

Report

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Report to:	Community and Enterprise Resources Committee
Date of Meeting:	8 August 2017
Report by:	Executive Director (Community and Enterprise Resources)

Subject:	Improving Parking in Scotland - A Consultation
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ advise the Committee of the proposed response to Transport Scotland's consultation entitled "Improving Parking in Scotland".

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the response to the consultation on "Improving Parking in Scotland", as attached in Appendix 1 of this report, be approved and submitted by 31 August 2017.

3. Background

- 3.1. Parking policies form an essential part of a local road authority's traffic management strategy to help reduce congestion and improve safety. Irresponsible parking can and does have a negative impact, particularly when inconsiderate, obstructive or dangerous parking takes place, thereby restricting access for emergency services or putting the safety of pedestrians and other motorists at risk.
- 3.2. In 2015, Sandra White MSP introduced a Member's Bill entitled, "The Footway Parking and Double Parking (Scotland) Bill" intended to introduce prohibitions on pavement parking, parking at dropped kerbs and double parking, as well as attempting to clarify the laws surrounding parking. It is recognised that the legal position on parking is complex and the Scottish Government is committed to making it clearer for all road users.
- 3.3. Although the Bill was not enacted into law, there was significant cross party support for the general principles of the Bill. The Government made a commitment to progress this matter once powers on parking were devolved. In March 2016, the UK Parliament passed the Scotland Act 2016, which included devolution of powers that enable the Scottish Parliament to now legislate on parking matters.

3.4. As a consequence, the Scottish Government is undertaking a detailed review of parking in Scotland. Due to the complex nature of parking, Transport Scotland have prepared a public consultation paper, which provides an opportunity to explore how parking is managed across the country. The consultation paper¹ seeks views on:-

- ◆ the issues around pavement parking
- ◆ how best to manage disabled parking provision
- ◆ what parking incentives local authorities can provide for the uptake of ultra-low emission vehicles
- ◆ how to improve the clarity of the laws on parking
- ◆ what restrictions and exemptions should be applied
- ◆ how to deliver an integrated approach to managing and enforcing parking on public roads, including the displacement of vehicles, while supporting town centre regeneration and improving accessibility for all

3.5. The deadline for response to the consultation paper has, for local authorities, been extended to the end of August.

4. Consultation Response

4.1. The proposed response to the consultation is attached in Appendix 1.

4.2. The consultation paper seeks to cover all matters relating to parking, however, parking management and enforcement is a complex issue and the specific needs of any particular area require to be considered, taking into account competing demands for road space.

4.3. The key elements of our response are:-

- ◆ We believe significant problems are caused currently by selfish and irresponsible parking
- ◆ We believe obstructive pavement parking is best managed by the decriminalisation of existing powers in relation to obstructive parking such that council officers can undertake the necessary enforcement.
- ◆ We consider the potential need to review every residential street in South Lanarkshire in terms of the potential to allow some degree of pavement parking will be an extremely onerous task. This will be compounded by the likely subsequent need to process and manage Traffic Regulation Orders.

5. Employee Implications

5.1. There are no employee implications arising directly from the submission of the response to the consultation. Should, however, the Government decide, as a consequence of the responses received, to amend existing, or enact new, legislation that would require increased enforcement of parking restrictions by local authorities then that additional burden would have employee and cost implications. However, at this time this is not known.

5.2. In addition to the above, any implementation arrangements which require most of our streets to be assessed with regard to their suitability for pavement parking is likely to be an onerous, time consuming and expensive exercise. In addition to undertaking initial assessments, obligations may well extend to requiring to prepare and process multiple Traffic Regulation Orders (TROs) and deal with the inevitable objections.

¹ https://consult.scotland.gov.uk/road-policy/improving-parking-in-scotland/user_uploads/improvingparkingpaper.pdf

5.3. There will also be longer term resource implications as street environments evolve over time and the prevailing TROs require to change.

6. Financial Implications

6.1. There are no financial implications arising directly from the submission of the response to the consultation. Should, however, the Government decide, as a consequence of the responses received, to amend existing, or enact new, legislation that would require increased enforcement of parking restrictions by local authorities then that additional burden would have financial implications. This, however, would be offset to some extent by the revenue generated from issuing penalty charge notices. However, at this time this is not known.

6.2. Dependent upon the parking management options progressed following consultation, implementation and longer term management arrangements have the potential to generate a significant financial burden for local authorities for the reasons explained at paragraph 5.2.

7. Other Implications

7.1. There are no significant risks associated with this report, nor any environmental implications.

7.2. There are no implications for sustainability in terms of the information contained within this report.

8. Equality Impact Assessment and Consultation Arrangements

8.1. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and, therefore, no impact assessment is required.

8.2. There was no requirement to undertake any consultation in terms of the information contained in this report.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

11 July 2017

Link(s) to Council Values/Objectives

- ◆ Accountable, effective and efficient
- ◆ Protect vulnerable children, young people and adults
- ◆ Improve and maintain health and increase physical activity
- ◆ Improve the quality of the physical environment
- ◆ Improve road network and influence improvements in public transport

Previous References

None

List of Background Papers

- ◆ Response to “Local Government and Regeneration Committee - Footpath Parking and Double Parking (Scotland) Bill”.

Contact for Further Information

If you would like to inspect the background papers or want further information, please

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Appendix 1

Q1. Do you think parking, including on pavements, at dropped kerbs and double parking is a problem in your area?

Yes, but only at specific locations.

- **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?**

South Lanarkshire Council regularly receive complaints about obstructive parking, either partially, or wholly, on pavements and at dropped kerbs (either pedestrian or vehicular). Complaints regarding double parking are less frequent.

The complaints usually, though not exclusively, relate to urban areas, and more often than not to higher density residential areas and urban centres (town / village centres and central business areas). Issues are also common around educational establishments, railway stations and hospitals.

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

There are several reasons, and often a combination of these:

- ◆ Increasing car ownership in high density areas and lack of parking availability;
- ◆ A belief, either real or perceived, that parking wholly on the carriageway will cause an obstruction / impact on the passage of other vehicles on the road;
- ◆ A belief that parking wholly on the carriageway will result in damage to their vehicle, usually loss of door mirrors;
- ◆ A belief that parking wholly on the pavement means that the adjacent waiting restriction on the carriageway does not apply to them;
- ◆ A lack, either real or perceived, of convenient alternatives;
- ◆ Ignorance of the presence / purpose of a dropped kerb;
- ◆ The often quoted “It is only for a couple of minutes, it is doing no harm”, and,
- ◆ People wishing to park as close as possible to their home or destination.

Q 3. Do you think new legislation is needed ?

New legislation is not required.

An amendment to, and clarification of, current legislation, with respect to who can enforce it, is all that is required.

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

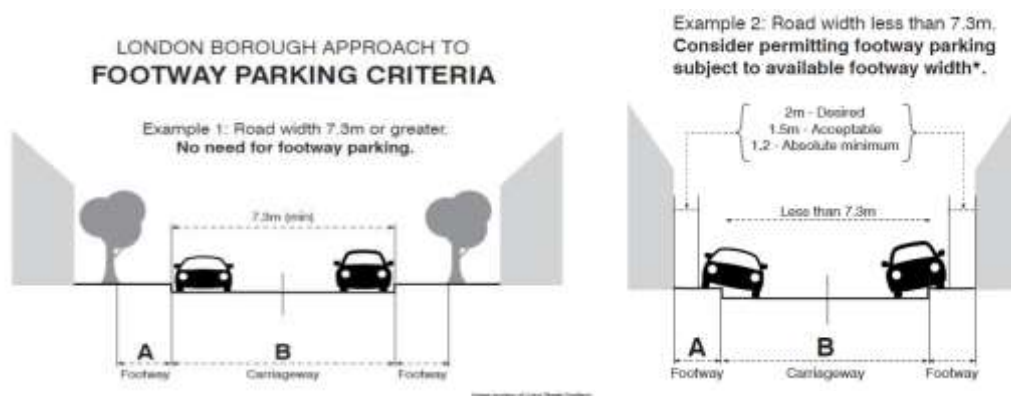
It is an offence under regulation 103 of The Road Vehicles (Construction and Use) Regulations 1986 (not the Roads (Scotland) Act 1984 as stated in Paragraph 14 of Chapter 1 of the Consultation) to “leave, cause or permit a vehicle to stand on a road so as to cause any unnecessary obstruction of the road”. This, however, is a criminal offence and can only be enforced by a Police Officer. Were it to be decriminalised then those local authorities that have been granted Decriminalised Parking Enforcement (DPE) powers could enforce it. This, however, raises its own issues:

- ◆ Not all local authorities have DPE powers – this will be discussed below, and,
- ◆ An agreed definition of what constitutes an obstruction is required, which must be agreed and applied nationally and consistently. This could be as discussed in Paragraphs 24 and 25 in Chapter 1 of the Consultation which describes how Greater London’s ban on footway parking, which has been in operation since 1974, defines obstruction. Basically they refer to the Department for Transport’s guidance to local authorities in England on “Inclusive Mobility”² which suggests:

“...a clear width of 2000 mm allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal guidance. Where this is not possible because of physical constraints 1500 mm could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another. A blind person using a long cane or with an assistance dog needs 1100 mm. A visually impaired person who is being guided needs a width of 1200 mm”.

It also includes the following examples:

Figures 1 and 2 – Exceptions to pavement parking in London³



It should be noted that the vast majority of residential roads are below 7.3m width which raises the likelihood of having to assess all of them in terms of their suitability for some degree of pavement parking.

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?

Whether new or existing legislation is used it should be applied to all roads, in order to ensure a consistent approach and to prevent displacement of parking.

As the regulations stand at the moment local authorities can promote Traffic Regulation Orders on private roads and car parks with the permission of the land owner(s).

- ◆ **If not, why not?**

Not applicable

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

² Department for Transport (2005) Inclusive Mobility – Guide to best practice on access to pedestrian and transport infrastructure (<http://www.roadsafetyobservatory.com/Evidence/Details/10914>)

³ Images courtesy of Living Streets Scotland

Yes. While we do not consider new legislation is required we do consider that any new arrangements should be applied consistently.

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

Not applicable

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?

Should new legislation be considered necessary then we consider that there should be appropriate exemptions.

◆ **If yes, what should those exemptions be?**

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

There are many narrow and / or circuitous streets where parking fully on the carriageway would severely restrict or prevent access. Quite often at these locations the issues are compounded by a high demand for parking and a lack of appropriate alternatives, for example in high density residential areas. Consideration needs to be given to all vehicles which could be affected for example buses and refuse vehicles.

As stated in the response to Question 3, however, there would need to be clear guidelines and definitions in order to ensure a consistent approach.

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

Yes.

◆ **If yes, how should this be taken forward?**

There must be a consistent nationwide approach otherwise all road users, including pedestrians and drivers, as well as residents and businesses, will be confused and in some cases may feel victimised or discriminated against.

See Question 8 for how this could be taken forward.

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

◆ **What are your views on rolling out DPE regimes across Scotland?**

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

◆ **What should Police Scotland’s involvement be in future?**

Nationwide DPE (which is the regime in South Lanarkshire) would be the best approach to ensuring consistent enforcement of traffic regulations across Scotland, however, it must be supported by unambiguous guidelines and definitions (i.e. what constitutes pavement parking and an obstruction). It is appreciated, however, that not all local authorities may wish to, or have the resources to, take this approach.

While, on the one hand, it may be seen as desirable to remove some, or all, of the burden of enforcement from Police Scotland, thus freeing resources to focus on more “serious” crimes, on the other hand it would increase the burden on some local authorities. How this would be addressed, particularly in the current budgetary climate, must be carefully considered.

Were nationwide DPE to be taken forward, the Police must retain the necessary powers to act in any situation where they consider parking to be dangerous or detrimental to road safety and where it could not be addressed by DPE. DPE authorities can only enforce restrictions that are decriminalised (i.e. a civil offence), for example waiting and loading restrictions, they cannot enforce restrictions that are a criminal offence, for example parking on a zig-zag at a pedestrian crossing. Furthermore, they can only undertake enforcement where restrictions are present. There may be situations where there are no restrictions but someone is parked dangerously, for example in a visibility splay.

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)**

Yes. The decriminalisation of some offences would potentially free-up Police resources as outlined in the response to Question 8.

The use of CCTV and ANPR, either by local authorities or the Police, is a potential efficiency, reducing the need for on-street patrols. This would, however, require the consideration of issues regarding surveillance and privacy.

The transfer of any powers from the Police should be supported by an appropriate level of resources as there would be an expectation that local authorities would be able to use these new powers.

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. If the proposal is for a blanket ban then for the reason outlined in the response to Question 6 and to prevent parking displacement where this is would be detrimental to other areas or businesses.

In South Lanarkshire it would be essential for a large number of streets to be exempt from such restrictions as there is insufficient parking for the level of car ownership.

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

If it is proposed to exempt streets or areas by TRO(s) then, once the process commences, it can be anticipated that a significant number of objections will be received from residents and businesses in streets or areas who consider that they should also be exempt.

It could be anticipated that local authorities would wish to promote one “exempt areas” TRO, with individual streets listed in the schedules, as it would not be practical or sustainable to promote individual Orders for each street. This approach, however, means that just one maintained objection would delay, and potentially jeopardise, the whole process.

Anticipating a significant number of maintained objections the whole process would become exceedingly protracted, cumbersome and potentially untenable. If it were to be deemed necessary to abandon the “exempt areas” TRO not only could one anticipate a considerable number of complaints from residents and businesses but also increases in traffic congestion in certain areas, with an associated potential increased risk to road safety.

Traffic management issues, not evident at the outset, may arise which would require to be resolved, resulting in a potentially significant workload and cost implications. It could be anticipated that local authorities would be inundated with requests for additional areas for off-street parking which they would not be able to deliver both physically or financially.

At this time, however, it is not clear what the alternatives to a TRO could be, and all of this has the potential to incur significant administration costs.

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?**
- ◆ **Who would be affected?**
- ◆ **What type of street or area would experience these consequences?**

Some residents and businesses would undoubtedly be disadvantaged as a consequence of displaced parking problems, which is not quantifiable at this stage. Other road users could be disadvantaged through potential traffic congestion, journey time delays and reduced access as a consequence of alternative parking practices that may have a negative impact on traffic flow.

Retail businesses, for example newsagents and convenience stores, may lose trade. Drivers who previously pulled up on the footway directly outside, for a short duration, may choose to park in an inappropriate manner or take their trade elsewhere.

Some streets which can currently accommodate two way traffic flow may require to become one-way due to a reduction in the available road space. This has the potential to increase vehicle speeds and heighten road safety risks.

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?**

There will be both positive and negative effects. As outlined in the response to Question 11 there may be a negative effect on some retail businesses if drivers choose not to make short duration stops close to the premises. To counter this, however, town centre and other urban environments will become more attractive to pedestrians if they do not have to negotiate vehicles parked on pavements, which could result in increased footfall.

In order to support and regenerate town centre environments there must be a balance of attractive, affordable parking choices. There is a need to accommodate short stay parking, in order to generate a turnover of customers, longer stay parking for those businesses which require it, or for staff, and then the needs of any residents in the area have to be considered too. The use of alternative technologies, such as smart-phone apps, to allow for the payment of charges, including remotely, must also be considered.

Coupled with this there may also be long term parking generators present in the area, such as railway stations or large employers. Getting this balance correct is challenging and no one solution can be applied to every area; each must be considered individually and on its own merit.

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

Yes.

- ◆ **If not, how could this be done better?**
- ◆ **Do you think members of the public should report misuse where it is observed?**

Yes, members of the public should report misuse particularly if it is persistent abuse.

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

Yes, see Q13.

- ◆ **If so, did you report it?**
- ◆ **If not, did anything prevent you from reporting it?**

South Lanarkshire operates DPE and enforces these restrictions as and when necessary.

- ◆ **Should disabled parking places be enforceable at all times?**
- ◆ **Do you think the level of penalty for misuse of local authority disabled persons' parking places is acceptable?**
- ◆ **If not, what level would you consider to be acceptable?**

In South Lanarkshire disabled parking places are enforceable at all times. The current £60 penalty (reduced to £30 for prompt payment) has been in place for many years and an increase should be considered as administration and operational costs have risen in that time.

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

In South Lanarkshire all off-street disabled parking places in public car parks are enforced. In all Council owned car parks which contain disabled parking places they are regulated and enforced, for example offices, village halls. This is also the case in all of the high schools and in those primary schools as requested by Education Resources.

A small number of disabled parking places in private car parks, for example those owned by Network Rail, are regulated and enforced. When South Lanarkshire asked private car park owners, such as supermarkets, retail parks, etc., if they wished to have their disabled persons' parking places regulated and enforced by the Council, a very small percentage replied no, with the vast majority not even responding. Consequently we do not enforce the majority of disabled parking spaces in private car parks within the Council area.

◆ **If not, how could this be done better?**

Without buy-in from private owners this cannot be improved unless legislation is changed to make regulation mandatory.

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

Parking in a disabled person's parking space illegally can have a significant effect on Blue Badge holders who are unable to find a suitable parking space.

Normal everyday tasks such as going to the shops, attending a doctor's appointment or going to work, can become impossible due to lack of access. Ultimately this can erode an individual's ability to remain living independently.

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

◆ **If yes, what should these incentives be?**

◆ **If no, why not?**

One size does not fit all and incentives may be appropriate in some areas and in others not. To date the only designated ULEV parking bays in South Lanarkshire are adjacent to charging posts and to incentivise their use by removing parking charges or time restrictions would potentially result in them being occupied by a single vehicle for long periods of time, thus diminishing the opportunities for other vehicle to charge. This would be considered a disincentive to the use and uptake of ULEVs.

To date no consideration has been given to the designation of ULEV only parking bays that are not adjacent to charging posts, as there is currently not a perceived demand.

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?

Yes, in new developments, however in other areas there are potential issues to address.

This includes who pays for the electricity as well as whether there are there suitable locations and how are 'trailing' cables can be made safe across footways or in car parks.

- ◆ **If yes, what should these incentives be?**
- ◆ **If not, why not?**

South Lanarkshire's Supplementary Planning Guidance on Sustainable Development and Climate Change⁴ sets out the requirements for electric charging points for residential developments as follows:-

- | | |
|-------------------------------|--|
| ◆ Single / multiple dwellings | One trickle charge point per dwelling |
| ◆ Flats / apartments | 20% of available spaces fitted with trickle charging point |

In the Local Transport Strategy Local Transport Action 35 states "We will require the provision of electric recharging infrastructure in all new developments".

The Council, however, currently has no policy or incentivisation for existing properties, largely due to the issues discussed above. We do have an extensive network of charging stations, including rapid, which those living in flats or tenements are at liberty to use.

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

Yes, if the local authority has responsibility for DPE. However, a consistent approach is required to what is, or is not, considered an ULEV.

- ◆ **If yes, please say why.**
- ◆ **If no, how should they be enforced and who should be responsible for this enforcement?**

If the local authority has responsibility for DPE then it already has the appropriate resources, in terms of staff and systems, to undertake the necessary monitoring and enforcement. The only issue which would arise would be if there were charging bays remote from waiting and parking restrictions, thus putting an additional burden upon staff time for monitoring.

If, however, DPE is not present it is not clear who should monitor and enforce ULEV-only charging bays.

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.

By taking no action to address the issue of obstructive parking on pavements and at pedestrian dropped crossings it can be considered as an impediment to the safe and efficient passage of pedestrians. Those pedestrians considered most vulnerable, and, therefore at greatest risk, are the young and elderly and those with a disability. Young parents with children in pushchairs are also likely to experience adverse impact of pavement parking.

⁴ http://www.southlanarkshire.gov.uk/downloads/file/9914/sustainable_development_and_climate_change

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?

See response to Question 20.

By removing parked vehicles from pavements and pedestrian dropped crossings walking would become a more attractive choice of travel mode and more children may be encouraged to walk, for example for the school journey, thus improving their health and wellbeing.

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.

Implementation costs have the potential to be extremely significant. Given the vast majority of roads in urban areas are less than 7.3m wide, particularly in residential areas, it is likely that some level of pavement parking will require to be considered. This will effectively require all of these roads to be individually assessed. Given that roads may also vary in width and characteristics along their length, this has the potential to be extremely time consuming and hence expensive. A further significant burden will be in administering TRO's including dealing with objections and potentially holding hearings to do so. Again this will be time consuming and expensive.

The additional enforcement required to effect a ban on pavement parking will place a significantly increased burden upon whoever is required to undertake it, be it the Police or DPE local authorities.

This, however, may be offset to some extent by the revenue generated from issuing penalty charge notices / fixed penalty notices, however, this is likely to diminish as restrictions become more adhered to. The expectation on the level of enforcement would, however, remain.

There may also be an increased burden on local authorities, or potentially the private sector, if they have to provide additional off-street parking to accommodate displaced vehicles. If the general responsibility of dealing with obstructive parking is removed from the Police this would notionally free up their resources to deal with other matters, although this would not necessarily reduce their overall costs and burdens.

The transfer of any powers from the Police to local authorities should be supported by an appropriate level of resources.

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.

There are no obvious privacy issues that arise as a consequence of the proposals other than those which currently exist for DPE authorities. These are adequately covered by the Data Protection Act, and associated legislation.

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

Removing parked vehicles from pavements and pedestrian dropped crossings may lead to walking becoming a more attractive choice of travel mode and more people may choose to walk as opposed to drive, thus reducing emissions and improving the environment.

On the other hand, however, if more off-street parking is required this will require a change of land use, and may result in a net loss of green space.

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?

Should these proposals be introduced, in whatever format, then they will require an extensive national publicity campaign both prior to commencement as well as follow-up publicity to ensure the public is aware of the proposals and the expectations on them, and if not fulfilled what the potential consequence may be. Any such national campaign will also need complemented by parallel local campaigns.