

Report

Report to:	Community and Enterprise Resources Committee
Date of	26 November 2024
Meeting: Report	Executive Director (Community and Enterprise Resources)

Subject	Pavement Parking
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ provide a further update on the progress and enforcement of the national prohibitions on pavement parking, double parking and parking at dropped kerbs

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the contents of the report be noted; and
- (2) the commencement of formal enforcement from 6 January 2025 be noted.

3. Background

- 3.1. As reported to the Community and Enterprise Resources Committee on 7 November 2023, [Part 6 of the Transport \(Scotland\) Act 2019](#) introduced the statutory legislation for a national ban on pavement parking, double parking and parking at dropped kerbs to make it easier for Local Authorities to ensure pavements and roads are safer and more accessible to all.
- 3.2. The [Parking Prohibitions \(Enforcement and Accounts\) \(Scotland\) \(Regulations\) 2023](#) were subsequently enacted on 11 December 2023, providing Local Authorities with the powers to enforce the new prohibitions. This secondary legislation confirmed the provisions outlined to this Committee on 7 November 2023. Further information on the legislation and exemptions is available at [Transport Scotland: Parking and the Transport \(Scotland\) Act 2019](#)).
- 3.3. As noted in the report to Committee on 7 November 2023, a statutory duty means that the Council must comply with the requirements of the relevant legislation. A statutory power, as is the case with this legislation, means that the Council has discretion how to exercise the power. Services across the Council have many powers to manage and deliver services all of which are done so in full consideration of the available resources, commensurate with other priorities and in full consideration of the likely impacts.

- 3.4. The Regulations have confirmed that the Penalty Charge Notice (PCN) for pavement parking, double parking and parking at dropped kerb offences will be issued at £100 and discounted to £50 for payments made within 14 days and increased to £150 if a Charge Certificate is issued. This is in line with all other Penalty Charge Notices currently issued for other parking offences within South Lanarkshire, as approved by the Council's Executive Committee on 13 September 2023.
- 3.5. Some exceptions to the new prohibitions apply across Scotland. These are for circumstances in which it is necessary or expedient for motor vehicles being used by certain bodies, or in certain circumstances, to park on the footway. These can be summarised as emergency / medical or military activities, roadworks / postal services / waste collection services or delivery services, activities to allow a response to an emergency or accident, and for vehicles used for undertaking roadworks or removal of an obstruction to traffic. These nationwide exceptions apply across the road network and thus no signage is required.
- 3.6. Transport Scotland have provided guidance to Local Authorities on the use of an assessment process using an evidence-based system to determine whether an exemption or other alternative measures may be required for certain roads or areas. Prior to the approval of any exemptions, Local Authorities must undertake a statutory formal consultation process through a Proposed Pavement Parking Exemption Order before any exemptions are approved. This essentially mirrors the process Committee will be familiar with in terms of the promotion of Traffic Regulation Orders (TROs).
- 3.7. The Council's Scheme of Delegation was considered by the Council on 11 September 2024 and, delegated authority was granted to the Executive Director, Community and Enterprise Resources, to carry out the operational functions relevant to the Council in terms of various Transport Acts and any new and / or subsequent or amending legislation, such as the Transport (Scotland) Act 2019.

4. Progress

- 4.1. Since the enactment of the legislation, we understand that several local authorities in Scotland have now commenced enforcement, with other local authorities expected to commence by the end of this year. Progress has been influenced across Scotland by differing back office systems and several authorities still do not have a formal Decriminalised Parking Enforcement (DPE) arrangement in place; noting South Lanarkshire Council has had this in place since 2005.
- 4.2. As agreed by Community and Enterprise Committee on 7 November 2023 a 'soft' approach has been adopted so far across South Lanarkshire noting that, to date, no formal enforcement has been undertaken by way of the issuing of a Penalty Charge Notice (PCN). Consideration has been given to the impacts and / or displacement that would be experienced across our town, villages or within residential areas. This approach has used advisory warning notices as detailed at Appendix 1.
- 4.3. Over the last 6 months, in preparation for formal enforcement, officers have been conducting various workstreams including considering and assessing areas and roads for exemptions, preparing the back office systems to allow PCNs to be issued, filling of Parking Attendant (PA) vacancies in our enforcement team, training, and recruitment of a new Parking Unit Team Leader.

- 4.4. In terms of potential exemptions an initial exercise reviewing all roads within South Lanarkshire has now been completed and categorises roads into areas where it is felt that exemptions could be necessary and other areas where they are unlikely to be required.
- 4.5. At this stage, this completed exercise will provide a useful reference document, and following the gaining of operational enforcement experience and monitoring (e.g. over a 12 month period) further consideration will be given to the need for or otherwise for formal exemptions or alternative measures.
- 4.6. The Scottish Government guidance that accompanies the legislation explains that it is anticipated exemptions to the pavement parking prohibition will not be the norm. Where an exemption is put in place, the area subject to the exemption must be clearly signed and marked.

5. Next Steps

- 5.1. Prior to commencing any enforcement, changes are required to the Parking Unit's existing back-office systems support. This includes the production of new enforcement documents, system coding configuration for offences and printing of new ticket rolls. Much of this is now in place and a test system is presently being trialled to ensure it is functioning correctly.
- 5.2. Training is being provided to all Parking Attendants to ensure that any resulting enforcement of the parking prohibitions is fair, accurate and consistent. Training will ensure Parking Attendants understand all the primary and secondary legislation associated with the parking prohibitions. This includes understanding the detail of the pavement parking, double parking and dropped kerb parking legislation as well as any exemptions and exceptions to the prohibitions.
- 5.3. Effective enforcement of the pavement parking legislation is scheduled to commence from 1 January 2025, subject to the successful conclusion of the back office workstream trial noted above. Enforcement will continue to consider the impacts and / or displacement that would be experienced across our towns, villages or within residential areas. Enforcement will also be undertaken in a balanced, proportionate, and pragmatic way and this approach will be at the core of any formal operational enforcement activity undertaken and will be kept under review by the Service.
- 5.4. Extreme care will be taken to avoid generating new or intensifying existing neighbourhood disputes. The expected first course of action for residential locations will be the 'soft' behavioural change approach noted above and in Appendix 1 and if necessary the involvement of the Council's mediation team. A balanced approach will be taken to any locations brought to our attention and consideration will be given as to the appropriate level of initial and ongoing action on a case by case basis while considering the resources available.
- 5.5. Prior to enforcement commencing in this regard, the Council will run a complementary communications campaign similar to that already implemented nationally.

6. Employee Implications

- 6.1. At present, there are 14 Full Time Equivalent (FTE) Parking Attendant (PA) posts undertaking parking enforcement across South Lanarkshire. There are currently five vacancies and candidates are being sought for these posts, noting this is a difficult area in terms of attracting suitable candidates.
- 6.2. A new Parking Unit Team Leader has also recently been recruited and this will assist in bringing the various workstreams together allowing for a more effective approach to parking management and enforcement across South Lanarkshire.
- 6.3. It is anticipated that, in the short term, due to budgetary constraints, enforcement associated will continue to be undertaken within the current staffing establishment, necessitating enforcement to be prioritised. This situation will remain under constant review.

7. Financial Implications

- 7.1. It is expected that any income generated from the new powers will contribute to the implementation and running costs of the parking service and is unlikely to generate any discernible additional income at this stage.
- 7.2. The implementation of any exemptions will also incur costs, including the preparation of any Exemption Orders, lining and signing and for any other measures. This will continue to be a key consideration when locations are considered for such exemptions.
- 7.3. At this time, resulting costs associated with lining and signing would be subject to bid submissions to Transport Scotland.

8. Climate Change, Sustainability and Environmental Implications

- 8.1. While there are no defined environmental implications, or implications for sustainability in terms of the information contained within this report, failure to have effective demand management measures in place across our towns could see the use of the private car begin to increase at the expense of more active/sustainable modes.

9. Other Implications

- 9.1. There are no other implications or risks in relation to the information contained within this report.

10. Integrated Impact Assessment and Consultation Arrangements

- 10.1. Equalities impacts were considered as part of the legislative process when the Act progressed through the Scottish Parliament. However, the guidance published by Scottish Ministers notes that appropriate Impact Assessments should be undertaken to ensure that proposals do not inadvertently discriminate against any protected groups.
- 10.2. This has been considered and an Integrated Impact Assessment has been prepared and is available on request.

10.3. As noted earlier in the report the new powers available to Councils prohibits double parking and parking on pavements and gives Council's the powers needed to enforce as necessary. This will help improve safety and accessibility for all, and positive impacts are expected, particularly for our most vulnerable road users including disabled individuals, the young and elderly people. No significant negative impacts across the range of assessment areas are expected at this stage in terms of the Council progressing with the operational implantation of these powers.

David Booth
Executive Director (Community and Enterprise Resources)

5 November 2024

Link(s) to Council Values/Priorities/Outcomes

Values

- ◆ Focused on people and their needs

Priorities

- ◆ We will work to put people first and reduce inequality
- ◆ We will work towards a sustainable future in sustainable places
- ◆ We will work to recover, progress and improve

Outcomes

- ◆ Good quality, suitable and sustainable places to live
- ◆ Thriving business, fair jobs and vibrant town centres
- ◆ Caring, connected, sustainable communities
- ◆ People live the healthiest lives possible

Previous References

- ◆ [Community and Enterprise Resources Committee 7 November 2023 - Pavement Parking](#)
- ◆ [Executive Committee, 13 September 2023 - Parking - Penalty Charge Notices'](#)

List of Background Papers

- ◆ None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Colin Park, Head of Roads, Transportation and Fleet Services

Tel:- 07795 090 494

E-mail:- colin.park@southlanarkshire.gov.uk

Warning Notice Illegal Parking

The new nationwide ban on pavement parking came into force on 11 December 2023.

You have received this Warning Notice because the way you have parked your vehicle is illegal and is likely to result in a fine of £100.

South Lanarkshire Council will shortly be issuing Penalty Charge Notices to vehicles that are parked on the pavement.

Please be advised that this practice must now stop.

The parking laws have also changed in respect of double parking and parking across a dropped kerb crossing point.

You can find out more about the new parking rules by visiting the Road Safety Scotland website.

www.roadsafety.scot/campaigns/pavement-parking



If you need this information in another language or format, please contact us to discuss how we can best meet your needs.
Phone: 0303 123 1015 or Email: equalities@southlanarkshire.gov.uk
www.southlanarkshire.gov.uk



Pavement parking is unsafe, unfair and illegal.

And you risk getting fined up to £100.



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