



Notes of the Parking Scotland Group Meeting

Held on: 17th March 2016

At: The Business Centre, City Chambers, 253 High Street, Edinburgh, EH1 1YJ

Item	Notes
	<p>Welcome, Introduction & Apologies – Gavin Brown, Chair</p> <p>Welcomed all attendees to the Parking Scotland Group Meeting and thanked NSL for sponsoring event.</p>
<p>1.</p>	<p><u>Transport Scotland</u> <u>Sharon Wood – Road Policy Team</u></p> <ul style="list-style-type: none"> • Pavement Parking Bill will enhance freedom of pedestrian movement • There were doubts raised over Scottish Parliaments competence to legislate but resolved • Transport Scotland working with UK Government to agree general approach • Scottish Government will bring legislation to address the obtrusive & obstructive parking • DPPP – 32 Local Authorities being sent a letter asking to begin the collation of the reports on DPPP action which are due to be published on 30th June 2016 • Private Parking in Scotland – Transport Scotland brought POPLA type for Scotland to the Scottish Government. Signage & Information will form part of this. Further exploration with other operations in Scotland on how this could be managed. i.e.: technologies • Private Parking Practices to be formalised and monitored
<p>2.</p>	<p><u>Living Streets</u> <u>Stuart Hay</u></p> <ul style="list-style-type: none"> • Footways are pedestrian zones and there is a need to be able to ensure the safety & convenient movement of pedestrians, especially those with mobility issues & young children • Footway parking is a clear problem with 79% of the 4K responses to the bill indicating such • Main areas: <ul style="list-style-type: none"> ○ Ban on Footway Parking & Dropkerbs – with certain exemptions like Police etc. ○ Street by Street exemptions would need managed by local authority ○ Enforcement of the bill was a grey area – now it is a parking issue this is resolved ○ The major issue is cost – knowing the cost of a TRO is fine but it is dependent on the individual councils infrastructure ○ How many streets can be exempted? ○ How is community engagement going to happen? ○ Benefits on maintenance is high, with less kerb wear caused by vehicles • There is currently no timescale on the progression of this bill
<p>3.</p>	<p><u>RTA Associates</u> <u>Peter Lowe</u></p> <p>Should Scottish Local Authorities adopt a digitalised TRO System?</p> <ul style="list-style-type: none"> ○ Over 100 English Authorities have already adopted digitalised TRO system

- Relevant wording on legislation is Para. 15/16 1999 RTA procedures Scotland – although still some clarity required
- Inverclyde already using digitalised TRO with over 10K PCN issues and no appeals lost
- Peter explained how updates to TROs would be managed to cover underlying restrictions
- Michael Brady asked if any High Court Challenges – ultimately does the legalities stack up?
 - Peter explained only the order making process can be challenged with Sharon Wood explaining they would need to aid clarity & understanding. Transport Scotland lawyers are still reserved but are looking to develop guidance on this.
- Donald Gibson – asked how the regulations surrounding speed limits, turning bans etc. affect the maps
 - Peter explained that as they are moving traffic offences they do not yet need mapped. But it has been done in England and there is a way to map a MTO
- Gavin Brown – asked if Inverclyde had gone to adjudication and won?
 - Peter Lowe confirmed yes they had
- John Richmond – did not think 1999 Legislation allowed maps. The order and plan are 2 separate items, if the order is going to have plan how does schedule 3 work?

Peter Lowe explained you put the text on the changes, as soon as the change is through you then produce the map. This follows relevant Scottish procedures.

4.

Parking Appeals

Ian Kennedy, Senior Parking Adjudicator

There is a need to form new relationships between adjudication and parking communities and this will be achieved as follows:

- Designing & building easy, quick, simple, paperlight and proportionate appeal journey
- The journey of appeal is understood start to finish and has the confidence of all users
- Accountability on the following
 - Legitimacy – people regard parking as intrusive. Appeal team being encouraged to work against the demographic of this
 - Adjudicators should work on confronting and changing attitudes & behaviours, the main consequence is adjudicators hear too many appeals which have little chance of success, they are ill prepared and when they get to the hearing and not in a state of determination and this needs changed
 - Appeals service now recognise this and are desperate for a change, evidence over a 2 year period is consistently a 90% failure on rate of appeals. Too many cases get through the gateway without appropriate intervention. This is the way the change in thought process began, Think and talk tribunal

The Key – an effective case management system with adjudicator involvement at the start not the end of the process

14 Week Pilot Project

- Immediately as a notice of appeal received, this is married to PCN, immediately put to adjudicator who makes immediate decision if accepted or appeal. If accepted it is usually with conditions. For the first time poor or nil prospect of success cases will be told to the appellant, and that if they continue they may need to pay expenses at later date.
- Aims
 - Actively try to reduce those appeals which get to file disposal at hearing, to eliminate those which are unlikely to succeed – we are open and robust and

	<p>unapologetic on this point</p> <ul style="list-style-type: none"> ○ Check that appellant wishes to insist on the appeal ○ Advise the appellant the case is not in a fit state, more information requested <ul style="list-style-type: none"> ▪ If they have more to tell about the appeal this is done so that when council gets the notice of appeal any flaws or gaps will have been addressed by an adjudicator, so all issues are addressed prior to tribunal hearing. ○ If they persist they are open to the award of expenses against them if they lose
<p>5.</p>	<p><u>Office of Traffic Commissioner</u> <u>John Furzeland</u></p> <p>The Office of Traffic Commissioner now feel they are in a position to work with adjudicators, and are trying to change the way they work with adjudicators</p> <ul style="list-style-type: none"> ○ 5 adjudicators – DVSA provides administration support to adjudicator & Traffic Commissioner ○ It is felt that it is damning that in 2016 you cannot appeal on line. Since the August meeting IPC has got working on an IT solution. There is a DVSA business plan to improve the IT solution in relation to Scottish Parking ○ The renaming of Scottish Parking Appeals Service to Parking & Bus Lane Tribunal for Scotland with a new logo in line with the Government logos with the aim of a more professional outlook ○ This is all to ensure the perception of those worked for, using the name tribunal gives it more gravitas. Secondly there is no website presence and 2016 there should be website. The Scottish Government has agreed to host a website service for Parking & Bus Lane Tribunal for Scotland, it is hoped this will be live in the next couple of months. ○ Q – Have you been working with digitalised schedules? <ul style="list-style-type: none"> ○ Not yet but with confidence it can be said with legal complexities ironed out it seems map based are a positive step forward to make life for adjudicators easier and this will speed up appeal process ○ Q – On appeals language, as LA should we have web content which advises customers about the appeals service and should this be standardised to ensure consistency in message? <ul style="list-style-type: none"> ○ Any incoherence can only lead to delay and complication, and I agree a unified system should be looked into if agreed by all parties involved. ○ Q – Will it be your job to tell appellants when not to take an appeal forward? <ul style="list-style-type: none"> ○ Yes. An unambiguous answer saying either withdraw as no prospect of success, also that if they persist they risk expenses. ○ Q – Are you still considering telephone hearings? <ul style="list-style-type: none"> ○ Yes we are set up. We want to pilot this and you would need to give appellant option and free call conference number to use, at a certain time on a certain date, Local Authority could also call in. We need to revise all forms and add this in, this should be complete in the next couple of weeks.
	<p>Gavin Brown thanked all again for attendance and mentioned the next event is being held in Stirling instead of the usual Perth venue. Meeting Close</p>



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