

## Transport Scotland, Scottish Government - Scotland's pavement parking prohibitions - consultation on enforcement regulations for local authorities

Sent by E-mail to: [roadpolicy@transport.gov.scot](mailto:roadpolicy@transport.gov.scot)

(Link to consultation page: <https://consult.gov.scot/transport-scotland/enforcement-regulations-for-local-authorities/>)

20<sup>th</sup> July 2023

To whom it may concern,

### Scotland's pavement parking prohibitions - consultation on enforcement regulations for local authorities

The Scottish Grocers' Federation (SGF) is the leading trade association for the Scottish Convenience store sector. There are 5,098 convenience stores in Scotland, which includes all the major symbol groups, co-ops, and convenience multiples in Scotland ([Scottish Local Shop Report 2022](#) (SLSR 2022)).

SGF promotes responsible community retailing and works with key stakeholders to encourage a greater understanding of the contribution convenience retailers make to Scotland's communities. In total, convenience stores provide around **49,000 jobs in Scotland** (SLSR 2022).

Convenience stores trade across all locations in Scotland, providing a core grocery offer and expanding range of services in response to changing consumer demands close to where people live. **The valued services provided by local shops include bill payment services (78%), cashback (70%), and branches of the Post Office network (27%) (SLSR 2022).**

Over the past year, the UK convenience sector contributed over £9.7bn in GVA and over £9bn in taxes (SLSR 2022). **Modern convenience stores are community assets and now more than ever have an increasingly important role in their local communities.** As local economic

multipliers, they are also important employers of local staff, with that money often put back into the local community and helping to strengthen local economies.

While the convenience sector through the efforts made by everyone in the industry remains resilient, it still has significant challenges to deal in terms of the long-lasting impact of the pandemic, high inflation, interest rates, energy costs and the cost-of-living crisis.

Retailers are also having to contend with the ongoing additional burden of new legislation from government. For example, there are already new measures on the way such as possible restrictions around foods high in fat sugar and salt, tightening rules on advertising and promoting of alcohol products and other items such as vaping products, and potential significant challenges through a period of implementation of a UK wide Deposit Return Scheme.

**It is critical that changes to traffic, parking and public walkway regulations & enforcement take these matters into account and continue to allow for universal ease of customer access.**

### Consultation

SGF welcomes the opportunity to respond to this consultation and agrees with the objective of preventing obstructive and irresponsible parking, which can impact on access to public walkways access for prams, wheelchairs users and vulnerable groups, emergency vehicles and other road users in general.

However, as noted above, it is of utmost importance that the proposed **measures do not hinder communities from accessing their local convenience store and the services provided.** Potentially encouraging customers to use alternative 'out of town' facilities which would be contrary to other community objectives, such as the Scottish Government's 'Local living and 20-minute neighbourhoods - planning guidance'.

### **Notification of a penalty charge, content and method of notification**

**Question 1:** Do you agree or disagree that the content of a PCN for a parking prohibition contravention should be as set out above?

**Question 2:** Do you agree or disagree with the proposed method of the notification of a PCN as set out above?

**Question 3:** Do you agree or disagree with the proposal for a local authority to be able to issue a PCN to the registered keeper of the vehicle by post, if they have not been able to affix it to a vehicle or give it to the driver?

**Question 4:** Do you agree or disagree with the proposal to make the removal or interference with a PCN, by anyone other than the vehicle owner/person in charge of the vehicle or the enforcement authority, a criminal offence?

**Question 5:** Do you agree with the level of fine which is being suggested?

SGF has no concerns and agrees with the proposed notification of penalty charges, PCN content and method of notification.

### Timing and manner of payment of a penalty charge

**Question 6:** Do you agree or disagree with the proposed timing and level of discounts and surcharges of a PCN for a parking prohibition contravention as set out above?

**Question 7:** Do you agree or disagree with the proposed level of penalty for a PCN issued for a pavement parking, dropped kerb or double-parking prohibition contravention as set out above?

SGF has no concerns and agrees with the timing allowance and penalty charges proposed for the PCN.

**Question 8:** Do you agree or disagree that the registered owner of a vehicle should be responsible for the payment of a PCN for a parking prohibition contravention as set out above?

SGF agrees that, in for non-trader vehicles, the owner should be responsible for the payment of the PCN.

**Question 9:** Do you agree or disagree that if a vehicle trader commits a parking prohibition contravention, they should be responsible for the payment of a PCN even if they are not the registered keeper?

SGF agrees that, in the case of a vehicle trader committing a violation, the driver/operator should be held responsible, and not the registered owner. However, SGF believes that vehicles offloading stock or those collecting waste, recycling materials or unused products are an essential part of operating a local convenience store. In the majority of cases, these vehicles are only parked for the time it takes to unload or collect items (a matter of minutes) and do not regularly cause disruption or issues of access. SGF is of the view that would be sensible for Local Authorities and the regulation to allow enforcement officers a level of discretion and dispensation where appropriate. Particularly for locations where there are limited alternatives for parking around a store or busy street.

### **Reviews and appeals (including grounds of review or appeal) in connection with the imposition of penalty charges**

*Question 10: Do you agree or disagree that the process for appealing a PCN for a parking prohibition contravention as detailed above?*

Noting our concerns raised in answer to Question 9, SGF does not have any further issue with the reviews and appeals process, as outlined.

### **Enforcement Regulations: Proposed Provisions Under Section 66 of the Act**

*Question 11: Do you agree or disagree that local authorities should be required to keep accounts for a parking prohibition contravention, similar to the process, detailed above?*

SGF does not have a view on this matter.

*Question 12: Do you agree or disagree that any surplus made by local authorities for the enforcement of the parking prohibitions should be ring-fenced and used for certain transport-related purposes, similar to the process detailed above?*

SGF agrees with this proposal and believes that additional investment in the maintenance of off-street parking, the operation of (or facilities for) public passenger transport services, and road improvement projects in the local authority area, would be beneficial for many communities.

**Question 13:** Do you agree or disagree that local authorities should be required to submit their accounts in relation to the enforcement of the parking prohibitions, similar to the process, detailed above?

SGF does not have a view on this matter.

SGF welcomes the opportunity to respond to this consultation and hopes the Scottish Government and Transport Scotland will find the information provided in this response useful.

Yours sincerely,

Jamie Mackie  
Policy and Public Affairs Officer (Scottish Grocers Federation)  
07794 237326  
[JamieM@sgfscot.co.uk](mailto:JamieM@sgfscot.co.uk)  
222 Queensferry Road, Edinburgh, EH4 2BN

- SGF gives permission to the Scottish Government to publish its consultation response in full (name and organisation included) and to share this response internally as required.
- SGF is also content to be contacted again in the future, in relation to this consultation exercise.