

## RNIB Scotland Response to Transport Scotland: “Scotland’s Pavement Parking Prohibitions - Consultation on Enforcement Regulations for Local Authorities”

### Introduction

The Royal National Institute of Blind People (RNIB) Scotland is the country’s leading charity working with blind and partially sighted people. We support children and adults with sight loss and help them to live full and independent lives, campaigning for their rights.

RNIB Scotland responded to earlier consultations on pavement parking. We strongly supported the bans on parking on pavements, parking at dropped kerbs and double parking introduced by the Transport Act (Scotland) 2019 and look forward to their implementation.

We now welcome the opportunity to respond to the Transport Scotland “Scotland’s Pavement Parking Prohibitions - Consultation on Enforcement Regulations for Local Authorities.”

People with sight loss face daily challenges getting around their local area.

Parking on pavements, at dropped kerbs and/or double parking is problematic. Blind and partially sighted people have told us of experiencing ongoing nuisance from parked vehicles and other unnecessary obstacles on and across footways. It can be difficult to find a space to cross because of parked cars. Where pavements are narrow, any cars parked on the pavements leave little room to get around and people may have to go on to the road to get around a parked car. This poses clear dangers not solely for people who are sight impaired, but for older people, people with pushchairs and walking toddlers, wheelchair users, mobility scooter users and other people with mobility and cognitive impairments.

### Consultation Questions

The current consultation focuses on the process that will allow local authorities to enforce the new parking prohibitions, namely the national prohibitions on Pavement Parking, Dropped Kerb Parking & Double Parking, including the use of Penalty Charge Notices (PCNs).

Whilst the rationale for this is to enable local authorities to enforce the pavement parking prohibitions from around December 2023, we have some concerns around lack of detail and clarity.

Part 6 of the Transport Scotland (Act) (Scotland) 2019 [[1]](#footnote-1) Parking Prohibitions details further enforcement methods. Yet there is no certainty on how local authorities can use these provisions, specifically in relation to 60. Power to install approved devices. This section relates back to:

“59. Enforcement of parking prohibition (2)Regulations under subsection (1) may, in particular, make provision for or about—

(a)the approval by the Scottish Ministers of devices to be used in connection with the detection of a contravention of a prohibition.” [[2]](#footnote-2)

Whilst we recognise that each local authority requires a degree of autonomy to enforce provisions, and that there is a need to react based on the specific use of local streets, we are concerned about the lack of detail in this area. For example, for local authorities without traffic wardens or enforcement officers, it is not clear how parking contraventions could be identified and enforced without the installation of “approved devices”. However, we do understand there may be other considerations relating to the use of approved devices at this time.

We have confined our response to two areas:

1. Accounts for a parking prohibition convention (Questions 11 and 13); and
2. Use of any surplus made by local authorities for the enforcement of the parking prohibitions (Question 12).

### Accounts for a parking prohibition convention (Questions 11 and 13)

### Question 11: Do you agree or disagree that local authorities should be required to keep accounts for a parking prohibition contravention, similar to the process, detailed above?

Yes – we agree that local authorities should be required to keep accounts for parking prohibition contraventions detailed in the legislation.

However, further guidance on how local authorities will monitor the use of PCNs may be necessary. For instance, it may be helpful to include clear categorisation codes for each of the contraventions as laid out below:

* the pavement parking prohibition,
* the double-parking prohibition, or
* the dropped footway parking prohibition.

Whilst we acknowledge some local authorities in Scotland operate different regimes to enforce their own parking policies, there would be value in ensuring information is collected consistently across Scotland from the date of implementation of the pavement parking ban.

Additional guidance on data collection could help build an accurate and reliable picture of how the ban is operating in various parts of the country, whether PCNs are an effective method of enforcement and what other resources or methods may be effective. This may also help local authorities who do not have Decriminalised Parking Enforcement (DPE) [[3]](#footnote-3) powers, as it is unlikely local police forces will have the resources to enforce contraventions.

Such guidance would help to ensure that data gathered and stored by each local authority, is consistent. In the medium to long term this would also help build a clear picture of what is happening across Scotland, as well as allowing data comparison across different local authorities.

### Question 13: Do you agree or disagree that local authorities should be required to submit their accounts in relation to the enforcement of the parking prohibitions, similar to the process, detailed above?

The current consultation document states:

“At present, local authorities are required to keep accounts for parking prohibition contraventions, and reporting mechanisms come in the form of submitted accounts based on the number of PCNs issued per year.”

RNIB Scotland agrees that local authorities should be required to submit their accounts in relation to the enforcement of the parking provisions. However, we wish to raise further issues on reporting and monitoring.

It is unclear whether the number of PCNs issued and settled across each local authority will be a reliable indicator of how effectively the pavement parking ban has been enforced or whether issuing PCNs has reduced pavement parking in problem areas.

If the submission of accounts from each local authority takes place on various dates, this could build in data discrepancies as well as delays should any monitoring at a national level take place. An agreed annual submission date could overcome this.

Focussing solely on PCN figures may also make it difficult to share expertise when it comes to gathering useful information on how each local authority differs in its approach to enforcing the ban across Scotland, particularly in the initial stages.

Whilst each local authority will be able to use its own discretion and there is reasoning behind not issuing prescriptive terms and methods at this time, we are disappointed that other implementation measures such as public information campaigns, signs, painted white lines, and other notices do not feature in the consultation paper. This is a cause for concern, especially as public engagement and buy-in will be critical when the ban comes into force.

We acknowledge that detail on other compliance and enforcement measures may come in later in the process of implementing the parking prohibitions. However, we urge Transport Scotland/Scottish Government to develop protocols so that local authorities not only report on the number of PCNs issued, but also closely monitor what methods are most effective at enforcing and implementing parking prohibitions. This will also help shape and inform best practice which can be shared across local authorities and build awareness amongst the public.

### Use of any surplus made by local authorities for the enforcement of the parking prohibitions (Question 12)

### Question 12: Do you agree or disagree that any surplus made by local authorities for the enforcement of the parking prohibitions should be ring-fenced and used for certain transport-related purposes, similar to the process detailed above?

The current consultation paper states that:

“Similarly, to that of a DPE regime, we would expect that the ongoing enforcement of the parking prohibitions should insofar as possible be self-financing. In relation to a DPE regime, Section 55 of the Road Traffic Regulation Act 1984 requires that any surplus may only be used for certain transport-related purposes including; the provision and maintenance of off-street parking or, where the local authority consider that further provision of off-street parking is not necessary or desirable, the provision or operation of (or facilities for) public passenger transport services; or for road improvement projects in the local authority area.”

RNIB Scotland agrees with this approach.

Given the damage which pavement parking can cause to footways, we would like to see any surplus prioritised for pavement upgrades, improvements, and repairs to surfaces. Blind and partially sighted people, including other disabled people rely on well-maintained pavements to make independent walking journeys. This benefits everyone and can lead to increased levels of walking, particularly when required on key routes to services, shops and other essential amenities.

Other footway improvements such as increasing the width of pavements, installing tactile paving, using detectable kerbs and ensuring there is separation of the footway between cycle-lanes and the carriageway are also crucial for people with sight loss.

### For further information please contact:

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1. [Transport (Scotland) Act 2019 (legislation.gov.uk)](https://www.legislation.gov.uk/asp/2019/17/contents/enacted) [↑](#footnote-ref-1)
2. Ibid. [↑](#footnote-ref-2)
3. In areas where local authorities have DPE powers, certain specified statutory traffic offences cease to be criminal offences enforced by the police, and instead become civil penalties enforced by the local authorities. DPE is a regime which enables a local authority to enforce its own parking policies, including the issuing of PCNs to motorists. [↑](#footnote-ref-3)