

Footway Parking and Double Parking Bill (Scotland)

Spokes submission 6.11.15

to the Scottish Parliament Local Government Committee consultation

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Date: Fri, Nov 6, 2015 at 10:13 AM

Subject: Footway Parking and Double Parking Bill (Scotland)

To: lgr.committee@scottish.parliament.uk

Dear Sir/Madam,

please find below a submission on the Footway Parking and Double Parking Bill (Scotland) from Spokes, the Lothian Cycle Campaign.

Best wishes,

Tom Kempton

We strongly support the Footway Parking and Double Parking (Scotland) bill.

Footway parking, double parking and the blocking of dropped kerbs present a significant barrier to both walking and cycling, making both modes less convenient and more dangerous. In some of the worst cases pedestrians may be forced onto the road, wheelchairs may be blocked entirely, and cyclists may be forced out into a stream of fast-moving traffic. That the bill seeks to tackle these problems is extremely welcome.

Generally we feel there are too many exemptions from the bill. Exemptions to the proposed new restrictions need to be justified in terms of being of greater importance than the additional danger and inconvenience caused to pedestrians or cyclists. In our view several of the proposals do not meet this test. The following are some particularly clearcut cases where the bill could be strengthened, but they are far from exclusive. We urge the Committee to scrutinise every proposed exemption as to whether its benefits outweigh its disadvantages, also bearing in mind that every exemption will weaken the whole public understanding of and confidence in the new legislation.

1. Section 3 sub-section (2)b as currently worded would allow an occupier to give permission to block a dropped kerb so long as it was adjacent to their property. We would like the wording to be tightened to be clear that the exemption only applies to dropped kerbs which provide access exclusively to the occupiers residence. This would prevent a resident blocking a dropped kerb that happened to be adjacent to their property but had no relationship to property access. It would also prevent one resident having the right to block access for all others where there is communal access.

2. Section 3 sub-section (2)diii needs to be clear that “necessary” is for the purposes of delivery and collection only. It is not acceptable for other business that could be done in addition to delivery or collection. Perhaps this would be achieved if the wording was - “.. than is necessary to move goods to or from the vehicle only and for no more than 20 minutes “. This will be helpful for enforcement as there should be continuous activity around the vehicle.

3. Section 3 sub-section (2)e and its sub clauses. We think the exemptions (as appropriate) should only apply for the purposes of loading and unloading and not as a form of parking. So the exception would allow a builder or utility company to block a dropped kerb, where there was no reasonable alternative, only for the purposes of setting down or picking up materials, equipment and related waste. It would not enable parking by builders and utilities vehicles. As in B above enforcers would be able to see continuous activity at the vehicle.

4. In section 4, subsection 2 part c it would be better to define the 'reasonable' conditions under which delivery vehicles are exempted from the prohibition on double parking. Would it be unreasonable to expect a delivery person to carry a load for twenty metres rather than double parking directly outside a house? We worry that the ambiguity in this exemption may in fact legalise double parking for deliveries.

5. In section 4, subsection 2 part c 'delivery vehicles' should be replaced with 'vehicles making deliveries to non-business customers', or some such wording. We do not think it appropriate that vehicles making regular deliveries to shops should be exempted from the prohibition on double parking.

6. When it is written 'a vehicle must not be parked on the footway', we take this to mean 'no part of a vehicle must be parked on a footway', this is clearly the intention of the bill but we hope the committee will make certain that the bill covers the cases where only part of a vehicle is on the footway.

Finally, with regards to enforcement of the bill, we would like to see a scheme of escalating fines for persistent corporate offenders. For many businesses the cost of occasional fines for antisocial parking is small, and considered a cost of doing business. We hope that by escalating fines for businesses who repeatedly violate parking laws, this could be stamped out. If this bill is not the best place for such a provision to be made, then we urge the Scottish Government nevertheless to amend other legislation to provide for this.