

**South Ayrshire Council**

**Report by Director of Housing, Operations and Development  
to Cabinet  
of 21 January 2025**

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**Subject: Pavement Parking Enforcement - Update**

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**1. Purpose**

- 1.1 The purpose of this report is to provide an update to Cabinet on the road assessments that have been undertaken relating to new pavement parking prohibitions underpinned by the Transport (Scotland) Act 2019; to provide an update on the work undertaken to progress the implementation plan; and to seek approval for the preparation and promotion of an Exemption Order which would apply an exemption to one street which has met the relevant criteria.

**2. Recommendations**

**2.1 It is recommended that the Cabinet:**

- 2.1.1 agrees to the exemption proposed for Stonefield Park, Ayr and, subject to Regulatory Panel approval, and notes the Head of Roads' intention to commence the process to prepare and promote an Exemption Order under the Transport (Scotland) Act 2019;**
- 2.1.2 notes the progress made in preparation of the uptake of pavement parking enforcement powers; and**
- 2.1.3 otherwise, notes the contents of the report.**

**3. Background**

- 3.1 At its meeting held on 16 January 2024, Cabinet agreed to approve the proposal to commence work towards implementing pavement parking enforcement and to note the intention to present to Cabinet a future report relating to the results of street assessments and a proposed future Exemption Order.
- 3.2 Exemptions which allow pavement parking apply to emergency services and medical practitioners responding to emergencies, accidents or in the normal course of their duties. Further exemptions apply to postal service providers in the course of the collection or delivery of goods which cannot be achieved without the vehicle being parked on a pavement. There are also exemptions for vehicles used in connection with roadworks and the removal of obstructions.
- 3.3 The Act further allows for the promotion of Exemption Orders to specific locations applying strict criteria. Consideration can be given to exempt a street or parts of a street if:

- The pavement is of sufficient width to allow 1.5m to remain unobstructed when any part of a vehicle is parked on it; and
- The width of the carriageway associated with the pavement is such that any vehicle parked on it would obstruct an emergency vehicle.

3.4 [The Pavement Parking Prohibition \(Exemption Orders Procedure\) \(Scotland\) Regulations 2022 \(legislation.gov.uk\)](#) is the Statutory Instrument which sets out the regulations relating to the promotion of Exemption Orders and prior to making an order, Local Authorities are obliged to publish its proposals and consider any resultant representations.

## 4. Proposals

### *Exemptions*

4.1 A desk top exercise which applied the RAG methodology helped identify streets which required day / night inspections to establish if exemptions should be considered. Feedback gathered through a dedicated email account, social media accounts and through information received via Elected Members has also been considered.

4.2 The exemption criteria has been applied consistently and the majority of locations visited were quickly ruled out from any further consideration. At these locations where pavement parking was observed, the conclusion was that in shifting vehicles onto the carriageway, streets would still be passable with care.

4.3 In many cases, residents will be required to compromise or take cognisance of the fact that they may not be able to park immediately to the front of their properties.

4.4 However, Members are asked to note that the effects of the enforcement of pavement parking legislation on parking behaviour shall be monitored and further action may be taken as necessary to ensure compliance with the Act and the continued promotion of road safety.

4.5 A map showing the proposed exemption is listed in [Appendix 1](#) for Member's reference.

### *Implementation Plan*

4.6 Whilst there has been significant progress made the original target implementation date of 28 October 2024 has not been met. The work to prepare the back office systems for the implementation of enforcement procedures continues. The parking database is being reconfigured to accommodate Penalty Charge Notices issued under the new contravention codes and new templates have been prepared for the associated legal notices. Appropriate training shall be rolled out in due course.

4.7 As things stand, it is anticipated that the Exemption Order will be prepared and ready for consultation and advertising by 28 February 2025. Thereafter, allowing for any maintained objections which would require further committee consideration, and subsequent line and sign installations, full implementation of the Exemption Order is not expected to be achieved until 30 September 2025.

- 4.8 However, it should be noted that commencement of pavement parking enforcement is not dependent upon the aforementioned Exemption Order process. Provided the database reconfiguration is completed and fully tested, it is proposed to commence a phased approach to pavement parking enforcement from 31 March 2025. Parking Attendants will be tasked with issuing warning notices for an initial 4 week period supported by a range of dedicated media communications prior to the commencement of official enforcement on the week commencing 28 April 2025.

### ***Enforcement Protocol***

- 4.9 An enforcement protocol which sets out the Parking Service's approach to enforcement and how the service will react to complaints received directly or through Members shall also be developed and embedded prior to the commencement of formal enforcement activity. This will be based on local needs and will also recognise the experience and knowledge gained by other authorities which have already commenced pavement parking enforcement.

## **5. Legal and Procurement Implications**

- 5.1 This report seeks approval for the promotion of an Exemption Order under the powers conferred by the Transport (Scotland) Act 2019 and following the statutory procedure set out in the Pavement Parking Prohibition (Exemption Orders Procedure) (Scotland) Regulations 2022. Therefore, in terms of the Council's Scheme of Delegation, Traffic Order Regulation approval shall be sought through the Regulatory Panel.
- 5.2 There are no procurement implications that result from these proposals.

## **6. Financial Implications**

- 6.1 Scottish Government has distributed funding to each Local Authority to support the assessment/implementation process and South Ayrshire Council are in receipt of £34,600.
- 6.2 Any additional income generated from the new powers will contribute towards the operational costs of the service or reinvested in roads related projects

## **7. Human Resources Implications**

- 7.1 At present there are seven Full Time Equivalent Parking Attendants who undertake parking enforcement across the Council area. A review is underway to ensure the Council can deliver a proportionate level of enforcement to implement the requirements of Part 6 of the Transport (Scotland) Act 2019 discussed in this paper.

## **8. Risk**

### ***Risk Implications of Adopting the Recommendations***

- 8.1.1 There are no risks associated with adopting the recommendations.

### ***Risk Implications of Rejecting the Recommendations***

- 8.2.1 Rejecting the recommendations may impact on the reputation of the Council.

## 9. Equalities

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 2](#).

## 10. Sustainable Development Implications

10.1 **Considering Strategic Environmental Assessment (SEA)** – This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

## 11. Options Appraisal

11.1 An options appraisal has not been undertaken.

## 12. Link to Council Plan

12.1 The matters referred to in this report contribute to Commitment 6 of the Council Plan: A Better Place to Live / Enhanced Environment through social, cultural and economic activities.

## 13. Results of Consultation

13.1 There has been no public consultation on the contents of this report.

13.2 Consultation has taken place with Councillor Bob Pollock, Portfolio Holder for Economic Development, and the contents of this report reflect any feedback provided.

## 14. Next Steps for Decision Tracking Purposes

14.1 If the recommendations above are approved by Members, the Director of Housing, Operations and Development will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Leadership Panel in the 'Council and Leadership Panel Decision Log' at each of its meetings until such time as the decision is fully implemented:

<b><i>Implementation</i></b>	<b><i>Due date</i></b>	<b><i>Managed by</i></b>
Commence pavement parking enforcement	31 March 2025	Head of Roads
Implement Exemption Order	30 September 2025	Head of Roads

**Background Papers**    **Report to Cabinet of 16 January 2024 - [Pavement Parking Enforcement](#)**

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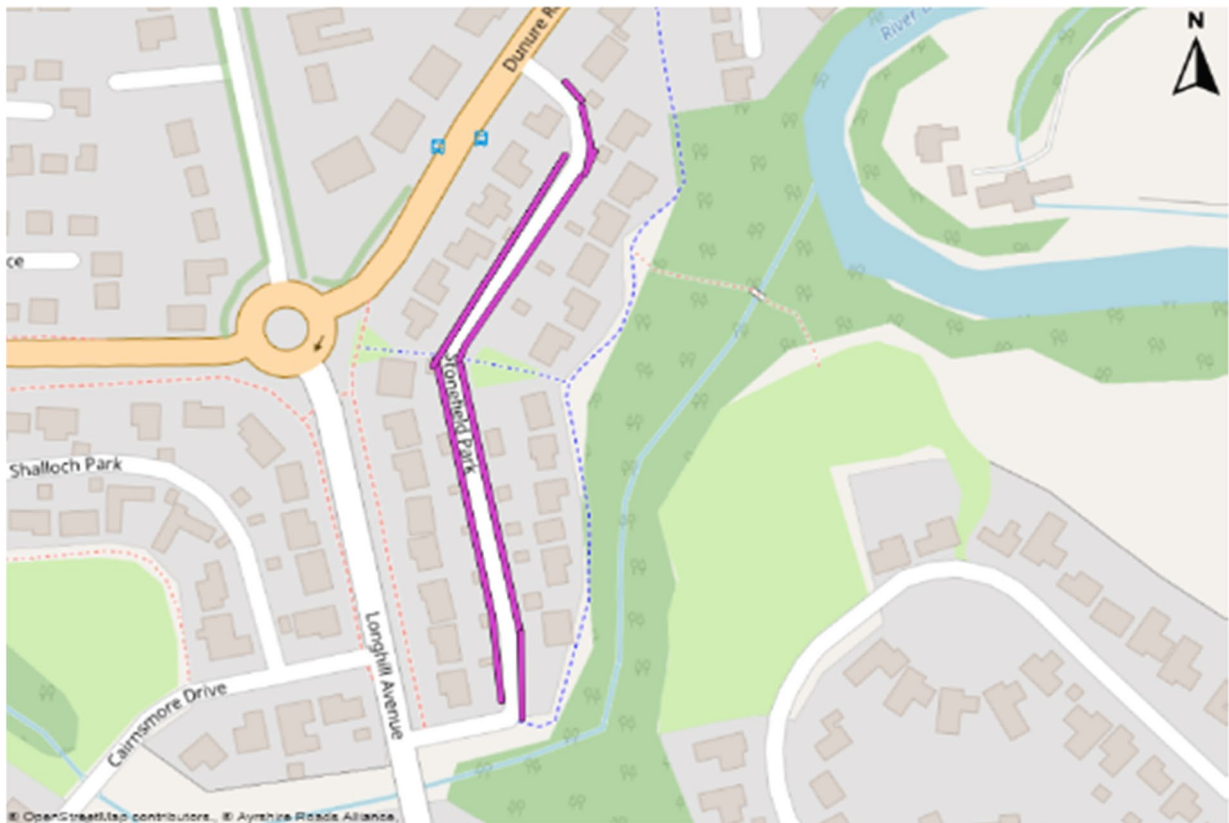
**Date:**    **20 December 2024**

Appendix 1  
Stonefield Park, Ayr  
Exemption Map

SAC Notice No.



South Ayrshire Council  
Stonefield Park Ayr (Pavement Parking)



Legend:  Footway parking is exempt at this location



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## South Ayrshire Council Equality Impact Assessment Scoping Template

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: [Equality Impact Assessment including Fairer Scotland Duty](#)

Further guidance is available here: [Assessing impact and the Public Sector Equality Duty: a guide for public authorities \(Scotland\)](#)

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. See information here: [Interim Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018.

### 1. Policy details

Policy Title	Pavement Parking - Exemptions
Lead Officer (Name/Position/Email)	Jane Corrie, Head of Roads Jane.Corrie@ayrshireroadsalliance.org

**2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts**

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	No	Yes
Disability	No	Yes
Gender Reassignment (Trans/Transgender Identity)	No	Yes
Marriage or Civil Partnership	No	Yes
Pregnancy and Maternity	No	Yes
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	No	Yes
Religion or Belief (including lack of belief)	No	Yes
Sex – gender identity (issues specific to women & men or girls & boys)	No	Yes
Sexual Orientation – person's sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	No	Yes
Thematic Groups: Health, Human Rights & Children's Rights	No	Yes

3. What likely impact will this policy have on people experiencing different kinds of social disadvantage? (Fairer Scotland Duty). Consideration must be given particularly to children and families.

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	-	-
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	-	-
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	-	-
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	-	-
Socio-economic Background – social class i.e. parent’s education, employment and income	-	-

4. Do you have evidence or reason to believe that the policy will support the Council to:

General Duty and other Equality Themes Consider the ‘Three Key Needs’ of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	No adverse impact identified. Low
Advance equality of opportunity between people who share a protected characteristic and those who do not	No adverse impact identified. Low
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	No adverse impact identified. Low
Increase participation of particular communities or groups in public life	No adverse impact identified. Low
Improve the health and wellbeing of particular communities or groups	High positive impact. SAC shall be seen to offer facilities which encourage tourists and positive impacts on the local economy.
Promote the human rights of particular communities or groups	No adverse impact identified. Low
Tackle deprivation faced by particular communities or groups	No adverse impact identified. Low

5. Summary Assessment

Is a full Equality Impact Assessment required? (A full Equality Impact Assessment must be carried out if impacts identified as <b>Medium and/or High</b> )	<p style="text-align: center;">— <b>YES</b></p> <p style="text-align: center;"><b>NO</b></p>
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**Rationale for decision:**  
The rationale for this decision is based on the fact that the paper brings forward proposals for the promotion of pavement parking exemptions in certain streets but only where strict criteria which ensures the provision of minimum footway widths can be preserved. This



criteria has been set by Transport Scotland specifically with wheelchair users, parents with prams and other vulnerable road users in mind.

**There are no negative implications associated with these proposals which are designed to deal with known issues around unregulated parking. All objectives shall be applied to ensure equality in approach and inclusion**

**Signed :** Jane Corrie

**Head of Roads**

**Date:** 06 December 2024