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ARGYLL AND BUTE COUNCIL

ENVIRONMENT, DEVELOPMENT  
AND INFRASTRUCTURE COMMITTEE

ROAD & INFRASTRUCTURE SERVICES

19 DECEMBER 2024

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**TRANSPORT (SCOTLAND) ACT 2019, PART 6 PARKING PROHIBITIONS  
UPDATE REPORT**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 This report provides Members with an update on the introduction of enforcement of the parking prohibitions contained in Part 6 of the Transport (Scotland) Act 2019 and seeks agreement to revise the timescales from December 2024 to 3 March 2025.

**RECOMMENDATIONS**

The Environment, Development and Infrastructure Committee are asked to agree the revised timescale from December 2024 to 3 March 2025 noting the amended process as outlined in paragraph 4.8 of the report.

**TRANSPORT (SCOTLAND) ACT 2019, PART 6 PARKING PROHIBITIONS  
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**2.0 INTRODUCTION**

- 2.1 This report provides Members with an update on the introduction of enforcement of the parking prohibitions contained in Part 6 of the Transport (Scotland) Act 2019 and seeks agreement to revise the timescales from December 2024 to 3 March 2025.

**3.0 RECOMMENDATIONS**

- 3.1 The Environment, Development and Infrastructure Committee are asked to agree the revised timescale from December 2024 to 3 March 2025 noting the amended process as outlined in paragraph 4.8 of the report.

**4.0 DETAIL**

- 4.1 At its meeting held on Thursday 20 June 2024, the Environment, Development and Infrastructure Committee considered a report on the Transport (Scotland) Act 2019; regarding Part 6 of the Act, parking, double and dropped kerb parking prohibitions.
- 4.2 At the aforementioned meeting, the Committee agreed to:-
- i. the introduction of enforcement of the prohibitions set out in the Transport (Scotland) Act 2019, in relation to pavement parking, parking at dropped kerbs and double parking, to commence once the associated back-office system was upgraded, before the end of 2024; and*

- ii. the creation of two new warden posts; one based in Mid Argyll, Kintyre and the Islands, and one based in Helensburgh and Lomond, to support both the enforcement of the new prohibitions but also to enhance the capacity to enforce restrictions under the Decriminalised Parking Enforcement (DPE) regime.*
- 4.3 This report sets out the current progress towards the introduction of the enforcement regime and proposed intermediate steps.
- 4.4 Following the User Acceptance Testing (UAT) on the amendments to the back-office system (provided by Imperial Civil enforcement Solutions Ltd, hereafter “Imperial”), a number of required changes were identified and passed to Imperial for resolution. It is expected the amendments will be finalised within the system by week ending 22 November 2024.
- 4.5 Once the UAT has been closed, the Service will carry out a testing of the front-end modules (handheld devices etc.). This will include testing of Penalty Charge Notice (PCN) raised on the handhelds and printing of same to ensure the precise contravention code can be used and references to the legislation are correct (i.e. the PCNs reference the Transport (Scotland) Act 2019 and not the Road Traffic Act 1991 as is used for other parking breaches under Decriminalised Parking Enforcement).
- 4.6 The Transport (Scotland) Act 2019 permits wardens to issue tickets for “drive aways” (where the driver moves off before the PCN can be placed on the vehicle or handed to the driver). Drive-aways will be posted to the keeper via the back-office admin staff instead of via the wardens. The issue of drive-away PCNs is not currently permitted under the Road Traffic Act 1991 and Imperial are currently reviewing their system to ensure that the system can progress these correctly. Once Imperial confirm this workflow is functioning, the Service will trial the full process.
- 4.7 Alongside the above testing, the Service is also progressing the recruitment of two new wardens posts. At the time of writing this report, the posts are currently advertised, with an application closure date of 22 November 2024.
- 4.8 System testing is still underway and not expected to be completed by the end of November 2024. In addition, the recruitment process is unlikely to be completed prior to the Christmas closure period. For these reasons, it is proposed the timescale is amended from end of December 2024 to 3 March 2025. The amended process will include:-
  - i. Completion of front and back office system testing;
  - ii. Provision of an FAQs page on the Council website;
  - iii. Communications exercise, utilising the Councils website, social media and print media as appropriate (this will run for 2-4 weeks in January 2025)
  - iv. Training, as required, for back-office staff and the warden staff on the use and requirements of the new prohibitions;

- v. During the communications period, the warden team will leave pro-forma letters on the windscreens of vehicles breaching the new prohibitions; providing information on the incoming enforcement;
- vi. On completion of the above, commence enforcement of the prohibition from 3 March 2025.

## **5.0 CONCLUSION**

- 5.1 This report provides Members with an update on the introduction of enforcement of the parking prohibitions contained in Part 6 of the Transport (Scotland) Act 2019 and seeks agreement to revise the timescales from December 2024 to 3 March 2025.

## **6.0 IMPLICATIONS**

- 6.1 Policy – May require process documents to be drafted but the Enforcement Chapters provide a good baseline for doing so, including several process flows.
- 6.2 Financial – There is a cost associated with two new wardens, however this is calculated to break even and will also support Parking issues elsewhere across the Argyll and Bute Area.
- 6.3 Legal – Transport (Scotland) Act 2019 provides local authorities the Power to enforce the prohibition but does not impose a Duty.
- 6.4 HR – none.
- 6.5 Fairer Scotland Duty:
  - 6.5.1 Equalities - protected characteristics – May provide better protection for those with mobility issues.
  - 6.5.2 Socio-economic Duty – Successful implementation may lead to safer streets.
  - 6.5.3 Islands – No impact identified.
- 6.6 Climate Change – N/a.
- 6.7 Risk – Not implementing the prohibition within Argyll and Bute may cause reputational damage to the Council.
- 6.8 Customer Service – Communications across the public domain will be an essential part of the project. The prohibitions may drive requests for service.
- 6.9 The Rights of the Child (UNCRC) – May provide increased safety for children.

**Kirsty Flanagan, Executive Director with responsibility for Roads and Infrastructure Services**

**Councillor John Armour, Policy Lead for Roads, Amenity and Transport**

11 November 2024

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