

**TRANSPORT (SCOTLAND) ACT 2019 - PAVEMENT, DOUBLE & DROPPED KERB
PARKING STANDARDS**

1.0 INTRODUCTION

- 1.1 Argyll and Bute Council operates under Decriminalised Parking Enforcement (DPE) and, as such, already have a small team of wardens carrying out enforcement on our roads and in our car parks. Obstructive parking on footways, until recently, remained a matter for Police Scotland.
- 1.2 The Scottish Government has been working to improve parking legislation in Scotland in order to tackle the impact of inconsiderate and obstructive parking and ensure that our roads and pavements are accessible for all.
- 1.3 As part of this work, the Transport (Scotland) Act 2019 bans pavement parking, double parking and parking at dropped kerbs. The 2019 Act gives Local Authorities the relevant powers to enforce these new provisions. The Act also gives Local Authorities the power to exempt footways from the pavement parking prohibition in certain circumstances and in accordance with Ministerial Directions.

2.0 RECOMMENDATION

- 2.1 It is recommended the Environment, Development and Infrastructure Committee:-
- i. Considers and notes the changes in legislation; and
 - ii. Notes that implementation date for Argyll and Bute is yet to be finalised and a timeline will be provided to a future Environmental, Development and Infrastructure Committee once more information becomes available, including details of any additional resource which may be required to discharge these additional powers.

3.0 BACKGROUND

- 3.1 The new powers give Local Authorities the tools to be able to tackle the issues of inconsiderate and obstructive parking which, alongside a planned

Government led media campaign, will highlight the problems that inconsiderate parking creates in our everyday lives. To support these provisions, a suite of secondary legislation is necessary to bring new legislation into force and support its operation in practice. The below link gives access to the legislation:- [Transport \(Scotland\) Act 2019 Part 6 Pavement Parking Prohibition](#)

- 3.2 These changes to Regulation will essentially provide three new features to parking regulation and enforcement:-
- i. Provision for issuing Penalty Charge Notices (PCNs) where double parking takes place – this is where a vehicle is parked more than 500mm from the kerb when parallel parked.
 - ii. The ability to take forward a Traffic Order to permit footway parking provided 1.5m of clear footway space can be maintained. Photo 1 (Appendix 1) below provides an example of this. Note, we are not expecting this to be a common feature in Argyll and Bute.
 - iii. Issuing of PCNs for vehicles parking on footways where an Exemption Order is not in place to permit this or when obstructing a pedestrian crossing (not a driveway) as shown in Photo 2 (Appendix 1) below.
- 3.3 The Regulations received Parliamentary assent and came into force on 11th December 2023. Transport Scotland have confirmed that this is a power rather than a duty within the legislation provided to Local Authorities to enforce the Pavement Parking Prohibitions, however it was widely accepted that **not ALL** Local Authorities would be in a position to commence enforcement on 11th December 2023. It is understood that Edinburgh City Council went live in January 2024 but the majority of other Scottish Authorities are yet to implement these changes.
- 3.4 Argyll and Bute Council already operates under Decriminalised Parking Enforcement (DPE) and, as such, already have a small team of wardens carrying out enforcement on our roads and in our car parks. We also have the back office function which allows us to administer the various processes attached to DPE. Due to this, we are already effectively set-up to manage the additional functions outlined in the Transport (Scotland) Act 2019 (specifically, footway parking, parking at crossing points and double parking), however, we need to amend our processes which are supported by an externally provided software system which a number of Councils also use. This work is currently underway between our Parking Team, IT colleagues and our software provider. An implementation date is yet to be finalised and a timeline will be provided to a future Environmental, Development and Infrastructure Committee once more information becomes available. This future report will also include any additional resource which may be required to discharge these additional powers.
- 3.5 Once the software has been amended which will enable the relevant ticketing to be issued, officers intend to carry out a soft start whereby advisory notes will be issued for a period of two weeks but with repeat offenders being issued with a PCN i.e. only one warning per vehicle. Prior to any roll out and following the next report to Environment, Development and Infrastructure Committee, a detailed Member briefing and communications will be arranged.

4.0 CONCLUSION

- 4.1 This report highlights the changes in legislation in relation to inconsiderate and obstructive parking and details additional parking enforcement which the Council will be able to carry out as part of its DPE activity.

5.0 IMPLICATIONS

- 5.1 Policy – This report identifies changes to national legislation which the Council as Traffic Authority are provided with powers to enforce contraventions.
- 5.2 Financial – no estimated financial implications at this time.
- 5.3 Legal – changes in Regulations as identified in the report.
- 5.4 HR – no known implications at this time.
- 5.5 Fairer Scotland Duty: no known implications at this time.
- 5.5.1 Equalities - protected characteristics – the new powers available to the Council will help to reduce the number of blocked crossings or footways caused by inconsiderately parked vehicles.
- 5.5.2 Socio-economic Duty – no known implications at this time.
- 5.5.3 Islands – no known implications at this time
- 5.6 Climate Change – due regard will be given to climate change with a view to minimising any climate change impact and these will be considered as and when they arise. Safeguarding footways and clearing obstructions to pedestrian crossing points should help to encourage more individuals to walk. This, in turn, may help to reduce the reliance on travel by motor vehicle.
- 5.7 Risk – insufficient availability of wardens to effectively provide enforcement patrols across the full Council area.
- 5.8 Customer Service - no known implications at this time.
- 5.9 The Rights of the Child (UNCRC) – the new powers available to the Council to enforce against parking on footways and at crossing points will provide a safer walking environment for young people

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APPENDICES

Appendix 1 – Examples of inconsiderate and obstructive parking

APPENDIX 1 – EXAMPLES OF INCONSIDERATE AND OBSTRUCTIVE PARKING

Photo 1 Example of permitted parking where a Traffic Regulation Order is in place allowing parking with one wheel 'on the kerb'. Note this is an example of parking arrangements outside of Argyll and Bute



Photo 2 parking which obstructs pedestrian dropped crossing points (regardless of there being double yellow line as in this example) become a contravention and a PCN can be issued under the changes detailed in the report.

