

FOOTWAY PARKING AND DOUBLE PARKING (SCOTLAND) BILL

POLICY MEMORANDUM

INTRODUCTION

1. This document relates to the Footway Parking and Double Parking (Scotland) Bill (“the Bill”) introduced in the Scottish Parliament on 20 May 2015. It has been prepared by Sandra White MSP, with the assistance of Living Streets Scotland and Guide Dogs Scotland, to satisfy Rule 9.3.3A of the Parliament’s Standing Orders, to assist the reader of the Bill and to help inform debate on it. The contents do not form part of the Bill, have not been endorsed by the Parliament, and are entirely the responsibility of the member. Other accompanying documents are published separately as SP Bill 69–EN.

POLICY OBJECTIVES OF THE BILL

2. The Bill provides for new national prohibitions on vehicles parking on footways and at dropped footways etc., and on double parking of vehicles. Under current legislation it is an offence to drive on the footway, but the position is less clear with regards to casual or occasional parking on footways. (The legal term “footway” is used throughout this memorandum rather than the more popular term “pavement”, but the latter is used, for example, where quoting directly from other documents.)

3. The proposals in the Bill aim to tackle a variety of problems, in particular for pedestrians. Vehicles parked on footways can: inhibit the safe and comfortable passage of pedestrians; reduce the independence of vulnerable people, especially elderly people or people with visual or mobility impairments; force pedestrians – for example families with pushchairs – into the road; damage footways, thereby (a) creating trip hazards for pedestrians, and (b) imposing extra maintenance costs on local authorities.

4. The Bill also aims to tackle problems caused by parking at dropped footways which can inhibit the safe and comfortable passage of pedestrians and cyclists, and by double parking, which can block the passage of ambulance, fire brigade or police vehicles.

5. The Bill will also provide clarity for pedestrians, drivers, police and parking enforcement officials, in contrast to the anomaly under current legislation under which it is an offence to drive on the footway, but not necessarily to park on it.

6. The proposals in the Bill support national policy objectives in respect of improving accessibility and promoting the health and social inclusion benefits of walking, as part of a wider aim of increasing the role of ‘active travel’ across Scotland.

7. Virtually everyone is a pedestrian, so the benefits of this Bill will be widespread across society, with particular benefits for older people and those with disabilities.
8. Finally, the Bill also provides for reasonable exceptions to the prohibitions, and for powers to specify “Exempt Areas” whereby local authorities may designate roads or parts of roads where any or all of the prohibitions are not to apply.
9. The Bill contains the following provisions—
- **Section 1 – Extent** provides for the Act to apply to all public roads in built up areas in Scotland, with the exception of ‘special roads’, which are motorways and certain dual-carriageway A-roads.
 - **Section 2 – Prohibition of parking on footways** prohibits vehicles from being parked on the footway. It also provides for exceptions to this prohibition.
 - **Section 3 – Prohibition of parking at dropped footways** prohibits vehicles from being parked on the carriageway adjacent to a footway, cycle track or verge where these have been lowered to assist pedestrians or cyclists or to assist vehicles entering or leaving the carriageway across the footway, cycle track or verge. It also provides for exceptions to this prohibition.
 - **Section 4 – Prohibition of double parking** prohibits vehicles from being parked on the carriageway in such a way that no part of the vehicle is within 50 centimetres of the edge of the carriageway. It also provides for exceptions to this prohibition.
 - **Section 5 – Enforcement of prohibitions** provides that the prohibitions are enforceable as if imposed by a traffic regulation order (TRO) made under section 1 of the Road Traffic Regulation Act 1984 (“the 1984 Act”).
 - **Section 6 – Power to specify Exempt Areas** provides for powers to specify “Exempt Areas”, whereby local authorities may designate roads or parts of roads where any or all of the prohibitions are not to apply.
 - **Section 7 – Interpretation** sets out the meanings within the terms of the Bill of key words, phrases and titles.
 - **Section 8 – Commencement** sets out when the Act comes into force.
 - **Section 9 – Short title** sets out how the Act may be cited.

BACKGROUND

Legislative position

10. Local authorities have powers under the 1984 Act to restrict or prohibit footway parking on individual streets by the making of a TRO, but this can be a costly process.

11. The Roads (Scotland) Act 1984 states that it is illegal to drive on footways but the position is less clear with regards to casual or occasional parking on footways. 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 appear reluctant to take enforcement action on cars parked on footways. Enforcement action can vary, depending on the individual police officer, and it is

unrealistic to expect vulnerable pedestrians to report an obstruction and await the arrival of a police officer to confirm it. In some cases, the individual will know the person concerned, as a neighbour for example, and there may be a reluctance to create a potential conflict. Other activities, like dog fouling, can already be reported anonymously. (Driving on footways would remain illegal after passage of the Bill.) The lack of clarity in relation to parking on footways is unhelpful to pedestrians, drivers, the police and parking enforcement officials.

12. Local authorities have powers under the 1984 Act to restrict or prohibit footway parking in their area. Section 2 of the Act states that a TRO may make provision "prohibiting, restricting or regulating the use of a road, or any part of the width of a road, by vehicular traffic". The pavement is part of the width of the road. It is therefore possible to make an order restricting or prohibiting parking on the pavement without introducing restrictions on parking at the kerbside. However, there are relatively few local authorities in Britain, and only one in Scotland (Aberdeen City), that have used these TRO powers to restrict pavement parking, and they have in most cases applied the TROs to discrete areas such as industrial and housing estates with relatively clear "entry points".

13. Footway parking is banned throughout the 32 London boroughs and the City of London under the Greater London Council (General Powers) Act 1974. The Highway Code states that 'You **MUST NOT** park partially or wholly on the pavement in London'. All councils in London can enforce this law by issuing parking tickets to any vehicles parked on pavements, unless there is a sign there that specifically permits it.

14. The Highway Code states:

"243 **DO NOT** stop or park where the kerb has been lowered to help wheelchair users and powered mobility vehicles"

"244 You **MUST NOT** park partially or wholly on the pavement in London, and should not do so elsewhere unless signs permit it. Parking on the pavement can obstruct and seriously inconvenience pedestrians, people in wheelchairs or with visual impairments and people with prams or pushchairs."

Proposals for new legislation in Scotland

15. On 1 October 2010, Ross Finnie MSP put forward the Proposed Regulation of Dropped Kerbs and Pavement Parking (Scotland) Bill ("the Dropped Kerbs Bill"). A consultation was undertaken and the results were published on 8 March 2011. Of the 123 responses received, 83% of respondents supported the proposals either in whole or in part. One month on from the final proposal being lodged the proposed Bill had gained the support of 30 MSPs, gathering sufficient support for a Bill to be introduced. The proposed Bill fell due to dissolution of Parliament for the 2011 Parliamentary elections.

16. On 28 March 2012, Joe Fitzpatrick MSP lodged a proposal for a Responsible Parking (Scotland) Bill (as this Bill was then described), taking forward the work done by Ross Finnie and adding double parking to the proposed legislation in response to problems reported by emergency services. The proposal was accompanied by a consultation document. Joe Fitzpatrick's consultation received 414 responses, one of the highest for a Member's Bill proposal, and of the responses 95% were in favour of the proposed Bill. The proposal was

withdrawn on 26 September 2012 as result of the Member becoming a Minister in the Scottish Government.

17. In 2012, Sandra White MSP agreed to take forward the Responsible Parking (Scotland) Bill. The delay in the introduction of this legislation to Parliament has been due to lengthy discussions with the Scottish Parliament's Non-Government Bills Unit (NGBU) and Sandra White's office with regards to the competency of the proposed legislation. It has been the view of NGBU that the Bill would relate to matters which are currently reserved to the UK Parliament and as such would fall out with the legislative competence of the Scottish Parliament. As such NGBU has indicated that it would not provide support for the complex task of drafting the Bill.

18. In 2014, Mark Lazarowicz MP introduced a Private Member's Bill which aimed to resolve the impasse in the Scottish Parliament. In September 2014 he withdrew his Bill after receiving confirmation from the Parliamentary Under-Secretary of State for Scotland that there was willingness to resolve the situation, by means of a legislative order if necessary, subject to the Scottish Government agreeing / requesting the necessary changes.

19. The Bill is supported by the Responsible Parking Alliance, consisting of the following 20 major 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 and Transform Scotland.

Parking enforcement

20. The responsibility for on-street parking enforcement is for the police and local authorities. The police are responsible where parking remains criminalised and Police Scotland uses police officers to enforce parking restrictions using fixed penalty charges.

21. Local authorities are responsible in areas where parking has been decriminalised and use uniformed parking attendants to impose penalty charge notices for parking infringements. (Local authorities can also contract out this service to private companies).

22. Currently 14 local authorities operate decriminalised parking enforcement. In the case of local authorities which have taken over parking responsibilities from the police (called "decriminalisation" because parking offences become civil rather than criminal), these authorities would become responsible for enforcement of the provisions in the Bill. In Scotland, 14 local authorities operate a decriminalised parking enforcement system – Aberdeen City, Argyll & Bute, City of Edinburgh, Dundee City, East Ayrshire, East Dunbartonshire, East Renfrewshire, Fife, Glasgow City, Inverclyde, North Lanarkshire, Perth & Kinross, South Ayrshire and South Lanarkshire.

Consultation on this Bill

23. The consultation for the proposed Bill – "a proposal for a Bill to enable freedom of movement for all pedestrians" as it was then described – was launched by Joe Fitzpatrick MSP

on 28th March 2012. The document set out the provisions of the Bill, as in paragraph 9 above, and has been published on the Parliament's website along with an analysis of the responses. Copies of or links to the consultation were sent to a wide range of stakeholders including local authorities, the police and voluntary sector organisations. By the close of consultation on 16th August 2012, responses had been received from 351 individuals and 64 organisations. Responses were received from eight local authorities and from the Convention of Scottish Local Authorities (COSLA) and the Society of Chief Officers of Transportation in Scotland (SCOTS).

24. A summary of the response to each of the 10 questions in the consultation is listed below:
- over 95% supported the general aim of the Bill;
 - over 95% of those who answered the question agreed that legislation is a necessary and appropriate means of addressing the issues identified;
 - the following is a list of the main advantages of the proposed Bill as submitted by respondents:
 - will provide access to pavements for all pedestrians
 - the Bill will enable clear and easy enforcement
 - provides clarity for motorists
 - allows access for emergency vehicles
 - improves safety for pedestrians
 - the Bill will allow for local exemptions and exceptions on the face of the Bill;
 - over 60% of respondents listed no disadvantages to the Bill, although concerns were raised over the following areas:
 - cost of enforcement
 - there could be too many exceptions
 - hard to enforce
 - roads are too narrow
 - disabled and mothers forced to park further from destination
 - lack of alternative parking;
 - the main areas where respondents felt there would be cost implications were in enforcement, education, exemptions and providing additional parking. However a number of respondents believed that the enforcement would be self-funding and the costs minimal to local authorities, while in addition a number felt savings could be made by local authorities on repairs to pavements and injury compensation claims;
 - over 90% of respondents who answered the question said the Bill would have a positive impact on equality;

- 93% of those who responded wanted to see an education strategy as part of the Bill, and a number of suggestions were offered on a possible education strategy with respondents wanting to see this implemented in schools and as part of the driving test;
- the vast majority of respondents wanted the new legislation to be enforced by both police and traffic wardens (uniformed parking attendants), while many felt that enforcement would work best in those areas which are decriminalised, due to existing time constraints on the police;
- the majority of respondents wanted penalties to be in line with those for other parking offences (£60, reduced to £30 if paid within 14 days), and it was also suggested that for repeat offenders, penalties should escalate to licence points and finally vehicle confiscation;
- in response to the final question on other comments or suggestions relevant to the Bill, a number of respondents asked for additional restrictions such as for non-vehicle obstructions, and a number wanted to see a focus placed on cyclists as well as pedestrians; there were also a number of comments asking that the Bill takes on board the lessons learned from the Disabled Persons Parking Places (Scotland) Act 2009.

Education / raising awareness

25. As noted above, 93% of those who responded to the consultation process for the Bill wanted to see an education strategy as part of the Bill, and a number of suggestions were offered on a possible education strategy with respondents wanting to see this implemented in schools and as part of the driving test.

26. The Bill as drafted does not include a specific reference to education and awareness-raising but stakeholders are clear that such measures in parallel with the implementation of the measures in the Bill are essential. These will relate to both the provisions of the Bill, so that there is clarity for pedestrians, drivers, police and parking enforcement officials, and to the societal benefits of the Bill in terms of accessibility, cost of damage to footways and related compensation payments, and safety.

27. Education and awareness-raising measures will involve action by both the local authorities and the Scottish Government. The local authorities will also require to go through an appropriately-promoted consultation process to determine which, if any, streets or areas within their jurisdiction are to be specified as Exempt Areas.

England and Wales

28. In June 2014 Guide Dogs and Living Streets, together with 18 other organisations, won the support of Martin Horwood MP, who tabled a bill on pavement parking in Westminster. The Pavement Parking Bill has had its second reading delayed until 27th March 2015, but this did not happen, due to the proximity of the General Election, and the Bill therefore fell on 30th March, the last day of the current UK Parliament. It is understood that the Responsible Parking Alliance will be asking MPs to sponsor a Pavement Parking Private Member's Bill when the ballot is drawn again later this year.

29. Part 6 of the Traffic Management Act 2004 (“the 2004 Act”) gives all local authorities in England with civil parking enforcement powers scope to take action when a vehicle is parked alongside a dropped kerb in certain areas.

BILL PROPOSALS

Section 1 - Extent

Policy objective

30. Section 1 provides for the Act to apply to all public roads in built up areas in Scotland, with the exception of ‘special roads’, which are motorways and certain dual-carriageway A-roads. “Built-up areas” would be defined by reference to street lighting. This approach is already used in traffic regulation.

Alternative approaches considered

31. In 2010, Ross Finnie MSP consulted on his proposed Dropped Kerbs Bill, whose purpose was to require local authorities to bring forward measures to assess and, where appropriate, enforce dropped kerbs or pavements within their jurisdiction.

32. Rather than introducing national prohibitions, this legislative approach would have involved TROs to prohibit footway parking on a local authority by local authority basis. 83% of 123 consultation responses supported Ross Finnie’s legislative proposal in whole or in part, but of 79 respondents who answered a question on costs arising as a result of the proposal, 81% identified specific areas where costs would arise, principally through: promoting, consulting on and the implementation of TROs; introducing signage and road markings; and enforcement and administration of fines. A number of local authorities indicated that it would be simpler and more cost-effective to take a Scotland-wide approach, for example East Lothian Council commented that: “The use of blanket orders would be essential to minimise workload. Otherwise it would be complicated and onerous to implement individual orders...Unless a means of reducing signing requirements is part of the Act then there will be a tremendous amount of additional street clutter.”

33. A locally-based approach could result in a patchy and inconsistent situation across Scotland, causing more confusion than the current arrangements. Implementing TROs for all streets where footway parking was to be prohibited would incur extra costs for advertising a potentially large number of proposed TROs and for ‘signing and lining’ those streets.

34. A further alternative approach would be to continue with the current legislative situation, ie based on (i) the enforcement by police of the prohibitions on (a) driving on the footway, and (b) “causing an obstruction”, potentially reinforced by (ii) the widespread introduction of physical measures such as bollards, high kerbs, planters, and yellow lining beside dropped footways. However, the latter would be very expensive, and the former has not worked to date in terms of effectively tackling the problems caused by footway parking.

35. Alternative definitions of “built up areas” were considered as follows:
- (a) by reference to plans. However, this potentially requires an impractically large exercise, and would soon become outdated as new residential or other areas are developed,
 - (b) by reference to postcodes. By way of example, the Scottish Government’s Zero Waste policies are applied through the division of local authority areas into "rural" and "non-rural" areas by means of extensive lists of postcodes. However, this may be regarded as a blunt instrument in the context of parking prohibitions.
36. Reference to street lighting, and speed restrictions, provides the most straight forward way of defining built-up areas where the prohibitions would apply.

Consultation

37. The consultation for the proposed Bill was based on introducing national legislation, and 95% of those respondents who answered the question ‘Do you agree that the legislation is a necessary and appropriate means of addressing the issues identified?’ answered ‘yes’.

Section 2 – Prohibition of parking on footways

Policy objective

38. The policy objective of Section 2 is to prohibit parking of vehicles on footways.
39. Parking includes waiting except in the case of (i) waiting to avoid obstructing the passage of a vehicle which is being used for fire brigade, ambulance or police purposes or (ii) where the driver of a vehicle parks or waits as a result of circumstances beyond the driver’s control or where it is necessary for the driver to stop to avoid an accident.

Proposed approach

40. Section 2 provides a clear prohibition, with the principle exceptions specified being (i) where the vehicle is being used for ambulance, fire brigade or police purposes, or (ii) where the vehicle is parked wholly within a designated disabled parking place which forms part of the footway where parking is specifically authorised.

Consultation

41. The consultation document set out the provisions of the Bill, as in paragraph 9 above. A specific question was not asked on footway parking, however in the responses over 95% supported the general aim of the Bill: “A proposal for a Bill to enable freedom of movement for all pedestrians”.

Alternative approaches

42. The alternative of introducing more specified exceptions to the prohibition was considered, but it was concluded that this would introduce complexity and potential confusion in terms of observance and enforcement of the Act.

Section 3 – Prohibition of parking at dropped footways

Policy objective

43. The policy objective of Section 3 is to prohibit parking of vehicles at dropped footways. This provision will require that a vehicle must not be parked on the carriageway adjacent to a footway, cycle track or verge where these have been lowered to assist pedestrians or cyclists or to assist vehicles entering or leaving the carriageway across the footway, cycle track or verge. It also applies where the carriageway has been raised to meet the level of the footway, cycle track or verge.

44. Parking includes waiting, but does not include stopping where, for example, the vehicle is stopped, for no longer than is necessary, for the purpose of boarding or alighting.

Proposed approach

45. The Bill provides for exceptions in a variety of circumstances, including, for example: vehicles parked outside residential premises by or with the consent of the occupier of the premises; vehicles parked in designated parking places; vehicles being used for emergency purposes; vehicles delivering or collecting goods (in defined circumstances); vehicles collecting waste; and vehicles being used in connection with utility works.

Consultation

46. The consultation document set out the provisions of the Bill, as in paragraph 9 above. A specific question was not asked on parking at dropped footways; however in the responses over 95% supported the general aim of the Bill: “A proposal for a Bill to enable freedom of movement for all pedestrians”.

Alternative approaches

47. No alternative approach was considered..

Section 4 – Prohibition of double parking

Policy objective

48. The policy objective of section 4 is to require that a vehicle must not be parked on the carriageway in such a way that no part of the vehicle is within 50 centimetres of the edge of the carriageway.

49. Parking includes waiting, but does not include stopping where, for example, the vehicle is stopped, for no longer than is necessary, for the purpose of boarding or alighting.

Proposed approach

50. The Bill provides for exceptions in a variety of circumstances, including for example: vehicles parked in designated parking places; vehicles being used for emergency purposes; vehicles delivering or collecting goods (in defined circumstances); vehicles collecting waste; and vehicles being used in connection with utility works.

Consultation

51. The consultation document sets out the provisions of the Bill, as in paragraph 9 above. A specific question was not asked on double parking.

Alternative approaches

52. No alternative approach was considered.

Section 5 – Enforcement of prohibitions

53. Section 5 of the Bill provides that the prohibitions are enforceable as if imposed by a TRO made under section 1 of the 1984 Act. This is the approach adopted in the 2004 Act and in section 6 of the London Local Authorities Act 2000 (Parking outside designated parking places).

54. The Bill does not make provision for enforcement as there are already powers available for enforcing parking regulations under the 1984 Act and the Road Traffic Act 1991.

55. In early 2014 Police Scotland withdrew traffic warden services, resulting in a growing number of local authorities moving over to decriminalised parking enforcement schemes (called ‘decriminalised’ because parking offences become civil rather than criminal), enforced by the local authorities. In larger urban areas, decriminalised enforcement will be available.

56. In the case of local authorities which have taken over parking responsibilities from the police, these authorities would become responsible for enforcement of the Bill. In Scotland, 14 local authorities operate a decriminalised parking enforcement scheme: Aberdeen City, Argyll & Bute, City of Edinburgh, Dundee City, East Ayrshire, East Dunbartonshire, East Renfrewshire, Fife, Glasgow City, Inverclyde, North Lanarkshire, Perth & Kinross, South Ayrshire and South Lanarkshire. It is anticipated that further local authorities will move over to decriminalised parking enforcement schemes.

57. In other areas where the local authority has not taken over parking responsibilities from the police, the latter would be responsible for enforcement of the Bill.

58. Enforcement of the prohibitions would be undertaken through service of the existing system of penalty charge notices issued by parking attendants (in local authority areas with a decriminalised parking enforcement system) or fixed penalty notices issued by police officers (in areas without a decriminalised system).

Section 6 – Powers to specify Exempt Areas

Policy objective

59. The Bill also provides for powers to specify “Exempt Areas” by TRO under section 1 of the 1984 Act whereby local authorities may designate roads or parts of roads where any or all of the prohibitions are not to apply.

60. Specification of Exempt Areas by local authorities would be undertaken by TROs, as made under the 1984 Act. The power to specify Exempt Areas allows local authorities, following consultation, to designate through TROs any streets or areas where the prohibitions would not apply, and to “sign and line” these streets or areas accordingly.

61. Before the new powers are in force the Scottish Government may choose to provide advice on issues such as exceptions, Exempt Areas and enforcement to aid consistency.

Consultation

62. The consultation document set out the provisions of the Bill, as in paragraph 9 above. A specific question was not asked on powers to specify Exempt Areas.

Alternative approaches

63. No alternative approach was considered.

EFFECT ON EQUAL OPPORTUNITIES, HUMAN RIGHTS, ISLAND COMMUNITIES, LOCAL GOVERNMENT, SUSTAINABLE DEVELOPMENT ETC

Equal opportunities

64. The Bill will not have an adverse impact on the basis of gender, sexual orientation, gender reassignment, marriage and civil partnership, race, religion and belief.

65. Virtually everyone is a pedestrian, so the benefits of this Bill will be spread across society. The principle aims of the Bill are to allow all pedestrians to travel along the footway and cross roads free from obstructions by parked vehicles. All aspects of communities should benefit from the provisions in the Bill. Disability, age, pregnancy and maternity are the main protected characteristics, under the Equality Act 2010, that will be impacted on by the Bill.

66. Footway parking creates hazards for visually impaired, disabled and older people or those with prams or pushchairs. For example, the Guide Dogs for the Blind Association says that “cars parked on the pavement” are the second most common obstacle encountered by its members, with 81% of them citing it as a problem in a survey¹.

67. There are approximately 35,000 registered blind or partially sighted people in Scotland, over 60% of whom are female, 75% of whom are over 65, and 32% with additional disabilities. Significant sight loss affects over 180,000 people in Scotland; the vast majority are older people, with more than one in two people aged over 90 having a significant sight loss. There are an estimated 100,000 wheelchair users across Scotland, and 830,000 disabled adults, for whom freedom of movement on footways and across dropped footways is a key part of their independence. With an ageing population (there are forecast to be 1.3 million pensioners by 2031), more cars on the roads and less money available for maintenance, the Bill provides practical measures to help ensure that streets can be safely used by the whole population, whether on foot, using a wheelchair or in their car.

¹ <http://www.guidedogs.org.uk/whatwedo/campaigns/inclusivestreets/top10obstacles/>

68. There were over 400 responses to the Bill's consultation. In response to a question on the Bill having a negative or positive impact on equality, 90% who answered thought it would have a positive impact. Over 20 disabled peoples' and active travel organisations have come together as the Responsible Parking Alliance to support the provisions in the Bill.

69. People with a disability, particularly those who are wheelchair, power scooter, or mobility aid users, who encounter obstructed crossing areas and parked vehicles on the footway, are often left stuck or trying to seek out a suitable alternative route. Blind and partially sighted people not seeing footway and road crossing obstructions will make physical contact with these, and potentially have to walk onto the road to avoid them, walking amongst moving vehicles whilst trying to find a way back to the footway and to safety.

70. The Bill will impact positively on older people. Older people may be required to make physically awkward manoeuvres around vehicles parked on the footway, or possibly having to walk on the road amongst moving vehicles before finding a suitable route to get back on the footway. Trips and falls, and the consequences of these, are significant problems for older people. Some older people may feel the situation is unsafe to such an extent that they take fewer walking trips locally. Being unable to take simple daily trips by foot has implications for both physical and mental wellbeing.

71. Similar implications to the above examples apply to adults with buggies who currently have to negotiate, to their detriment, footway parking and obstructed crossing areas. Pregnancy and maternity is a protected characteristic under the Equality Act 2010.

72. The Bill will have a positive impact on equality, in that it will help to enable people with disabilities, older people and those people experiencing pregnancy and maternity to have equal freedom of movement to people whose greater mobility enables them, albeit with inconvenience and potential danger, to avoid footway obstructions.

73. The principal negative impact of the Bill would be on car users who could no longer park at their chosen destination because of road width and resultant parking restrictions. This could include local residents unable to park close to where they live, shoppers unable to park close to where they wish to shop, religious observers who may be deterred from attending their preferred places of worship, carers and those they care for who are dependent on their cars for transport. Protected characteristics negatively affected in these circumstances would be age, disability, gender, and religion or belief. However, negative implications could be dealt with via consultation on exemptions or provision of adequate disabled parking.

Human rights

74. The provisions in the Bill would not give rise to concerns with the rights under the European Convention on Human Rights (ECHR). The provisions in the Bill aim to promote the freedom of movement of all pedestrians, which can be regarded as a key human right, based on the principles of equality and non-discrimination.

75. The Scottish Human Rights Commission promotes and protects the rights guaranteed by ECHR; this forms part of the law of Scotland through the Human Rights Act 1998 and the Scotland Act 1998. The Scottish Human Rights Commission states that the foundation of

modern human rights is the Universal Declaration of Human Rights, of which the core values are based on human dignity, fairness, and equality and non-discrimination.

76. The Equality and Human Rights Commission (EHRC) responded to the Bill consultation and said that it supported the provisions as they can be “seen as a set of practical means of ensuring the built environment is more accessible and useable by everyone in Scotland”. The EHRC works closely with the Scottish Human Rights Commission on their shared human rights agenda.

Island communities

77. The Bill has no specific implications for, and differential impact on, island or rural communities.

Local government

78. Where local authorities have a decriminalised parking enforcement scheme, the Bill provides local authorities with additional powers to deal with footway parking, parking at dropped footways, and double parking, for enforcement using existing arrangements. The impact of the Bill provisions is set out in detail in this Policy Memorandum and the financial impacts are considered in the accompanying Financial Memorandum.

Sustainable development

79. The Bill has no negative impact on sustainable development. The outcome of the measures in the Bill will be to make it easier for people to get around on foot, the most sustainable form of transport.

80. The UK Shared Framework for Sustainable Development was adopted by the Scottish Government in 2005. This was endorsed again in the recent draft Scottish Planning Policy. The Shared Framework includes the principle: “Ensuring a Strong, Health and Just Society – meeting the diverse needs of all people in existing and future communities, promoting well-being, social cohesion and creating equal opportunities for all”. This Bill enshrines this policy into practice as it promotes free movement along footways and thus inclusion of people in community life, current and future.

81. In economic terms, an improved walking environment should enable more people to utilise local retail areas, helping to rejuvenate town and neighbourhood centres accessible to where people live and work.

*This document relates to the Footway Parking and Double Parking (Scotland) Bill (SP Bill 69)
as introduced in the Scottish Parliament on 20 May 2015*

FOOTWAY PARKING AND DOUBLE PARKING (SCOTLAND) BILL

POLICY MEMORANDUM

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website -
www.scottish.parliament.uk

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by APS
Group Scotland.

ISBN 978-1-78568-641-2