Footway, Dropped Kerb and Double Parking in Scotland

March 2015

1.0 Introduction

Parking on footways (pavements) and dropped-kerbs is a significant barrier to everyday walking in Scotland. This briefing sets out what the problem is and outlines how safe and convenient movement for pedestrians can be protected.

2.0 Background

Living Streets Scotland has been working on new laws to deter inconsiderate parking on footways and dropped-kerbs since 2010. Working with MSPs of all parties we have helped to secure new powers for the Scottish Parliament over parking. Cross party support for a change in the law has also been secured. We will continue to work with other charities to ensure this happens early in the next session of the Scottish Parliament. Only a change in the law can deliver streets safe for everyone - especially people in older age groups, those with a disabilities as well as parents and children.

2.0 What Living Streets Scotland Wants

Current laws on footway parking in Scotland aren't working. Therefore, we want to see:

I. Parking on all footways (pavements), dropped kerbs (lowered crossing points) and double parking becoming road traffic offences.

II. A limited number of sensible exemptions, e.g. for emergency vehicles.

III. Scope for Local Authorities to consider carefully considered exemptions on specific streets. This would use signs and lines to define areas of pavement where parking would
be allowed.

IV. New signs only where the footway parking ban doesn’t apply, as happens in London.

V. Effective enforcement by allowing either local authority appointed civil teams or Police Scotland to issue fixed penalty notices to the owner of the vehicle.

3.0 Footway Parking: The Case For Change

3.1 Pavement parking, blocking dropped kerbs and double parking is unsafe

Footways and dropped-kerbs are provided for the safety and convenience of pedestrians. It is not acceptable to force pedestrians, especially those that are frail or disable, to walk on the carriageway. Double parking causes inconvenience to other drivers and delays emergency vehicles. It is also a particular safety problem for cyclists forcing them to cycle towards oncoming traffic, and makes crossing the road more dangerous.

3.2 Older, disable and people are suffering because of inconsiderate drivers

The Scottish Parliaments Local Government and Regeneration Committee received 3983 responses to an online survey of which 3143 (79%) indicated problems. The survey reveals consistently high levels of concerns for specific groups. These are summarized below.

- **Problems with Parking on pavements** affected 85% of people walking aids, 91% of wheelchairs users and 94% of mobility scooter users.

- **Blocked Dropped kerbs** affected 76% of people with walking aids 86% of wheelchairs users and 88% of people with mobility scooters.

- **Double parking** affected 75% of people with walking aids and 74% of both wheelchairs users and people with mobility scooters.

3.3 Parents and children are put in danger

The same survey also showed 85% of parents using buggies had experienced problems with pavement parking, with 68% also having problems with blocked dropped kerbs.
3.4 Consistently high levels of support for action

The Bill has been consulted on twice showing 83% support in 2010 and 95% backing in 2012.

3.5 Existing laws are confusing and unclear to everyone

It is illegal to drive on footways. However, leaving a car parked on the footway isn’t an offence. This is deeply illogical.

3.6 Police Scotland finds it impossible to take action

In theory, police officers in Scotland can charge motorists with causing an obstruction: In practice, this rarely if ever happens. Prosecutions are problematic because officers must prove there has been an obstruction, take witness testimony (often from a reluctant neighbour) and finally identify the driver at the time of the offence. In evidence on 25th November 2014 Local Government and Regeneration Committee Police Scotland confirmed new laws would provide:

“Much needed clarity”

3.7 Local Authority powers aren’t fit for purpose and aren’t used

In theory, local authorities could target the most problematic streets. They don’t do so because of the timescales and costs associated with consulting on traffic orders and putting down signs and yellow lines. In evidence on 25th November 2014 Local Government and Regeneration Committee a Fife Council representative conceded that:

“Without any doubt, if the Bill gained royal assent, there would be much better clarity on enforcement” and legislative “teeth”\(^1\).

4.0 Promoting Considerate Parking: The Way Forward

4.1 Creating a clear legal framework for everyone

---

\(^1\) Local Government and regeneration committee, Stage 1 report on the Footway Parking and Double Parking (Scotland Bill, SP Paper 907 8 Feb 2016
New laws would confirm footways are for the benefit and safety of pedestrians. Motorist should know that they must not park on pavements unless explicitly permitted to do so.

4.2 A trigger for better driver education

A change in the law needs to coincide with a national publicity campaign to promote responsible parking that respects the rights of disabled people. For any law change to have maximum impact, and to avoid the confusion caused by ad hoc bans in specific council areas, a consistent national approach is needed.

4.3 Facilitating cost-effective enforcement

Problem footway parking could be enforced simply and effectively like other fixed penalty notice offences. Dedicated enforcement teams exist in most of Scotland’s larger urban local authorities. These could be tasked to problem streets from time to time. Police Scotland would enforce the law as part of their community policing activities or in response to complaints.

4.4 Providing Local Authorities with flexible parking management tools

Not all streets were designed to accommodate modern levels of parking: This causes local problems that need to be managed and not ignored by councils. Exemptions could be used sparingly where the rights of disable people can be protected. On Streets where some footway parking would be possible without causing obstructions or damage, signs and lines would be used. Local Authorities would always need to be mindful of their legal obligations to disabled people. National Guidance on the new laws will therefore be important.

4.5 The most cost-effective solution

The main costs of the Bill relate to identifying and designating exemptions. This strategic and proactive approach is much more cost effective than reactively using existing powers where many more TROs, signs and lines would be required. Bollards are an expensive alternative.

Clearly, it’s going to be far cheaper to designate a few streets where footway parking could ‘reasonably’ be permitted rather than the many problem streets affected by footway parking and all dropped kerbs. A single Local Authority wide survey and Traffic Order would be used enabling economies of scale. For these reasons, Living Streets believes the claims of most local
authorities (with some notable exceptions\textsuperscript{2}) concerning set up and enforcement costs are reactive, exaggerated, ill informed and ignores long-term savings.

4.6 Long-term savings

Parking on dropped kerbs and footways causes surface damage: Clearly, these parts of the street aren’t designed for the weight and movement of vehicles. Broken and uneven surfaces a, including collapsed serviced ducts, pose trip hazards and need repairs. Guide Dogs UK research in 2011 showed that Edinburgh Council had spent £40m on footway repairs over an 8-year period. The survey also found 5% of council repair budgets were being spent on compensating trips and falls resulting from damaged pavements. Given the types of damage caused by parked vehicles savings will be in the hundreds of thousands if not millions. Set up costs will also be partly offset by income from enforcement - particularly in the early years.

4.7 A Tried and tested approach

Parking on footways has been banned in London since 1974. Parking on dropped kerbs has been banned in England since 2004. This approach is understood and accepted by drivers.

5.0 Organizations Supporting Action

The Bill is supported by the Responsible Parking Alliance; The alliance consists of the following 21 local and national charities: Living Streets Scotland, Age Scotland, Barnardo’s Scotland, Capability Scotland, CTC Scotland, Epilepsy Scotland, Guide Dogs Scotland, Inclusion Scotland, Leonard Cheshire Disability, Health and Social Care Alliance Scotland, National Federation of the Blind of the United Kingdom, Paths for All, Quarriers, Ramblers Scotland, RNIB Scotland, Scottish Accessible Transport Alliance, Scottish Disability Equality Forum, Spokes, Sustrans Scotland, Transform Scotland and Parkinson’s UK.

6.0 About Living Streets Scotland

\textsuperscript{2} Edinburgh
Living Streets Scotland is part of the UK charity for everyday walking. We have fulfilled this role since 1929 when we were first founded as the Pedestrians’ Association. We want to see a Scotland where all generations benefit from streets fit for walking. Our priorities are: tackling the decline in walking; making walking the natural choice for short journeys and helping everyone enjoy the benefits of walking more often. The schools’ walking project we deliver on behalf of the Scottish Government instils good habits that can last a lifetime. Our community street audits identify changes, both big and small, that can remove barriers to walking. Working with our Partners Paths for All, expertise helps to put walking at the heart of public policy at a local and national and local level. We are committed to realising the ambitions set out in the Scottish Government’s National Walking Strategy. Footway Parking is a key issue for our supporters in Scotland and our charity partners. We have worked with members from all parties since 2009, to tackle an issue that is critical the wellbeing of pedestrians.
Further Information and support

Please contact us if you would like further information about footway parking related topics concerning promoting everyday walking including: school travel, maintenance issue, road safety and high streets.

Living Streets Scotland
scotland@livingstreets.org.uk
0131 243 2645