

Report to Partnership Meeting 15 September 2017

CONSULTATION

Improving Parking in Scotland Consultation

PURPOSE OF REPORT

This report invites Members to note the HITRANS response to the Scottish Government consultation on Improving Parking in Scotland.

Summary

The consultation paper on Improving Parking in Scotland sets out proposed arrangements that aim to deliver a consistent approach to managing parking in Scotland. It invites views on how we can improve the clarity of the laws on parking, what restrictions should be applied, the exceptions that should be granted, how those responsible can deliver an integrated approach to managing parking, how we should tackle displacement of vehicles and support town centre regeneration whilst improving accessibility for all.

A copy of HITRANS response which reflects many of the issues captured in the process of updating the Regional Transport Strategy is attached as an appendix to this report.

Background

In May 2015, Sandra White MSP, introduced the Footway Parking and Double Parking (Scotland) Bill. However, the Bill was not enacted into law as the Scottish Parliament did not have power to legislate on the reserved matter. The Scottish Government made a commitment in December 2015 to progress this important matter once powers on parking were devolved. On 24 March 2016, the Scotland Act 2016 received Royal Assent, and powers to legislate on parking matters were devolved to the Scottish Parliament.

Due to the complex nature of parking and level of concerns that were raised by stakeholders in relation to Ms White's Bill, the Scottish Government set out a general intention to use the powers devolved by the Scotland Act 2016 to legislate on parking. The findings of this stakeholder consultation will inform the development of the parking provisions in the Government's Bill and supporting guidance to be introduced in this Parliamentary session.

Recommendation

Members are invited to note this report and the response prepared by officers with support of Partnership Advisors on behalf of HITRANS to the Improving Parking in Scotland consultation.

Risk Register

RTS Delivery

Impact - Positive

Comment – The consultation paper sets out proposed arrangements that aim to deliver a consistent approach to managing parking in Scotland.

Policy

Impact - Positive

Comment – This work will help update national policies and objectives for transport.

Financial

Impact –

Budget line and value – N/A.

Equality

Impact – Positive

Comment – Many of the objectives within the consultation paper seek to improve the urban environment for the most vulnerable road users.

Report by: Neil MacRae
Designation: Partnership Manager
Date: 4th September 2017

Appendix 1



SCOTTISH GOVERNMENT CONSULTATION ON IMPROVING PARKING

Response submitted on behalf of HITRANS

Q 1. Do you think parking, including on pavement, at dropped kerbs and double parking is a problem in your area?

Yes, though given the large area we represent this is obviously qualified, in that the problem is localised but nevertheless occurs across the HITRANS area.

If yes, how have you, your family or friends been affected by parking problems?

Pavement parking by vehicles can have a major detrimental impact on the experience of other sustainable modes (cycling and walking). It has a particular negative impact on people with mobility issues or suffering from a disability, such as wheelchair users or those with visual impairments. It also affects those with young children either by blocking pushchairs or creating an additional hazard for young children on foot and obscuring their visibility. If footways or cycleways are blocked or even if access onto them via a dropped is blocked it can either force people to go onto the road, take an alternative route or even prevent them from accessing their desired destination.

Where did this occur (e.g. type of street or area) and how often?

It varies across the HITRANS area. Its impact is predominantly in urban areas especially in business or retail areas where footfall can be high but it also can affect residential areas where there tends not to be any parking restrictions and can also affect paths in rural areas. The impact is often greatest around an event or key times such as school drop off or pick up or when businesses are receiving their deliveries. These periods tend to coincide with times of highest footfall.

Q 2. Why do you think the motorists may choose to pavement park?

Primarily convenience. If the nearest place to park is on a pavement then many will take the option that involves the least amount of walking to their destination.

Another reason in some locations may be down to safety concerns, real or perceived. People often feel that their vehicle is safer if it is within line of sight of the building that they are in.

However, it is also likely that many motorists feel that they are causing less disruption by parking partly on the footway than by parking wholly on the carriageway. A perception founded on the presumption that the movement of vehicles should be prioritised over pedestrians and cyclists.

In some residential or rural areas with very limited parking provision, residents or visitors may have few nearby alternatives.

Q 3. Do you think new legislation is needed?

Yes but its application and how it can be consistently and fairly enforced needs careful consideration. Any new legislation may be easily added to the role of a decriminalised parking enforcement teams remit in an urban centre but cannot be enforced in the same way even if it was desirable in a remote rural area even though the expectation in the public for similar enforcement may be desired.

If yes, what areas of the law need to be amended?

New legislation is required to make it illegal to park on a footway rather than the current situation where it is illegal to drive onto a footway. As stated within the consultation, the legislation around parking enforcement is complex and should be clarified. By default parking on a footway or cycleway should be an offence, subject to specified exceptions.

Any legislation should be very clear in terms of definition. Although pavement is a term used by the public, and this consultation also refers to pavement any legislation should refer to the section alongside roads for pedestrian, the correct term of footway.

Any new legislation should also be extended to include cycleways.

Q 4. If a new law is required, should it cover all roads with footways, including private roads that are not adopted by local authorities and trunk roads?

Yes – the Road Traffic Regulation Act 1984 applies to all roads so there is no reason why related provisions should not have the same coverage.

Legislation should also be extended to cover cycleways, where these are shared use paths, adjacent to the footway or segregated from the footway and carriageway.

If not, why not?

Q 5. Do you think any new law should apply to all vehicles (e.g. HGVs, vans, taxis, cars, motorbikes, etc.)?

Yes. Any new law should ensure that there is no duplication or contradiction with existing legislation such as that covering HGV's parking on footways in RTA 1988.

If not, which type of vehicles should the law not apply to?

There should be an exemption from the legislation for bicycles.

Q 6. Do you think there should be exemptions applied to allow pavement parking to take place, particularly due to local concerns about access for vehicles and lack of alternative parking provision?

Yes.

If yes, what should those exemptions be?

Exemptions should be at the discretion of the roads authority to based on local circumstances and infrastructure.

Examples may include;

- In some areas pavements may be sufficiently wide to accommodate parking and suitable safe pedestrian access.
- There may be streets where there is limited parking and where the banning of vehicles from pavement parking may have a significant knock on impact or cost in providing alternative off street parking. Such examples include areas where there is a potentially negative impact on local bus services and / or emergency and refuse collection vehicle access. This does not mean that there should not be an exemption in such cases but to highlight that the consequences could have a considerable impact.
- There may be sites where an exemption to permit loading or unloading is required where it could not have been safely performed if the vehicle had not been parked on the footway.

If no, why not? (Please be as specific as possible)

Q 7. Should there be consistent approach to parking enforcement across Scotland?

A level of consistency across Scotland around signage will help ensure compliance but there should provision within the guidance that takes cognisance of local circumstances and the ability to enforce as referred to in response to Question 3

If yes, how should this be taken forward?

The Scottish Government should publish guidance on how all authorities with parking enforcement powers should exercise these powers.

The Government should also commit resources to publicising changes and towards achieving the culture shift mentioned above, whereby drivers currently appear to feel that obstructing a pavement is preferable to parking in the roadway.

Q 8. Local authorities in some parts of Scotland have DPE powers and are responsible for parking enforcement. In other areas Police Scotland retains responsibility.

What is your view on rolling out Decriminalised Parking Enforcement regimes across Scotland?

Local authorities should retain the ability to choose whether or not it is appropriate to apply for DPE powers in their area. Within the HITRANS area, two of our partner Local Authorities have made the business case for introducing Decriminalised Parking Enforcement but even within these areas this legislation could have a significant resource implication whereby enforcement would move from being concentrated on a number of existing on and off street car parking areas to potentially anywhere with their boundary.

What is your view about the proposal to share services to provide some access to a “traffic warden service” in areas without DPE?

There should be no barrier to councils with DPE sharing services in relation to parking enforcement.

What should Police Scotland’s involvement be in future?

Police Scotland should continue to carry out its duty to enforce parking legislation. This should be done in accordance with new Scottish Government guidelines, applicable to all authorities with parking enforcement powers, to ensure consistency.

At present it is for individual local authorities to decide if DPE is in the best interest of their area. Those local authorities that have not done so already are predominately those that will have the most difficulty in making the business case to demonstrate viability.

If Police Scotland are no longer able to resource the enforcement of parking, consideration will need to be given to an alternative enforcement regime to ensure effective implementation of any new legislation (as well as the requirements of existing parking legislation).

Q 9. Currently moving traffic violations are a matter for the police, however, do you think local authorities should be able use CCTV and/or Automatic Number Plate Recognition (ANPR) systems for enforcement of:

Although currently a matter for the Police, limited resources often means that there is not the resource available within the Police to monitor and enforce a significant proportion of moving traffic offences. In addition to safety, moving traffic offences such as blocking of yellow box junctions and undertaking banned turns can have significant negative impacts on the overall road network, particularly in congested areas, also impacting on bus punctuality and safety. The ability to monitor and enforce particular problem areas or junctions could help to better manage the road network for the benefit of all.

It should be possible for Local authorities to enforce other parking offences through ANPR / CCTV, for example bus lane enforcement and parking at remote locations where it may be more efficient to enforce through the use of technology than manually. However, for the vast majority of the HITRANS area – regardless of whether the Local Authority has been able to make the case for DPE or not – Police Scotland should be resourced to improve their monitoring of moving traffic violations.

Parking in areas where safety benefits can be delivered to all road users, around schools for example?

Please see above

Some moving vehicle contraventions like banned turns?

Please see above

If not, why not? (Please be as specific as possible)

Q 10. Do you think it is a good idea in principle to allow local authorities to exempt specific streets or areas from national restrictions for pavement parking?

Yes. Some exemptions will have to be allowed (see Q6 above)

If so, what is the best mechanism for doing this (e.g. TRO or other form of local resolution)?

When considering the best mechanism, regard should be had for the resource implications that this will have for local authorities who will be required to assess all parts of their area for the impact of removing pavement parking, assessing alternatives, provision of alternative parking if necessary and assessing the requirements and scope of any exemptions.

Q 11. Do you think controlling pavement, dropped kerbs and double parking could have unintended or negative consequences in your area?

Yes.

If so, what would the effects be?

If there were no provision for local authorities to make exemption orders, parking could become difficult or impossible in some locations.

The costs to local authorities of implementing new legislations (see above)

The need to provide alternative parking provision could result in the loss of green spaces or other amenities in local areas if they are given over to parking or where alternative parking is not provided it may displace parking onto streets which previously were not affected and therefore for example negatively impact on cyclists using these routes.

There could be an impact on local bus services in areas where pavement parking is currently prevalent. If cars are to be parked on-street this could cause increasing obstructions to buses or make some routes impassable for buses resulting in the removal of services from such areas.

Who would be affected?

- Local communities and bus passengers
- Residents in streets with inadequate parking provision.
- Pedestrians and cyclists on streets where there was previously no or little on-street parking.

What type of street or area would experience these consequences?

Potentially anywhere but likely examples include;

- Residential areas with narrow streets and little or no off-street parking provision. Many of these date from a time when car ownership was the exception rather than the norm. As referred to above enforcement in these areas is likely to then have an impact on neighbouring areas with on-street parking.
- Rural areas where is there a lack of alternative locations to park vehicles.

Q 12. Do you think controls on parking are likely to increase or reduce the costs and impact on businesses in town centres?

Restrictions on footway parking could make it more difficult for businesses to receive deliveries.

If yes, what should we be doing to reduce any impact on businesses in town centres?

Some exemptions may need to apply in order to allow deliveries and loading.

What other arrangements should be considered to deliver parking improvements that help support town centre regeneration?

Q 13. Do you think that on-street disabled persons' parking places are being enforced in your area?

Our understanding is that this varies across our area with less regular enforcement in those areas where DPE has not been adopted.

If not, how could this be done better?

This would be a matter for the local authorities.

Do you think members of the public should report misuse where it is observed?

Q 14. Have you witnessed misuse of a disabled persons' parking space?

Not applicable.

If so, did you report it?

Not applicable

If not, did anything prevent you from reporting it?

Not applicable

Should disabled persons' parking places be enforceable at all times?

Do you think the level of penalty for misuse of local authority disabled persons' parking space is acceptable?

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If not, what level would you consider to be acceptable?

Q 15. Do you think off-street disabled persons' parking spaces, including private car parks, are being enforced in your area?

This is a matter for each partner local authority

If not, how could this be done better?

Q 16. What impact do you think disabled persons' parking space misuse has on Blue Badge holders?

High levels of misuse could result in mistrust of the system and may make it more difficult for genuine blue badge holders to obtain and use a space.

Q 17. Are you supportive of local authorities' trialling or introducing parking incentives (such as discounted, free or preferential parking) for ULEVs?

Yes

If yes, what should these incentives be?

Parking policy and charging are matters for each local authority to consider depending on local priorities and traffic management pressures.

HITRANS has just commissioned transport consultants to undertake an Electric Vehicle strategy for the HITRANS area which will look to consider all aspects of EV usage and the development of supporting infrastructure with a view to developing local/regional policies and an action plan.

If no, why not?

No applicable

Q 18. Are you supportive of local authorities trialling or introducing specific measures to help people who, live in flats or tenements (with no dedicated-off street parking) charge their vehicles?

If yes, what should these incentives be?

HITRANS would be supportive of exploring measures to facilitate the use of electric vehicles for as many people. Please see also answer to Q17 and HITRANS EV Strategy which will also look to consider how future charging provision in the residential and business areas is best supported. At present it is unlikely that Local Authorities would be able to fund new charging points with the vast majority of charge points installed using Transport Scotland grant funding.

If not, why not?

Not applicable

Q 19. Do you think the use of ULEV-only charging bays should be monitored and enforced by local authorities?

If yes, please say why.

Yes – where they are provided in public car parks they should be monitored and enforced by local authorities. Private facilities should be monitored and enforced by their owners.

If no, how should they be enforced and who should be responsible for this enforcement?

Q 20. Are there any likely impacts the proposals contained within this consultation may have on particular groups of people, with reference to the ‘protected characteristics’ listed above? Please be as specific as possible.

The primary purpose of removing footway parking should be to ensure safe and unobstructed movement for pedestrians and cyclists and to reduce barriers to travel for all, including many of the protected characteristics but particularly those with mobility difficulties, visual impairments, young children in pushchairs and those with more hidden difficulties such as those suffering from dementia.

Where the footway is blocked by a parked vehicle, pedestrians are forced onto the road and to mix with general traffic, or are unable to pass altogether. This creates a significant negative impact for those affected groups. Any misuse of dedicated parking spaces for disabled persons leads to a reduction in the availability of such spaces and this could reduce the access to shops, services etc this would be detrimental to those with a disability.

Q 21. Apart from safety, are there any other aspects of a child’s rights or wellbeing that you think might be affected either positively or negatively by the proposals covered in this consultation?

As well as an immediate impact on safety by forcing pedestrians (including children) onto the road in order to pass vehicles parked on the pavement, there are also wider impacts on perceptions of the safety of an area for pedestrians which may impact on parent’s willingness to allow children to travel alone or without supervision. This could have a significant impact on the ability of children to access

play, education and other facilities and also contributes directly to congestion through additional private car journeys for the school run etc.

Q 22. Do you think the proposals contained in this consultation are likely to increase or reduce the costs and burdens placed on any sector? Please be as specific as possible.

There will be significant resource implications for local authorities in having to assess parking and pavements across their whole area to judge the potential impact of banning pavement parking.

There are also resource and financial implications of having to potentially provide additional off-street parking in areas where parking is already limited and/ or extend enforcement to neighbouring areas where pressure on-street parking may become an issue.

There will also be significant increases in the resources required for enforcement. For areas without DPE this responsibility will fall to Police Scotland. Unless there are suitable exemptions, there could be additional burdens placed on those making or receiving deliveries and those undertaking works in or adjacent to footways. There is also a potential impact on local councillors if there is an increase in constituency matters and disputes arising due to parking issues, in particular, in areas where alternative parking is limited.

Q 23. Are there any likely impacts the proposals contained in this consultation may have upon the privacy of individuals? Please be as specific as possible.

We do not have any comments to make on this issue.

Q 24. Are there any likely impacts the proposals contained in this consultation may have upon the environment? Please be as specific as possible.

Reduced damage to footways caused by overrunning vehicles is ones likely positive impact. It may also have the impact of discouraging some people from owning a car or second car in some locations. Any increased take up of ULEV's resulting directly or indirectly from the legislation will lead to carbon reduction and air quality improvements.

Q 25. Do you have any other comments that you would like to make, relevant to the subject of this consultation that you have not covered in your answers to the previous questions?

Related to parking on footways, consideration should also be given to the impact of temporary road signs that are often placed on footways during utilities works, diversions or road closures. In many cases these signs can block the footway, having the same impact for pedestrians as a parked car.