

**Transport (Scotland) Act 2019 – Parking Enforcement and DPE Discussion – 2**  
**December 2021**

**Attendees:**

Redacted - 11(2) – Transport Scotland  
Redacted - 11(2) – Transport Scotland  
Redacted - 11(2) – Transport Scotland  
Redacted - 11(2) – Transport Scotland  
Redacted - 11(2) – Orkney Islands Council  
Redacted - 11(2) – Moray Council  
Redacted - 11(2) – Perth and Kinross Council  
Redacted - 11(2) – Dumfries and Galloway Council  
Redacted - 11(2) – West Lothian Council  
Redacted - 11(2) – Dumfries and Galloway Council  
Redacted - 11(2) – Perth and Kinross Council  
Redacted - 11(2) – Aberdeenshire Council  
Redacted - 11(2) – North Ayrshire Council  
Redacted - 11(2) – City of Edinburgh Council  
Redacted - 11(2) – East Dunbartonshire Council  
Redacted - 11(2) – Scottish Borders Council  
Redacted - 11(2) – COSLA  
Redacted - 11(2) – Inverclyde Council  
Redacted - 11(2) – North Lanarkshire Council  
Redacted - 11(2) – Scottish Borders Council  
Redacted - 11(2) – Moray Council  
Redacted - 11(2) – Dumfries and Galloway Council  
Redacted - 11(2) – Dumfries and Galloway Council  
Redacted - 11(2) – Angus Council  
Redacted - 11(2) – Angus Council  
Redacted - 11(2) – Shetland Council

**Notes**

Transport Scotland talked through the slides that were prepared for the meeting. The slides related to the timescales for implementation of the parking prohibitions, the Section 52 regulations and Ministerial Directions consultation, the Parking Standards Guidance, the Section 104 Order, the PCN consultation and the TRO consultation outcome.

Transport Scotland informed that the plan for today's meeting was to discuss the previous meeting about the DPE process, DPE being far from mandatory and the pavement parking provisions. Note at this point, it was requested that the meeting was recorded however Transport Scotland were unable to do so.

Transport Scotland opened the floor and asked non-DPE local authorities about the barriers they are facing if they are considering applying for DPE powers –

Inverclyde Council – Do local authorities need to do a business case for implementing the parking prohibitions, the same way you would do when applying for

DPE powers. Transport Scotland – The powers are already there and have been given to local authorities to enforce the parking prohibitions therefore a business case would not be required.

Moray Council – What would happen if a local authority didn't enforce the pavement parking ban, as it is a power? E.g. if there's a low level of pavement parking then there will be a low level of PCNs issued and therefore low income generated. Transport Scotland advised that they will seek some clarification from their legal team about whether it's a power or a duty which will hopefully help local authorities understand their position. Transport Scotland also reminded colleagues that it is a national pavement parking prohibition however if there is a low level of pavement parking in your area then if a local authority chooses not to enforce the parking prohibitions then it may be a smaller issue. Moray Council advised that it may be their plan to have a light touch back office and one or two patrol officers employed to enforce the pavement parking ban while also undertaking other duties.

At this point Inverclyde Council suggested that the public may not understand the difference between different areas/levels of enforcement.

Angus Council – If a local authority chooses not to enforce the pavement parking ban then that is their decision. Those without DPE need to make informed decisions on how best to enforce the new prohibitions.

Dumfries and Galloway Council advised that they are thinking about starting the DPE process (feasibility study) early in 2022. At this point they asked about DPE light – what does that mean, what are the options, is going through the DPE application one process or are there any implications? Transport Scotland – There's a couple of options for local authorities when it comes to obtaining DPE powers. A local authority could take powers for their whole Council area or a specific area where there are known parking problems. Transport Scotland advised that their advice would be to take powers over the whole Council area and a Council can then focus their enforcement from there on specific areas. Dumfries and Galloway Council advised that they are quite a rural local authority area therefore they think the enforcement would be quite specific to particular areas. They also suggested starting up a working group for non-DPE local authorities to be able to talk through any issues that multiple Councils are working through when to applying for DPE powers.

Orkney Islands Council advised that they had received pressure from elected members to introduce DPE. A feasibility study that was done suggested introducing 30 parking metres, however that would be expensive and would take years to recover the costs. The Council are under the impression from previous meetings that Transport Scotland would look at amending the process to make the introduction of DPE easier. Transport Scotland advised they would take away the point about trying to make the process easier whether that be updating the guidance document for local authorities. At this point another local authority suggested, to get round introducing so many parking metres, you could get members of the public to pay in other ways e.g. through an app on their phone.

Inverclyde Council stated that there's an expectation politically that local authorities will enforce the pavement parking prohibition however it is not clear exactly how they

are going to get to the stage of actually enforcing pavement parking. The Council asked if there is a clear step by step guide about how to get there? Transport Scotland – For the pavement parking prohibitions, a number of the things you would need to do when applying for DPE powers will be done by the secondary legislation and then local authorities will be advised about what they are required to do. Transport Scotland also advised that they will look at the current guidance document for applying for DPE powers and the legalities of changing/updating it.

Orkney Islands Council stated that in relation to parking enforcement and the issuing of tickets, currently their parking enforcement officers hand write out tickets to issue in off street car parks, they don't have any electronic versions therefore they will need to look at sharing back office with other local authorities to help enforce the parking prohibitions.

Moray Council asked when will we be certain about the specific content of the exemption criteria? The Council also asked for confirmation whether the Grant Offer letter for the first tranche of funding for road assessments stated that the funding could be carried over. Later in the meeting COSLA clarified that the letter did state that the funding could be carried over to 2021-22 and beyond. In terms of timescales for the exemption criteria, Transport Scotland advised that Section 52 Regulations and Ministerial Directions consultation will be live by the middle of December and will run to March 2022. The Ministerial Directions and Parking Standards Guidance for road assessments will hopefully be issued in approximately April 2022, with the regulations being laid either before summer recess in May 2022 or after the recess period in September 2022. Note, these dates are subject to change. Moray Council advised that it would take them around 6 months to get to the stage of promoting an exemption order.

Dumfries and Galloway Council asked whether the new guidance issued in April 2022 will describe what pavements should be assessed? Transport Scotland advised that the legislation covers grass verges if there is a pavement after that, however they can seek some clarification about what's included and what's not.

COSLA asked whether the timescales for implementation should be made public? It would be useful to find a way to communicate the timescales to elected members. Transport Scotland advised that they can take that away and see if there's something that can be issue.

Aberdeenshire Council asked for clarification about if there is a non-DPE local authority who currently issues ECNs for off-street car parks, would there be two types of tickets being issued as local authorities will need to issue PCNs for the pavement parking prohibitions. Transport Scotland advised that this would be the case.

The City of Edinburgh Council asked for clarification about when the funding for road assessments will need to be spent by? Transport Scotland advised that the funding can be carried over to the next financial year and beyond if necessary.

North Lanarkshire Council made the point that when they were looking at introducing parking charging they considered a fully cashless system but it was decided that

going from no charging to cashless parking charging was a step too far. It became a moot point eventually as parking charging proposals were withdrawn at the 11th hour, but if they were to look at this afresh in a post Covid environment then cashless would be a far easier to sell and pay by phone would be a cost effective solution in this regard

Dumfries and Galloway Council asked whether Transport Scotland have considered how the public will feel about the parking ban coming into force? Transport Scotland mentioned the main point was that this has already gone through Parliament due to feedback from previous consultations where there was support for a pavement parking ban to ensure that our roads and pavements are accessible for all. However Transport Scotland said they are aware that not everyone will be happy with this change but that is why there needs to be a change in driver behaviour. Transport Scotland also advised that they will be undertaking a media campaign prior to the pavement parking ban being enforceable.

### Actions

- Transport Scotland to seek advice from legal team about whether enforcing the parking prohibitions is a power or a duty.
- Transport Scotland to set up working group for non-DPE local authorities in early 2022 if that is something that would be helpful?
- Transport Scotland to review the current guidance on taking up DPE powers and see if we can streamline this process.
- Transport Scotland to confirm with legal team what's included in the legislation regarding pavements/verges.