

North Lanarkshire Council Report

Environment and Climate Change Committee

Does this report require to be approved? Yes No

Ref Date 07/02/24

Update on Parking Enforcement

From Pamela Humphries, Chief Officer (Place)

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Executive Summary

The purpose of this report is to seek approval to progress with the enforcement of pavement parking, double parking and parking at dropped kerbs.

Recommendations

It is recommended that the Committee:

1. Approve the enforcement of pavement parking, double parking and parking at dropped kerbs.

The Plan for North Lanarkshire

Priority Improve the health and wellbeing of our communities

Ambition statement (17) Ensure we keep our environment clean, safe, and attractive

1. Background

- 1.1 Part 6 of *the Transport (Scotland) Act 2019* 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.
- 1.2 In 2019 the Scottish Parliament passed the Transport (Scotland) Act 2019 which included powers to introduce three new parking prohibitions nationally. These ban parking on pavements, at dropped kerbs at known crossing places and also double parking.
- 1.3 All of the secondary legislation has now been put in place to give local authorities the powers they require to enforce these new parking offences. The Parking Prohibitions (Enforcement and Accounts) (Scotland) (Regulations) 2023 were enacted on 11 December 2023, which provides local authorities with the powers to enforce the new parking prohibitions. The penalty charge level is set at £100, although this reduces to £50 if paid within 14 days.

- 1.4 Some exemptions apply to the new parking offences, which include:
- To allow for the normal operation of the emergency services, or medical practitioners in emergency situations.
 - To allow the response to an emergency or accident.
 - To allow for certain deliveries and collections.
 - Vehicles used for undertaking works on roads or removal of obstructions.
- 1.5 These exceptions are only valid if specific criteria are met and there is no other reasonable parking available. Local Authorities in Scotland have powers to exempt certain areas of pavement, should they feel it necessary. In general, local authorities can consider an exemption where one of two criteria are met, where:
- 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
 - 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.
- 1.6 Where an exemption is put in place, the area subject to the exemption must be clearly signed and marked so that members of the public understand that they are allowed to park on that area of pavement.

2. Report

- 2.1 Inconsiderate and obstructive parking on footways and at dropped kerbs, as well as double parking, causes inconvenience and accessibility issues for all. It particularly affects those with mobility problems, parents with pushchairs and other vulnerable pedestrians.
- 2.2 In preparation for the introduction of these new parking offences, the Council has assessed the entire public road network within North Lanarkshire to determine whether exemptions should apply. As the vast majority of pavement parking is occurring where there is existing on-street provision or private driveways, it is considered that no Exemption Orders are required at this time. Instead, it is proposed to undertake an operational review one year post-implementation to determine whether any Exemption Orders are appropriate.
- 2.3 A collaborative working agreement is in place with Glasgow City Council to provide back-office support for the Council's parking enforcement service. Glasgow City Council also have a similar collaboration with East Renfrewshire Council and East Dunbartonshire Council. As part of the collaborative arrangements with these three local authorities, the implementation timeframes for enforcement of the parking offences have been discussed. Similarly, discussions have also taken place with South Lanarkshire Council.
- 2.4 Ideally, it would be desirable for all local authorities to commence enforcement of the new parking offences at the same time. This would help to ensure that there was a consistent approach to enforcement and reduce the potential for confusion. However, some local authorities including Edinburgh City Council, Glasgow City Council and South Lanarkshire Council have already confirmed their intention to commence enforcement of these new offences. Glasgow City Council and South Lanarkshire Council have yet to confirm implementation timeframes, Edinburgh City Council commenced enforcement on 29 January 2024.

- 2.5 Before the Council can commence enforcement, it will be necessary to make changes to the existing back-office support and provide additional training to staff. As Glasgow City Council provide the back-office support for the Council's parking enforcement service, it would not be possible to commence enforcement before Glasgow City Council. It is understood that it will be Spring 2024 before Glasgow City Council is able to undertake these duties, therefore, the Council requires to work towards the same commencement date.
- 2.6 The penalty charge for any parking contravention in North Lanarkshire is currently £60, which is reduced to £30 if paid within 14 days. Under the new legislation, to enable enforcement of the new parking offences, '*The Parking Prohibitions (Enforcement and Accounts) (Scotland) (Regulations) 2023*', the mandatory penalty charge for pavement parking, double parking and parking at dropped kerbs is set at £100, which is reduced to £50 if paid within 14 days.
- 2.7 Transport Scotland is aware of the issues facing Local Authorities in preparing for the enforcement of the new parking offences. A national awareness campaign is already underway, which focuses on raising awareness of the difficulties pavement parking causes. The Council will run a complementary communications campaign aligned with the national approach, which will commence four weeks prior to the implementation date. In addition, to raise awareness of these new prohibitions, it is intended to initially undertake a soft approach for the first four weeks of enforcement, by affixing warning notices to offending vehicles. Thereafter, Penalty Charge Notices will be issued.
- 2.8 The council currently has a small team of Parking Attendants working across North Lanarkshire and the introduction of the new legislation will significantly increase the level of demand for parking enforcement. A review of resources within this team is currently underway, but it will be necessary to focus resources on locations where there is a more significant road safety risk to pedestrians or other road users as a result of pavement/double parking. This would typically be in areas with high traffic volumes and high pedestrian movements.

3. Measures of success

- 3.1 Through greater enforcement of pavement parking, there will be improved accessibility in our town centres and communities.

4. Supporting documentation None



Pamela Humphries
Chief Officer (Place)

5. Impacts

<p>5.1 Public Sector Equality Duty and Fairer Scotland Duty Does the report contain information that has an impact as a result of the Public Sector Equality Duty and/or Fairer Scotland Duty? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact? Positive impacts – greater accessibility in town centres and communities. EqIA prepared If Yes, has an assessment been carried out and published on the council's website? https://www.northlanarkshire.gov.uk/your-community/equalities/equality-and-fairer-scotland-duty-impact-assessments Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>5.2 Financial impact Does the report contain any financial impacts? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes, have all relevant financial impacts been discussed and agreed with Finance? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, please provide a brief summary of the impact? Whilst there may be an increase in Penalty Charge Notice (PCN) income resulting from the enforcement of the new parking offences, the value is difficult to forecast. It should be noted the main objective of parking enforcement is not to raise income but to encourage safe and responsible road use. The Regulations expect that any surplus is utilised to facilitate the Council's local transport strategy and / or to support the costs of maintaining off-street parking</p>
<p>5.3 HR policy impact Does the report contain any HR policy or procedure impacts? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant HR impacts been discussed and agreed with People Resources? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>
<p>5.4 Legal impact Does the report contain any legal impacts (such as general legal matters, statutory considerations (including employment law considerations), or new legislation)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes, have all relevant legal impacts been discussed and agreed with Legal and Democratic? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, please provide a brief summary of the impact? If any Exemption Orders are retrospectively considered, this will be discussed with Legal and Democratic Services and appropriate legal advice obtained.</p>
<p>5.5 Data protection impact Does the report / project / practice contain or involve the processing of personal data? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, is the processing of this personal data likely to result in a high risk to the data subject?</p>

Yes No

If Yes, has a Data Protection Impact Assessment (DPIA) been carried out and e-mailed to dataprotection@northlan.gov.uk

Yes No

5.6 Technology / Digital impact

Does the report contain information that has an impact on either technology, digital transformation, service redesign / business change processes, data management, or connectivity / broadband / Wi-Fi?

Yes No

If Yes, please provide a brief summary of the impact?

Where the impact identifies a requirement for significant technology change, has an assessment been carried out (or is scheduled to be carried out) by the Enterprise Architecture Governance Group (EAGG)?

Yes No

5.7 Environmental / Carbon impact

Does the report / project / practice contain information that has an impact on any environmental or carbon matters?

Yes No

If Yes, please provide a brief summary of the impact?

5.8 Communications impact

Does the report contain any information that has an impact on the council's communications activities?

Yes No

If Yes, please provide a brief summary of the impact?

There will be a requirement raise awareness via Corporate Communications in advance of the enforcement of pavement parking etc.

5.9 Risk impact

Is there a risk impact?

Yes No

If Yes, please provide a brief summary of the key risks and potential impacts, highlighting where the risk(s) are assessed and recorded (e.g. Corporate or Service or Project Risk Registers), and how they are managed?

5.10 Armed Forces Covenant Duty

Does the report require to take due regard of the Armed Forces Covenant Duty (i.e. does it relate to healthcare, housing, or education services for in-Service or ex-Service personnel, or their families, or widow(er)s)?

Yes No

If Yes, please provide a brief summary of the provision which has been made to ensure there has been appropriate consideration of the particular needs of the Armed Forces community to make sure that they do not face disadvantage compared to other citizens in the provision of public services.

5.11 Children's rights and wellbeing impact

Does the report contain any information regarding any council activity, service delivery, policy, or plan that has an impact on children and young people up to the age of 18, or on a specific group of these?

Yes No

If Yes, please provide a brief summary of the impact and the provision that has been made to ensure there has been appropriate consideration of the relevant Articles from the United Nations Convention on the Rights of the Child (UNCRC).

If Yes, has a Children's Rights and Wellbeing Impact Assessment (CRWIA) been carried out?

Yes

No