

Our Ref: IM-FOI-2015-1179



Sir Stephen House QPM
Chief Constable

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

In relation to police action with regards to drivers driving on pavements and parking on pavements within the Perth & Kinross Council area;

**What is the Police Policy on the above crimes?
Do they enforce a ban as outlined in the Highway Code?
What is the conviction rate for Driving On The Pavement?
What is the conviction rate for Parking On The Pavement?**

In addition to above I note that Perth Police are to respond to requests to take action on the above problems at Bridgend, Gannoch & Kinnoull Perth on behalf of the Community Council. Quote "Our community police constables are going to be keeping an eye on pavement driving and parking and speak to vehicle owners in the first instance". Can the above policy be extended to the Western Edge Area of Perth

Having considered your request in terms of the above Act, I would first of all advise you that Police Scotland in Perth & Kinross seek to educate motorists who park their vehicles inconsiderately on pavements causing annoyance to other road users and residents.

Like many other towns and cities across Scotland, housing areas were built when very few people had cars let alone the two or three that many families have today.

We continue to work with the local authority to reduce the impact of vehicular congestion and enforcement is generally used as a last resort and in a proportionate manner.

Driving on a footway/ footpath is a criminal offence as set out in section 129(5) Roads (Scotland) Act 1984.

Having carried out some research for the Perth and Kinross area, I can advise you that since January 2010 there has been just one report submitted to the Procurator Fiscal in respect of this legislation.

As to whether or not anyone was convicted, I would advise you that, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

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You may wish to contact the Scottish Courts Service in this regard.

Parking on a footway/ footpath is covered by the following legislation which **may** apply, depending on the exact circumstances of the case:

- Section 19(1) of the Road Traffic Act 1988 - Parking heavy commercial vehicle on verge/footway
- Section 42(a) of the Road Traffic Act 1988 and Regulation 103 of the Road Vehicles (Construction & Use) Regulations 1986 - Vehicle causing unnecessary obstruction
- Section 22 of the Road Traffic Act 1988 - Leaving vehicle in dangerous position

The legislation however also applies to other circumstances where vehicles are causing an obstruction or danger.

Having carried out some research for the Perth and Kinross area, I can advise you that since January 2010 there has been just one report submitted to the Procurator Fiscal in respect of these pieces of legislation where the charge wording specifically refers to the vehicle as being 'on the pavement'.

Again, with regard to whether or not anyone was convicted, I would advise you that, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland.

Should you require any further assistance concerning this matter please contact me directly on 01382 596657 quoting the reference number given.

If you are not satisfied with the way in which your request has been dealt with, you are entitled in the first instance, and within 40 working days of receiving this response, to request a review of the decision. Should you wish to do so, contact details are; FOI Central Processing Unit, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH - foi@scotland.pnn.police.uk

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Scottish Information Commissioner within six months for a decision. Contact details are; Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS - enquiries@itspublicknowledge.info

Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

Yours sincerely,

Claire Sturrock
Information Management