

RURAL ECONOMY AND CONNECTIVITY COMMITTEE

TRANSPORT (SCOTLAND) BILL

SUBMISSION FROM CITY OF EDINBURGH COUNCIL

City of Edinburgh Council welcomes the opportunity to comment on the Transport (Scotland) Bill. While generally supportive of the Bill, officers working in each of the elements contained within the Bill have some concerns over detail and how some of the provisions will be implemented.

This submission is drawn from the views and operational experience of various officers working in relevant teams within City of Edinburgh Council and links with the Council's policy and strategy aims for Edinburgh.

Part 1 - Low Emission Zones

City of Edinburgh Council is broadly supportive of the Bill and is of the view that the direction of decisions will lead to an effective regime. City of Edinburgh Council acknowledges that the Bill provisions are largely to set the overall framework for low emission zones (LEZs), and most of the detail will be established in regulations. Some key Bill provisions need clarity/further detail:

- Clarity around what process (TRO or other) local authorities need to undertake to implement LEZs. Reference to how other relevant legislation applies (or doesn't).
- Detail around how Ministerial approval (s. 5 and 8) fits within establishing LEZs (particularly around setting objectives (s.9), criteria around how monies collected could be spent on air quality initiatives (s. 21) (s8), and how ministerial direction might be applied (s. 24).
- Setting of penalty rates – levels and application to types of vehicles and frequency of offences.
- Scope and intended purpose of some provisions are unclear or appear to duplicate/have cross-purposes– as noted below.

More detail on exemptions/exceptions is essential. The exceptions in Part 4 Pavement Parking and Double Parking are described in extensive detail – while the exceptions in Low Emission Zones may differ to those in Part 4 the same level of comprehensive detail is needed in order to guide local authorities.

Part 1 Effect of a low emission zone scheme. Clarification is needed on how a LEZ is established.

Part 3 Enforcement. This needs to have provision for local authorities/enforcement agency to identify person responsible for vehicle (e.g foreign vehicles), manage notices, adjudication system, etc. Local Authorities seek guidance on maximum and minimum charges, options to impound, recuperating wider costs, e.g. parking notices where rates increase and account for back office time to manage outstanding fine. City of Edinburgh Council would want a scale of offences for vehicle types and repeat offenders.

Part 4 Power to make or modify a LEZ scheme. Clarify sought on how this provision relates to wider acts (91 and 84 Acts), and role of Scottish Government/Ministers in this?

Part 5 Ministerial approval. Detail is needed on how provision applies to scope of Ministerial approval, notification dates, grace periods, and LEZ stages.

Part 6 Prior consultation. Clarity needed about consultation requirements – how much effect is given to non-support thresholds for public hearings.

Part 7 Local Inquiry. Clarification sought for when/what/purpose of inquiry may be and also for type of inquiry (can be exchange of letters or in public inquiry). Number of objections may be in thousands and clarity for hearing needs to be considered. Needs provision for what agency manages, funds, and resources inquiries.

Part 8 Minister's powers to regulate process. Clarity is needed on how this relates to other approval powers in Bill.

Part 9 Required content of scheme. Further detail sought on how this provision is applied (notification, legal progress, consultation, level of detail/specificity, relation to vehicle types, and exemptions regime)

Part 10 Grace period. Need to strengthen purpose and rationale of grace periods, extensions, and how they relate to exemptions framework to avoid establishing loopholes/perverse outcomes.

There are potential issues with scale of exemptions/grace periods to manage administratively. Would perhaps be useful to include a funding clause as local authority will incur a cost of managing grace periods and exemptions likely prior to any revenue being gained from enforcement

Part 11 Grace period: further provisions. As above.

Part 12 Time limited exemptions. Clarification on how this relates to grace periods and extended grace periods and whether time-limited is in addition to or instead of grace periods?

Part 13 Power to alter operating hours. Rationale isn't clear for the two provisions. Expectations for when varied hours may be valid are needed.

Part 16 Approved devices. This needs to consider/allow cameras that are doing multiple things – e.g. could use bus lane cameras/systems to check for bus lane and LEZ compliance and include video recording, and roaming cameras. .

Operationally, Local Authorities need to achieve a high level of enforcement and to be able to replace and repair quickly.

Part 17 Traffic signs. This needs to have sufficient flex to allow range of LEZ notifications (approaching/within/LEZ not in operation) and where to find more information.

Part 18 Temporary suspension. Would provisions for national events cover Edinburgh-based events? Detail needed on threshold of alternative routes should an event occur without suspension?

Part 19 Minister's grant making powers. Clarification needed as to how and when clawback clause for grants would apply. Needs to be clear even if scheme did not collect positive revenue, local authorities need funding to be able to cover the costs for LEZs and necessary complimentary measures. This needs to be prioritised before application of any grant repayments.

Part 20 Financial powers. Could provision potentially include debt facilities for LAs to spend funds with expectation that revenue will come in future years?

Part 21 Application of penalty charges. Needs to be flexible for spending of money in a broad scope of wider complimentary measures that support air quality and LEZ objectives.

Part 23 Annual report. Needs to refer to and align with wider air quality reporting requirements (e.g NLEF). There is crossover in objectives and benefits that needs to be managed.

Provision need to balance need for transparency and level of reporting burden on Local Authorities. **Part 24 Direction to carry out a review** and **Part 25 Action following a review.** Clarification is needed of scope and how this applies to other similar provisions – is this about Ministerial review or standard evaluation/monitoring of LEZ?

Part 2 - Bus Services

In light of the backdrop of declining bus passenger patronage over the last ten years, this Council welcomes any meaningful and effective initiatives that can help provide local authorities with additional opportunities to improve local connectivity and increase the attractiveness of bus services.

In Edinburgh, bus patronage trends differ significantly from many other areas of the country. Our operating model is viewed in a very positive light with our main local bus provider, Lothian Buses, demonstrating good overall connectivity, consistently good patronage figures and high customer service ratings. We do realise, however, that there remain geographical pockets within the city's boundary where some local residents feel that they do not receive the same level of service provision in comparison to other areas. In general, the general defining characteristic of these areas is that they are lower density and are located further away from the city centre; this combination does not offer acceptable commercial returns for bus operators.

Where area connectivity is viewed to be an issue, our Council's Supported Bus Service programme tries to bridge these gaps using traditional methods of tendering to secure services based on mini-competitions to procure bids from transport providers that offer best price and quality. As operator costs have risen and budgets have become more constrained, we have, in recent years, had to reduce the number of services we subsidise to continue to operate within our means.

With regards to the options contained in the Draft Bill, we would offer the following comments:

Provision of local services by local authorities

While it is useful for our Local Authority to have to option available to directly provide services instead of tendering for them, there would be significant resource implications with regards to this option in relation to staff, vehicles, maintenance, management and other associated costs and, at this current stage, it is not something we would consider delivering in this authority.

Bus services improvement partnerships

The proposed Partnership option appears to be overly process oriented, cumbersome with a 'voting' system that involves a significant element of delivery risk in requiring agreement from all operators. Many of the themes can already be incorporated in a more traditional tendering process and associated final contracts.

Local services franchises

This is not something that we currently envisage using in Edinburgh.

Information relating to services

If operators themselves not already publicising their services then this would seem a sensible option

It would be useful for authorities to have more detailed information regarding service cancellations and withdrawals particularly where there is significant local impact and alternative provision has to be arranged.

Other concerns

We have also identified a number of specific connectivity issues that impact on the city that it would be useful to highlight. It's not clear if any of these can be improved through the Bill, an amended Bill or by other means.

- Non-alignment of NHS boundaries and Local Authority Area boundary:
A number of the city's residents in the west of the city fall under the catchment area of St Johns Hospital in Livingston in West Lothian and bus service provision linking them to this facility is generally viewed as fairly poor – this cross boundary issue includes residents in Currie/Balerno/South Queensferry. It may be useful to consider whether there should be a responsibility for the NHS in such instances to contribute financially to service provision where this is the case.
- It would be useful if there were measures in place that place, perhaps via a Planning Bill, that place the emphasis on developers to ensure public transport provision is implemented near the outset of new larger developments. The current Section 75 Agreement procedure whereby money is set aside from developers to contribute to PT provision places both significant financial and reputational risk on local authorities as a result of putting in services and then having to withdraw or reduce them at a later stage – transferring this risk onto developers themselves would be beneficial.

Part 3 - Ticketing Arrangements and Schemes

Overall City of Edinburgh Council welcomes provision for enabling country-wide smart ticketing. Ticketing, in particular the need for more ticket options and smart ticketing, is something which was raised extensively during the initial stakeholder engagement phase of the Local Transport Strategy review. The provisions in the Bill provide a sound starting

point for nationally co-ordinated smart ticketing, however more detail will be needed on the operation of any schemes.

We are aware that a number of operators are already reviewing their ticketing portfolios and with some moving increasingly toward contactless payment. As technology moves on, this may be the most appropriate overall route to let the transport industry take the lead. Commercial providers themselves are, perhaps, best to progress this and it is questionable whether the setting up of a formal National Smart Ticketing Board is required as, depending on proposed membership and operational practice, implies an additional level of bureaucracy.

In addition, local authority resources are already stretched, unless funding was allocated and provided to carry out this function then we do not see it as a viable one.

Part 4 - Pavement Parking and Double Parking

The City of Edinburgh Council has been supportive of Transport Scotland's plans to introduce legislation that would allow local authorities and Police Scotland to take enforcement action in situations of inconsiderate and/or obstructive parking. Such practices result in a significant number of complaints to this authority.

As such, the draft Bill has been assessed on the following basis:

- 1) Does the draft Bill contain the provisions that the City of Edinburgh Council has been looking for?
- 2) Are there any immediate concerns with the content or provisions of the draft Bill?
- 3) Will the provisions contained in the draft Bill allow for effective enforcement of pavement parking and double parking?
- 4) What changes would City of Edinburgh Council make to the draft Bill to improve its effectiveness and enforceability?

Does the draft Bill contain the provisions that the City of Edinburgh Council has been looking for?

The basic premise of the bill is sound, in that the purpose is to enable local authorities to tackle the issues caused by the inconsiderate and obstructive practices of both footway and double parking. However, the application of the proposed restrictions, primarily the inclusion of numerous exemptions, will effectively prevent its successful application.

The Bill does not include any allowances for vehicles which overhang the footway, such as in circumstances where transverse, or end-on, parking occurs. Many vehicles, if parked with their wheels against the kerb, will overhang the footway to such an extent as to obstruct the movement of pedestrians, effectively resulting in the same scenario as if the vehicle were parked on the footway. The Bill does not recognise this as an issue, nor make any provision that would allow for enforcement. The inclusion of a clause that made it an offence for any part of a vehicle to overhang a footway would resolve this issue.

Are there any immediate concerns with the content or provisions of the draft Bill?

The excessive and wide-ranging nature of the included exemptions will make it extremely difficult to enforce effectively.

As an example, the exemption for vehicles engaged in loading or unloading states that it applies where the vehicle is being used “in the course of business”. This clause allows any vehicle to be parked on a footway, or to be double parked, for up to 20 minutes. This would allow the driver of any vehicle to contest a notice, on the grounds that they were engaged “in the course of business”. There is no mention of the driver having to provide evidence, or of a restriction to marked vehicles, or to goods vehicles. Nor is there any requirement to prove that there was a need for the vehicle to park on the footway or to double park. This is an automatic exemption that may be used by any person, at any time and in any circumstances. In the current form, any person who contests such a notice is, under the draft Bill, immediately entitled to have said notice cancelled.

Similar terms and similar approaches to exemptions are used throughout the draft Bill. Such ambiguity in the Bill might mean that we see an increase in footway parking rather than a reduction, with a likelihood of increased parking on footways within already controlled areas.

Will the provisions contained in the draft Bill allow for effective enforcement of pavement parking and double parking?

The way that the Bill is worded and its exemptions, mean it will effectively be the Council’s responsibility to prove that a vehicle is committing an offence. That a vehicle is shown to be parked on a footway, or double parked, will not be sufficient evidence, given the included exemptions. The exemptions provide for a wide range of vehicles and actions where vehicles may park on the footway or double park.

As a result, when a parking ticket is contested on the grounds that the vehicle/action is permitted to park on the footway or to double park, the Council would need to provide evidence to the contrary. It is unlikely that such evidence would be available, meaning that the majority of tickets will be cancelled. This largely makes the restrictions within the Bill unenforceable.

What changes would City of Edinburgh Council make to the draft Bill to improve its effectiveness and enforceability?

The range of permitted exemptions is generally too broad to allow effective enforcement, without generating significant levels of appeals against notices issued. The exemptions that are included are likely to result in an increase in instances of footway and double parking, as those who are exempt become aware of the automatic exemptions that the legislation entitles them to.

While it is accepted that there will be certain circumstances where there would be a benefit in allowing the ability to double park (for deliveries, for example), it is questionable whether,

in a busy shopping area, it should ever be acceptable for a goods vehicle to park on the footway.

In order to provide for restrictions that protect pedestrians and tackle the growing impact of footway parking, the exemptions that allow footway parking should be removed. While authorities should be able to apply local exemptions, these should only be in cases where the effect of the exemption can be properly indicated by means of approved signs.

The wording of the terms used in the draft Bill require reconsideration in order to ensure that they enable effective enforcement action, where the onus of providing evidence of a need, or right, to park otherwise than in accordance with the provisions of the legislation rest with the driver of the vehicle, rather than with the enforcing body.

General concerns with exceptions

- The exceptions/exemptions are very wide-ranging. The concern is that they will be difficult to enforce and that a large number of PCNs will be contested;
- The wording of many exceptions/exemptions would make it the enforcing authority's responsibility to disprove the appellant's case. With little or no evidence available to support the validity of the notice, this would be hard to do, resulting in many notices being cancelled;
- Enforcing authorities would find themselves having to explain why it is wrong for a resident to be parked on the footway, but acceptable for; HGVs, delivery vans, courier's vehicles, pizza vans and private vehicles belonging to nurses, postmen etc.
- An Act along the lines of the draft Bill would be largely unenforceable and there is significant concern that the wide-ranging exemptions would leave local authorities in a weaker position with regard to footway parking than at present.

As mentioned earlier, there is disparity in the level of detail of exceptions contained in Part 1 Low Emission Zones and Part 4 Pavement Parking and Double Parking. While the exceptions in Part 4 are extensive, those in Part 1 require much more detail.

Scope of the Bill

The Bill ignores the damage done to footways by vehicle parking. Footways are not designed to be driven on; their construction is shallower than that of the carriageway and continual use by vehicles can not only cause subsidence, but can damage drainage, utility conduits and makes footways unsafe for pedestrians long after the vehicle has driven away. There has been a lot of publicity about the state of our roads. This Bill should provide powers that allows action to be taken to prevent footway parking adding to the maintenance burden. It achieves largely the opposite.

Where private cellars are damaged by vehicular footway use, both the roads authority and the owner meet the costs of repair. Typically, bollards can be placed to stop footway parking. Where the Bill should aid local authorities in tackling such issues, in its present

form it allows footway parking, meaning that costly provision of other preventative measures will continue, increasing street clutter and reducing space for pedestrians.

It is feasible for the Council to recoup maintenance costs if it could be shown that a person or company was responsible for damaging infrastructure. This Bill legalises certain uses, meaning that, with a right to park on the footway, it would be almost impossible to recoup those costs in the future. The Bill as it stands places an increased burden on the Council by legalising footway parking.

Approved Devices

While the Bill suggests that the use of CCTV may be permissible for the enforcement of footway and double parking contraventions, it does not suggest that this can be used for other matters, such as school keep clear restrictions. The use of technology is unlikely to be deployed when there are so many exceptions. It is also not clear whether this allows the use of mobile enforcement or fixed camera positions only. [P61, Part 4, Section 50, (1) (a-b)].

Omissions

The Roads (Scotland) Act 1984 specifically determines that the right of passage over a footway or footpath is by foot only. It is difficult to see how a vehicle could park on a footway without first having committed the offence of driving on it. The Bill appears not to address this ambiguity or suggest any changes are required to the RSA 1984. Without such an allowance, vehicles driving onto the footway are still committing an offence even where exemptions and exceptions apply and could be subject to entrapment should the Police still enforce driving on the footway.

A revised definition of obstruction is also not considered within the Bill, such as that which would be necessary in order to give local authorities greater powers to remove other items left on the road, such as trailers and caravans. Since these do not fall under the description of a "vehicle", they are not subject to any of the provisions of any traffic order made under existing legislation. More importantly, no traffic order made under the provisions of the Road Traffic Regulation Act 1984 may apply to anything other than a vehicle.

Many people do not understand the extent of parking restrictions and choose to believe that they don't apply to the footway. Without guidance, it could easily be the case that PCNs issued for 01/02 offences are contested on the basis that they were parked on the footway (legally allowed to do so via this Bill/Act). As primary legislation, would this then take precedence over our yellow lines and open the door to more footway parking? There appears to be no mention of existing yellow line restrictions in the Bill, while parking places are discussed.

At the Transport Scotland working groups it was suggested that additional measures could be introduced to improve parking for disabled people (removing the need for TROs, bays for specific users or amending the DPPPA) yet nothing is contained within the Bill.

Finally, other measures that were suggested which could improve parking in Scotland but are not contained within the Bill were;

- a. enforcement of other restrictions i.e. zig zags markings at crossing points,
- b. amendments that would simplify/shorten the process of promoting traffic orders, and
- c. differential PCN charges.

Part 5 - Road Works

City of Edinburgh Council supports the provisions in sections 63, control of placing of apparatus, 64, signing, lighting and guarding of excavations and road works and 66, requirement to enter exact start date of works on SRWR.

Sections 65, qualifications of supervisors and operatives, 67, reinstatement quality plans and 68, information about apparatus will bring City of Edinburgh Council into line with Utilities and other operators but will lead to additional burden on resources.

The bill is a high level document and does not go far enough – it does not contain detail that has previously been discussed. It may be the supplementary documentation and following codes of practice that will be required that contain the detail City of Edinburgh Council and other Local Authorities have asked for.

Examples where amendments and clarifications are required include penalties on defective apparatus that remain outstanding for months (or even years) and guarantee periods being extended to 6 years from the current 10.

Part 6 - Miscellaneous and General

City of Edinburgh Council has no issues with the RTP financing proposals or with the changes to Scottish Canals governance.

Issues Not Included in the Bill

City of Edinburgh Council is of the opinion that the Bill omits various transport elements which would enable improvements in transport in Edinburgh (and more widely in Scotland), particularly in terms of promoting sustainable and active travel and reducing the adverse impacts of car use.

Workplace Parking Levy

Local taxation to Councils

As a general principle, local authorities should have the power and discretion to raise additional income by levying tax, in addition to Council Tax and Non-Domestic Rates, on

either resident, property owners or visitors in the local authority or within a discrete area of the local authority.

This enhances local democracy through greater local accountability for the income raised and its use. It is important that local authorities are given the tools that can help manage the consequences of a growing population, rapid housing development, increased transport needs, and the emergence of new markets from disruptive technologies.

Creation of this more permissive environment would mean that Scottish Local Authorities can be more innovative and implement local approaches supported by local taxation.

The decision about whether a particular levy is applied in a council is separate to the question of whether local government should have the power to decide. Ultimately, different taxation powers may be more relevant to some local authorities than others and whether, or not, a council takes the decision to implement this power is something that it would need to engage on locally and be held locally accountable for any decision taken.

A Workplace Parking Levy

City of Edinburgh Council believe that there is a strong case for considering WPL as part of the wider debate around the principles of the Transport Bill and the parking provisions therein. As the Bill process progresses, CEC would be seeking support for an amendment to the face of the Bill giving this power to local government.

The council shares many of the Scottish Government and the Scottish Parliament's ambitions for Transport to be accessible, sustainable and connected, supporting the economy and providing access to employment and providing reliable journey time for people. The Council's transport vision is similarly ambitious, but this reflects the scale of the challenge that the city is facing. There is no one policy which will provide an answer to these complex challenges, it will take a combination of actions at the Council's disposal to effect change.

The Transport Bill would need to go further than it currently states and provide Local Authorities with the legal powers to implement Workplace Parking Levy Schemes if it is to ensure that we can make meaningful progress towards our ambitions. This power would allow our Council to further contribute to long term reductions in carbon emission from transport, through changes in behaviour and transport use. It may also contribute towards improving the economy through reducing journey times in peak travel periods.

Workplace Parking Levies could also generate significant income for investment in the city's transport which can be utilised to invest in sustainable transport infrastructure, such as bus lanes, segregated cycle routes and pedestrianised areas. A workplace parking levy scheme in Edinburgh would provide an opportunity to fund improved transport infrastructure whilst simultaneously tackling issues on transport related air pollution, carbon emissions, private car use and traffic management.

An Edinburgh Workplace Parking Levy

Edinburgh is a city with a high level of inward commuting from neighbouring areas. Continued population growth and commitments to build more new housing in the city, alongside our thriving jobs economy, will put enormous demand on our transport. According to the Department for Transport's measure for traffic volume, in 2017 Edinburgh's traffic volume was estimated at around 3.0 million vehicle miles per day. This is almost three times the volume of traffic in Aberdeen and five times the volume in Dundee.

Edinburgh is one of the largest urban areas in Scotland and faces severe challenges with congestion and pollution. Since 1999 the share of journeys made by public transport, walking and cycling have remained broadly the same and it is clear that more radical action will need to be taken if we want to significantly change this behaviour and decrease our carbon footprint in the city. There is also a clear economic and health cost from running a city with long journey times especially in the peak working hour period. Road Transport is the main cause of local air quality problems in Scotland. In urban areas, like Edinburgh, periods of traffic congestion generate excess air pollutants with a high corresponding rate exposure to public. Councils need to consider all possible means of improving air quality.

City of Edinburgh Council significantly invests year on year in transport and infrastructure across the city including sustainable transport from bus services to improving cycling routes and provision. However, as many other cities recognise, a growing population, rapid housing development, and a thriving economy means that we need the tools to manage the consequences of that success, such as the increased demand on our transport infrastructure.

In this context the purpose of an Edinburgh WPL would be to contribute to:

- Ensuring that Edinburgh's status as one of the world's great cities in terms of public transport and sustainable transport provision
- Ensuring future investment in the city's transport infrastructure
- Encouraging greater modal shift away from use of private cars around the city
- Reducing the growth and impact of traffic congestion in our city
- Contributing towards lower emissions and pollution within our city
- Supporting a shift in public behaviour around choice of transport, use of public transport and active travel.

Developing Edinburgh-specific WPL Resources:

Using available data initial estimates on the potential income projections of a WPL in Edinburgh vary from around £3 million up to £15 million per year. This is dependent upon the details chosen for any scheme for example, size of business it applies to, exemptions for certain sectors (e.g. health and emergency services) and whether the scheme maintains or exempts geographies across the city. The highest value represents a full Edinburgh boundary option and assumes the density of workplace parking spaces between Nottingham and Edinburgh are broadly similar. Clearly, more detailed work would be done

on these projections and city intelligence in respect of workplace parking should the council gain the power in legislation.

A Workplace Parking Levy can complement the low emission zones agenda

City of Edinburgh Council welcomes the proposal for developing low emission zones and believe that a WPL could further support and enhance government policies on the environment. We believe that the ability to introduce a workplace parking levy would complement and not compete with the delivery of the low emission zones, by securing additional investment and modal shift, arising from the reduction over time in the provision of non-residential parking spaces. Together these schemes would greatly increase the ability of the city to move to a low carbon economy.

Local Authorities in England and Wales have far more options available to them to address traffic management and emission issues. Scottish authorities should not be denied the opportunity to consider these options to help manage the city's transport better.

Evidence that a WPL works

There is evidence that a workplace parking levy can accomplish many positive outcomes in an urban city. In Nottingham, the Workplace Parking Levy contributed towards the city achieving a high public transport mode share for the AM peak period. This increased to above 40% for the first time and remains at a historically high level. Since 2010, a survey of commuters showed that 8.6% of those using sustainable modes of transport mentioned that the WPL package played an important role in their decision to swap away from the car.

There is evidence from Nottingham on the cost of congestion to the economy. In Nottingham commuters account for about 70% of congested peak traffic in Nottingham. A workplace parking levy directly impacts this by reducing the number of spaces available to use by private car. Since its operation Nottingham has observed a 25% reduction in car parking spaces at work premises. It was estimated that congestion costs Nottingham £160m every year. Over half of this cost falls directly to businesses. This means a similar scheme could bring to Edinburgh a benefit to businesses from fewer private cars travelling in our roads during peak working hours. Public transport improvements serve key employment sites meaning that businesses will also benefit from any the additional investment in public transport improvements made available from a workplace parking levy.

There is also evidence from Nottingham that the workplace parking levy created access to more funding. Nottingham's WPL has helped to lever in funding to more than double the size of the city's tram network through a £570m extension to the tram system, a £60m redevelopment of the city's Railway Station and to support the bus network. Since the WPL was introduced an additional £200m has been levered in for improvements to the bus fleet using WPL revenue as seed, match or grant funding.

There is evidence from Nottingham that a scheme can be run efficiently and at low cost with the support of local business. A key advantage of the scheme is the modest operating cost.

The WPL operational budget is currently £0.485m per year. This is proportionally much lower than for road user charging schemes.

Conclusion

As stated City of Edinburgh Council believes that there is merit in the Rural Economy and Connectivity Committee considering whether the Transport Bill should include a power for local authorities to implement local parking levies subject to consultation and engagement with key partners. There is clear evidence from the example of a workplace parking levy scheme, that it can deliver outcomes which support the Government and Parliament agenda on transport and that this can be done with no evidence of a negative impact on business growth and the local economy. The Council would be happy to provide further input upon request.

Redetermination Orders

These are currently required for conversion of carriageway to footway or cycleway, footway to cycleway, etc. Under the current law, even the most minor changes to the extent of footways (eg minor kerb build-outs to help pedestrians cross a road) should be the subject of a Redetermination Order. Objections, to even minor changes, require reference to Scottish Ministers. This involves a risk that a Public Hearing will be called. Furthermore consideration by Transport Scotland is often lengthy. Most Scottish Councils do not use these orders, but the current legislation (and our legal advice) is quite clear that they are required. In England no such legal process is required in most comparable instances.

In the view of City of Edinburgh Council there are there are two broad options:

1. The preferred suggestion is replacement of the redetermination requirement by a comparable power to that included in section 66(4) of the UK Highways Act 1980, which gives Councils a simply stated right to alter the configuration of streets under their jurisdiction. This power should cover footpaths as well as carriageways and footways.
2. An alternative would be the removal of the requirement to refer any objections to Scottish Ministers, as well as introducing some form of 'de minimis' provision into legislation so that less significant changes wouldn't require a RSO.

Traffic Regulation Orders

As with RSOs the timescale for implementing Traffic Regulation Orders (TROs) can be onerously long, particularly if a public hearing is triggered by objections (a single objection related to a ban on loading for more than 12 hours can trigger a hearing).

In the view of City of Edinburgh Council this Bill presents an opportunity to streamline the TRO process. In particular the trigger threshold for a public hearing could be reviewed to ensure a reasonable balance between protecting the rights of individuals and businesses and enabling project delivery – in relation to loading, a potential mechanism would be to introduce a threshold length of 12hour plus loading restriction below which Councils would

have discretion on whether to call a Public Hearing. Submissions in favour of interventions could be considered, rather than just objections. In addition, the requirement for a TRO to locate cycle parking on the carriageway could be removed, making it easier to install cycle parking which would enable more active travel.

Experimental Traffic Regulation Orders

At present these can only run for 18 months and are not extendable. This means that, practically speaking, the advertising process for a permanent TRO must be started almost as soon as an ETRO is put in place. This is of course problematic and means that ETROs are under-used. It also leads to unsatisfactory outcomes like Edinburgh's George St ETRO just ending after a year, despite the vast majority of people surveyed about it thinking it had produced a much better street for walking and cycling.

In the view of City of Edinburgh Council officers the following would make ETROs more effective and useable:

1. That ETROs should be able to be introduced for a longer period, up to say 2.5 years; and/or
2. That a straightforward facility for extending ETROs be introduced, allowing at least one extension at least 18 months; and.
3. That a process be considered that allows for streamlining the making permanent of ETRO measures. If it was felt necessary this could have a requirement of demonstrating significant public support.

De-criminalisation of enforcement of Mandatory cycle lanes

Mandatory cycle lanes (i.e. lanes where you're allowed to cycle but nothing else) can now be introduced without a TRO. However they can't be enforced by Council decriminalised enforcers, meaning Councils will need to put in the waiting and loading restrictions via TRO to enable this to happen. If this isn't done, the lanes will need to rely on police enforcement.

In the opinion of City of Edinburgh Council the Bill should facilitate de-criminalisation of enforcement of mandatory cycle lanes.

Appendix 1 – Comments and suggested rewording

PART 4 - PAVEMENT PARKING AND DOUBLE PARKING

Existing Provision		Comment	Suggested Rewording
42	Pavement parking prohibition		
	(1) A person must not park a motor vehicle on a pavement (in this Part, this prohibition is referred to as the “pavement parking prohibition”).	(1) Unclear why the prohibition refers to “pavement”, when there is a definition in law for the words “footway” and footpath”. Later references in the draft Bill refer to footway, but not footpath, when the overall definition “pavement” includes both. Needs to be more consistent.	A person must not park a motor vehicle on a pavement or in a manner that would obstruct the use of the pavement by other users (in this Part, this prohibition is referred to as the “pavement parking prohibition”).
	(2) For the purposes of the pavement parking prohibition—		-
	(a) a motor vehicle is parked on a pavement if— (i) it is stationary, and (ii) one or more of its wheels (or any part of them) is on any part of the pavement,	(2) No mention of vehicles overhanging the footway. Such practices can impede pedestrians and other, more vulnerable footway users as much as vehicles that are parked with their wheels on the footway. Many long-wheelbase vans, and some cars, have significant overhangs that can easily block a standard-width footway.	(a) a motor vehicle is parked on a pavement if— (i) it is stationary, and (ii) one or more of its wheels (or any part of them) is on any part of the pavement,
	(b) a stationary motor vehicle is parked whether or not— (i) the driver of the vehicle is in attendance at the vehicle, (ii) the engine of the vehicle is running.		(b) a motor vehicle is parked in a manner that would obstruct the use of the pavement if any part of the vehicle which extends beyond the front or rear wheels of the vehicle overhangs the pavement, (c) a stationary motor vehicle is parked whether or not— (i) the driver of the vehicle is in attendance at the vehicle, (ii) the engine of the vehicle is running.
	(3) The pavement parking prohibition is subject to the exceptions set out in section 47.		
	(4) In this section—		
	“footpath” is to be construed in accordance with section 151(2) of the Roads (Scotland) Act 1984 (and does not include a footpath mentioned in subsection (3)(a) or (b) of that section), “footway” is to be construed in accordance with section 151(2) of that Act,	(1) The exemption for heavy commercial vehicles is confusing. The effect of this wording is that, for the purposes of the Bill, Heavy Commercial Vehicles are considered to not be a “motor vehicle” and are therefore exempted from the provisions of the Bill. This recognises that the Road Traffic Act 1988 prohibits footway parking by HCVs. However, The RTA 1988 is not enforceable under decriminalised parking, as its provisions are not recognised within	“footpath” is to be construed in accordance with section 151(2) of the Roads (Scotland) Act 1984 (and does not include a footpath mentioned in subsection (3)(a) or (b) of that section), “footway” is to be construed in accordance with section 151(2) of that Act, “motor vehicle” has the meaning given by section 185(1) of the Road Traffic Act 1988, except that section 189 of that Act (exception for certain pedestrian controlled

		<p>“motor vehicle” has the meaning given by section 185(1) of the Road Traffic Act 1988, except that—</p> <p>(a) section 189 of that Act (exception for certain pedestrian controlled vehicles and electrically assisted pedal cycles) applies as it applies for the purposes of that Act, and</p> <p>(b) it does not include a heavy commercial vehicle (within the meaning given by section 20(1) of that Act) (but see section 19(1) of that Act),</p> <p>“pavement” means a footpath or footway</p>	<p>the standard designation order used across Scotland. This means an HCV could park at any time on a footway and none of the decriminalised authorities would be able to take any enforcement action.</p> <p>(2) Heavy vehicles contribute significantly to the maintenance burden faced by local authorities, damaging footways that are not designed for their weight. Goods vehicles already park with impunity and the draft Bill provides an opportunity to enable LAs to take enforcement action. This exemption removes that ability.</p>	<p>vehicles and electrically assisted pedal cycles) applies as it applies for the purposes of that Act.</p>
43	Exemption orders			
	(1)	<p>A local authority may make an order (in this Part, an “exemption order”) providing that the pavement parking prohibition does not apply to a footway within the local authority’s area which is specified in the order.</p>	<p>(1) Unclear what is intended. Appears to suggest that an exemption order can be made, except where the general prohibition applies.</p> <p>(2) Does the general prohibition not apply everywhere?</p> <p>(3) Why does it not apply to a “footway”? Why is there a distinction made from “footpaths”?</p>	<p>A local authority may make an order (in this part, an “exemption order”).</p>
	(2)	<p>A footway may not be specified in an exemption order unless it, or the carriageway with which it is associated, has the characteristics specified by the Scottish Ministers in a direction under section 56(1).</p>	<p>What process are “Directions” subject to? If a local authority may not make an exemption order without a “Direction”, what is the process for applying, and what time period can LAs expect before being able to process an “Exemption Order”?</p>	
	(3))	<p>An exemption order—</p>	<p>Note: See comments on exemptions.</p> <p>There is an opportunity within the general premise behind exemption orders to allow for specific circumstances to be considered. The current wording is, however, unlikely to support such situations. For example, there may be locations where a LA considers that residents should be allowed to park partially on the footway, but where that allowance should be for specific vehicle types, classes, sizes, or where it might be for permit holders only. That would allow LAs to permit parking by cars, but not goods vehicles, for example. The</p>	<p>An exemption order—</p>
		<p>(a) may apply to all or part of a footway,</p>		<p>(a) may apply to all or part of a pavement,</p>
		<p>(b) must apply—</p> <p>(i) at all times, and</p> <p>(ii) to all motor vehicles,</p>		<p>(b) must apply at all times,</p>
		<p>(c) may not be subject to conditions.</p>		<p>(c) may be subject to such conditions as are considered appropriate, provided that said conditions have the characteristics specified by the Scottish Ministers in a direction under section 56(1).</p>

			draft wording precludes any of these considerations. It is appreciated that the aim of this phrasing is to avoid endless variations and localised allowances that would be difficult to sign. However, instances within CPZs will already fall foul of these rules, since many authorities determine permit issue on vehicle class. Any “exemption order” within a CPZ would be disallowed on the basis of “no conditions”, as the footway parking may be subject to “permit holders only” or “pay-and-display” restrictions, which are “conditions”.	
	(4)	If the local authority is not the traffic authority for the footway to which an exemption order is to apply, the local authority may not make the order unless the traffic authority for the footway consents to the making of the order.	Inconsistent with other provisions.	If the local authority is not the traffic authority for the pavement to which an exemption order is to apply, the local authority may not make the order unless the traffic authority for the pavement consents to the making of the order.
	(5)	Subsection (4) applies to an order amending or revoking an exemption order as it applies to an exemption order.		
	(6)	In subsection (2), “carriageway” is to be construed in accordance with section 151(2) of the Roads (Scotland) Act 1984.		
44	Exemption orders: form and procedure			
	(1)	The Scottish Ministers may by regulations make provision in connection with the making, amendment and revocation of exemption orders.	When will these provisions be available to use? This suggests that the provisions for exemption orders may not be immediately available to local authorities.	
	(2)	Regulations under subsection (1) may, in particular, make provision about— (a) the form of an exemption order (or an order amending or revoking an exemption order), (b) the procedure to be followed in connection with the making, amendment or revocation of an exemption order,		

		(c) publication of a proposal for the making, amendment or revocation of an exemption order (a “proposal”), (d) persons who must be consulted about a proposal and the manner and timing of that consultation, (e) the process for making objections to a proposal, (f) the process for considering any such objections, including the holding of inquiries and the appointment of a person to hold an inquiry, (g) modification of a proposal (whether in consequence of an objection or otherwise), (h) notice to be given or published of the making, amendment or revocation of an exemption order and the effect of the exemption order (or its amendment or revocation).		
45	Exemption orders: traffic signs			
	(1)	This section applies where a local authority (the “exempting authority”) makes an exemption order in relation to all or part of a footway.	Inconsistent. Should be “pavement”.	This section applies where a local authority (the “exempting authority”) makes an exemption order in relation to all or part of a pavement.
	(2)	The traffic authority for the footway must— (a) place, or secure the placement of, traffic signs in connection with the exemption order, and (b) maintain, or secure the maintenance of, those signs.		The traffic authority for the pavement must—
	(3)	Where the traffic authority for the footway is not the exempting authority, the traffic authority may enter into an arrangement with the exempting authority under which the exempting authority is to—	Inconsistent. Should be “pavement”.	Where the traffic authority for the pavement is not the exempting authority, the traffic authority may enter into an arrangement with the exempting authority under which the exempting authority is to—

		(a) exercise the functions under subsection (2), or		
		(b) assist the traffic authority in connection with the exercise of those functions.		
	(4)	Where the exempting authority enters into an arrangement mentioned in subsection (3)(a), section 65(1) of the Road Traffic Regulation Act 1984 (powers and duties of traffic authorities as to placing of traffic signs) applies to the exempting authority as it applies to the traffic authority for the footway.	Inconsistent. Should be “pavement”.	Where the exempting authority enters into an arrangement mentioned in subsection (3)(a), section 65(1) of the Road Traffic Regulation Act 1984 (powers and duties of traffic authorities as to placing of traffic signs) applies to the exempting authority as it applies to the traffic authority for the pavement.
	(5)	In subsection (2), “traffic signs” has the meaning given by section 64(1) of the Road Traffic Regulation Act 1984 (general provisions as to traffic signs).		
46	Double parking prohibition			
	(1)	A person must not park a motor vehicle on a carriageway in such a way that no part of the vehicle is within 50 centimetres of the edge of a carriageway (in this Part, this prohibition is referred to as the “double parking prohibition”).	The phraseology of this seems too open to interpretation. Will the term “No part of the vehicle” require the enforcing officer to check multiple parts of the vehicle? Would be simpler if it referred to “the wheels”, but would still require recognition of that a vehicle parked “end-on” should not overhang the footway.	A person must not park a motor vehicle on a carriageway in such a way that; (a) in the case of a vehicle parked parallel to the edge of the carriageway, no part of the wheels of the vehicle is within 50 centimetres of the edge of a carriageway; or (b) in the case of a vehicle parked transverse, or at any angle between zero and ninety degrees, to the edge of the carriageway, that no part of the vehicle is within 50 centimetres of the edge of the carriageway, (in this Part, this prohibition is referred to as the “double parking prohibition”).
	(2)	For the purposes of the double parking prohibition, a stationary motor vehicle is parked whether or not— (a) the driver of the vehicle is in attendance at the vehicle, (b) the engine of the vehicle is running.		
	(3)	But a motor vehicle is not parked for those purposes if it is stationary— (a) due to the necessities of traffic, or	The “circumstances beyond the driver’s control” wording is too broad and would simply encourage drivers to appeal notices on these grounds. It is	But a motor vehicle is not parked for those purposes if it is stationary whilst waiting in traffic. DELETE

		(b) otherwise as a result of circumstances beyond the driver's control.	difficult to see what circumstances might <i>require</i> a driver to double park.	DELETE
	(4)	The double parking prohibition is subject to the exceptions set out in section 47.		
	(5)	In subsection (1)— “carriageway” has the meaning given by section 43(6), “edge of a carriageway” means— (a) where the edge of the carriageway is marked by a painted solid white line, the edge of the painted line furthest from the centre of the carriageway, (b) where the edge of the carriageway is not marked by a painted solid white line and is bounded by a kerb, the edge of the kerb closest to the centre of the carriageway, (c) in any other case, where the surface of the carriageway meets the verge of the carriageway, “motor vehicle” has the meaning given by section 185(1) of the Road Traffic Act 1988, except that section 189 of that Act (exception for certain pedestrian controlled vehicles and electrically assisted pedal cycles) applies as it applies for the purposes of that Act.	The definition of “edge of carriageway” is self-referencing. The definition of the term being described cannot use the term being described.	“edge of a carriageway” means— (a) where carriageway is delineated by a painted solid white line, the edge of the painted line furthest from the centre of the carriageway, (b) where there is no delineation as described in (a) and the extent of the carriageway is delineated by a kerb, the edge of the kerb closest to the centre of the carriageway, (c) in any other case, where the surface of the carriageway meets the verge of the carriageway,
47	Exceptions to parking prohibitions			
	(1)	This section sets out exceptions to the pavement parking prohibition and the double parking prohibition (referred to collectively in this section as the “parking prohibitions”).	There is a need to determine which exemptions should apply and in what circumstances.	This section sets out exceptions: (a) to the pavement parking prohibition, and (b) to the double parking prohibition (c) where both apply, they are referred to collectively in this section as the “parking prohibitions”.
			(1) There is a need to insert a new article which recognises existing restrictions. (2) Where there are, for example, existing yellow line restrictions (which may, depending on the	(2) The exemptions contained within this section do not apply – (a) where the road, or as the case may be, part of a road, is subject to a traffic order that:

		<p>wording of individual traffic orders, apply equally to the footway), the Bill should recognise that any vehicle parked will be subject to those restrictions. Otherwise, as primary legislation, the case will be made that the exemptions override local restrictions, allowing parking on the footway to take place when it is effectively prohibited or restricted on the adjacent carriageway. This would make enforcement almost impossible, creating a worsened situation for pedestrians, rather than an improved one.</p> <p>(3) Needs also to recognise that the Bill currently would allow, for example, vehicles to park on footways adjacent to pedestrian crossings, bus stops and behind parking places, and that, while local authorities might try to enforce such occurrences, there would be additionally enforcement issues in instances where the adjacent restrictions were not decriminalised.</p>	<p>(i) restricts or prohibits waiting, loading or unloading, (ii) designates a road, or part of a road, as a parking place or loading place, (b) where the road or as the case may be, part of a road, is – (i) covered by a bus stop clearway (ii) within the area covered by zig-zag markings at a pedestrian crossing</p>
(2)	<p>The parking prohibitions do not apply where the motor vehicle—</p> <p>(a) is being used— (i) for police purposes, including for the purposes of the National Crime Agency, (ii) for ambulance purposes or for the purpose of providing a response to an emergency at the request of the Scottish Ambulance Service Board, (iii) for or in connection with the exercise of any function of the Scottish Fire and Rescue Service or Her Majesty’s Coastguard, or (iv) for naval, military or air force purposes, and</p>	<p>(1) Should emergency vehicles be given the right, in law, to park at any time on any footway? Is it considered absolutely necessary, or appropriate, to provide such an exemption and to enshrine in law the right of emergency vehicles to so park? It appears unnecessary to suggest that a fire engine actively engaged in tending a fire needs legislation to allow them to double park, park on the footway or to block traffic/pedestrians. Common sense recognises that some situations are extraordinary and do not require supporting legislation. (2) It is accepted that there is a reasonable argument for double parking to be permitted, but only where the function being exercised involves an emergency situation. Providing an exemption that allows potentially large vehicles to continue damaging</p>	<p>The double parking prohibition does not apply where the motor vehicle—</p> <p>(a) is a liveried — (i) police vehicle, (ii) ambulance vehicle (iii) Scottish Fire and Rescue Service vehicle, or (iv) Coastguard vehicle, Provided that said vehicle or vehicles is materially required to be at the location at which it is double parked for the purposes of actively attending an emergency situation.</p>

		<p>footways is unreasonable and places a further burden upon local authorities in maintenance terms.</p> <p>(3) The inclusion of the SASB would appear to indicate that patient transport services would also be covered by this exemption, allowing any vehicle conveying patients to park on the footway. This should be deleted.</p> <p>(4) The provisions of this exemption do not limit the exemption to marked vehicles, referring to “police purposes” and “ambulance purposes”, for example. Without indications of entitlement, any unmarked vehicles would be subject to enforcement action, which would then be challenged. It would be preferable to adopt an approach which would allow consistent and effective enforcement actions to be made, preferably via obvious evidence as to whether a vehicle was exempt or not.</p> <p>(5) It is also unclear for what purpose an armed forces vehicle might reasonably be required to park on a footway or to double park whilst in pursuance of their duties. This should be removed.</p>	
	(b) the achievement of the purposes, or the exercise of the function, would be likely to be hindered if the vehicle were not parked on a pavement or, as the case may be, as mentioned in section 46(1).	This is not specific in terms of the functions covered, which would mean that carrying out any function is exempted. This effectively means that anyone driving an emergency services vehicle of any type may, at any time, determine that they may park on a footway or double park without fear of enforcement. The suggested rewording makes this paragraph unnecessary. This can be removed.	DELETE
(3)	The parking prohibitions do not apply where the motor vehicle—		The double parking prohibition does not apply where—
	(a) is being used for or in connection with— (i) the undertaking of works in roads, (ii) the removal of an obstruction to traffic, (iii) the collection of waste by or on behalf of a local authority,	(1) It is difficult to see why anyone undertaking works on a road should be exempt. Extremely broad, meaning that anyone fixing a street light, unblocking a gully, washing a bus shelter or repainting lining can park on a footway to do so. Also allows large vehicles to continue to damage footways.	a) the motor vehicle is a liveried vehicle: (i) engaged in the service of a roads authority and is being used for or in connection with the removal of an obstruction to traffic, (ii) employed in the service of a local authority whilst collecting waste from the roadside or from premises

	<p>(iv) postal services (within the meaning of section 125(1) of the Postal Services Act 2000),</p>	<p>(2) In terms of works in roads, it is also reasonable to expect the LA to have made sufficient arrangements in advance of any planned works that would allow for the removal of parked vehicles.</p> <p>(3) Removal of obstruction is largely similar to works in roads, although this exemption should apply to double parking.</p> <p>(4) Unclear why waste collection would need to park on a footway, or why such services should be exempted. Sensible to include an exemption for double parking, provided that they are engaged in the provision of the service for which they are employed, but should not include footway parking. Refuse vehicles are also too heavy to be allowed to park on footways without causing damage.</p> <p>(5) Postal services include any service engaged in the delivery of postal items, meaning that couriers, parcel delivery vehicles and the private vehicles used by postmen to travel to their beats would all be able to double park or park on the footway. Issue of damage to footways also applies.</p> <p>(6) The “used in connection with” wording is too broad to enable effective enforcement. It would be extremely difficult for any enforcing authority to prove that a vehicle was not being used “in connection with” an exempted action.</p> <p>(7) This clause could be seen as an encouragement to use the footway in preference to parking on the carriageway when undertaking a variety of regularly undertaken tasks.</p>	<p>adjacent to the location in which the vehicle was double parked,</p> <p>(iii) actively engaged in the provision of postal services (within the meaning of section 125(1) of the Postal Services Act 2000),</p>
	<p>(b) cannot reasonably be so used without being parked on a pavement or, as the case may be, as mentioned in section 46(1), and</p>	<p>This wording is also extremely broad, allowing the individual undertaking the double or footway parking to determine whether they could reasonably undertake the activity by parking elsewhere. This effectively negates any enforcement, as the response will always be that they could not have undertaken the task if they were parked elsewhere.</p>	<p>(b) it can be evidenced by the driver of the vehicle that the vehicle was engaged in one of the actions described in (a) and that it was necessary in pursuance of the carrying out of that action to be parked as mentioned in section 46(1), and</p>

			As the draft legislation allows for this, any contested enforcement notice would have to be cancelled.	
		(c) is so parked for no longer than is necessary for that use.	Impossible for enforcement agencies or contractors to determine whether a vehicle has been parked for “longer than is necessary”. This makes enforcement almost impossible, or negates any likelihood that any enforcement action taken would be supported. Needs a time limit that would allow observation to take place in order to determine whether or not an offence is being committed.	(c) that the vehicle is so parked for a period not exceeding 10 minutes
	(4)	In subsection (3)(a)(i), “works in roads” includes— (a) road works within the meaning given by section 107(3) of the New Roads and Street Works Act 1991, (b) works for roads purposes within the meaning given by section 145(2) of that Act, (c) major works for roads purposes with the meaning given by section 145(3) of that Act, (d) cleaning, placing, removing or adjusting by or on behalf of a roads authority (within the meaning given by section 151(1) of the Roads (Scotland) Act 1984) of any equipment or structure which is placed on or over a road.	Extremely broad. Means that anyone doing anything that could possibly be construed as involving the maintenance of the road network is exempt. The “any equipment” wording in particular allows for an extremely wide range of activities. On the basis that it is not considered appropriate for any vehicle engaged in works in roads to be exempt from the prohibitions, this clause should be deleted.	DELETE THIS CLAUSE
	(5)	The parking prohibitions do not apply where— (a) the motor vehicle is being used by a registered medical practitioner, registered nurse or registered midwife for or in connection with the provision of urgent or emergency health care,	(1) Difficult to understand which circumstances would require vehicles being used by a medical practitioner, nurse or midwife to park on the footway or double park. In the case of an emergency situation, the patient would be attended by ambulance or paramedics. Visits by doctors, nurses and midwives are more likely to be routine visits and	DELETE THIS CLAUSE

	<p>(b) the provision of the care would be likely to be hindered if the vehicle were not parked on a pavement or, as the case may be, as mentioned in section 46(1), and</p> <p>(c) the vehicle is so parked for no longer than is reasonable in connection with the provision of the care.</p>	<p>would not widely warrant exemptions of the type proposed in the draft Bill. The inclusion of such a provision would, however, allow anyone meeting the description to park on the footway or to double park if they were engaged in the provision of medical care.</p> <p>(2) Only if “the provision of the care would be likely to be hindered if the vehicle were not parked on a pavement” – LAs could not make a clinical judgement on that need, which would effectively mean that any and all medical staff would be exempt.</p> <p>(3) Many NHS (and other) workers could fall into this category and are being handed the right to park on a footway or double park, leading to the potential misuse of such an exemption.</p> <p>(4) Many such workers use unmarked vehicles, making efficient enforcement extremely difficult and potentially resulting in many contested tickets.</p> <p>(5) Should apply to neither footway or double parking.</p>	
(6)	<p>The parking prohibitions do not apply where -</p> <p>(a) the motor vehicle is, in the course of business—</p> <p>(i) being used for the purpose of delivering goods to, or collecting goods from, any premises, or</p> <p>(ii) being loaded from or unloaded to any premises,</p> <p>(b) the delivery, collection, loading or unloading cannot reasonably be carried out without the vehicle being parked on a pavement or, as the case may be, as mentioned in section 46(1), and</p>	<p>(1) Very broad. Applies to all vehicles, not just goods vehicles.</p> <p>(2) Mention of “in the course of a business”, but without any mention of a requirement to provide evidence of delivery, or any specific indication of what “in the course of a business” includes or excludes. This lack of clarity could result in many tickets being contested on the basis that the appellant argues that loading was taking place. Without a direct requirement for evidence, each ticket so contested would be cancelled.</p> <p>(3) Fundamentally, the premise that any vehicle that may or may not be loading is entitled to park on a footway or double park appears flawed. If such an exemption were to be allowed, it should apply only</p>	<p>The double parking prohibition does not apply where—</p> <p>(a) a liveried goods vehicle is—</p> <p>(i) being used for the purpose of delivering goods to, or collecting goods from, premises at or adjacent to the location where the vehicle was observed to have double parked, or</p> <p>(ii) being loaded from or unloaded to premises at or adjacent to the location where the vehicle was observed to have double parked, and</p> <p>(b) the delivery, collection, loading or unloading cannot reasonably be carried out without the vehicle being parked as mentioned in section 46(1), and</p>

		(c) the vehicle is so parked for no longer than is necessary for the delivery, collection, loading or unloading and in any event for no more than a continuous period of 20 minutes.	to liveried goods vehicles and only to double parking. (4) the “any premises” wording is also very broad and should be tightened to ensure that, for example, loading may only take place in the vicinity of the premises being delivered to.	(c) the driver of the goods vehicle can provide documentary evidence pertaining to the delivery or collection of goods at an address at or adjacent to the location in which the goods vehicle was double parked
				(d) the vehicle is so parked for no longer than is necessary for the delivery, collection, loading or unloading and in any event for no more than a continuous period of 20 minutes
	(7)	The parking prohibitions do not apply where the motor vehicle is parked wholly within a parking place that is - (a) authorised by order under section 32(1)(b) of the Road Traffic Regulation Act 1984, or (b) designated by order under section 45 of that Act.		
	(8)	The parking prohibitions do not apply where the motor vehicle is parked in accordance with permission given by a constable (within the meaning given by section 99(1) of the 10 Police and Fire Reform (Scotland) Act 2012) in uniform.	(1) With many SLAs now adopting decriminalised parking, the role of Police Scotland (and in particular when considering the general withdrawal of the traffic wardens) has diminished considerably in terms of parking enforcement. On this basis alone there would appear to be little requirement to grant this power. (2) Should there ever be a case where a Police constable would have need to require a vehicle to double park or to park on a footway? (3) What evidence would an individual have of such permission? (4) This exemption is not required.	DELETE THIS CLAUSE
	(9)	The parking prohibitions do not apply where— (a) the person has parked the motor vehicle for the purpose of saving life or responding to another similar emergency,	(1) Impossible to enforce. Provides a potential exemption for any individual. (2) LAs could not make a clinical judgement on the need for life-saving treatment. The result will simply	DELETE THIS CLAUSE

		<p>(b) the achievement of that purpose would be likely to be hindered if the vehicle were not parked on a pavement or, as the case may be, as mentioned in section 46(1), and</p> <p>(c) the vehicle is so parked for no longer than is necessary for that purpose.</p>	<p>be that any notice contested on these grounds would have to be cancelled.</p> <p>(3) Unclear why life-saving treatment by non-medical personnel would require a vehicle to be parked on the footway.</p> <p>(4) This exemption is unnecessary. In any situation where a vehicle was otherwise left in contravention of a kerbside restriction, consideration would be given if it could be shown that there were extenuating circumstances. If there were no kerbside restrictions, then there would be no reason why the vehicle could not be left at the kerbside.</p>	
(10)	<p>The parking prohibitions do not apply where—</p> <p>(a) the person has parked the motor vehicle for the purpose of providing assistance at an accident or breakdown,</p> <p>(b) the assistance could not be safely or reasonably provided if the vehicle were not parked on a pavement or, as the case may be, as mentioned in section 46(1), and</p> <p>(c) the vehicle is so parked for no longer than is necessary for that purpose.</p>	<p>(1) As in many of the previous comments, larger vehicles cause most damage to our footways. Encouraging any vehicle to use the footway is inadvisable on both safety and maintenance grounds, but encouraging potentially larger vehicles to use footways simply increases the maintenance burden on LAs.</p> <p>(2) In the case of either accident or breakdown it is unclear why there would be a need for vehicles to park on the footway. This could be seen as an encouragement to use the footway rather than to park on the carriageway. Local authorities already have the latitude to consider extenuating circumstances, meaning that a recovery vehicle parked on a footway where it might otherwise be dangerous to park on the carriageway could be considered as such. The right implied by the draft Bill means that any recovery vehicle can park on any footway at any time with impunity.</p> <p>(3) The terminology used infers that any person offering “assistance” would be exempt. Unclear what is meant by “assistance”. This clause should refer to breakdown services only. It should not be possible for any person to be able use this clause in order to attend to another vehicle.</p>	<p>The double parking prohibition does not apply where -</p> <p>(a) a liveried breakdown or recovery vehicle has been parked for the purpose of providing assistance at an accident or breakdown,</p> <p>(b) the assistance could not be safely or reasonably provided if the vehicle were not parked as mentioned in section 46(1), and</p> <p>(c) the vehicle is so parked for no longer than is necessary for that purpose.</p>	

			(4) unclear why this clause refers to "the person", when the restriction applies to the vehicle. Reword.	
	(11)	The Scottish Ministers may by regulations modify this section.		