if they are allowing this? This has two issues: -

- Is it expected that the PA will ask the resident, which may lead to a confrontation? Or,
- What if there is no-one in that household when the PA attends the site? What does the PA do?”

**Minimum possible exemptions:** Several respondents, mainly disability campaign groups, call for exemptions to the provisions in the Bill to be limited to unavoidable situations only, e.g. the Mobility and Access Committee for Scotland considers that “Temporary blocking of the pavement or a lowered kerb for a short period has just as

great an impact as doing so for a longer period. The starting point should be based on a presumption against pavement/lowered kerb parking wherever possible.”

**16. Concerned about the impact the provisions in the Bill could have on access by emergency and public service vehicles, including buses, in certain areas**

Four respondents raised concerns that removing current footway parking on narrow streets may impede emergency and service vehicles, e.g. Strathclyde Partnership for Transport states that “...it should also be recognised that there are many narrow carriageways, in both urban and residential streets, where footway parking facilitates the passage of traffic, particularly larger vehicles such as buses, and that there are many residential streets where the demand for parking considerably out-strips supply”.

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SPICe Research  
November 2015



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Submission																
Anonymous Submission			x													
Anonymous Submission	X													x	x	
Anonymous Submission				x	x										x	
Anonymous Submission			x		x											
<b>Totals</b>	<b>32</b>	<b>4</b>	<b>8</b>	<b>8</b>	<b>36</b>	<b>17</b>	<b>10</b>	<b>4</b>	<b>6</b>	<b>3</b>	<b>2</b>	<b>3</b>	<b>3</b>	<b>9</b>	<b>18</b>	<b>4</b>

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