

FOI 202400412103

Correspondence with Local Authorities regarding Pavement Parking

Email 1

From: [REDACTED]

Sent: Wednesday, October 4, 2023 12:18 PM

To: [REDACTED]

[REDACTED]

[Redacted content]

Cc:

[Redacted content]

Subject: RE: Update on progress with analysis report, regulations and Parking Standards Guidance

All,

Further to my email below, I can confirm the draft regulations have been laid in Parliament on 2 October and published on legislation.gov (The Parking Prohibitions

(Enforcement and Accounts) (Scotland) Regulations 2023 (legislation.gov.uk)). These regulations are pretty much as we have discussed previously. All going well these would come into force on 11 December.

In addition, please see below the proposed contravention codes for the parking prohibitions. We have been in discussions with the Scottish Courts and Tribunals Service who confirmed that their system is able to use three-digit codes. Initial enquiries have also confirmed that this should be acceptable to other suppliers, but I'd be grateful for any feedback on whether this may cause issues for the systems used at a local authority's end. We would also be grateful for your feedback on if you feel there is a need for any suffixes to be added to these which we can put in the upcoming guidance chapters.

Code	Suffixes	Description
100		Parked on a pavement
101		Parked adjacent to dropped kerb at a known crossing point
102		Parked where no part of the vehicle is within 50 centimetres of the edge of the carriageway

Regards



Email 2

From: [REDACTED]
Sent: Tuesday, December 12, 2023 12:44 PM
To: [REDACTED]
Subject: RE: Pavement Parking Ban on Private Roads

[REDACTED]

Apologies, I'm not sure if I ever came back to you on this.

The prohibition applies to 'pavements' and prohibitions can be enforced by the local authority in their area. Pavement means footpath or footway as defined in section 151(2) of the Roads (Scotland) Act 1984. That section refers to footways and footpaths over which there is a public right of passage which as you'll be aware is slightly different to the definition of public road.

As the prohibition applies to pavements over which there is a public right of passage by foot only, this may be a private road but it will depend on particular circumstances.

I hope this is helpful.

Regards

[REDACTED]



TRANSPORT
SCOTLAND
CÒMHDHAIL ALBA

[REDACTED]
[REDACTED] | Roads Directorate
transport.gov.scot



From: [REDACTED]
Sent: Thursday, November 16, 2023 4:42 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Pavement Parking Ban on Private Roads

Hi [REDACTED],

Apologies, I've not had the chance to come back on this yet. We are currently clarifying this with our legal colleagues and will hopefully come back towards the beginning of next week.

Regards

[REDACTED]

From: [REDACTED]
Sent: Thursday, November 16, 2023 3:30 PM
To: [REDACTED]
Subject: RE: Pavement Parking Ban on Private Roads

Hi [REDACTED]

[REDACTED] is currently on leave, just in case you only replied to him. I am being chased about this one, is there a straightforward answer I can give?

Thanks

[REDACTED]

From: [REDACTED]
Sent: 08 November 2023 09:11
To: [REDACTED]
Cc: [REDACTED]
Subject: Pavement Parking Ban on Private Roads

[REDACTED]

I am sure this must have come up a long time ago and I am sure I know the answer but can you confirm that (except those exempted by TRO) the pavement parking ban applies to all roads whether publicly or privately maintained and that council parking attendants are able to enforce the ban on privately maintained roads.

Could you copy my colleague [REDACTED] (copied in) into your response.

Regards

[REDACTED]

Environment, Housing and Infrastructure
Renfrewshire Council

[REDACTED]

Email 3

From: [REDACTED]
Sent: Friday, December 15, 2023 9:18 AM
To: [REDACTED]
Subject: FW: KADOE - New purpose of use

[REDACTED],

I haven't been in touch with DVLA about the new legislation yet, as we aren't applying for any keeper details yet, but they have contacted us (albeit with incorrect details on our authority name and who they sent the email to...).

Thought it would be useful for you following the discussions on Wednesday.

Cheers

[REDACTED]

Roads and Infrastructure
Environment and Infrastructure Services
Aberdeenshire Council

[REDACTED]

www.aberdeenshire.gov.uk

From: Kadoe Interest <kadoe-interestatdvla.gov.uk>
Sent: Friday, December 15, 2023 7:27 AM
To:
Cc: Kadoe Interest <kadoe-interestatdvla.gov.uk>
Subject: KADOE - Aberdeenshire City Council ; New purpose of use

Morning

I am writing to you in regards to KADOE and the recent legislation which was passed ,Part 6 of the Transport (Scotland) Act 2019 which introduced the statutory framework 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.


If you require this purpose of use (definition noted below) to be added to your existing KADOE contract , you will need to request the purpose of use by sending an email to this email account and in response a contract variation will be issued to you.

Until the contract variation is signed and received by the agency, KADOE requests for this purpose of use cannot be made.

If you have a link provider who makes KADOE enquiries on your behalf and you wish to have this purpose of use added to your KADOE contract, in addition to the email requesting the purpose of use is added to the contract, you will also need to submit a copy of a letter providing the link providers details and the duties they will be undertaking on your behalf.

Permitted Purpose	Reason Code	Definition of Permitted Purpose
Double Parking, Pavement Parking or Dropped Kerb Parking (Scotland only)	00BD	To identify a registered vehicle keeper at a Date of Event when a vehicle is double parked (alongside or opposite another vehicle already parked), parked on a pavement or parked on a dropped kerb in Scotland. To issue the penalty charge notice (PCN) and to pursue payment under the appropriate legislation in Scotland.

Regards

 – Vehicle Enquiries
D14 | DVLA | Swansea | SA6 7JL

 Driver & Vehicle Licensing Agency

New vehicle tax rates for cars registered on or after 1 April 2017.
Find out more: www.gov.uk/newvehicletaxrates

Twitter: atdvlagovuk | Facebook: dvlagovuk | YouTube: dvlagov

Email 4

From: [REDACTED]

Sent: Monday, December 18, 2023 4:20 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Footway Exemption Costs Questionnaire

Hi [REDACTED],

Sorry for the delay in coming back to you but it has been a bit hectic this end of late.

Discussions were held during some of the Parking Standards Group meetings on the matter of lowering kerbs some time ago. Our position on this has always been that the cost of such alterations wouldn't be covered as presumably the areas being exempted would have had a history of pavement parking on them. If that wasn't the case I think it would be for a local authority to ensure that the area which is subject to an exemption order would be one which could be used safely. The associated costs would relate to the costs of putting the exemption order in place and the signing and lining of the area of pavement that was being exempted. A similar issue was raised in whether we would pay for the area to be resurfaced to ensure that the painted line would adhere but again this isn't something we would cover.

Not the news you would have been looking for I know but hope this helps explain our position. As always happy to discuss this further.

Regards,

[REDACTED]

[REDACTED]

Road Policy Team

[REDACTED]
transport.gov.scot

Transport Scotland, George House, 36 North Hanover Street, Glasgow, Glasgow City, G1 2AD



From: [REDACTED]

Sent: Thursday, December 14, 2023 12:57 PM

To: [REDACTED]

Subject: Footway Exemption Costs Questionnaire

Hi [REDACTED],

I understand that there is a proposal to issue a questionnaire to local authorities requesting information on costs associated with introducing footway exemption

Orders. I wonder if it would be possible to ask local authorities if they are planning to lower kerbs at locations where drivers are being permitted to park on footways with full kerb upstands.

Regards



Email 5

From: [REDACTED]

Sent: Monday, December 18, 2023 4:24 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Pavement Parking - Questionnaire for LAs

Hi [REDACTED],

Sorry it has taken so long to get back to you on this, things are a little manic at this end ☺.

Costs associated with taking on DPE powers isn't something we would consider as part of the pavement parking process I'm afraid. Ministers were clear when the Act was passed that they didn't see this as making all local authorities take on DPE powers as some were very much against this. The Act was therefore drafted to ensure that local authorities could take on third parties or other local authorities to provide enforcement powers if necessary. We have had 22 applications for DPE powers to date and haven't reimbursed any of the cost associated with that as we don't have a budget for it.

With regards to the request for a business case, I am assuming that this would need to be worked up to allow you to go to the Council's committee to seek approval to apply for DPE powers? For our purposes we would need to see that finances have been taken into account when a local authority takes the decision to apply for DPE powers.

Happy to arrange a meeting to discuss the DPE application if this helps?

Regards,

[REDACTED]

From: [REDACTED]

Sent: Tuesday, December 12, 2023 11:26 AM

To: [REDACTED]

Subject: RE: Pavement Parking - Questionnaire for LAs

Hi [REDACTED],

For a WDC standpoint we are progressing DPE so our costs will include this as well as the implementation of pavement parking.

We have been asked to prepare a business case by TS and this has increased our costs by £12k and delayed submission of our application. Is there any movement on this? I expect we would be expected to progress DPE even if the business case did not demonstrate a benefit as there is no alternative.

I wondered if following submission of questionnaire it would be possible to bring the councils together that do not have DPE to consider?

Thanks,



Email 6

From: [REDACTED]
Sent: Tuesday, January 16, 2024 1:12 PM
To: [REDACTED]
Cc: [REDACTED]

Subject: RE: Pavement parking

Hi [REDACTED],

Please accept my apologies on the delay over the Parking Standards Guidance. We are currently finalising the draft version and expect to be able to circulate it in the coming weeks.

Regarding the process chart, the guidance won't necessarily replicate this, however the process for issuing PCNs by post is covered.

Many thanks

[REDACTED]

From: [REDACTED]
Sent: Wednesday, January 10, 2024 5:07 PM
To: [REDACTED]
Cc: [REDACTED]

Subject: RE: Pavement parking

Classification - No Classification

Hi [REDACTED]

Thank you for your email response.

We need to brief Elected Members on some issues related to pavement parking enforcement and we think they'll ask when we will have the guidance document. Can you please advise the timescale for receiving the guidance?

Also can you please advise when we will receive a process chart similar to the PCN Recovery System Flow Chart (Annex 14.1) of Local Authority Circular 1/95 "Guidance on Decriminalised Parking Enforcement Outside Scotland"? This will provide a consistent

process for recovery throughout the country. We would anticipate that this would explain the process of issuing PCNs by post.

Kind regards

[REDACTED]

From: [REDACTED]
Sent: Friday, December 15, 2023 9:36 AM
To: [REDACTED]
Cc: [REDACTED]
[REDACTED]
[REDACTED]
Subject: RE: Pavement parking

Classification - No Classification

Hi [REDACTED],

Thanks for getting in touch regarding the guidance document. We were hoping to have the guidance issued in time for the regulations coming into force on 11 December, however we've had some additional queries from local authorities that we want to make sure are covered so haven't been able to issue the guidance yet.

Please accept my apologies for this delay and we'll get the document circulated around all local authorities as soon as we can.

Kind regards

[REDACTED]

Road Policy Team

Transport Scotland, George House, 2nd Floor, 36 North Hanover Street, Glasgow, G1 2AD



Transport Scotland, the national transport agency
Còmhdhail Alba, buidheann nàiseanta na còmhdhail

From: [REDACTED]
Sent: Thursday, December 14, 2023 3:47 PM
To: [REDACTED]
Cc: [REDACTED]
[REDACTED]
[REDACTED]
Subject: FW: Pavement parking

Classification - No Classification

Hi

I've received an enquiry from our Legal Team, see below.

Can you please advise the current position and where the guidance can be found or when it will be issued?

Kind regards

[REDACTED]

From: [REDACTED]

Sent: Thursday, December 14, 2023 3:18 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Pavement parking

Classification - No Classification

Hi [REDACTED]

We have spoken on the telephone. As we know, the first guidance issued by TS was designed to be the first of two initial documents and gives advice on the areas local authorities need to consider if they wish to exempt areas of pavement. It said that the second guidance document would be released along with the enforcement regulations (later in 2023) and would give guidance on the process of issuing and enforcement of PCN notices. I cannot see any sign that the second guidance document has been issued; perhaps you could ask TS?

Regards,

[REDACTED]

Legal, Democratic, Digital & Customer Services

Municipal Buildings

Greenock PA15 1LX

Telephone - [REDACTED]

From: [REDACTED]

Sent: Thursday, December 14, 2023 12:37 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Pavement parking

Classification - No Classification

Hi [REDACTED]

Email I just sent to everyone is the last email I have from TS and I think it includes the enforcement document you're looking for.

Kind regards

[REDACTED]

From: [REDACTED]
Sent: Thursday, December 14, 2023 10:54 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Pavement parking

Classification - No Classification

Hi [REDACTED]

The first lot of guidance from Transport Scotland says this:-

This guidance is designed to be the first of two initial documents and gives advice on the areas local authorities need to consider if they wish to exempt areas of pavement. The second guidance document will be released along with the enforcement regulations (later in 2023) and will give guidance on the process of issuing and enforcement of PCN notices.

Has the second lot of guidance been issued?

Regards,

[REDACTED]

[REDACTED]

Inverclyde Council
Legal, Democratic, Digital & Customer Services
Municipal Buildings
Greenock
PA15 1LY

Email 7

From: [REDACTED]

Sent: Monday, February 5, 2024 8:48 AM

To: [REDACTED]

Subject: RE: Pavement Parking Ticket Levels

Hi [REDACTED]

Numbers for week 1 as follows:

Contravention code	PCNs issued
100	141
101	10
102	19
Total	170

Thanks

[REDACTED]

From: [REDACTED]

Sent: Thursday, February 1, 2024 12:14 PM

To: [REDACTED]

Subject: Pavement Parking Ticket Levels

Hi Chaps,

Being a little pre-emptive here but I am assuming that Minister is going to ask us how many tickets City of Edinburgh have issued within the first week/month etc on the pavement parking front.

Just wondering if this would be an easy thing for you guys to share with us if you were willing?

Regards,

[REDACTED]

[REDACTED]

Road Policy Team

[REDACTED]

transport.gov.scot

Transport Scotland, George House, 36 North Hanover Street, Glasgow, Glasgow City, G1 2AD

Email 8

From: [REDACTED]
Sent: Thursday, February 15, 2024 9:54 AM
To: [REDACTED]
Cc: [REDACTED] Road Policy Mailbox
<roadpolicy@transport.gov.scot>
Subject: RE: Pavement Parking Costs

Hi [REDACTED],

We will shortly be issuing a questionnaire to all local authorities to aid our discussions with Scots & COSLA regarding the amount of funding that will be paid. This is asking various questions to try and ascertain the costs that have been/will be incurred in relation to putting any Exemption Orders in place as well as changes to back office etc for enforcement purposes.

The further chapters to the Parking Guidance doc have now been drafted and are undergoing our internal review procedures before we can get these published and out to you. I am hopeful this will be before the end of February but it may run into March depending on how quickly we can get it cleared.

Regards,
[REDACTED]

From: [REDACTED]
Sent: Tuesday, February 13, 2024 4:37 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Pavement Parking Costs

Hi [REDACTED],

Can you please advise of the process to be followed by Local Authorities in submitting a claim for all associated costs incurred as a result of the new Pavement, double and dropped kerb parking ban.

Also, is there any further information available on the second set of chapters of the Parking Standards Guidance which were due to be issued in December. As far as I'm aware, these have not been issued as yet.

Regards

[REDACTED]
Environment Department
East Renfrewshire Council

Email 9

From: [Redacted]

Sent: Friday, February 16, 2024 3:15 PM

To: [Redacted]

Cc: [Redacted]

Road Policy Mailbox

<roadpolicy@transport.gov.scot>

Subject: Important - Regarding future funding- Pavement, Dropped Kerb & Double Parking Local Authority Questionnaire

Dear Local Authorities,

Pavement, Dropped Kerb & Double Parking Local Authority Questionnaire – The Transport (Scotland) Act 2019

You will no doubt be aware that the final piece of legislation required to enable enforcement of the new pavement, dropped kerb & double parking prohibitions contained within the Transport (Scotland) Act 2019 came into force on the 11th December 2023. As we move further down the enforcement path we are keen to

establish the any further costs involved in enforcing these prohibitions and putting any required exemptions orders in place. An accurate estimate of the costs involved is essential as we look to issue establish further funding requirements and I would be grateful if one representative from each local authority could take some time to answer the questions in the link below as accurately as possible.

We would be grateful if responses to the questionnaire could be completed by the 1st April 2024 if possible. We do of course recognise that this time of year can be busy with the financial year ending so if a return by that date is not possible please let us know.

We have had a few questions related to costs which we would like to clarify before you undertake the questionnaire and have included some Q&A. If you have further queries though please do not hesitate to contact us via roadpolicy@transport.gov.scot and we will endeavour to get back to you as quickly as possible. I'm on annual leave next week hence the request to use our shared inbox 😊.

Q&A

Q. What initial set up costs can we include in respect of enforcement?

A. We would be grateful if you could provide costs associated with any alterations to or the setting up of back office systems/procedures and training of existing enforcement officers. We would expect that any additional staffing costs would be covered by PCN income. Costs associated with employing a third party to undertake enforcement, such as another local authority would also be considered. We would be grateful if as much detail as possible could be included for any other items you wish to propose are covered.

Q. What costs can we include in respect of exemptions orders?

A. We would be grateful if you could provide details of any costs associated with putting any proposed exemption orders in place. We envisage this covering the costs associated with the production of the exemption orders and putting the appropriate signs and lines in place. We have previously provided the full funding requested to allow for streets to be assessed to identify possible areas for exemption so would not expect any further costs on assessment being included. Again, we would be grateful if as much detail as possible could be included for any other items you wish to propose are covered.

Q. When will the proposed guidance chapters on enforcement be available?

A. We are currently finalising the enforcement guidance chapters and we should be in a position to issue these by the end of March but hopefully sooner.

Q. Can we include the cost of lowering kerbs or resurfacing areas of pavement we wish to include in an exemption order?

A. It is for a local authority to assess where they wish to put an exemption order in place. An such area should be suitable for the purpose and must be able to accommodate the signs and lines required. Scottish Ministers are not in a position to

fund any remedial work necessary to the pavement or kerb to accommodate an exemption order.

Q. Our local authority is looking at decriminalised parking enforcement powers (DPE). Can we include the costs of moving to DPE in this return?

A. Scottish Ministers have been keen to highlight that it is still very much a local authorities choice as to whether or not they wish to apply for DPE powers. Given that 22 local authorities have undertaken this process to date it would be unfair to cover any associated costs for those who are now wishing to pursue DPE powers.

Microsoft Office Form Link:

<https://forms.office.com/e/Nue95QDner>

Regards,

[Redacted]

[Redacted]

Road Policy Team

[Redacted]

transport.gov.scot

Transport Scotland, George House, 36 North Hanover Street, Glasgow, Glasgow City, G1 2AD



Email 10

From: [REDACTED]

Sent: Wednesday, February 21, 2024 12:37 PM

To: [REDACTED]

Subject: RE: Pavement Parking Enforcement - TSA 2019

Hi Mark,

For Section 60 of the Act, we reviewed the use of CCTV for this purpose, and feel that it is not necessary to approve particular devices at this time therefore we did not include this in the Enforcement Regulations. However, it is something we'll continue to keep under review.

As far as I'm aware, an enforcement officer is required to be in attendance to issue the PCN. I know a number of local authorities have or are planning on setting up a page on their website for members of the public to report instances of pavement parking, however this would be more to feedback the information to enforcement officers for potential areas to tackle.

I hope this helps however give me a shout if you have any more questions.

Regards

[REDACTED]

From: [REDACTED]

Sent: Friday, February 16, 2024 2:58 PM

To: [REDACTED]

Subject: Pavement Parking Enforcement - TSA 2019

Hi [REDACTED],

Not long until we finally have boots on the ground for DPE...late March if all goes to plan.

However, I have a couple of queries regarding DPE and hope you are able to advise.

1. TSA 2019 Section 60 Power to install approved devices.
Are you able to expand on the definition of a device? Is there a list of approved devices? As you are aware, there have been huge advances in CCTV technology and AI programmes that can detect / record vehicle movements and more, can this be used?
2. For both the TSA 2019 and RTA 1991, sort of ties in with the above.
A number of recent communications we've received from North Ayrshire residents have been asking if they can send in proof of illegal pavement parking and / or parking on double yellow lines? I know these fall under two different acts, however, is it possible to enforce and issue a PCN with evidence gathered from members of the public?

I look forward to hearing from you.

Kind Regards,

[Redacted Signature]

Neighbourhood Services
North Ayrshire Council | Cunninghame House|
IRVINE | KA12 8EE

Tel: [Redacted]

Email: [Redacted]



Email 11

From: [REDACTED]
Sent: Thursday, February 29, 2024 1:43 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: [Official] : Transport (Scotland) Act 2019 - Pavement Parking

Hi [REDACTED]


Thanks for this info – sorry but just to confirm we will be issuing all PCNs at the time of the offence as we do for current DPE offences – I was just wondering in terms of Notice to Owners/Charge Certificates, etc – we are just being asked by our back office (GCC) in respect of this.

So I am thinking from what you are saying that we are ok to proceed in the way that we currently do for PCNs issued under the Road Traffic Act – ie PCNs issued at the time of the offence being committed – follow up correspondence (ie NtO & CC) issued by normal mail with no need to use Track 24 mail procedure?

Thanks

[REDACTED]

[REDACTED]

 [REDACTED] or reach me on Microsoft Teams

 [REDACTED]



From: [REDACTED]
Sent: 29 February 2024 13:21
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: [Official] : Transport (Scotland) Act 2019 - Pavement Parking

Hi [REDACTED],

Our advice, which will be covered in the Parking Guidance chapters when they are released, would be to issue any PCNs that are being issued via the post for the first time to be done so via some form of recorded delivery. For the new parking prohibitions this would only be in a limited number of cases as it would only cover the circumstances where a vehicle has been driven away during the course of a PCN being issued. The vast majority of PCNs for the new offences would be issued via

enforcement officers placing them on vehicles so I would be hopeful that the additional costs associated with recorded delivery wouldn't be too high.

I hope that helps but happy to discuss further if you need anything.

Regards,

[Redacted]

From: [Redacted]
Sent: Thursday, February 29, 2024 12:10 PM
To: [Redacted]
Subject: [Official] : Transport (Scotland) Act 2019 - Pavement Parking

Hi [Redacted]

I wonder if I could pick your brains please?

I am sure you will both be aware regarding the Adjudicator decision regarding the LEZ at GCC in terms of the fines not being issued using recorded or registered post so deeming them not served properly. I know that GCC have appealed the decision and I don't believe they have had a decision as yet. Currently they are serving all PCNs for LEZ contraventions by Track 24.

I am sure there was some discussion regarding this at one of our previous meetings (in relation to the pavement parking legislation) and that this potential issue was going to be taken back to Transport Scotland to perhaps look at the legislation/guidance....can I ask if my memory on this is correct? Is it being considered that changes may need to be made to the legislation same so that correspondence in respect of PCNs for these contraventions can be served in the same way as PCNs are served for contraventions under the Road Traffic Act?

Given my experience of the Adjudicator at the moment I don't believe once a decision has initially been by them that they would overturn it at review whether they thought the initial decision was correct or not.

Hopefully hear from you soon.

Thanks

[Redacted]

[Redacted]

 [Redacted] or reach me on Microsoft Teams

 [Redacted]

Email 12 – Attachment referred to in email included as Annex B

From: [REDACTED]
Sent: Friday, March 15, 2024 2:43 PM
To: [REDACTED]
Cc: [REDACTED]
[REDACTED]
Subject: RE: Footway Parking - Ministerial Directions (OFFICIAL)

Hi [REDACTED],

The short answer is yes, a local authority may make an exemption order on an area of pavement where the area left after the exempt area is less than 1.5m. This should only be done in exceptional circumstances and our general recommendation would be that this was only done on one side of a street to allow for an entire pavement to be clear on the other. This was put in to allow local authorities to make the decision on what to do in exceptionally tight streets where there would potentially be no room for emergency vehicles to gain access to a street if cars weren't parked on part of a pavement.

The exceptions in section 55 of the Act are a different kettle of fish as these allow for specific instances where certain types of vehicle can park on any pavement.

I have attached a copy of the Guidance chapters that were issued in December 2022 regarding exceptions and a link to the secondary legislation laying out the procedures for putting exemptions in place.

The Pavement Parking Prohibition (Exemption Orders Procedure) (Scotland) Regulations 2022 (legislation.gov.uk)

Happy to have a meeting to chat this over if that helps.

Regards,

[REDACTED]

[REDACTED]

Road Policy Team

[REDACTED]
transport.gov.scot

Transport Scotland, George House, 36 North Hanover Street, Glasgow, Glasgow City, G1 2AD



From: [REDACTED]
Sent: Friday, March 15, 2024 2:24 PM

To: [REDACTED]
Cc: [REDACTED]

Subject: FW: Footway Parking - Ministerial Directions (OFFICIAL)

OFFICIAL

Hello [REDACTED]

I wonder if you could help with a clarification of the Ministerial Direction attached and extract below. Paras a) and b) are a bit open to interpretation. All of the exceptions in Clause 55 appear to require this 1.5m space with the exception of a lifesaving situation. Even police and ambulance are not exempt from this requirement. Can a local authority grant an exemption where this minimum width is not maintained? Para b) seems to suggest that we can?

Extract

3.—(1) A footway may not be specified in an exemption order unless—

(a) its layout or character would allow for a width of 1.5 metres of the footway to remain unobstructed when any part of a vehicle is parked on it, or

(b) the layout or character of the carriageway associated with the footway is such that the passage of an emergency vehicle would be impeded by the presence of a vehicle parked on the carriageway.

(2) The width of 1.5 metres mentioned in paragraph 1(a) is to be measured from the footway edge which is furthest away from the centre of the carriageway (however that edge is bounded).

Many thanks

[REDACTED]

[REDACTED]

Exchange House
Third Floor
231, George St
Glasgow
G1 1RX

[REDACTED]

From: [REDACTED]

Sent: Friday, March 15, 2024 12:01 PM

To: [REDACTED]

Subject: FW: Footway Parking - Ministerial Directions (OFFICIAL)

OFFICIAL

The attached PDF states the criteria a local authority must consider for exemption 😊

Regards

[REDACTED] – Parking Services (Operational Delivery)
Neighbourhoods, Regeneration and Sustainability
Glasgow City Council
Eastgate | 727 London Road
G40 3AQ

[REDACTED]

www.glasgow.gov.uk
social media atGlasgowCC

Email 13

From: [REDACTED]

Sent: Monday, March 25, 2024 9:46 AM

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Important - Regarding future funding- Pavement, Dropped Kerb & Double Parking Local Authority Questionnaire

Importance: High

Hi All,

I just wanted to issue a little reminder of the questionnaire in relation to future funding of the pavement, dropped kerb & double parking prohibitions. We have had 6 replies so far for which we are grateful.

I would like to ask those who have not yet completed to spare 5 minutes to give us this vital feedback as we look to establish the additional budget required.

Regards,



[Redacted content]

Cc:

[Redacted email address]

Road Policy Mailbox

<roadpolicy@transport.gov.scot>

Subject: Parking Standards Guidance - Enforcement Chapters

All,

Further to the Enforcement Regulations which came into force on 11 December 2023, please see attached the Parking Standards Guidance – Enforcement Chapters. For information, a copy of the Regulations can be found here: The Parking

Prohibitions (Enforcement and Accounts) (Scotland) Regulations 2023
(legislation.gov.uk).

As previously mentioned, these Parking Standards Guidance chapters, which can be read in association with the Regulations, will help provide a procedure to follow when enforcing the new parking prohibitions.

This is the first iteration of this set of chapters. As mentioned previously, we will look to amalgamate both sets of chapters into one document in due course. We have also attached the Pre-Enforcement chapters that were issued in December 2022, for reference.

If anyone has any questions or comments, please don't hesitate to contact me.

Regards

[Redacted]



TRANSPORT
SCOTLAND

CÒMHDHAIL ALBA

[Redacted]

[Redacted] | Roads Directorate

transport.gov.scot



<roadpolicy@transport.gov.scot>

Subject: RE: Parking Standards Guidance - Enforcement Chapters

Hi Colin,

We have previously discussed during the parking standard guidance meetings that the parking standards guidance will be an active document which may contain more information over time as situations arise. This is the first iteration but it may well be that we need to adapt some of the wording or include other sections as time goes by and various issues come to light necessitating further versions.

These chapters are the final guidance at this point in time which gives the guidance required to help with The Parking Prohibitions (Enforcement and Accounts) (Scotland) Regulations 2023 (legislation.gov.uk). In addition we will be working on combining the two sets of chapters that have been issued to date but it's not envisaged that any of the practical content will change other than taking out duplicate wording, such as the introduction chapters, and making sure that it is reader friendly for publication on our website etc.

As always happy to discuss and will look to get a further meeting of the parking standards group set up in due course once people have had a chance to digest.

Regards,

[Redacted]

[Redacted]

Road Policy Team

[Redacted]
transport.gov.scot

Transport Scotland, George House, 36 North Hanover Street, Glasgow, Glasgow City, G1 2AD



From: [Redacted]

Sent: Thursday, March 28, 2024 3:47 PM

To: [Redacted]

[Redacted content]

Cc:

Subject: RE: Parking Standards Guidance - Enforcement Chapters

Good Afternoon [Redacted],

Thank you for your email.

If I am reading your email correctly, you are saying that this is your first iteration of the chapters, which suggests they will change or are not confirmed.

Can you advise when Local Authorities will have the full and comprehensive guidance to allow us to effectively consider enforcement in a practical way without any risk of challenge in the future.

Or are you saying we have this now?

Kind Regards

[Redacted]

[Redacted]

**Community and Enterprise Resources
South Lanarkshire Council
Council Offices Floor 6,
Almada Street,
Hamilton,
ML3 0AA**

[Redacted]

Council Website: www.southlanarkshire.gov.uk

Email 16

From: [REDACTED]
Sent: Tuesday, April 2, 2024 10:52 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Parking Standards Guidance - Enforcement Chapters

Hi [REDACTED],

Thanks for coming back to me.

I don't have any photos, but you can see the new layout on Streetview. I gather that the parking situation has deteriorated since the last update in June 2023.

The situation here is primarily where there is shared provision (cycletrack) directly adjacent to a carriageway or separated by a strip of verge. If I recall correctly, the provision on the north side of Turnhouse Road is primarily footway, but on the south side it is almost entirely cycletrack.

This was a particular instance, but there are implications for other locations as well, some of which will be similar, but there are others where we will have adjacent footway/cycletrack next to a carriageway and cycle track that is remote from carriageway.

Obviously, the provisions of the RSA make parking on a cycletrack an offence, but the provisions of that Act have not, to the best of my knowledge, been decriminalised.

[REDACTED]

[REDACTED] – Traffic Regulations

[REDACTED]

📧 Network Management and Enforcement, Place, 4 East Market Street, Edinburgh, EH8 8BG

 **Please consider the environment before printing this email**

From: [REDACTED]
Sent: Tuesday, April 2, 2024 10:31 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Parking Standards Guidance - Enforcement Chapters

[Redacted]

Cc:

Subject: RE: Parking Standards Guidance - Enforcement Chapters

Hi [Redacted],

Thanks for sharing these documents.

The timing of your email was impeccable, given that we have today been discussing footway parking issues related to a large new development on the outskirts of Edinburgh.

While part of that discussion relates to whether we can enforce newly constructed (and yet to be adopted) footways – and the view is that we can by virtue of the Act echoing the approach of other primary legislation in making little or no distinction between adopted and privately maintained roads (other than maintenance burden) – the main point that I hoped to clarify was the situation with regard to cycletracks.

As part of this development, we have long sections of footway alongside cycletrack, provided on greenfield via RCC. According to the Act the pavement parking restrictions apply to both footway and footpath, as defined by the RSA84, but cycletracks are not mentioned (and therefore appear to be excluded). The developer is trying to manage on-site parking by various contractors, with that parking taking place on both the footways and cycletracks. We have been asked to enforce, but our powers appear to only extend to part of the area where the problems are occurring.


Clarity on the intent behind the powers in the Act as they do (or don't) relate to cycletracks would be welcome, as it appears that we have no current powers. If that is the case, would there be plans to make amendments to include cycletracks?

Thanks

[Redacted]

[Redacted] – Traffic Regulations

[Redacted]

 Network Management and Enforcement, Place, 4 East Market Street, Edinburgh,
EH8 8BG

 **Please consider the environment before printing this email**

Email 17

From: [REDACTED]
Sent: Thursday, April 4, 2024 10:26 AM
To: [REDACTED]
Subject: RE: Parking standards guidance

Hi [REDACTED],

Apologies for the delay in getting back to you.

As you'll be aware, we've now issued the guidance for the enforcement chapters. We'll look to amalgamate both sets of chapters in due course.

With regard to disabled bays, I don't think there is anything to stop a local authority having a disabled bay on an exempt area but I don't think it allows an Exemption Order to be promoted solely for a disabled bay, unless it is covered by something else under the Ministerial Direction. Local authorities will also need to consider the size of disabled bays and any potential issues from having the vehicle parked half on and half off the pavement.

Disabled bays were debated at length as part of the Act and it was felt that there shouldn't just be an exemption for disabled drivers given that it would then stop others getting about on the pavement.

I hope this helps.

Regards

[REDACTED]



[REDACTED]
[REDACTED] | Roads Directorate
transport.gov.scot



From: [REDACTED]
Sent: Friday, March 22, 2024 3:41 PM
To: [REDACTED]
Subject: RE: Parking standards guidance

Hi [REDACTED]

Is there an update on when the guidance is likely to be published?

[Redacted]

[Redacted] – Parking Operations

✉ [Redacted]

☰ Network Management and Enforcement | Place | 1.8 Waverley Court, 4 East
Market Street, Edinburgh, EH8 8BG

Email 18

From: [REDACTED]
Sent: Wednesday, April 10, 2024 3:50 PM
To: [REDACTED]
Cc: Road Policy Mailbox <roadpolicy@transport.gov.scot>; [REDACTED]

[REDACTED]

Subject: RE: [Official] : FW: Action Required: Regarding future funding- Pavement, Dropped Kerb & Double Parking Local Authority Questionnaire

Hi [REDACTED],

Sorry it has taken me a while to come back to this.

We would be willing to look at the costs involved in TROs that are directly related to the pavement parking prohibition where they are being used as an alternative to allowing cars on one side of a road's pavement. For example, if cars parking on the carriageway on both sides would narrow the carriageway to the point where emergency vehicles can't get past you have the option of putting an Exemption Order in place to allow cars to park on one of the two pavements. If however you are looking to put parking restrictions on one side to allow vehicles to park fully on the carriageway at the other side then I would think that would be an acceptable cost. There is of course the argument that no driver should be parking where they are causing an obstruction but a tro may help formalise what is acceptable.

If you need anything further on that please let me know.

Regards,

[REDACTED]

From: [REDACTED]
Sent: Tuesday, March 26, 2024 4:50 PM
To: [REDACTED]
Cc: [REDACTED]

[REDACTED]

Subject: RE: [Official] : FW: Action Required: Regarding future funding- Pavement, Dropped Kerb & Double Parking Local Authority Questionnaire

Hi [REDACTED]

We have an assessment of sites that should/could have exemption orders and it's not many (13No). However, we have a number of requests from residents to also exempt their street (which I don't want to do) or to at least regulate waiting on one side of a street that does not get an exemption because if vehicles park on both sides, traffic won't get through. This would be a cost incurred by the Act. I

understand Edinburgh began enforcing pavement parking without doing that and it has caused them such trouble that they are having to follow up with waiting restrictions. I'm happy to take a call if I'm not being clear.

Regards

[Redacted]

[Redacted]



sustainable thriving achieving

East Dunbartonshire Council

www.eastdunbarton.gov.uk

From: [Redacted]

Sent: 26 March 2024 16:19

To: [Redacted]

Cc: [Redacted]

Subject: FW: [Official] : FW: Action Required: Regarding future funding- Pavement, Dropped Kerb & Double Parking Local Authority Questionnaire

Hi [Redacted],

Just after a little bit more info on this one if possible. Are you talking about having a TRO on one side of the street to prevent parking there and then an exemption order on the other side to allow vehicles to park on that side of the pavement? If so the cost of promoting the associated TRO in place is something we would look at funding so any kind of estimate you would have in respect of this would be helpful. I had assumed the assessment for exemption orders would have already been done so this would give an idea of where this type of intervention would be needed but it may prove a little difficult to quantify if that hasn't been undertaken already.

As always more than happy to discuss.

Regards,

[Redacted]

[Redacted]

Road Policy Team

[Redacted]

transport.gov.scot

Transport Scotland, George House, 36 North Hanover Street, Glasgow, Glasgow City, G1 2AD



TRANSPORT SCOTLAND
CÒMHDHAIL ALBA



From: [REDACTED]

Sent: Tuesday, March 26, 2024 10:47 AM

To: [REDACTED]

Subject: FW: [Official] : FW: Action Required: Regarding future funding- Pavement, Dropped Kerb & Double Parking Local Authority Questionnaire

Hi

I've been asked by a few residents if we will make TROs to restrict parking to one side of the street (or none) as a result of the pavement parking legislation. Currently, I have no idea how many streets that would be. Have you any advice how to account for that in your questionnaire?

Regards

[REDACTED]

[REDACTED]



Email 19

From: [REDACTED]
Sent: Thursday, April 11, 2024 9:26 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Parking Standards Guidance - Enforcement Chapters

Classification: OFFICIAL

[REDACTED]
Thanks for your reply
I accept that we have sort of hung our hat on the lack of DPE being the stumbling block for Orkney. I do understand that there is a duty under the Act to have regards to this and this will be considered as we go forward. However this does seem very onerous for rural and island communities.

As I said in my previous email there is not a big problem with pavement parking, double parking or obstruction of dropped kerbs in Orkney. The main issues is public perception and hopefully as you suggest we could deal with this with warning notices. The few complaints we get are at evenings and weekends when staff are not at work so that's something we may need to consider.

I don't agree that having Highland Council staff travelling to Orkney is a solution for us, and I would imagine colleague sin Shetland and Western Isles might hare this view, however we are open to discussion. I look forward to hearing form you once CoLSA and SCOTS have had their discussions.

Regards
[REDACTED]
Neighbourhood Services
[REDACTED]

I can be contacted via my office phone, email or MS Teams.

Customer Survey

Your feedback is important to us. Please take a few moments to complete our online survey by clicking on the link below.
Many thanks for your time.
Orkney Roads Survey

From: [REDACTED]
Sent: Wednesday, April 10, 2024 4:34 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Parking Standards Guidance - Enforcement Chapters

Classification: OFFICIAL

Hi [REDACTED],

Sorry for taking a bit of time to come back on this.

The Transport (Scotland) Act 2019 imposes a duty on all local authorities in Scotland to have regard to the new pavement, double parking and dropped kerb prohibitions so I don't think not doing anything about it is an option I'm afraid.

I get that there are issues in relation to setting up a back office system etc to deal with issuing PCNs but the Act also gives local authorities the ability to share resources or hire third parties to undertake enforcement on their behalf. I know there has been some work in Aberdeenshire who do not have DPE but are some way down the line to being able to bring in enforcement. Short of enforcement they have been issuing warning notices, using the content shared with all local authorities, which have been working to good effect. To be honest it was never the intention that this would only work by issuing tickets so anything that can be done to raise awareness of the inconvenience and dangers it causes people would be of great assistance.

We have some feedback from other local authorities that we are going to discuss with COSLA & Scots in relation to costs and preparedness and I also think we need further discussions on what type of shared services would best suit non-DPE authorities. It could well be that with some distribution of warning notices and, say for example Highland Council, officers coming over once in a while to issue enforcement tickets we negate the need to set up back office systems and have dedicated staff etc.

Once we have had the discussions with COSLA and Scots we will look at getting a further non-DPE meeting organised to discuss potential ways forward. I hope this helps in the meantime though.

Regards,

[REDACTED]

[REDACTED]

Road Policy Team

[REDACTED]

transport.gov.scot

Transport Scotland, George House, 36 North Hanover Street, Glasgow, Glasgow City, G1 2AD



From: [REDACTED]

Sent: Friday, March 29, 2024 9:11 AM

To: [REDACTED]
Subject: RE: Parking Standards Guidance - Enforcement Chapters

Classification: OFFICIAL

[REDACTED]
Orkney Islands Council does not have decriminalised parking enforcement powers and as it stands, due to the cost associated with this, is unlikely to apply for these powers any time soon.
It is proposed to have a further meeting with elected members in the early summer to update them on the options available. Given that DPE is very unlikely where does this leave us in relation to pavement parking. This is not really a major issue in our towns and villages but does on occasion generate irate phone calls and emails from residents. In addition with the press interest in this subject it tends to wind a few people up that we are not doing anything about it.

Regards

[REDACTED]
Neighbourhood Services
[REDACTED]

I can be contacted via my office phone, email or MS Teams.

Customer Survey

Your feedback is important to us. Please take a few moments to complete our online survey by clicking on the link below.
Many thanks for your time.
Orkney Roads Survey

Email 20

From: [REDACTED]
Sent: Friday, April 19, 2024 7:13 PM
To: [REDACTED]
Subject: RE: Pavement Parking Ticket Levels

Hi [REDACTED]

The latest stats I have are below;

Contravention	PCNs Issued
100	1,274
101	277
102	364

This includes 29 Jan to 14 April.

So far we only have 6 have representations logged, but we do have a bot of a backlog which could be delaying cases progressing to this stage. We don't have any stats on informal challenges. Payments are also on par with, if not higher than, RTA contraventions issued over the same period. Generally, compliance is good and drivers accept the PCNs require to be paid or challenged in the same way as existing PCNs.

Hope this helps.

Thanks
[REDACTED]

From: [REDACTED]
Sent: Wednesday, April 17, 2024 3:04 PM
To: [REDACTED]
Subject: RE: Pavement Parking Ticket Levels

Hi [REDACTED],

Would you by any chance have any up to date figures around the number of tickets issued per week and number of appeals received that you would be happy to share? Just looking to get a feeling for how things are going.

Regards,
[REDACTED]
[REDACTED]
Road Policy Team
[REDACTED]
transport.gov.scot

Transport Scotland, George House, 36 North Hanover Street, Glasgow, Glasgow City, G1 2AD

