

Improving Parking in Scotland

1. INTRODUCTION

1.1 Since obtaining powers under the Scotland Act 2016, the Scottish Government is undertaking a detailed review of parking in Scotland. The consultation¹ seeks views on how parking laws could be made clearer, what parking restrictions and exemptions should apply, the best approach to managing parking and the location of vehicles in today's town centres, including improving accessibility for all.

2. CONSULTATION

2.1 The consultation highlights that in recent years there has been significant and continuing cross-party support for proposals to address the issues of irresponsible parking and to attempt to clarify laws surrounding parking in Scotland. In March 2016, the UK Parliament passed the Scotland Act 2016, which included the devolution of powers that enable the Scottish Parliament to now legislate on parking matters. The consultation also highlights the current duties via the Equality Act for local authorities to consider in aspects of parking policy and shared space provision.

2.2 The consultation highlights the current laws on parking, the role of Traffic Regulation Orders, the interplay with the Equality Act and duties in certain aspects, parking on the pavement and other examples of legislative action or regulation. The current enforcement arrangements across Scotland and the split between criminalised and decriminalised enforcement is summarised alongside issues of resourcing and proposals for consistent enforcement across Scotland either via sharing services or national restrictions applied via TROs. The paper then summarises several identified issues through previously tabled legislative proposals: asymmetry in legislation to recognise urban and rural; resourcing of enforcement as well as awareness raising and education and issues of vehicle displacement especially in areas of limited existing capacity.

2.3 The consultation paper also provides a summary of matters to be addressed on the enforcement of Disabled Persons' Parking Places around enforcement of existing parking and the reporting of misuse of Blue Badges. There are also proposals set out as to parking and incentives for Ultra-Low Emission Vehicles. There is then several questions around assessing impact and a final question to enable any further comment. A full list of consultation questions is contained in Annex 1.

2.4 The SEStran Partnership Director has been involved in the working group to develop the consultation. Comment has previously been submitted about the need to evidence that "irresponsible" parking is a recurring strategic issue across Scotland that would require a national imposed approach to

¹ <https://www.transport.gov.scot/our-approach/industry-guidance/parking/>

enforcement or a recurring local issue differing across Scotland and requiring a flexible local approach beyond on circumstances. We have highlighted that a possible middle ground between a solely national or local approach is a Regional Strategy on Parking across all 7 RTPs which provide an opportunity to take a strategic approach to parking whilst retaining an element of local flexibility married to national consistency.

- 2.5** In terms of education and awareness we have sought to ask Transport Scotland whether the public are clear about their rights and responsibilities currently to enable and promote further behaviour change. We have welcomed in the final consultation, the dropping of the “responsible” aspect of the original proposal, as whether evidence that the public have a reasonable understanding of what is their responsibilities it doesn’t seem appropriate have any level of subjectivity introduced into legislative proposals albeit reasonableness would be prefaced on legal definition, the public might view reasonable parking as somewhat different.
- 2.6** We have previously made comment about the need to be clear that a number of councils don’t cost recover enforcement costs from revenue raised. Some local authorities do but for others there isn’t the economies of scale and it does point to the need to consider a shared service approach on this matter. In terms of equality impact we have raised the need to consider exemptions on a temporary basis for any controlled parking zones for pavement parking, for example, cancer patients. These groups may not be able to walk a distance from a non-controlled zone to their home and need temporary exemptions alongside other groups who have temporal limits to their protected characteristic status e.g. maternity.
- 2.7** In response to the request for final comments prior to issue of the consultation paper. SEStran observed when building on our evidence² to Parliament on the RPP3 the need for an investigation and legislative discussion on the potential introduction of workplace parking charges in Scotland and our representations on this matter as part of the RPP3 process. The response was that there wasn’t a substantive question on the matter to be included in the final document but that respondents could address the matter as part of their consultation under the final “any further comment” question. It is proposed that SEStran continue to advocate for the introduction of the legislative provisions to enable such a regime in Scotland, which were previously removed from the Transport (Scotland) Bill in 2000/01.

3. CONCLUSION / RECOMMENDATIONS

- 3.1** The paper seeks to invite comment on the current Parking consultation.

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² http://www.parliament.scot/S5_Rural/SEStran.pdf

Annex 1 – List of Consultation Questions

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

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

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

Legislation

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

Q 3. Do you think new legislation is needed?

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

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?

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.)?

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

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?

If yes, what should those exemptions be?

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

Implementation & Enforcement

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

If yes, how should this be taken forward?

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 views on rolling out Decriminalised Parking Enforcement regimes across Scotland?

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

What should Police Scotland"s involvement be in future?

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:

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

Some moving vehicle contraventions like banned turns?

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

Traffic Regulation Orders (TROs)

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?

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

Displacement of vehicles

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

If so, what would the effects be?

Who would be affected?

What type of street or area would experience these consequences?

Town Centre Regeneration

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

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

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

Disabled Parking Bays

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

If not, how could this be done better?

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?

If so, did you report it?

If not, did anything prevent you from reporting it?

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?

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?

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?

Emissions Vehicles

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

If yes, what should these incentives be?

If no, why not?

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?

If not, why not?

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.

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

Assessing Impact

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.

Q 21. Do you think the proposals contained within this consultation may have any additional implications on the safety of children and young people?

If yes, what would these implications be? Please be as specific as possible.

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.

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

Conclusion

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?