

# Highland Council

## Parking Policy and Guidance

### 2018 to 2023

Roads and Transport  
Traffic and Parking Team

#### Document Control

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## 1.0 Introduction

**Road Network:** The Highland Council adopted road network is approximately 6,745km long and is contained within a statutory boundary covering a land mass of 26,484 square kilometres. There are around 5000 named streets in Highland, of which many are subject to Traffic Regulation Orders including waiting and loading restrictions.

There are currently 230 regulated off-street car parks with approximately 10,000 off street bays available for use.

With the introduction of Decriminalised Parking Enforcement (DPE) in 2016 The Highland Council is now responsible for enforcing all on-street and off-street parking controls throughout the authority instead of Police Scotland. (See Section 3.0)

It is the intention of this document to lay out the Council's policy and approach to parking for the next 5 years to ensure sustainable service delivery and consistent enforcement across the authority.

### **We Aim To:**

- ensure consistent traffic management through car parking;
- recognise the effect car parking can have in our cities, towns and villages;
- be cost effective;
- manage long-term and short-term parking opportunities; and
- raise public awareness, consider the needs of all users and encourage behavioural change where appropriate.

## 1.1 Policy Framework – How We Make Decisions

Parking Policy should be an integral and essential part of transport and traffic management arrangements. Strategies within the planning framework provided by structure plans and local plans should take account of any identified parking priorities.

The objectives of a parking policy should be clearly identified and may include those objectives which contribute to wider transport policies such as traffic restraint, support of sustainable transport or accident prevention.

Parking policies can be particularly effective in helping to achieve traffic restraint, whilst at the same time, providing adequate parking spaces for residents and customers to local facilities and businesses.

The total amount and balance of parking spaces in an area should be considered in devising appropriate parking proposals. On-street and off-street parking, including private parking, should be considered together, as complementary parts of the overall facilities available.

In dense urban areas, where demand for spaces at peak parking periods is likely to exceed the supply, proposals are needed on the allocation of the available space. This should include the various categories of potential users and the charging regime required. Similarly, rural areas may also be subject to peak demands during tourist seasons or special events.

Policy should support local economies and tourist activity by reflecting demand and the sustainability of parking services to ensure adequate maintenance and seek the highest standard of all public parking facilities provided.

Standards and tariffs applied to both on-street and off-street parking should be equitable across the statutory authority to ensure a consistent, fair and transparent service is provided to the public.

## **1.2 Off-Street Parking charges and Localism**

### **Charging for Car Parks**

The Council will identify the method of control and charging levels for off-street parking relative to location and use. Following a redesign review of car parking, the Council agreed in June 2018 and October 2019 the vision that car parking should:

- Contribute significantly to good traffic management.
- Be a key component of the Council's strategy for integrated transport and active travel.
- Promote growth in the local economy, especially around tourism.
- Provide opportunities that meet the aspirations of users.
- Allow key decisions to be taken locally.
- Ensure that good local data is available to decision-makers.
- Be based on transparent rules which are applied consistently and fairly across Highland.
- Ensure that parking revenue contributes to local infrastructure improvement, (including expansion of the parking estate and sustainable travel) and other local priorities as agreed by the local committee.
- Ensure that pricing strategies are adopted which differentiate the market (e.g. residents, visitors and shoppers) and support behavioural change.
- Be delivered in a cost-effective way.

## **1.3 Further development in support of the car parking policy**

The Council agreed in June 2018 that the following actions would be undertaken to support the implementation of the car parking policy:

- The Council should encourage transport operators to offer end-to-end journeys rather than separate buses, trains and planes.
- Consider establishing Quality Park and Ride Schemes in conjunction with other transport providers.
- Ensure car parking arrangements across the Highlands are integrated with development plans.
- Draw on the experience of other mixed rural and urban Regions to understand how to predict future changes in behaviour, in particular the impact of the change to electric vehicles
- Ensure integration of car park provision and charging regimes to encourage growth and investment in our tourist-based economy
- Roll out the new policy across the Highlands utilising local committees and community partnerships.
- Work with national government and partner agencies such as Hi Trans and HIE to meet the challenges and maximise the opportunities of changes in behaviour.
- Recognise the need to promote the local and community benefits of effective traffic management for residents, visitors and the local economy.
- Develop the present car park data model in support of transport planning.
- Incorporate the Service's policy work to date into the new policy on car park management.
- Agree a Communications Plan as part of the process to be followed when applying the revised policy to include consultation with local bodies, including business representatives and community councils, utilising local committees and community partnerships. (Recommendation 8/06 in relation to communications refers).
- Build in feedback on use of car parks into future survey work and link to improvement in wellbeing, including the use of active travel options.
- Link survey work into the benefits that income generated from car parks could bring.
- Consider a 'Highland Rover' ticket aimed at the tourist market.
- Offer combined ticketing (Highland Rover) in conjunction with car hire companies.
- Consider "seasonal parking tickets" with attractive pricing options. The benefit is that the money is paid up front regardless of the level of use.
- Evaluate the opportunities to provide car park management services to owners of other public sector or privately managed car parks.
- Ensure appropriate minimum standards are maintained, maximising the number of spaces available within car parks.
- Simplify and expand public access to parking services.
- Ensure effective communication in all future developments.

## 1.4 Tourism & Visitors

The Highland Council is responsible for many aspects of Roads infrastructure which impacts on Tourism, we will work with all relevant agencies to secure sustainable parking facilities for the tourism sector, including but not limited to:

- i. Managed short stay and long stay parking provision
- ii. Coach parking management and facilities
- iii. Off Street provision of tourist related services in Car Parks
- iv. Motorised Caravan parking (Motorhomes/Campervans)
  - a. Management of parking during night-time hours where it is possible for the Council to do so.
  - b. Encouraging the use of formal camping-based facilities wherever available and suitable.
  - c. Implement 24hr maximum fee-based stay for Motorhomes in specific Council car parks.
- v. support the delivery of any Visitor Management Strategy; and
- vi. Where agreed by local committees parking charges may be introduced on an “Invitation to Pay” basis without enforcement powers relating to pay & display.

## 2.0 Objectives – What do we base our Decisions On

### 2.1 Understanding Impacts

Local Councillors may have a view on potential impacts of any changes proposed to car parking. Views on impacts can be gathered from a range of perspectives and evidence. The Council has statutory duties to consider and assess the potential impact changes may have on:

- protected groups as defined by the Equality Act,
- potential socio-economic impact as per the Fairer Scotland Duty.

In addition, the Council’s practice is also to consider and assess the potential impacts on:

- rural communities

These considerations, where possible, should be made at an early stage and should take account of what evidence there is and identify how these may be incorporated into any engagement or consultation. Impacts may be positive or negative but where negative, mitigating actions or changes to the proposal should be considered. Corporate guidance and support is available from the policy team and service representatives.

## 2.2 Local Benefit and Decision-Making

The Council has several commitments in its Programme to develop localism and strengthen local democracy and this is in keeping with national policy on community empowerment. This Policy supports the Council's ambitions on localism in a number of ways by:

- Devolving more decision-making powers to local Council committees;
- Enabling local benefit from car parking opportunities, including the re-investment of off-street car parking income locally and potentially new car parking provision, especially to improve local facilities and the tourist experience; and
- Enabling meaningful engagement with communities on local changes to car parking and local choices on how the Council spends its money locally.

As this Policy enables more decisions to be made by local committees, it brings more opportunity for those decisions to be informed also by local community views. There is a defined process for this to happen. The approach for considering local changes to car parking is set out below (Local Engagement). This includes the internal and external engagement process that is to be followed and the impact assessment done before decisions are made at Committee as well as the action following any Committee decision. This allows local Councillors to:

- be fully involved in any changes proposed,
- be aware of the implications of the choices they can make, including workforce implications; and
- choose the right methods for engagement.

The Council agreed in June 2018 and October 2019 that it will utilise the following Local Engagement Framework:

### **Common Good Land used for parking**

Several Council public car parks are on land subject to Common Good legislation and a separate process is required in relation to change of use (including the introduction of mandatory charging). We are also required to deal with incomes separately from normal Car Parking income and we will deposit all incomes from Common Good Car Park sites into the relevant Common Good Fund and then submit agreed costs to be recovered by the service from that fund.

## 2.3 Local Engagement with Councillors

Local Councillors (Councillors who sit on the relevant Local Committees) should meet to consider the key issues around car parking proposals prior to reaching any local committee decision. This could be done in a Ward Business Meeting, or where committees cover more than one Ward in a local Member workshop. Ward Managers, who assist with local community engagement, can help and support the right forum for Local Councillors and Council Officials to attend.

Key issues for Councillors to consider will be:



- Preparing for discussions  
It is important that Councillors and officers come to the discussion with an open mind, willing to think through scenarios and choices and to work constructively together to identify next steps.
- Identification of existing car parks and potential sites for new car parks  
For existing car parks, officers will provide a street plan. All car parking should be identified, along with a description of current parking controls. It should differentiate any car parking provision associated with Common Good Funds. This provides an opportunity for checking all correct information is used. For potential sites for new car parking, any options should be identified by Officers with Councillors' views also sought.
- Identification of the budget associated with each car park  
Officers would prepare this and draw on the proposed individual budget associated with each car park location and any target for car parking income set for the local committee by Councillors may have questions for Officers to clarify.
- Discuss the proposals from Officers  
This provides an opportunity for Councillors to seek clarity on the proposals and to share ideas on other potential proposals.
- Data Analysis  
Review the information provided by Officers on the income modelling used, including assumptions around car park usage and different tariff options. Consider if the reasons for the proposals are clear. These should include the potential benefits e.g. improved traffic management, supporting active travel, how the surplus income raised could be used locally. Options for re-investment of the surplus income could include local priorities for and protection of a range of Community Services, across the disaggregated (qualifying) budget lines.

**The key benefits of this element of our Policy include:**

- Retaining the principle of local decision making
- Supporting a place-based approach – and creating a surplus for the local area to spend on service priorities e.g. roads
- Addressing the charge of inequity by considering all sites for charging
- Supporting involvement of the public in informing local choices – there is a clear process for the public to raise their objections and for their objections to be considered, resolved and, if not, for this to be presented to Members for consideration
- It includes a pre-phase on engagement with key stakeholders including Members and Community Councils to help design the proposal for the local area
- Simplifies the process for engagement and decision making
- Will create new enforcement jobs across Highland to support delivery

- Provides investment in local infrastructure

#### **The following applies to any local share of Nett Income:**

- **Nett of expenditure:** a share of income is net of expenditure, recognising the costs incurred for operating car parks across the area.
- **All car parks within the area** – any local share will be based on all car parks within an area, this includes those which currently do not charge i.e.. legacy car parks that introduce charges.
- **Distribution** – the distribution of any service/local share will be based on the income generated within each area as a percentage of the total income. This will equate to 50% of any new income generated after operational costs are deducted being allocated to local committees.

#### **Criteria for how we spend local income**

- That the spend for any income generated should be on the disaggregated roads budget. This is in recognition of the current pressure on those local budgets and the annual feedback from the public through the Public Performance Area that this is their priority.
- Decisions on spend will be taken by local committee and that this should only happen once income is accrued. Prioritisation would occur January to March for spend the following year and committees can consider how they wish to involve communities in this process. Budgets would be able to be carried forward into future years should areas wish to save for specific projects. The criteria for spend would be reviewed after two years.

## **2.4 Local Engagement with Communities**

The Council acknowledges that this is fundamental. It will involve officers from the relevant Service briefing Councillors on any existing data gathered from earlier engagement and discussion about any new engagement to take place. This will involve a discussion which can be supported by the Ward Management and Policy Teams to identify:

- who the stakeholders are (including Community Councils and local businesses).
- the purpose of engaging with them, which should be honest about the Council's funding position, the choices to be made and how engaging others should help make better local choices.

- the key messages about the proposals and where feedback is needed e.g.
  - what the proposals are
  - why they are proposed
  - the benefits of them - and if there are choices around this (e.g. choices on re-investing surplus income)
  - specific views sought e.g. charging hours, charging seasons, tariff ranges, tariff types (e.g. residents, visitors, shoppers)
  - whether there are other ideas/options
  - what would happen if the proposals cannot be taken forward - and if there are choices around this?
  - views on impacts of the proposals (see above)
  - the most appropriate methods to use. This might include survey work, focus groups, on-line engagement, participatory budgeting or other approaches
  - the timing around engagement - to fit with e.g. committee meeting timetable.
  - which officers and Councillors will take part?

**A communications plan** should be prepared. This will support the engagement above. It should also provide clarity on the local budget and an explanation as what the additional income could be used for (all within the new car parking policy), and what else would need to reduce if car parking income is not changed. This should help make the options transparent for communities.

**Preparation of the Committee report** – this will include the proposals for change, the reasons for them and how engagement has influenced them. It should specify the impacts identified and what, if any, mitigation is possible if they are negative. Positive impacts should also be reported. Members will decide on any unresolved objections to proposals after the conclusion of the formal consultation process. See Appendix 5

**Action following the Committee decision** – in addition to implementing the changes agreed at the local committee, Councillors should be supported to communicate the change effectively to the public.

In considering developing any proposals, it is proposed that the following matters will also be taken into account:

**Table 1.3: Key Parking Considerations**

<b>Ref</b>	<b>Key Considerations</b>
<b>1</b>	Parking should be considered on an area wide basis taking account of all parking facilities including off-street, on-street and private parking. All in the context of the process set out for Local Engagement
<b>2</b>	Infrastructure enhancements should be promoted to make parking attractive and user-friendly by upgrading facilities and equipment, while considering the needs of people with mobility impairment. Efforts should be made to improve safety and personal security standards in parking areas.
<b>3</b>	Enforcement should be provided to improve turnover of parking spaces whilst adopting a customer friendly service by allowing a 10 min period of grace at the start of any parking period.
<b>4</b>	In areas where there is insufficient parking, charging should be determined by traffic management needs to ration excess demand for available spaces.
<b>5</b>	Council managed parking provision should not burden any other service budgets and should be funded from parking revenues wherever possible.
<b>6</b>	Charges should be levied, and time limits imposed so as to maximize the use of space available. However, care should be taken not to raise charges to levels which might discourage vehicle users from visiting an area. Charging should be set to try to ensure that there is always at least 15% spare capacity available.
<b>7</b>	Charging for parking should consider the viability of business areas and not adversely affect local roads or the environment.
<b>8</b>	Substantial alterations to parking management arrangements should not be made without adequate public consultation all in line with the Local engagement process.
<b>9</b>	Short term parking should have priority over long term parking.
<b>10</b>	Parking tariffs should be reviewed tri-annually to ensure a suitable level of charging and will be amended, if necessary, by Notice to the public. These charges will be promoted by the delegated service/officer but will be subject to committee decisions required.
<b>11</b>	Parking arrangements should make due allowance for disabled vehicles, electric vehicles, motorcycles, pedal cycles and pedestrian movements.
<b>12</b>	The Council which will deliver fairness and equality in provision and enforcement standards.
<b>13</b>	The Service will monitor, collate and review existing data on parking and car park revenue. This data will be modelled to provide information on which to base future proposals.

## **3.0 Decriminalised Parking Enforcement (DPE) –**

### **How we manage Parking, including Enforcement**

#### **3.1 Background**

Since June 1997, Local Authorities in Scotland have had the powers to implement Decriminalised Parking Enforcement (DPE) Service under the Road Traffic Act 1991.

The Highland Council have operated a Decriminalised Parking Enforcement Service since 4 October 2016.

The DPE process defines a Permitted Parking Area (PPA), including parking places and a Special Parking Area (SPA) covering waiting and loading restrictions encompassing the whole Council boundary by means of Statutory Instruments “laid” before Scottish Parliament.

When DPE commenced in Highland, Police Scotland ceased to issue tickets relating to waiting, loading and parking except on the majority of the Trunk Road Network where they are still responsible for enforcement and the issue of Fixed Penalty Notices. Police Scotland is still responsible for criminal or reportable offences across all public roads, such as Obstruction or Dangerous Parking. The Highland Council also received increased powers to uplift vehicles.

It should be noted that Parking Enforcement Officers (PEO) are not set targets in issuing a specific number of Penalty Charge Notices (PCN) when undertaking their duties. Income generated is used to fund the scheme’s operational costs. Under the Road Traffic Regulation Act 1984 and 1991 as amended, the application of any surplus funds from these activities is limited to meeting the cost of providing and maintaining parking facilities, road improvement schemes and public passenger transport services. A “Parking Account” must be established and reported to central government annually.

The model of Service delivery chosen by Highland Council Community Services Committee in November 2014 is as follows:

- All enforcement staff are employed and managed directly by The Highland Council.
- The back-office functions of processing Penalty Charge Notices and recovery of said charges are to be provided by a third party.

#### **3.2 Highland Parking Enforcement Protocol**

This is a comprehensive document available online that covers detailed protocols for enforcing every traffic regulation found in the public space. This document forms part of THC parking policy and it can be found at: [www.highland.gov.uk/parking](http://www.highland.gov.uk/parking)

## **The Highland Council approach to parking enforcement will be fair and firm.**

### **Fair**

- We will explain and communicate the parking rules.
- We will photograph parking contraventions to support the issue of a penalty charge notice.
- We will regularly monitor traffic signs and road markings to help motorists with parking throughout the Highlands.
- We will monitor parking services performance to see ensure best practice.

### **Firm**

- We will take consistent enforcement action to deter inconsiderate parking.
- We will pursue people who try and evade penalty charges to recover debt owed to The Highland Council.
- We will work with the police to prevent crime and anti-social behaviour and to protect our Parking Enforcement Officers against abuse and violence.

### **Best possible service**

- We will reply quickly to representations against penalty charge notices whilst fully investigating motorists' comments.
- We will aim to get penalty charge notices right first time using accurate "hand-held" technology.
- We will develop on-line services to improve customer access to information.
- We will develop the on-street parking service to include: Blue Badge enforcement, cashless parking, nearfield card payment and virtual permits.

Parking Enforcement Officers will adopt a helpful attitude and a consistent approach to enforcement in order to encourage lawful and considerate parking.

### **Our customer promise**

We will always:

- Be professional, fair and courteous.
- Be polite, calm and understanding.
- Be open and honest.
- Offer advice on parking and enforcement procedure if asked.

### **Our goals through enforcement**

- Encourage safe and sensible parking.
- Ease congestion on roads.
- Improve safety for drivers and pedestrians.
- Improve access to shops, offices, schools and other premises.
- Improve the built environment for all users.
- Provide a single responsible authority for parking strategy and enforcement.
- Integrate off-street (car parks) with on-street parking enforcement.
- Enable the Council to provide effective enforcement of new and existing restrictions.
- Improve enforcement of disabled and permit holder bays.

- Introduce facilities that reflect sustainable transport objectives.
- Deliver consistent parking provision across the Authority.

### **Duties**

The main duties we will carry out in order to meet our goals are:

- To patrol allocated areas in order to maintain traffic flow.
- To deal with waiting and loading contraventions by way of issuing advice or a Penalty Charge Notice.
- To advise and direct motorists regarding parking facilities.
- To provide assistance and/or direction to the public.
- To carry out administrative tasks relevant to the good running of a Parking Enforcement Service.
- To provide observations on lookout requests for vehicles and missing persons to the Police.
- To liaise with public services on commission of construction work and road maintenance.
- To monitor parking meters, waiting restrictions and other schemes to improve safety and prevent traffic flow problems.
- Take action on illegally parked cars by issuing a Penalty Charge Notice.
- Arrange the uplift of vehicles from enforced roads when required as a result of traffic management problems or removal of persistent offenders.

**Note:** Parking Enforcement Officers (PEO) are unable to direct or stop traffic unlike Police Traffic Wardens. PEOs can request a vehicle committing a contravention be moved and refusal can lead to the issue of a PCN and/ or the uplift of the vehicle.

### **Security**

To assist in the fair and transparent goals of enforcement activity, The Highland Council will deploy Body Worn Video (BWV) with all enforcement staff. This technology will record both video and audio to “evidence” quality and its use will be controlled by a Privacy Impact Assessment which is available to view at [www.highland.gov.uk/parking](http://www.highland.gov.uk/parking). This document forms part of THC parking policy.

### **Services provided to support parking enforcement**

- On-street enforcement, for all areas of the Council, during the controlled hours of operation seven days per week where coverage is required.
- Enforcement of disabled persons’ parking places, within the Council boundary, is provided seven days a week.
- A vehicle removal, relocation and storage service and a wheel-clamping service. (may not be in place at time of publication)
- On-street enforcement for major events.
- Routine collection of cash from ticket machines, replenishment of pay and display vouchers and regular maintenance.
- Processing of applications for the suspension of parking places.
- Processing of applications for dispensations to park in restricted streets.
- An alternative to cash payments on all our ticket machines termed “Cashless Parking”.

- A dedicated Parking Services back office team which deals with penalty charge notices (parking tickets) and general enforcement enquiries. See **Appendices 1 and 2**.
- A 24 hour, seven days per week on-line and phone payment service for parking tickets.
- We will assist in investigation of Disabled Person's Blue Badge and Permit fraud.
- The Council issue and manage all parking related permits.
- We are part of a Council wide contract that allows Sheriff Officers (SOs) to recover debt associated with non-payment of parking tickets and charge notices. (The SO is requested to recover any outstanding debt on completion of the legislative process).
- We provide a dedicated parking section on our website and update it on a regular basis. The website address is: [www.highland.gov.uk/parking](http://www.highland.gov.uk/parking)
- All Traffic Regulation Orders (TROs) that are used to enforce DPE will be mapping based TRO's to improve public understanding and transparency.

### 3.3 Penalty Charge Notices (PCN) and Related Actions

The Council's enforcement team operates seven days per week in order to properly implement our policies. Parking Enforcement Officers (PEOs) are trained to provide parking related advice, assist with general enquiries and will issue a Penalty Charge Notice (parking ticket) to any vehicle parked in contravention of the regulations. Any vehicle parked in contravention of the regulations is liable for removal. Vehicles belonging to high level debtors (those with multiple outstanding parking tickets) are liable to be either removed to the car pound or wheel clamped.

The Statutory charges for penalty charge notice progression can be found in **Appendix 4**

#### Removals

The current charges for removal activities can be found in **Appendix 4**

- Any parking ticket must be paid in conjunction with the vehicle removal fee or wheel clamp release fee and any storage fees incurred.

**Note:** Two forms of identification are required to be presented at a car pound prior to the release of the vehicle or removal of the wheel clamp. In the event that payment is not made to allow the removal of the wheel clamp, the vehicle will be removed to the car pound and the vehicle removal fee will be charged.

#### Recovery of Loss of Income and Fees

The Highland Council shall recover any loss of income experienced when a parking area is not available to the paying public. This shall be agreed with the party requesting the closure or suspension of the location in advance of the agreed period of closure or suspension.

The approval to close or suspend a parking place will solely be at the discretion of The Highland Council approved officers.



The Highland Council will also charge fees to recover the cost of administration of any closures, dispensations or suspensions for all other types of formal on and off-street bays.

The current range of charges to be applied can be found at [www.highland.gov.uk/parking](http://www.highland.gov.uk/parking) and form part of this parking policy.

### **Recovery of Penalty Charge Notices**

The Highland Council shall recover any and all unpaid Penalty Charge Notices that have not been cancelled or written-off under due diligence. This may include the use of the Sherriff's Officers and or Court action.

### **Non-Council Land Parking Enforcement**

Subject to powers available under the Roads Scotland Act 1984 the Highland Council, with consent of a landowner, may publish Traffic Regulation Orders for land not owned by the Highland Council with the purpose of enforcement of restrictions and use of the land as a public car park. Parking Services will engage with third parties to implement such orders were deemed suitable by the service.

## **3.4 Use of CCTV**

### **The Highland Council utilises CCTV technology to support enforcement and traffic management activities.**

All enforcement officers are deployed with body worn CCTV cameras that record both audio and video images. This activity is subject to a comprehensive privacy impact assessment available to review at [www.highland.gov.uk/parking](http://www.highland.gov.uk/parking) and forms part of this parking policy.

The Council also deploys cameras at fixed locations on the road network to assist with traffic monitoring and management which is subject to the Councils public space CCTV policies.

The Council will utilise Bus Lane enforcement camera technology at such time as is required for approved enforcement activity and will avail itself of any additional powers provided by changes in legislation in relation to CCTV enforcement.

The Council's has several Bus Lanes or Bus Gates located mainly in Inverness. The establishment of these facilities is directly targeted at prioritising public transport services at key locations. The Enforcement of these facilities is currently subject to "Moving Traffic Offences" legislation via Police Scotland. It is the Councils intention to apply to Transport Scotland for permission to decriminalise this provision and enforce through the existing Parking Services provision.

## 4.0 Permit Parking

In addition to the pay and display parking areas, the Highland Council provides Permit Schemes in various locations across Highland. Permit holders pay an annual fee to The Highland Council for which a permit is issued. The permit is normally issued to a particular vehicle with the registration mark printed on the permit.

- Permit parking spaces are not allocated to individual permit holders.
- A Residents Parking Scheme does not guarantee the availability of a parking space or a space outside the permit holder's residence.
- The permits only entitle residents to park their vehicles if space is available.
- Permits are a traffic management tool used by local authorities at the request of residents to "exclude" unauthorised vehicles during restricted periods.
- The number of permits issued is determined by the number of eligible users.
- There is a finite number of permits issued therefore numbers are not unlimited and permit schemes are not a revenue raising exercise.

Customers may also purchase a Visitor Permit which can only be used by bona-fide visitors. The permit has a number which relates to the premises for which it has been issued. The issue of a permit does not give any exemption from any waiting or loading restrictions.

Resident Permit Bays are usually in an area close to an urban centre. The restriction times are normally between 8am to 6pm to prevent commuter parking through the day and give residents the opportunity to park. They may be 24 hours in congested areas. Normal operating days for permit schemes will vary depending on location.

Permit bays may have white road markings sectioning off the bay area and may be accompanied by informative plates. Only vehicles displaying valid Resident, Business, Trade, Essential User Permit or Visitor permits are permitted to park.

We will provide a range of Permit types of varying tariffs to address parking issues across the Council.

We will provide an appeal process for permit applications.

All Permits will be subject to specific terms and conditions which can be found at [www.highland.gov.uk/parkingpermits](http://www.highland.gov.uk/parkingpermits) and form part of this parking policy.

## 4.1 Forms of Permit Parking \*

Permit Parking is available on-street and off-street and may be defined by street or a group of streets forming a Permit Zone. Permits may be printed or virtual. Charges and conditions of use will apply and these can be found at [www.highland.gov.uk/parking](http://www.highland.gov.uk/parking) and form part of this parking policy.

Residents Permit – RP

Residents Visitor Permit – RVP

Business Permit – BP

Business Visitor Permit – BVP

\*Trade Permit – TP

\*Essential User Permit – EUP

\*Visitor Parking Voucher – VPV

*\* May not all be available at time of publishing*

## 4.2 Eligibility for access to Permits

The Highland Council provides eligibility guidance on all its permit types within the specific terms and conditions of each permit type ([www.highland.gov.uk/parkingpermits](http://www.highland.gov.uk/parkingpermits) )

In providing permit parking schemes on public roads and in some public car parks, we will apply criteria to support legal use of the road network. We will require that any applicant for a vehicular parking permit can evidence that the vehicle to be permitted to use a permit scheme:

- holds a valid MOT certificate,
- is Insured
- is suitably Taxed to allow its use on the public road network.

Failure to provide such evidence when required will bar any applicant from accessing a Highland Council vehicle-based Permit Scheme.

## **5.0 Blue Badge Parking Provision**

The Highland Council will support national policy in the delivery of effective Disabled parking provision.

On 1 October 2009 the Disabled Persons' Parking Places (Scotland) Act 2009 came into force. While the rules for using disabled parking places remain the same, the Act allows for the enforcement of disabled parking places on public roads and car parks as well as private car parks, within the Council boundary, where the landowner has granted permission. The Council processes Traffic Regulation Orders for the enforcement and placing or removal of disabled persons' parking places.

Blue badge holders may park on a single yellow line or double yellow line provided there are no loading restrictions in force (a valid badge must be displayed) and they are not obstructing traffic.

Blue badge holders are not permitted to park where there is a restriction on loading or unloading (indicated by yellow lines marked on the kerb edge and during the operating periods shown on an adjacent sign). They may not park in "Loading Only Bays" during operational periods. This is detailed in the Department for Transport's Blue Badge Scheme advisory booklet which explains the conditions imposed on its use.

Blue badge holders may park free of charge and without time limit in any on street, chargeable, public parking spaces.

The blue badge must be displayed on the dashboard or fascia of the vehicle so that the front of the badge (showing the date of expiry, issuing authority and serial number) is clearly legible from the outside of the vehicle.

"Disabled" bays may also be provided solely for the use of blue badge holders and these bays may have time restrictions applied to them which will limit the maximum stay period per visit.

### **5.1 Misuse of a Blue Badge**

It is a criminal offence to misuse a blue badge.

A blue badge should not be used to allow non-disabled people to take advantage of the benefits the scheme brings to its intended recipients. Misuse of the blue badge scheme will be challenged, and appropriate enforcement action taken.

Misuse is Fraudulent and will be subject to PCN issue, seizure and possible criminal prosecution.

Parking Enforcement Officers have the right to ask for a blue badge to be presented for inspection and it is an offence to refuse the inspection of a blue badge.

All cases of blue badge fraud will be reported to the procurator fiscal.

## 5.2 Off Street – Conditions of Use

See **APPNEDIX 6** – All council Public Car parks are subject to specific Terms and Conditions which will vary from site to site. Signage will be provided in each Car Park to ensure clarity before enforcement action is considered.

Key points to note:

1. The Highland Council does not permit Vending (buying or selling of goods or services) from Council Car Parks.
2. Any activity within a Council Car Park that is not required for the purpose of parking of vehicles is normally prohibited.
3. Specific restrictions may apply to different classifications of Vehicles.

## 6.0 Traffic Regulation Orders (TROs)

The Highland Council will promote Traffic Regulation Orders (TRO) to support all parking regulation and enforcement and will replace all existing waiting and loading related TROs with Map based schedules to improve accessibility to the public. All new TROs will also be published online.

### TYPES

#### **Traffic Regulation Orders**

The introduction or amendment of any traffic restriction requires the initiation of a Traffic Regulation Order. The Order is the subject of a statutory procedure which is laid down by legislation and involves consultations with bodies representing persons likely to be affected, the drafting of the necessary Schedules and the advertising of the proposals to the public. The average time for an Order to pass all stages of the process is approximately six months depending on the level of objections received. Depending on the nature of the TRO, objections may be resolved by Council committees or could be subject to a public hearing.

#### **Powers Retained By Scottish Government**

The stopping up of a road or the re-determination of a carriageway to footway, footway to cycle path etc. is undertaken by an Order under the terms of the Roads (Scotland) Act 1984. The Order is the subject of a statutory procedure, laid down by government, involving the drafting of the necessary Schedules, consultations with public utilities, the advertising of the proposals to the public for any objections and the making of the Order. The average time for an Order to pass all stages of the process is approximately six months depending on the level of objections received. Should objections be forthcoming, these must be passed to the Scottish Government for consideration and they may make the amendment or abandon the Order.

#### **Temporary Traffic Regulation Orders**

As an example, where work or an event is being undertaken on, or adjacent, to the road which may place road users in danger, the Council may introduce a Temporary Traffic Regulation Order. This short-term traffic restriction may prohibit vehicles using the road, suspend parking or loading, or change the manner in which vehicles travel on the road. The Order is the subject of a statutory

procedure, involving the drafting of the necessary Schedules and the advertising of the proposals to the public. There is no right of objection to these Orders as they are considered necessary for public safety. The average time for an Order to pass all stages of the process is approximately one month. However, emergency orders may be made in exceptional circumstances within two weeks. Temporary orders are generally limited in their lifespan to a maximum of 18 months.

### **Experimental Traffic Regulation Orders**

Councils may introduce specific orders for the purpose of trialling interventions for a fixed period. These types of orders are prescriptive and cannot be extended beyond the advertised time period of experimentation.

### **Lining and Signing**

We will make every effort to ensure that all lining and signing is clear and unambiguous to support TROs.

The implementation of all Traffic Regulation Orders is subject to statutory procedures and specific service operating procedures.

## **7.0 Partnership approach**

The Highland Council will work with all agencies civic, commercial and private in the promotion of sustainable parking provision and effective enforcement. This may include expansion of enforcement services to other public sector bodies upon agreement. It may also include partnership to enforce and/ or manage private parking provision within current legislation.

The Highland Council will continue to work closely with Police Scotland in all aspects of Parking Management including assisting in the detection and prevention of crime via our enforcement activities.

## **8.0 Un-adopted Roads under Council Control**

Roads not adopted by the Roads Authority but managed by the Council, such as some roads situated in council housing, are not always governed by waiting and loading Traffic Regulation Orders but are all governed by relevant Road Traffic Acts in relation to reportable offences, such as speeding, dangerous parking, obstruction etc.

Subject to powers available under the Roads Scotland Act 1984, the Highland Council, with consent of a landowner, may publish Traffic Regulation Orders for land not owned by the Highland Council with the purpose of enforcement of restrictions and use of the land as a public car park. Parking Services will engage with third parties to implement such orders where deemed suitable by the service.

## 9.0 Reporting

We will report all of our parking outcomes online and with full visibility in the form of policies and statistics, including the annual parking account returns to the Scottish Government.

## 10.0 Parking Guidance to the Public

The guidelines below have been produced to aid members of the public and further information can be found at [www.highland.gov.uk/parking](http://www.highland.gov.uk/parking)

- Park only in designated parking places.
- Check the signs, lines and information on the ticket machine, when applicable, at the location where you want to park to ensure that you have parked correctly. Different rules apply in different streets. If the ticket machine is not functioning or you are in doubt, please park elsewhere.
- Ensure your vehicle is parked within the markings of the parking place/ parking bay.
- Check that the parking place is available for use each day you park (parking places can be suspended from time to time).
- To report faulty, damaged or vandalised pay and display machines, signs or lines and tell us about the signs that you consider misleading please call us on 01463 239786 or visit [www.highland.gov.uk](http://www.highland.gov.uk) .
- Give at least 72 hours' notice if you wish to suspend a parking place. (There is a charge for this service). For more information visit [www.highland.gov.uk/parking](http://www.highland.gov.uk/parking).
- Give at least 24 hours' notice if you want dispensation to wait for longer than the permitted 30 minutes on a yellow line while loading/ unloading (permitted if excessive loading/ unloading is required). For more information visit [www.highland.gov.uk/parking](http://www.highland.gov.uk/parking).
- Renew your parking permits or apply for visitor permits leaving at least 7 working days before their date of expiry. For more information visit [www.highland.gov.uk/parking](http://www.highland.gov.uk/parking).
- If you have to drive your children to school, never park on the school keep clear zigzag markings and ensure that you park correctly out with these areas.
- If you want to pay a parking ticket, do so within 14 days of the date of issue to take advantage of the discount period. Remember, you don't need to pay initially if you challenge the ticket or notice.
- If your vehicle is not in the location in which it was left, then please contact Police Scotland, in the first instance, on 101. Your vehicle may not have been stolen; it could have been relocated or removed to the car pound. The police are notified when vehicles are relocated or held in the designated car pound.
- If your vehicle is taken to the car pound, reclaim it as soon as possible as you will have to pay daily storage charges from midnight the day after the vehicle was removed. Please take two forms of identification with you when reclaiming the vehicle as we want to ensure that vehicles are returned to

their rightful owner. (Please note that staff do not have the authority to release the vehicle free of charge or without proof of ownership.)

- Report any misuse of Disabled Blue Badges or parking permits. Please report such abuse to [communityservices@highland.gov.uk](mailto:communityservices@highland.gov.uk)
- If you are consulted on a parking proposal within Highland then please take the time to respond or attend public meetings as relevant. Your views are important to us.
- If you are unhappy with the manner in which you have been dealt with by any member of staff then please ask to speak with their line manager as soon as possible after the incident, to attempt to resolve the issue.
- You should never under any circumstances speak or behave in an abusive or aggressive manner to any staff member.
- Please quote any relevant reference numbers, charge notice numbers or your vehicle registration number when corresponding with us on parking issues.
- The quality and responsiveness of our service relies on your co-operation. Without it, we may not be able to meet the standards we have set ourselves.

## **11.0 Other Factors to be considered in managing Parking and Linkage with Other Policies & Standards**

The following points will be considered in applying our parking policy:

- Improving the commercial vitality and viability of city and town centres.
- Enhancing the user experience for tourists and other visitors.
- Making the most of our historic buildings and sites.
- Increasing connectivity and active travel to, from and within key connection points.

The Scottish Government 'Town Centre Action Plan' document recognises that footfall is key to achieving thriving successful town centres. Footfall from residents, who use local shops and facilities and help make places safer in the evenings and night, is vitally important. Removing barriers to enable more town centre living is a key priority.

Visitors by coach are vital to the economy of all tourist destinations. It has been agreed that support must be given to safe and convenient coach parking to sustain and grow this vital tourist service.

Action taken to address parking issues will require taking into account all of the factors set out above and in the Objectives set out earlier and balance what are often competing demands.

A range of policies have been reviewed in the context of parking and city centre regeneration and are commented on below.



The Town Centre first principle requires that Scottish Government, local authorities, the wider public sector, businesses and communities put the health of town and city centres at the heart of proportionate and best value decision making. They should seek to deliver the best local outcomes regarding investment and de-investment decisions, alignment of policies, targeting of available resources to priority town centre sites, and encouraging vibrancy, equality and diversity.

Scottish Planning Policy currently recommends that planning authorities should set their own maximum parking standards, which should have the overall aim of encouraging modal shift away from the private car. It does also recognise that if an area is well served by active and sustainable modes of travel, it may be appropriate for a Local Authority to consider accepting reduced parking provision.

The National Roads Development Guide (2014) suggests that in urban areas it may be appropriate to consider a reduction in parking standards where public transport, walking and cycling access is of a good level. The Guide also puts forward that Local Authorities should explore securing developer contributions in lieu of full parking standards in sustainable locations.

## **12.0 Local Transport Plan**

The Council's Local Transport Plan and Active Travel Masterplans are available through the Local Transport Planning page at the link below: [https://www.highland.gov.uk/info/1523/transport\\_and\\_streets/121/local\\_transport\\_planning](https://www.highland.gov.uk/info/1523/transport_and_streets/121/local_transport_planning)

These documents may be used in the process to inform where developer contributions can be utilised in reference to parking provision or mitigation measures.

## **13.0 Bus Lane enforcement**

The Council will utilise bus lane enforcement camera technology at such time as is required for approved enforcement activity and will avail itself of any additional powers provided by changes in legislation in relation to CCTV enforcement.

The Council has several bus lanes or bus gates located mainly in Inverness. The establishment of these facilities is directly targeted at prioritising public transport services at key locations.

The enforcement of these facilities is currently subject to "Moving Traffic Offences" legislation via Police Scotland. It is the Council's intention to apply to Transport Scotland for permission to decriminalise this provision and enforce through the existing Parking Services provision.

The Highland Council shall assess every circumstance of bus lane/bus gate provision in Highland on a case by case basis to decide on whether taxis or bicycles shall be permitted to use any bus gate/lane facility that is provided..

### **13.1 Policy regarding use of Bus facilities by Cyclists & Taxis**

Parking provision does not directly relate to the use of Bus Lanes however clarity is given here on the subject. The Highland Council shall assess every circumstance of Bus Lane/Bus Gate provision in Highland on a case by case basis to decide on whether TAXIs or CYCLEs shall be permitted to use any Bus Gate/Lane facility that is provided.

## **15.0 Transport (Scotland) Act 2019**

The Highland Council will be required to implement the outcomes of the Transport Scotland Act 2019, namely in relation to Parking Services, the introduction of a National Pavement Parking ban, double-parking ban, dropped kerb parking ban and the adoption of the legislation and ongoing enforcement of this act via regulations expected in early 2023.

This is a major change to the public space management function of Roads Authorities in Scotland and will precipitate a major change to driver behaviour. This legislation will introduce a blanket ban on pavement parking (subject to a few statutory exemptions). This primary legislation is designed to protect vulnerable road users on footpaths and improve access for all especially wheeled footpath users who are often put at risk by inappropriate pavement parking.

Officers are working with other local authorities and Transport Scotland to help shape the Regulations that will implement the Act in setting out the criteria and enforcement powers that will be applied.

It is forecast that the necessary regulations will be available to local authorities in the early part of 2023. Once the guidance on the regulations is published the Highland Council will be required to review the public road network to consider the implications of the legislation and assess where absolutely unavoidable what, if any, exemption orders may be provided to allow pavement parking, subject to the regulations.

Separate information will be published on the assessment process and criteria required to allow any Exemption Orders to be provided in the Highlands once the full relevant Regulations are finalised.

#### ***Pavement parking prohibition***

- (1) A person must not park a motor vehicle on a pavement (in this Part, this prohibition is referred to as the "pavement parking prohibition").

- (2) For the purposes of the pavement parking prohibition—
- (a) a motor vehicle is parked on a pavement if—
    - (i) it is stationary, and
    - (ii) one or more of its wheels (or any part of them) is on any part of the pavement,
  - (b) a stationary motor vehicle is parked whether or not—
    - (i) the driver of the vehicle is in attendance at the vehicle,
    - (ii) the engine of the vehicle is running.

#### **Dropped footway parking prohibition**

- (1) A person must not park a motor vehicle on a carriageway adjacent to a footway where, for the purpose of assisting pedestrians or cyclists to cross the carriageway—
- (a) the footway has been lowered to meet the level of the carriageway, or
  - (b) the carriageway has been raised to meet the level of the footway.

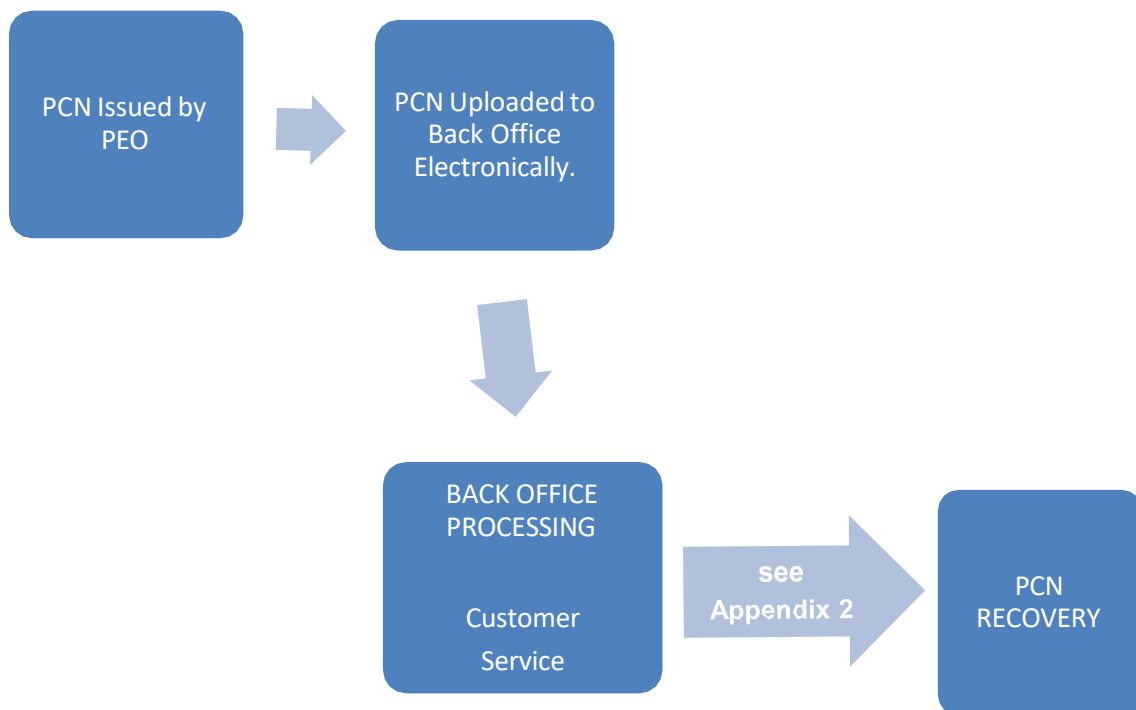
#### **Double parking prohibition**

- (1) A person must not park a motor vehicle on a carriageway in such a way that no part of the vehicle is within 50 centimetres of the edge of a carriageway (in this Part, this prohibition is referred to as the “double parking prohibition”).
- (2) For the purposes of the double-parking prohibition, a stationary motor vehicle is parked whether or not—
- (a) the driver of the vehicle is in attendance at the vehicle,
  - (b) the engine of the vehicle is running.

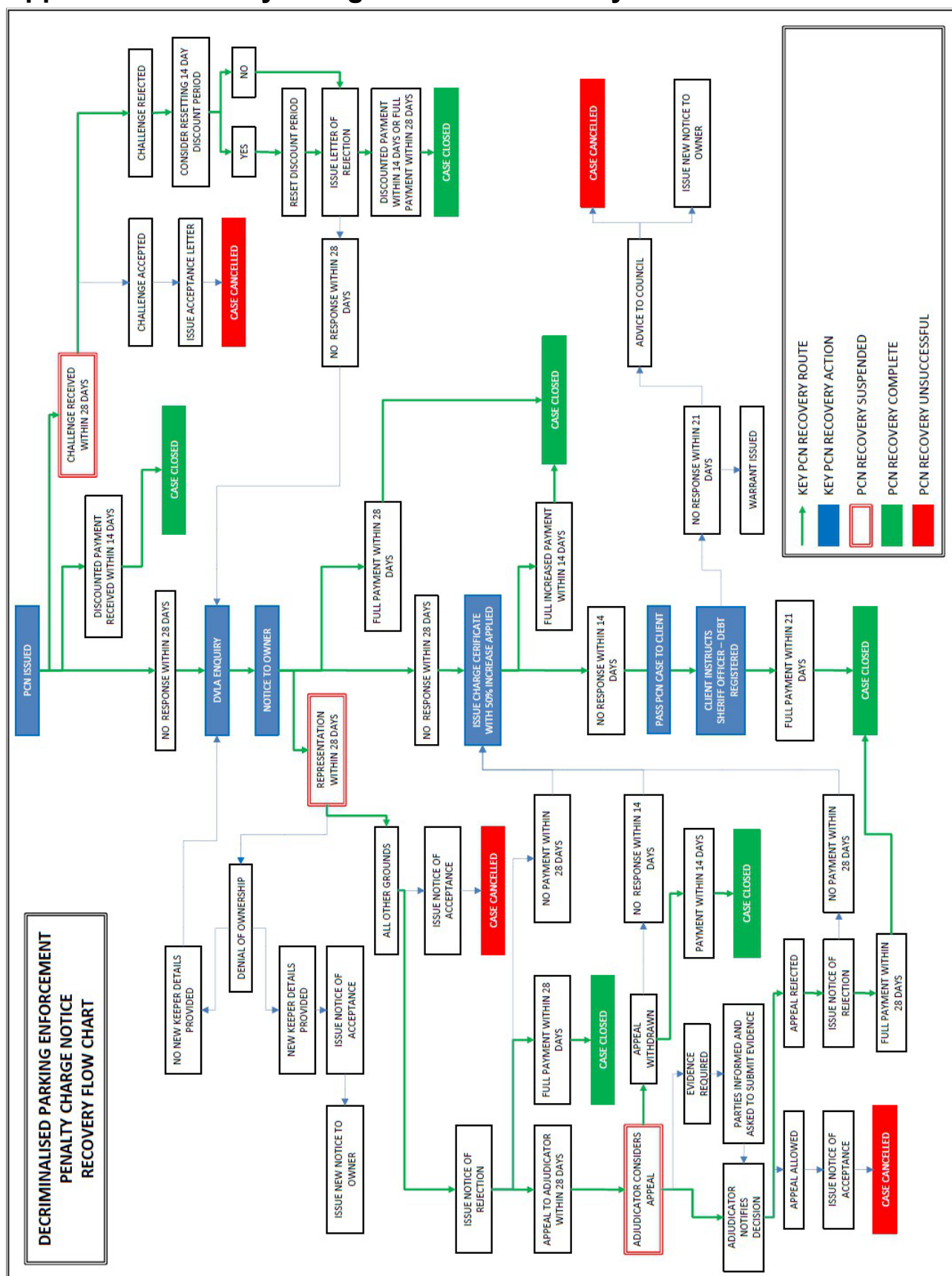
<https://www.legislation.gov.uk/asp/2019/17/part/6/enacted>

## 14.0 Appendices

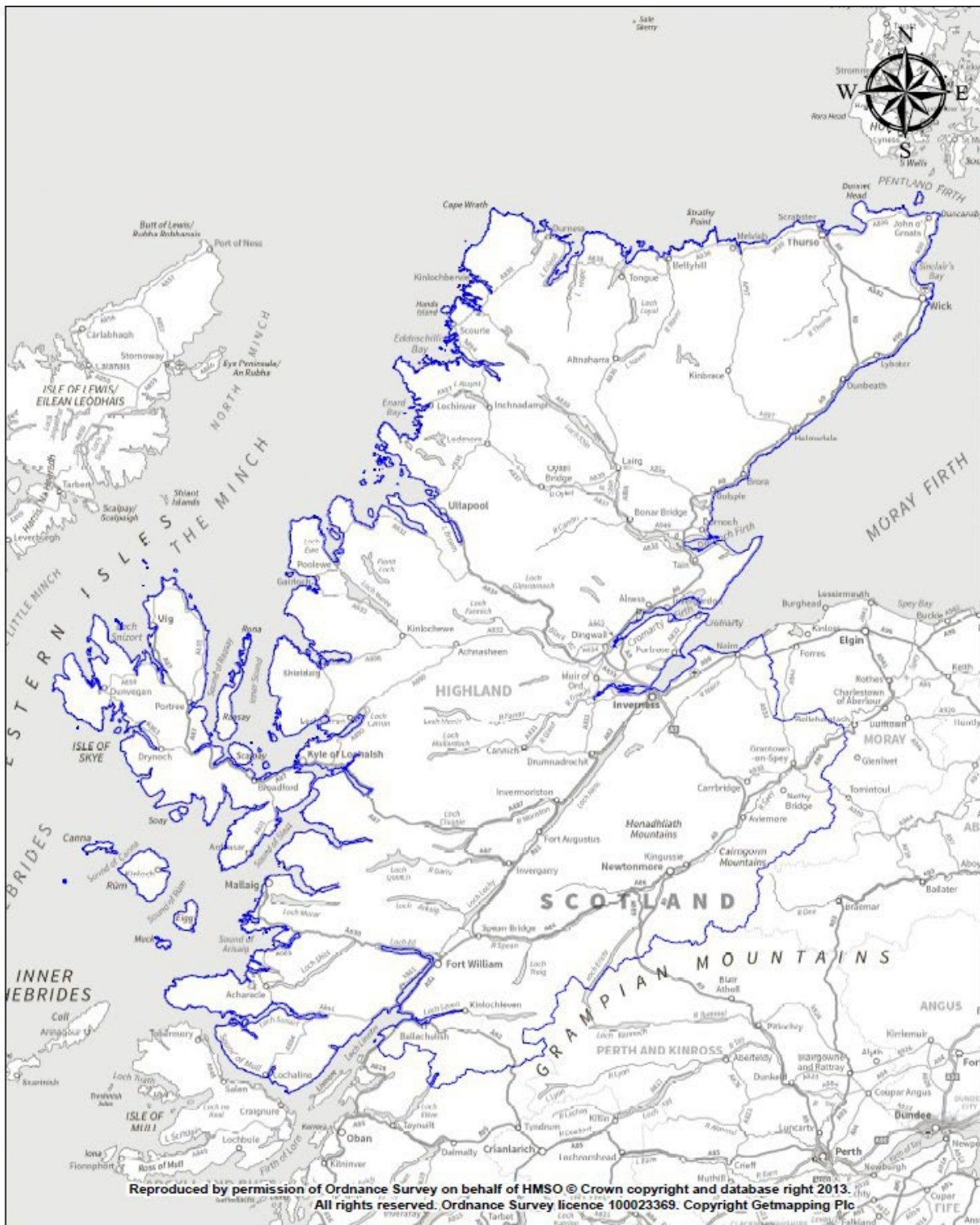
### Appendix 1 – PCN and back office delivery process



## Appendix 2 - Penalty Charge Notice – Recovery Flow Chart



## Appendix 3 – Special Parking Area and Permitted Parking Area



Decriminalised Parking Enforcement Application  
The Highland Council  
SPA/PPA

## Appendix 4 – Statutory Charges & Vehicle removals/fees

## Statutory Penalty Charge Notice Progression

Stage	Minimum Number of Days Since Ticket Issued	Level of Penalty Charge	Standard Process
1	0-14	£30	50% Discount if paid within 14 days
2	14-28	£60	Full Price
3	>28	£60	<b>Notice to Owner</b> (28 days to pay)
4	>61	£90	<b>Charge Certificate</b> (Penalty Increases by 50%)
5	>82	£90 + Standard Sheriff Officer Charge	Debt Transferred to Sheriff Officer

Note:

- **Notice to Owner** is a statutory notice served by the council on the person appearing to be the owner of a vehicle issued with a penalty that remains unpaid after 28 days.
- Subsequent to **Notice to Owner** but PCN has not paid within the statutory time limits, a **Charge Certificate** increases the full penalty charge by 50% and requires payment within 14 days of service if registration of the debt is to be avoided.
- An **Appeal** against Council decisions on PCNs can be made to the Parking & Bus Lane Tribunal Scotland the independent adjudication service which has a judicial standing.

## CONTRAVENTION RELATED VEHICLE REMOVALS AND RELOCATIONS

Vehicle removal fee - **£150.00**

Vehicle storage charge - **£20.00 per day**

Wheel clamp release fee - **£40.00**

- Any vehicle may be authorised for removal after the issue of a Penalty Charge Notice.
- The Council prioritises the removal of certain contraventions over others.
- In certain cases, the vehicle will be left in position, or possibly relocated to a nearby area if it is deemed to be causing an obstruction, rather than be removed to the car pound; for example:
  - If the vehicle is displaying a valid disabled badge
  - If the vehicle is displaying a valid Parking Permit
  - If the vehicle is parked in a pay and display parking place and displaying a valid permit for the zone in which it is parked
- Any vehicles displaying an altered blue disabled badge should be issued with an **instant** PCN and be authorised for removal. Details of this action must be forwarded to the Council's Fraud Prevention Officer at the earliest opportunity



- Should a vehicle which has been authorised for removal be deemed too large to be lifted by a Council removal truck, then arrangements may be made to have the offending vehicle towed to the car pound through a private contractor.

### **PERSISTENT EVADERS**

- Any vehicle which has five or more outstanding parking tickets (parking tickets which have not been paid), is considered to be a Persistent Evader.
- Vehicles classed as Persistent Evaders are deemed to be high priority removals after being issued with a Penalty Charge Notice.
- Persistent Evader vehicles which have high levels of debt (above £500) are classed as High Value Debtors.
- Vehicles classed as Persistent Evaders and High Value Debtors are not entitled to the standard observation periods, with **instant** Penalty Charge Notices issued in most circumstances.

### **CLAMPING**

- Any vehicle which is classed as a Persistent Evader or High Value Debtor and has more than 20 Penalty Charge Notices outstanding may also be clamped.
- Vehicle owners must provide the Council with current address details and pay the clamp release fee in order to have their vehicle unclamped.
- Any vehicle which remains clamped through the day will be removed or towed to the car pound. In such cases the clamping fee will be waived and the higher removal fee will become payable.

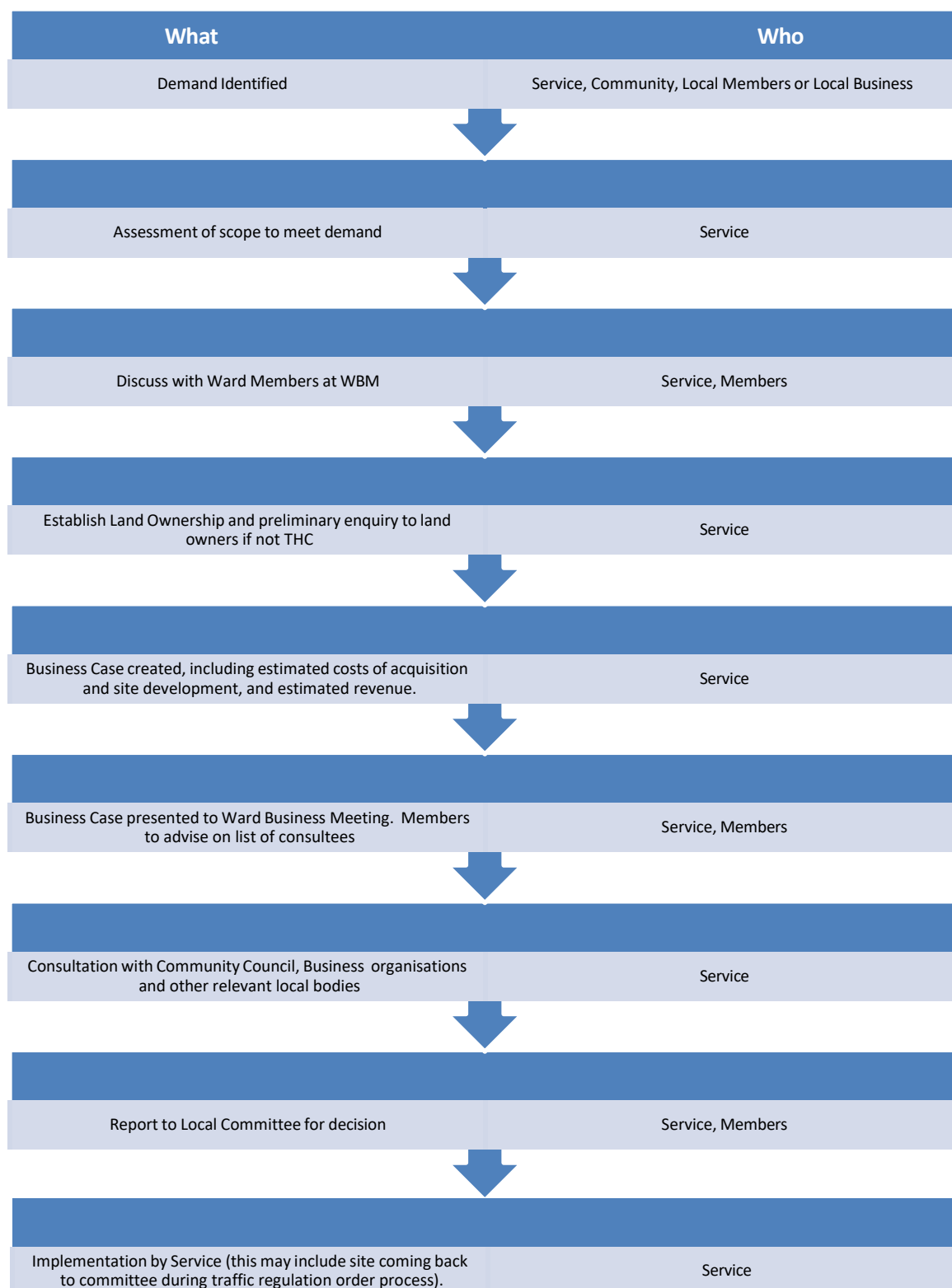
### **DVLA RELATED VEHICLE IMMOBILISATION OR REMOVALS**

- **Untaxed Vehicles.** The Council will work with the DVLA to ensure a partnership approach on DVLA related enforcement activities which may include adoption of DVLA powers in relation to immobilisation and uplift activities via The Highland Council becoming a Devolved Powers Partner (DPP)

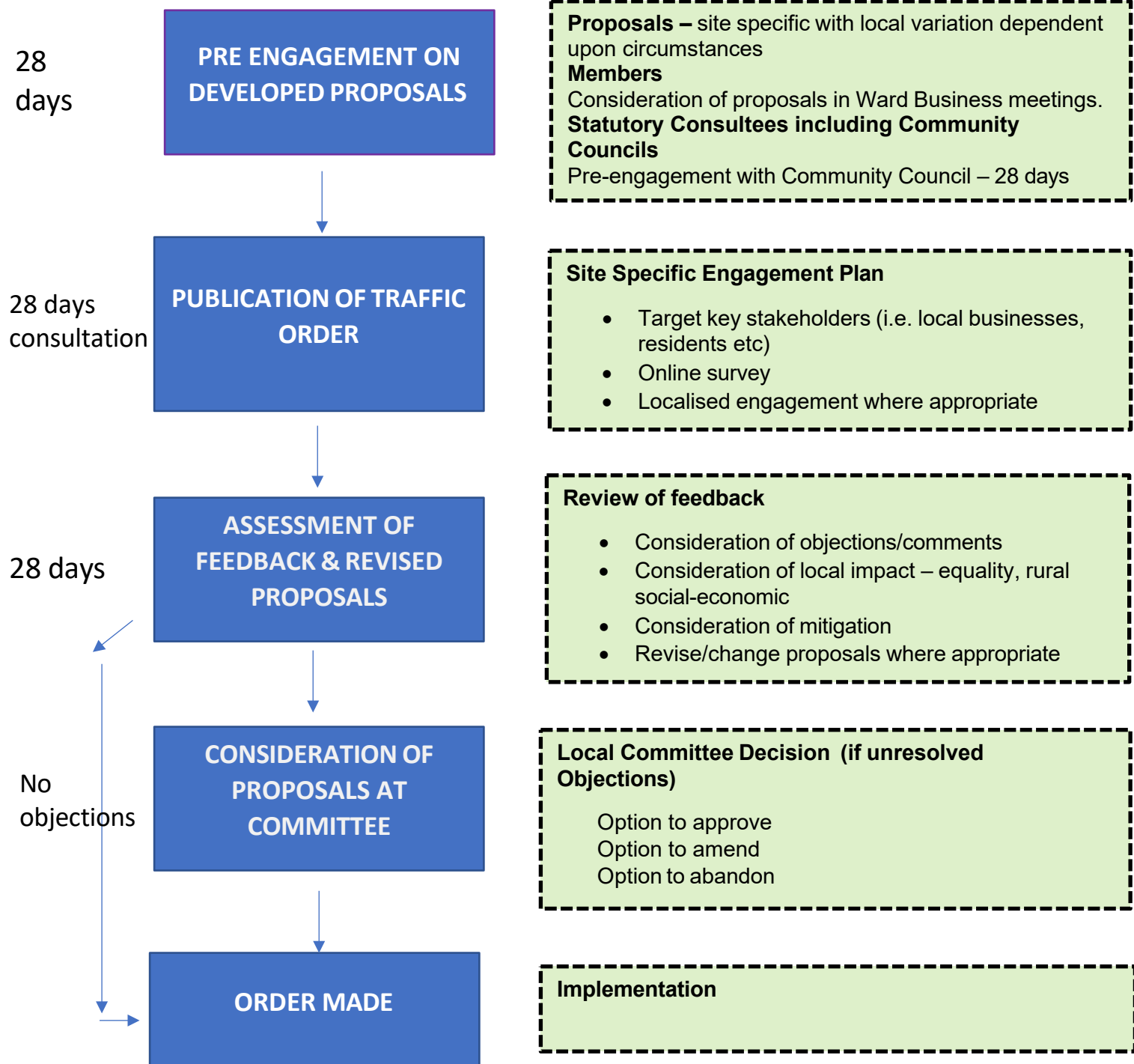


## Appendix 5 – Decision making - Flow Charts

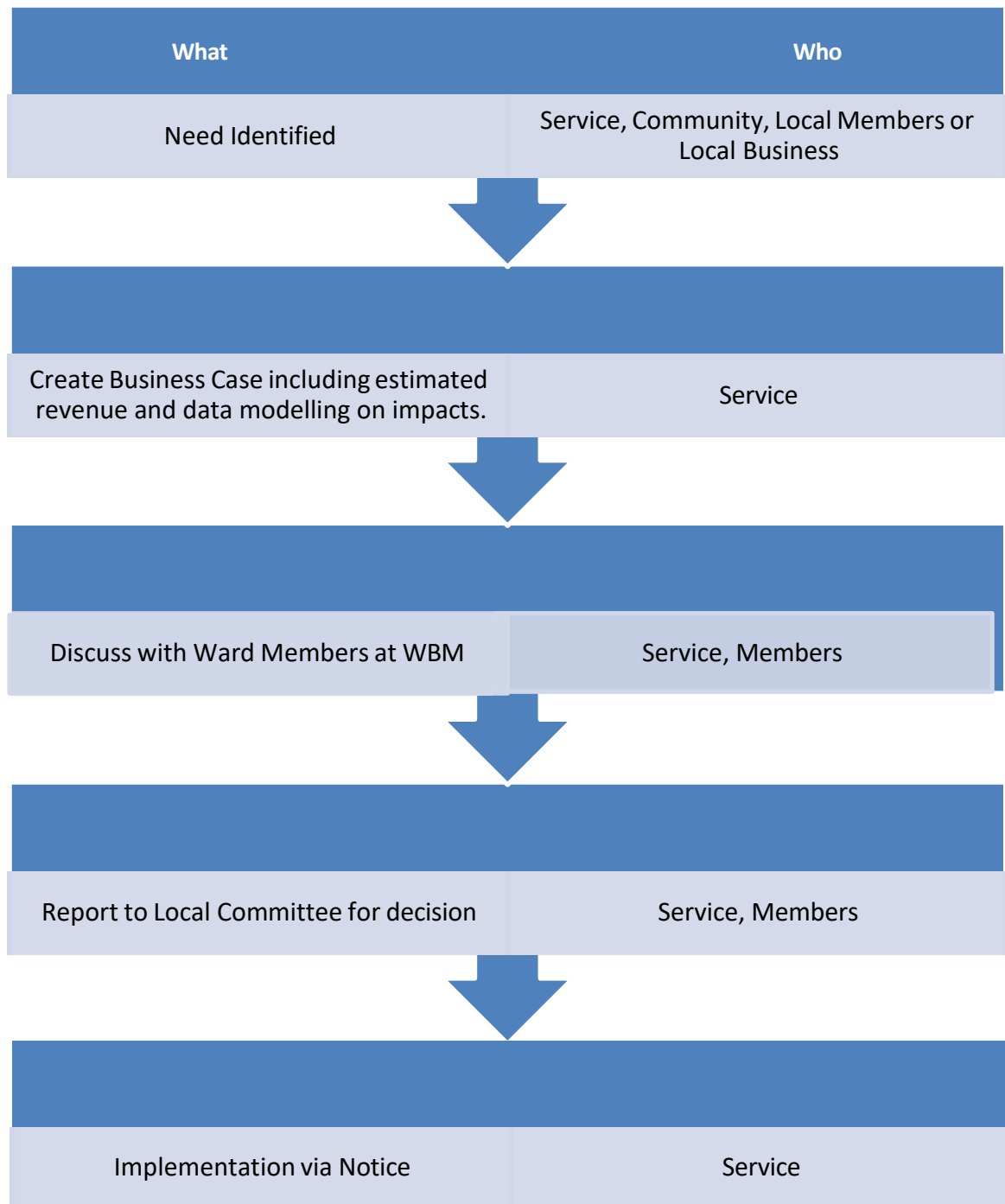
### Creation of a new Car Parking Site – Control of Use TRO



## Car Park Charging - Traffic Regulation Order



## Tariff Change - Notice



## **Appendix 6 – Off Street Parking Conditions of Use**

All council Off-Street parking provision is subject to conditions of use. The restrictions, all or in part below, will be applied and each location will have a sign erected in the car park with a version of the following to inform users:

### **CONDITIONS OF USE**

#### **PERMITTED VEHICLES**

Vehicle types will be listed e.g. (Cars, Motorhomes, Motorcycles, Light Goods Vehicles etc.)

#### **RESTRICTIONS UPON USE**

All or some of the following will not be permitted:

- a) Storing goods or depositing materials.
- b) Unlicensed or un-roadworthy vehicles.
- c) Vehicle repair or maintenance work.
- d) Running of vehicle engine except when entering or leaving.
- e) Mobile trading and commercial promotions except for (by special and specific consent) the motoring organisations, the military, charitable organisations, and other organisations providing a public information service of a non-commercial nature.
- f) Party Political activities.
- g) Parking continuously longer than maximum allowed.
- h) Parking out with a lined bay when such bays are provided
- i) Parking in a bay not classed for the vehicle.
- j) Use of the car park for any purpose other than the parking of vehicles without prior written permission from the Local Authority.
- k) Failing to display a Valid permit when required.
- l) Parking of vehicles manufactured for or adapted for the purpose of sleeping between the listed hours.
- m) Parking of vehicles manufactured for or adapted for the purpose of sleeping.
- n) Parking of vehicles with trailers
- o) Failing to pay the parking fee when required to do so.
- p) Parking other than for the participation in burial/funeral activities

#### **IMPORTANT NOTICE**

- (1) The Highland Council reserve the power to remove vehicles, goods or materials and store at the owner's expense, and retain until such expenses have been reimbursed.
- (2) Contravention of parking regulations will lead to a Penalty Charge Notice being issued and or the removal of vehicles.

Full details governing the conditions of use of Highland Council car parks are contained within:

**"RELEVANT TRAFFIC REGULATION ORDER"**

The Highland Council is not liable for any loss of or any damage to any vehicle or the fitting thereof parked in this parking place.