

Transport and Environment Committee

10.00 hrs, Tuesday, 14 January 2014

Issues Arising from Cycling on City Centre Pavements

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| Item number | 7.5 |
| Report number | |
| Wards | All |

Links

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|--------------------------|--|
| Coalition pledges | P34 , P43 and P50 . |
| Council outcomes | CO5 , CO18 , CO19 and CO22 . |
| Single Outcome Agreement | SO1 , SO2 , SO3 and SO4 . |

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Executive summary

Issues Arising from Cycling on City Centre Pavements

Summary

At its meeting on 5 September 2013 the Petitions Committee referred a petition, entitled 'Ban cycling on City Centre pavements by cyclists over 12 years', to the Transport and Infrastructure Committee.

This report covers the Council's response to the petition and actions proposed to address the issues raised.

Recommendations

It is recommended that the Committee:

- 1 notes the actions being taken by the Council and Police Scotland to discourage cycling on footways;
- 2 notes that the Council supports the promotion of messages encouraging mutual respect between road/path users; and
- 3 advises the Petitions Committee of the decision of the Transport and Environment Committee and to note that an update will be provided in the Petitions Committee Business Bulletin.

Measures of success

A reduction in the number of complaints about cyclists using footways illegally. This can be monitored through the Council's Authorities Public Protection database.

Financial impact

There are no new proposals in this report and there will therefore be no net financial impact resulting from it.

Equalities impact

An Equalities and Rights Impact Assessment (ERIA) was performed on the Council's policies to tackle footway cycling.

Sustainability impact

There are no impacts on carbon, adaptation to climate change and sustainable development arising directly from this report.

Consultation and engagement

As no new proposals are contained within this report no consultation/engagement has been undertaken regarding it.

Background reading/external references

[Minutes of 5 September 2013 Petitions Committee meeting](#)

[Active Travel Action Plan \(September 2010\)](#)

[Active Travel Action Plan – Two Year Review: Report to 27 August 2013 Transport & Environment Committee](#)

Issues Arising from Cycling on City Centre Pavements

1. Background

1.1 At its meeting on 5 September 2013, the Petitions Committee received a valid petition entitled 'Ban cycling on City Centre pavements by cyclists over 12 years' (see Appendix 1). This was submitted by an Edinburgh business and signed by 26 businesses and 38 individuals.

1.2 The petitioner (Alison Adamson-Ross) attended the Committee and the following comments were noted:

Alison Adamson-Ross advised that there had been a number of near misses involving pedestrian and cyclists and added that there was no reason why somebody over the age of 12 years would need to cycle on city centre footpaths.

There have been numerous occasions when she had felt compelled to apologise to visitors to the city due to the number of cyclists using footpaths. The tram works in the city centre had added to this problem.

The Petitioner felt that cyclists who persisted in using footpaths were guilty of anti-social behaviour and were endangering the public by their reckless behaviour. The Petitioner felt the means to tackle such behaviour was not by signs or by issuing warnings but by enforcement action by either the City of Edinburgh Council or by Police Scotland.

1.3 Following discussion the Committee subsequently made the following decisions:

- 1) To refer the Petition to the Transport and Environment Committee.
- 2) To note that the Director of Services for Communities would investigate the possibility of including the promotion of cyclist/pedestrian safety within the Active Travel Action Plan and Road Safety Action Plan.
- 3) To note the discussions on the possibility of holding a city-wide initiative in response to the issues in the petition.

- 4) To note that Police Scotland would provide statistics on the number of and location of pedestrian/cyclist collisions and the number of fixed penalty notices issued for cycling on the footpath to the City of Edinburgh Council. [These have subsequently been provided and have been incorporated into this report.]
- 5) To ask that the issue of footpath cycling and its consequences be discussed further at Tactical and Co-ordination Groups (TAC) of Neighbourhood Partnerships and that an update be provided to the Petitions Committee within 12 months on any actions that had been taken.

1.4 This report therefore covers the Council's response to the issues raised by the petition.

2. Main report

Legal situation

2.1 It is illegal for all cyclists (regardless of age) to cycle on footways (commonly referred to as 'pavements') in Scotland under Section 129(5) of the Roads (Scotland) Act 1984. This includes cyclists under the age of 12 years. The only exceptions to this law are:

- 1 where a footway has been legally redetermined for shared use (pedestrians and cyclists) and is signed as such; and
- 2 where a cyclist is crossing a footway to reach a cycle path or private access (eg from a carriageway).

Enforcement

2.2 The legal power to enforce road traffic offences is invested in Police Scotland. Thus, the Council has no legal right to enforce any form of penalty on cyclists breaking the provisions of the Roads (Scotland) Act 1984 by cycling on footways.

2.3 Police Scotland has indicated that cyclists on footways can be issued with a Fixed Penalty Notice (FPN), which includes a fine, for the offence. The cyclist would not have to accept the FPN but in this scenario a police report would be sent to the Procurator Fiscal. Police Scotland has confirmed that in the 12 months preceding October 2013, three FPNs were issued to cyclists on footways in the Edinburgh area.

Safety

- 2.4 An analysis of personal injury accidents recorded by the Police for the period 2006-2010 provided the following numbers for pedestrians injured by vehicles (including cyclists) in Edinburgh:

Table 1: Pedestrian injury accidents on footways only (2006-2010)

| | No. pedestrian injury accidents | | | |
|--------------|---------------------------------|---------------|---------|-------|
| Vehicle Type | Car/Taxi | Goods vehicle | Cyclist | Total |
| No. | 18 | 2 | 0 | 20 |

Table 2: Pedestrian injury accidents on roads/footways (2006-2010)

| Vehicle type | Fatal | Serious | Slight | Total | % |
|-------------------|-----------|------------|-------------|-------------|-------------|
| Car/Taxi | 23 | 375 | 1486 | 1884 | 73.7 |
| Bus/Coach/Minibus | 3 | 60 | 261 | 324 | 12.7 |
| Goods vehicle | 5 | 52 | 187 | 244 | 9.5 |
| M/cycle/Moped | 2 | 15 | 48 | 65 | 2.5 |
| Other | 1 | 4 | 36 | 41 | 1.6 |
| Pedal cycle | 0 | 6 | 28 | 34 | 1.3 |
| Total | 34 | 506 | 2018 | 2558 | 100 |

- 2.5 It should be noted that slight injury road accidents are significantly under-reported due to their nature and these are the type most likely to occur between cyclists and pedestrians but it is not possible to quantify this.
- 2.6 In spite of the above statistics, it is recognised that many pedestrians find cycling on footways an annoyance and a potential threat to their wellbeing (particularly for vulnerable people such as the older age groups).
- 2.7 It is therefore proposed that this issue is treated primarily as anti-social behaviour and responses to the problem developed accordingly. This also reflects the petitioner's views (see Paragraph 1.2).

Education

- 2.8 In response to complaints about footway cycling received by the Council and the Police, the two bodies have been working together to deliver localised education campaigns. These have included the use of chalk 'no cycling' stencils, 'No cycling on pavements' temporary signs and the Police stopping cyclists to offer advice. These campaigns appear to have had varied success – some New Town residents who had been complaining about footway cycling were reported to be very happy with the action being taken. However, some criticism was made by cyclists about the use of the signs/stencils at inappropriate locations and these comments have been taken on board for future campaigns.
- 2.9 Cycling Scotland has recently launched a campaign aiming to encourage mutual respect between motorists and cyclists called the 'Nice Way Code' which includes a message discouraging footway cycling. The campaign messages were distributed via a variety of means (TV adverts, newspaper adverts, bus backs, etc). The underlying message of mutual respect between different road/path users is one which the Council is keen to promote.
- 2.10 The Council provides cycle training for many pupils in the city and teaches them how to cycle safely on roads. This training gives them the confidence and skills to cycle on quieter streets and informs them that it is illegal to cycle on footways, even for those under 12 years of age.

Promotion of cyclist/pedestrian safety

- 2.11 The Council is currently developing a marketing strategy for the promotion of walking and cycling as part of the Active Travel Action Plan. This strategy will develop campaigns to promote walking and cycling and responsible behaviour and use of off-road paths and shared footways.
- 2.12 The Council will also build on the previous work done to discourage footway and inconsiderate cycling and to coordinate a city-wide approach in partnership with Police Scotland. This could include the further use of chalk, 'no cycling', stencils and patrols to educate cyclists at locations of particular concern.

City wide initiative

- 2.13 The issue of cycling on footways appears to be more of a priority in some areas of the city than in others. The Council's Community Safety Teams are also organised at a Neighbourhood Team level and so it is recommended that initiatives to tackle footway cycling are developed and delivered at a local level. To help facilitate this, complaints about footway cycling will be logged by the Authorities Public Protection database that records all complaints to the Council about criminal behaviour. Reports from this database will inform the Tactical and Coordination Groups of the Neighbourhood Partnerships and the priorities that they set. Community Safety Sub Groups may also identify this issue as a priority for their community.
- 2.14 City-wide experience of campaigns to tackle footway cycling can be shared via Quality Action Groups that consist of Community Safety Team Leaders from the Neighbourhood Team areas.

Physical infrastructure

- 2.15 The Council is working to deliver improved physical infrastructure for cyclists through its Active Travel Action Plan (2010-2020). This includes measures to improve existing on-road provision as well as the development of a city-wide 'family-friendly' network of cycle routes suitable for all.
- 2.16 Where particular problem locations for footway cycling are identified, the Council will investigate whether physical measures can be introduced to better cater for cyclists.
- 2.17 Where footways are widened and converted to permit shared use with cyclists, the Council will ensure that their extents are clearly demarcated. The Council will also re-visit existing facilities and undertake a retrofitting programme to make sure that this standard is met. Two recent examples are at the foot of the Mound and between St Andrews square to York Place. These were introduced as part of the tram contract and are being monitored to ensure that they are used safely.

Conclusions

- 2.18 The incidence of footway cycling in the city centre is expected to reduce significantly with the end of the temporary road works associated with the tram project.
- 2.19 Enforcement of the law regarding footway cycling is solely within the jurisdiction of Police Scotland and it is able to issue Fixed Penalty Notices to cyclists using footways illegally.
- 2.20 Many pedestrians perceive that there is a significant safety risk from people cycling on footways. It is considered that cycling on footways should be treated

as an anti-social behaviour problem and measures to tackle it developed accordingly. This also reflects the petitioner's views (see Paragraph 1.2).

- 2.21 Complaints about footway cycling will be recorded by the Council's Authorities Public Protection database. Reports from this will be used to inform the Tactical and Coordination Groups of the Neighbourhood Partnerships and the Community Safety Sub Groups. This information will enable them to decide whether footway cycling is a priority issue for their area and at which locations the Council and Police Scotland should target measures.
- 2.22 The Council is currently developing a marketing strategy for the promotion of walking and cycling as part of the Active Travel Action Plan. This strategy will develop campaigns to promote walking and cycling and responsible behaviour and use of off-road paths and shared footways.
- 2.23 The Council will continue to deliver improved physical infrastructure for cyclists, including at locations where particular problems of footway cycling have been identified. The Council will also work to ensure that the limits of shared footways are clearly demarcated.

3. Recommendations

- 3.1 It is recommended that the Committee:
 - 3.1.1 notes the actions being taken by the Council and Police Scotland to discourage cycling on footways;
 - 3.1.2 notes that the Council supports the promotion of messages encouraging mutual respect between road/path users; and
 - 3.1.3 advises the Petitions Committee of the decision of the Transport and Environment Committee and to note that an update will be provided in the Petitions Committee Business Bulletin.

Mark Turley

Director of Services for Communities

Links

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| Coalition pledges | P34 - Work with police on an anti-social behaviour unit to target persistent offenders P43 - Invest in healthy living and fitness advice for those most in need. P50 - Meet greenhouse gas targets, including the national target of 42% by 2020. |
| Council outcomes | CO5 – Our children and young people are safe from harm or fear of harm, and do not harm others within their communities. CO18 – Green - We reduce the local environmental impact of our consumption and production. CO19 – Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm. CO22 - Moving efficiently – Edinburgh has a transport system that improves connectivity and is green, healthy and accessible. |
| Single Outcome Agreement | SO2 - Edinburgh's citizens experience improved health and wellbeing, with reduced inequalities in health. SO4 - Edinburgh's communities are safer and have improved physical and social fabric. |
| Appendices | 1 Petition: Ban cycling on City Centre pavements by cyclists over 12 years |

Appendix 1 – Petition: Ban cycling on City Centre pavements by cyclists over 12 years

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| 5.1(a) | 22 July 2013 | <p>Ban cycling on City Centre pavements by cyclists over 12 years</p> <p>We request that tough measures are taken to prevent cyclists from cycling on pavements within the busy City Centre pavements, especially in the Tram Construction works areas, where metal fencing further restricts pavement width. There are many cyclists weaving through the pavements, where people with prams, buggies, wheelchairs and disabled scooters are trying to pass. People with walking difficulties, loss of hearing or sight are further placed in danger as they are less likely to be aware of a bicycle coming along a pavement from behind. Young children are also placed in danger, as are dog walkers. It is particularly bad around the Haymarket Station area where there is the additional danger towards holiday makers / tourists arriving with bulky and heavy cases, totally unaware that cyclists</p> | Ward 11 – City Centre and Citywide | 64 signatures |
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