

Council to take action on illegal parking



Following a move by Green Group transport spokesman, Nigel Bagshaw, the council is to look at new ways of controlling parking in the city. Their angle is very much one of looking at how to enforce the yellow and red line zones around the city, but this is just one of the ways that irresponsible and illegal parking is being addressed, by the council and both Holyrood and Westminster governments.

In relation to the council measures, a report will be produced early next year by council officers on ways that the council can use its enforcement powers against offenders.



Cllr Nigel Bagshaw

Councillor Bagshaw said: “I wanted to bring illegal parking to committee because I shared many residents’ frustration at seeing a minority of drivers flout the rules, obscuring road visibility, obstructing older people and babies in pushchairs and damaging pavements and kerbs. There are already powers to deal with these breaches so I am asking officers to advise us on what more needs to be done to enforce them properly.

“I’m grateful to committee members for backing my suggestion and look forward to seeing wayward drivers held to account in the future.”

Drivers are guided by the Highway Code which has a wealth of advice [here](#). You are advised not to park on yellow lines or on school entrance markings for example and you are asked not to park against the traffic flow or too far away from the pavement.

But advice on parking on pavements is only applicable for London streets. The Highway Code says: "You MUST NOT park partially or wholly on the pavement in London, and should not do so elsewhere unless signs permit it. Parking on the pavement can obstruct and seriously inconvenience pedestrians, people in wheelchairs or with visual impairments and people with prams or pushchairs."

Parking for goods vehicles on pavements is apparently allowed by the Highway Code and Road Traffic legislation where it is essential for loading and unloading.

Part of the problem with vehicles (particularly goods vehicles) parking on pavements is the resultant cost to the council in repairing the pavements. The council's budget for repairing roads and pavements in the current financial year is estimated at £16m.

The Green Group motion which was approved by the Transport and Environment Committee at their meeting earlier today read :

Illegal Parking – Motion by Councillor Bagshaw "Committee:

- 1. Recognises that illegal parking (on double and single red and yellow lines) poses a significant problem in that it:*
 - – obstructs those with limited mobility, people with buggies and the disabled*
 - – increases risks to the safety of pedestrians, and in particular children, by forcing them into the road;*
 - – impedes and endangers cyclists;*
 - – impedes the flow of public transport; and*
 - – causes expensive damage to footways.*
- 2. Further recognises that despite the action currently taken the problem persists.*
- 3. Acknowledges that City of Edinburgh Council does have*

the powers to enforce the regulations concerning this kind of illegal parking.

- 4. Therefore instructs officers to produce a report, within two cycles, to establish why this type of illegal parking continues to exist in the city and to investigate what measures and incentives can be adopted to ensure better enforcement of existing regulations."*

If you park on yellow or red lines here in Edinburgh then you are likely to have your vehicle removed to the pound. If it is, then you have to pay £150 to have the vehicle released plus a parking ticket of £30 (which increases after 14 days) and a daily storage fee of £20.

The council employs NSL to enforce parking restrictions in the city and last year 2,696 vehicles were removed which earned over £400,000 for the council. The cost of employing NSL was £6.2m in 2013-14 but this is more than paid for from the income received from parking tickets, bus lane notices, parking permits and Pay and Display parking revenue.



The Scottish Government had proposed a bill to deal with enforcement of Responsible Parking on its books although it was withdrawn. This takes a slightly different approach from the council one, but nonetheless the intention is similar. The bill was launched by [SNP MSP Joe FitzPatrick](#) who explained at the launch of his bill in 2012 that it would help blind, disabled and those with prams if motorists did not park on pavements. The difficulty in passing such a bill is that there is a question mark over the Scottish Government's powers to do so rather than any difficulty with the premise on which the bill is drafted.

Edinburgh's Worst Drivers has an article about the problems which the Scottish Parliament had in that regard. You can read that [here](#).

The Edinburgh Reporter spoke to Mr FitzPatrick at the launch of the bill in March 2012 along with Keith Irving of the charity Living Streets which describes itself as the body which stands up for pedestrians. You can listen here to the reasons given for the proposed bill :

[listen to 'Launch of Responsible Parking Bill' on audioBoom](#)

Living Streets has kept their readers up to date on the passage of the bill but the latest news on their site is just a little out of date. Their website says: "The powers of the Scottish Parliament to legislate on parking enforcement have been disputed. The Responsible Parking Alliance believes that the powers already rest with the Scottish Parliament and is assisting Sandra White MSP to draft a bill that will be both competent and effective.

In addition Mark Lazarowicz MP proposed a Private Members' Bill in Westminster which aims to make it clear that the Scottish Parliament has powers to pass laws on this issue – the second reading was held on September 5 2014."

The Private Members' Bill was indeed debated in the House of Commons at the beginning of September and resulted in a commitment from the UK Government to broker discussions, and if necessary bring forward an Order under the Scotland Act, to ensure that the Scottish Parliament can legislate to tackle obstructive parking.<

You can see details of Mark's Bill [here](#) and Mark's speech in the debate [here](#).

Mark said: "This Bill would ensure that the Scottish Parliament has the power to act to tackle irresponsible parking which can be not just a nuisance but a real danger in

the case of the elderly, children and people who may be visually impaired or disabled in some other way.

“There has been uncertainty over whether the Scottish Parliament has the power to legislate in this area and this Bill would cut through that by ensuring that it is devolved once and for all.

“It is devolving a practical power to tackle a public nuisance which can make people’s lives a misery and illustrates the way that devolution is a continuing process.”

The bill aimed to cut through a deadlock in the Scottish Parliament which delayed the proposed Bill from Sandra White MSP because of legal uncertainty as to whether the Scottish Parliament has the power to legislate in this area.

The commitment was made in a letter from Scotland Office Minister David Mundell, following the debate. You can find the letter [here](#).

The outcome behind all of these moves should be a beneficial one, to stop people parking illegally or irresponsibly across the whole city, making it easier in particular for pedestrians.