



## **Consultation on Scotland's Pavement Parking Prohibitions**

### **Response from Living Streets Scotland**

**To: [roadpolicy@transport.gov.scot](mailto:roadpolicy@transport.gov.scot)**

**28<sup>th</sup> July 2023**

#### **Introduction**

Living Street Scotland is part of the UK charity for everyday walking and has been so since 1929 when it was first founded as the Pedestrians' Association. We want to see a Scotland where all generations benefit from streets fit for walking.

#### **Summary**

Living Streets is keen to see the commencement of the parking restrictions in the Transport (Scotland) Act 2019 with effective and well enforced regulations as soon as practical. This will result in a pedestrian network which enables everyone to walk and wheel daily journeys. Ending pavement parking and parking over drop kerbs will reduce obstructions and footway damage which particularly affect disabled and older people and children. This means that Scotland will have pavements which are reliably and safely usable for everyone including the most vulnerable pedestrians. Our response therefore focuses on achieving regulation and enforcement that is most likely to achieve these objectives.

In general, we would welcome a clearer idea of what the enforcement of these regulations would look like in practice. Further clarity is needed around possible enforcement options in local authorities that do and do not have decriminalised parking enforcement.

We would like to see provision for monitoring and learning from regulation and enforcement. This would include disaggregated data gathering across the newly created offences (footway parking,

The Melting Pot, 15 Calton Road, Edinburgh, EH8 8DL

0131 243 2645 [scotland@livingstreets.org.uk](mailto:scotland@livingstreets.org.uk) [livingstreets.org.uk](http://livingstreets.org.uk)

drop kerb parking and double parking); mechanisms for sharing best practice across local authorities; an ongoing review process at national level.

We have concerns about the limited scope of the monitoring proposals and would welcome proposals for the use of cameras and other technology to monitor streets and enforce for parking offences. This includes the ability of the public to upload photos in a manner that would allow enforcement. Progress in these areas is critical and proposals, with timelines need to be forthcoming.

In general, we agree with the proposals in this consultation paper, with the exceptions of the following questions:

**6.** We are concerned that a reduced fine for those who can pay within two weeks is effectively a subsidy for drivers on higher incomes who have a more flexible budget across such a short period of time. Functionally lower fines for better-off drivers would not appear to be an effective deterrent, or a just way to treat offenders. This also has significant equality implications, given people in many protected groups (women, both younger and older and disabled people) have lower disposable incomes ability to pay. We suggest organising a payment plan within two weeks is a fairer measure.

**7.** Noting our response to question 6, it seems appropriate for the fines for the new offences to be on the same scale as existing penalty charges. However, we believe these levels are no longer a sufficient deterrent, and historically low failing to reflect inflation.

**11.** Yes, though we would like clarity that data will be disaggregated across the three offences for monitoring purposes.

**12.** We do not agree that surplus from fines levied for blocking and damaging pedestrian infrastructure should be spent on providing parking infrastructure for cars. Surplus income should be used to maintain footways and accessibility ahead of any other purpose.

Finally, we have concerns about the level of awareness and visibility of the upcoming enforcement of the 2019 Act provisions. We know a broad, clear and well-advertised campaign rather than “piecemeal” enforcement is most effective in changing driver behaviour (e.g. Jepson et al 2022), and we have concerns that there may not now be time to create the circumstances for this change before the beginning of 2024.

## **Conclusion**

Living Streets welcomes the proposals for enforcement of the pavement parking prohibitions, and we agree with most of the proposals. We note wider policy issues about fine levels, equity and effective camera enforcement that remain unresolved. We have concerns that there may not be consistent or sufficient enforcement across Scotland. Further clarity about this, as well as about monitoring and the sharing of data and best practice is urgently needed. We also have fears that behaviour change and promotion initiatives may not be available in time to meet the proposed timetable. Living Streets would welcome further opportunities to work with the Scottish Government to ensure this national legislation is delivered effectively at a local level. There is significant public expectation about the impact of these changes, especially amongst disabled people. Failure of promotion and enforcement is therefore a massive risk, which this consultation only partially addresses.

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## **Reference**

[Jepson, Ruth, et al. "Developing and implementing 20-mph speed limits in Edinburgh and Belfast: mixed-methods study." *Public Health Research* (2022).]

**Kate Joester**

**Policy and Influencing Coordinator**

**[kate.joester@livingstreets.org.uk](mailto:kate.joester@livingstreets.org.uk)**

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## Annex A – Consultation Responses Respondent Information Form

Are you responding as an individual or on behalf of an organisation?

Individual

Organisation

Your full name or the organisation's name

Living Streets Scotland

Phone Number

0131 243 2646

Address

The Melting Pot 15 Calton Road Edinburgh Scotland

Postcode

EH8 8DL

Email

kate.joester@livingstreets.org.uk

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

Publish response without name (Please note this does not apply to organisations)

The Melting Pot, 15 Calton Road, Edinburgh, EH8 8DL

0131 243 2645 scotland@livingstreets.org.uk livingstreets.org.uk

Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss.

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