

<p>1. Welcome and Introductions</p>	<p>Alison Johnstone, MSP welcomed the group.</p> <p>In attendance were:</p> <p>Alison Johnstone MSP, Co-Convener (AJ) – CHAIR Claudia Beamish, MSP, Co-Convener (CB) John Lauder – Sustrans (JL) Dave du Feu – Spokes (DdF) Neil Langhorn - Transport Scotland (NL) Colin Howden - Tranform Scotland (CH) Helen Todd - Ramblers Scotland (HT) Keith Irving – Cycling Scotland (KI) Nathan Kaczmarek – Cycling Scotland (NK) Kim Harding – Pedal on Parliament (KH) Tricia Fort – GoBike (TF) Rod Mitchell – Cycle Law Scotland (RM) Brenda Mitchell - Cycle Law Scotland (BrM) Derek Halden - Roadshare (DH) Stuart Hay - Living Streets (SH) Mark Hughes - Cycling Scotland (MH) Elizabeth Reather - CTC (ER)</p> <p>Apologies were received from:</p> <p>Jim Eadie, MSP Sarah Boyack, MSP Donald Urquhart, CTC Greg Chauvet – Glasgow Bike Station Ian Findlay – Paths for All Hugh Thomas – Pedal on Parliament Chris Oliver Craig Burn – Scottish Cycling Karen Furey - Transport Scotland</p>	
<p>2. Minutes of the previous meeting and Matters Arising</p>	<p>2.1 Previous Minutes</p> <p>AJ updated that JE was progressing Action 1 from previous meeting on matters surrounding domestic bike storage and planning.</p> <p>In relation to previous Action 4, TF noted the study tour that was undertaken in Glasgow and association with CILT. NK added that discussions have taken place with the ICE and CILT on involvement surrounding the Cycling Scotland conference and Making Cycling Mainstream professional development courses.</p>	

	<p>Relating to previous Action 5, DdF noted a paper on cycling funding uncertainty - AJ noted this should be raised under AOCB.</p> <p><i>All other actions were accounted for and minutes approved.</i></p> <p>Proposed: RM</p> <p>Seconded: KI</p> <p>2.2 Matters Arising</p> <p>There were no further matters arising.</p>	
<p>3. Responsible Parking Bill</p>	<p>AJ introduced Stuart Hay from Living Streets to speak about the Responsible Parking Bill (the Bill).</p> <p>SH provided some background on the Bill covering the history of getting to the present point, plus issues that led to its being, including difficulty enforcing obstructions of footways and limitations of current possibilities (e.g., TRO can put restriction in place, but requires signs so more clutter, as well as being time intensive). SH also noted that London has had powers ban footway parking since 1974. SH notes that this works in London, but there needs to be consideration on the differences in enforcement - it tends to work better in civil enforcement areas (i.e., warden-based enforcement).</p> <p>SH noted that work has been going on for nearly a decade on the Bill and has now received a huge amount of support from a range of organisations - from Living Streets to Guide Dogs Scotland.</p> <p>SH noted that had worked with Sandra White and she had proposed the Bill and this was lodged in December 2012. Received cross party support (59 total support). The Bill introduced to Scottish Parliament in 2015.</p>	

	<p>Key notes from development of the Bill: a. Defining what a footway is and where it exists, including dropped kerb definition and double parking; b. the Bill prohibits footway, dropped kerb and double-parking; c. consultation showed 85% in favour; d. there are some exemptions to the prohibition of noted types of parking; e. further detail looking at enforcement.</p> <p>SH noted that there are some costs in short term, particularly with regard to education, but this will result in long term behaviour change. SH also noted some costs associated with exemptions that will be dealt with in a strategic way through TRO designation. SH added that there would also be costs related to training of enforcement officers.</p> <p>SH noted that there will be savings though. Fixed penalty notices will offset some of costs; there is less damage to pavements, resulting in less maintenance outlay; benefit costs associated with inactivity due to people faced with barriers of restriction of access due to parked vehicles - helping overcome isolation.</p> <p>SH noted debate about whether issues in the Bill were reserved or devolved and that the Smith Commission report had not covered the issue.</p> <p>SH added that the Bill is currently being discussed and evidence being taken. Particularly around reserved powers issues and whether these can be addressed. If not, identification of what Westminster can do to assist (if need to move powers then this will take time). Process also allows evidence to come forward and help engage with Local Authorities.</p> <p>SH noted that publicity should accompany, highlighting that pavements are for people, which can be a challenging message but is reasonable. Also noted that guidance will need to be very thorough and tight, particularly surrounding exemptions.</p> <p>SH noted that this does target cycleways as well, e.g., those parked at the end of cycleways.</p> <p>AJ thanked SH and opened floor for questions</p> <p>KI noted that the support is great with 59 total MSPs from across multiple parties. KI noted that double-</p>	
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	<p>parking also has an impact on cycling safety. SH added that this also impacts emergency services.</p> <p>JL asked on any barriers stopping the Bill going through. SH noted that it is a Member's Bill so requires additional steps to follow, the process is relatively straightforward if Westminster devolves relevant powers. KI noted that the initial barrier was that inconsiderate parking was a 'hidden' problem, with not huge amounts of people complaining so case had to be made.</p> <p>TF asked whether LAs had the political will to support this. SH noted that a good example is City of Edinburgh Council where they are aware of issues and looking at how this can be progressed. Enforcement issues seem to be the most significant barrier for LAs.</p> <p>CH asked about timescales. SH noted that Stage 1 will finish by 15 January and there will be a Stage 1 report in advance of the elections on May.</p> <p>NL noted that Derek Mackay, Minister for Transport and Islands expressed support for the Bill and that he is in touch with the Secretary of State for Scotland on aspects surrounding devolved powers on this Bill.</p> <p>AJ asked whether emergency services have submitted a response. SH said not to this point, but was hopeful that they would do so, particularly surrounding the double-parking issue.</p> <p>ACTION 1: CPG to note support of the Responsible Parking Bill.</p>	<p>CPG (Conveners)</p>
<p>4. Presumed Liability</p>	<p>AJ introduced Brenda Mitchell and Derek Halden to speak on Presumed Liability and the Roadshare campaign research.</p> <p>BrM gave some background on presumed/strict liability and how it applies in other circumstances (e.g., dangerous dogs, consumer protection, etc.). BrM noted that the vast majority of EU countries have some form of presumed liability in place with regard to road accident situations. BrM noted 50% reduction in total workplace incidents after introduction of strict liability for workplace accidents.</p>	

	<p>BrM noted that presumed liability would apply only in Road Traffic Civil Liability claims and would involve shifting the burden of proof from the individual to the large insurance company.</p> <p>BrM noted that the proposal is for presumed liability with strict liability applying to over 70, under 14 and the disabled would receive compensation without question or rebuttal. BrM noted that this would cover drivers on cyclists and pedestrians as well as cyclists on pedestrians.</p> <p>BrM noted that high protection of vulnerable road users will reduce litigation costs and length of time of process as well.</p> <p>AJ thanked BrM and opened for questions and comment.</p> <p>JL asked about the status of the Roadshare campaign at the moment. BrM stated education and research will help inform the discussion but understand difficulties through correspondence. BrM noted that potential way forward is Member's Bill, but will not happen before dissolution of current Scottish Parliament. DH added that education and information to help show that presumed liability could lead to less litigation rather than more, but difficult due to public mindset linked with compensation culture. DdF added that the concept is very open to misunderstanding (e.g., fault vs. liability) and difficult to find a Member for this to progress as a Member's Bill.</p> <p>KI asked about examples from dangerous dog liabilities and how the civil and criminal aspects interface. BrM noted that criminal prosecution can take upwards of 18months and often a Civil action cannot commence until after the criminal prosecution. With presumed liability, the Civil case can be raised much earlier and compensation claimed rather than waiting for criminal case.</p> <p>CB thanked BrM and DH for their further information and asked whether the focus should be on encouraging the various political parties to include presumed liability as part of their manifestoes in the run up to 2016 election. CB added that presumed liability had been</p>	
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	<p>noted to her party (Scottish Labour) for greater understanding in advance of manifesto development.</p> <p>The CPG discussed methods for gaining traction for presumed liability and identified that education and greater understanding was important, along with greater cross-party support but also how presumed liability fit alongside other interventions such as improved infrastructure and the method to bring it forward (e.g., is a Member's Bill the best approach).</p> <p>AJ thanked all for contributions and summarised that further discussion is needed on how to progress the Roadshare campaign and presumed liability and suggested that this continues at the next meeting as part of the standing item on the agenda.</p>	
<p>5. AOCB</p>	<p>AJ asked all for AOCB.</p> <p>DdF noted the paper produced (and distributed to the Group) on the situation surrounding clarity and uncertainty on the budget for active travel for 2016/17. DdF noted key issues being the date of the budget potentially impacting timing for preparation and proper long term planning; requirement for clarity on active travel funding lines (DdF noted I&CI Committee's recommendation for further clarity); the Minister's promise for funding equal to previous years.</p> <p>AJ suggested that the CPG write to ensure clarity on additional funding for active travel within Budget and also for remainder of 2015/16.</p>	<p>CPG (Conveners)</p>

	<p>ACTION 2: CPG to seek clarity surrounding additional funding for active travel within Budget for 2016/17 and also remainder of 2015/16 financial year.</p>	
<p>8. Date of Next Meeting</p>	<p>AJ thanked all for attending and noted that the next meeting would take place on Tuesday, 26 January at 17:30 in Committee Room 4 with one of the topics including CAPS Progress Report currently being under development by Cycling Scotland. KI noted that the CAPS Progress Report will cover two key areas, including data and evidence as well as feedback from key stakeholders.</p>	