Police Scotland key messages:

- Road Safety is a key strategic priority for Police Scotland
- Indiscriminate, obstructive or dangerous parking increases risk for all road users, particularly pedestrians and pedal cyclists
- Police Scotland seeks to improve road safety via education and enforcement
- Police Scotland will support Local Authorities who have adopted decriminalised parking enforcement (DPE) whilst maintaining responsibility for parking enforcement in the remaining areas
- Police Scotland supports the introduction of the Footway Parking and Double Parking (Scotland) Bill

Indiscriminate, obstructive or dangerous parking can present an increased risk to the safety and wellbeing of all road users, including pedestrians and pedal cyclists who are clearly more vulnerable. In addition, it can prevent the passage of both pedestrian and vehicular traffic and impede traffic flows. In some circumstances such behaviour can cause blight on local communities and impede the movement of emergency vehicles, such as fire tenders or ambulances, which are attending calls.

Road safety is a key strategic priority for Police Scotland and where such driver behaviour affects the safety and wellbeing of communities then Police Scotland will seek to address it. In many areas Local Authorities have the power to deal with parking offences having adopted decriminalised parking enforcement (DPE) and Police Scotland recognises the importance of this Bill in providing a clear legal framework for dealing with offences that constitute an obstruction and extending these powers to Local Authorities.

The Bill seeks to prohibit parking on any footway or on a road adjacent to a dropped footpath/kerb (or footpath where the road has been raised to meet the height of the kerb) and double parking (where no part of the vehicle is within 50 cm of the edge of the road) on all public roads in built up areas in Scotland.

The proposed legislation has been structured to cover a weakness in legislation with regard to parking infringements that may constitute an obstruction to the free passage of pedestrian or vehicular traffic and thus present a risk to road safety and community wellbeing. The legislation can be used by both Police and Local Authority appointed employees in areas which have adopted decriminalised parking enforcement (DPE).

The sections which cover the prohibition of parking on footways and the prohibition of parking at dropped footways are adequately structured. They provide exceptions for emergency services vehicles, vehicles authorised to use specified disabled parking spaces and a range of delivery/utility service vehicles where parking does not exceed 20 minutes. This exemption provides flexibility in law for busier streets whereby such parking is necessary to allow business/services to be conducted.

The above sections support road safety by ensuring pavements are kept clear to allow unrestricted access to pedestrians, including those using wheelchairs/mobility
scooters, pushing prams etc. which would otherwise be forced to step onto the roadway to negotiate indiscriminately parked vehicles.

The section entitled prohibition of double parking is well-intentioned and provides Police and Local Authorities, where appropriate, powers for dealing with such circumstances. The Police currently have powers to deal with offences that constitute an obstruction under the Road Vehicles (Construction and Use Regulations) 1986, regulation 103, and the Roads (Scotland) Act 1984, section 129, as well as associated powers to remove vehicles. There is, however, no statutory definition of what constitutes an obstruction and reliance is placed upon the opinion of the police officer dealing with any such incident. In addition, these powers do not extend to Local Authorities.

The Bill makes clear provision for legislation to tackle an issue that can be a problem for local communities and can impede the passage of emergency vehicles such as fire tenders or ambulances.

In respect of the exceptions contained within this part of the Bill the following observation is made:
Section 4 (2)(d) of the proposed Act provides exceptions for vehicles being used in connection with:
(i) undertaking any building operation, demolition or excavation,
(iv) undertaking works in relation to a road, a traffic sign or road lighting, or
(v) undertaking works in relation to a sewer or water main, or in relation to the supply of gas, electricity, water or communications services.

Whilst the legislation qualifies that the above vehicles are ‘parked for no longer than is necessary’, this could be open to interpretation and therefore abuse by drivers. It is felt that these circumstances are more likely to result in longer term obstructions to the carriageway and should therefore require appropriate traffic management arrangements during any works, with the agreement of the Local Authority.

The introduction of a phrase which allows for limited double parking in circumstances which may be interpreted as ‘emergency’ utility works or repairs could be inserted here. This would qualify the necessary exception for such vehicles to double park where necessary to affect emergency repairs and circumvent any dubiety over what is regarded as ‘no longer than is necessary.’

Police Scotland agrees with the comments contained within the Financial Memorandum that the financial and cost implications for the Force will be low and likely to reduce over time.

There is also recognition, as quoted by Living Streets, that enforcement of parking offences by Police Scotland would be low and either conducted alongside daily business or during bespoke operations to address significant problems. This is an accurate reflection of policing priorities but where parking issues of this nature are a significant problem and pose a risk to the safety and wellbeing of local communities then this would be addressed. The new legislation provides both Police Scotland and Local Authorities, where appropriate, with the necessary legislation to take action, supporting local community concerns and addressing road safety issues.