



To: Environment Policy Board

On: 11th November 2015

Report by: Director of Community Resources

Heading: Footway Parking and Double Parking (Scotland) Bill – Call for Written Evidence

1. Summary

- 1.1 The Scottish Parliament's Local Government and Regeneration Committee has launched a call for written evidence on its Stage 1 consideration of the Footway Parking and Double Parking (Scotland) Bill which was introduced by Sandra White MSP on 20 May 2015. This Bill is primarily associated with making all parking on footways an offence.
- 1.2 The Bill is intended to enable freedom of movement for all pedestrians protecting their rights and safety, and also cutting down on damage to footways, reducing the blockage of passage of emergency vehicles and providing clarity for road users, the police and parking attendants.
- 1.3 The Roads (Scotland) Act 1984 states that it is illegal to drive on the footway but the position is less clear with regard to parking. The police have powers under the Highways Act 1986, which makes it an offence to obstruct the free passage of the highway, but the police often find it difficult to take specific enforcement action on cars parked on footways. This lack of clarity in relation to parking on the footway is perceived as unhelpful to pedestrians, drivers the police and parking attendants.

- 1.4 The Bill applies to all Scottish public roads in built up areas. It seeks to prohibit parking or waiting on any footpath, on a road adjacent to a dropped footpath/kerb. It's provisions are to be enforceable "as if imposed" by a traffic regulation order (TRO), in Renfrewshire's case, by parking attendants.
- 1.5 There are several exceptions to these prohibitions such as where a vehicle is being used by an emergency service, for road works or for deliveries. Exempt Areas can be set up by local authorities at their discretion, via the TRO process, to allow parking on the footway. Typically this would be in residential areas where roads are narrow, there is little opportunity for off-road parking and car ownership would be severely constrained if flexibility was not applied to footway parking.
- 1.6 If the Bill is progressed there will be a cost to Councils who will be required to investigate streets suitable for exemption and promote TROs as appropriate. Promotion of TROs to facilitate footway parking is likely to be contentious and consequently may invoke lengthy statutory processes without a guaranteed outcome. Councils will have ongoing maintenance costs for the renewal of signs and lines in Exempt Areas and potentially an increased workload for parking attendants.
- 1.7 In terms of a response from Renfrewshire it is proposed that the specific comments in the 'Background' section of this report below be approved as the Council's formal response. In summary, this Council supports the principal of the Bill but would seek Scottish Government to make specific financial provision to local authorities to implement the Bill should it progress through Scottish Parliament.
- 1.8 It should be noted that the Presiding Officer has issued a statement on 20 May 2015 that in her view, the Footway Parking and Double Parking (Scotland) Bill would not be within the legislative competence of the Scottish Parliament. In view of this, it is uncertain whether or not this Bill will progress to further stages in Parliament.

2. Recommendations

It is recommended that the Environment Policy Board:

- 2.1 supports the principal of the Footway Parking and Double Parking (Scotland) Bill; and

- 2.2 approves the comments in Section 3 (Background) be returned to the Scottish Parliament's Local Government and Regeneration Committee as Renfrewshire's formal response.
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3. Background

- 3.1 The Scottish Parliament's Local Government and Regeneration Committee has launched a call for written evidence on its Stage 1 consideration of the Footway Parking and Double Parking (Scotland) Bill which was introduced by Sandra White MSP on 20 May 2015. This Bill is primarily associated with making all parking on footways an offence. The paragraphs below represent Renfrewshire's formal response to the consultation.
- 3.2 Renfrewshire Council is generally supportive of the Footway Parking and Double Parking (Scotland) Bill. We recognise that some specific issues of drafting and exceptions within the Bill remain to be addressed and we anticipate that this will take place as the Bill progress.
- 3.3 The Council is concerned that if the Bill progresses to become legislation, Scottish Government will need to make specific financial provision to allow implementation of the measures, following an assessment of potential costs on a Council by Council basis.
- 3.4 The Bill bases prohibitions of parking at dropped footways and double parking, on the Traffic Management Act 2004, which is not enacted in Scotland. This may cause misunderstanding, for example 'Parking' is not a recognised term in relation to the Road Traffic Regulation Act 1984. Some redrafting may assist with clarity.
- 3.5 Streets covered by the terms of the Bill may already have waiting and loading restrictions applied to them. The Bill needs to be explicit with regard to which legislation would pertain in conflicts of this sort.
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Implications of the Report

1. **Financial** – None
2. **HR & Organisational Development** - None.
3. **Community Planning**

Children and Young People – The Bill is intended to enable freedom of movement for all pedestrians protecting their rights and safety.

Community Care, Health & Well-being - The Bill is intended to enable freedom of movement for all pedestrians protecting their rights and safety.

Safer and Stronger - The Bill is intended to enable freedom of movement for all pedestrians protecting their rights and safety.

4. **Legal** - Legal advice has been sought from the Council's Legal & Democratic Services
5. **Property/Assets** - None.
6. **Information Technology** – It is likely that a list of excepted streets will need to be added to the parking attendants' hand-held computers.
7. **Equality & Human Rights** - The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** - The Bill is intended to enable freedom of movement for all pedestrians protecting their rights and safety
9. **Procurement** – None
10. **Risk** – *None*
11. **Privacy Impact** – None

List of Background Papers

- (a) Footway Parking and Double Parking (Scotland) Bill (as Introduced)

The foregoing background paper will be retained within Community Resources for inspection by the public for the prescribed period of four years

from the date of the meeting. The contact officer within the service is Scott Allan, Head Amenity Services.

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