



# **DECRIMINALISED PARKING ENFORCEMENT**

**LOCAL AUTHORITIES' INCOME AND EXPENDITURE: 2017 to 2018**

29 November 2018

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# 1. DECRIMINALISED PARKING ENFORCEMENT

## **Background**

1.1 The Road Traffic Act 1991 introduced provisions enabling the decriminalisation of most non-endorsable parking offences in London and permitted similar arrangements to be introduced elsewhere in the UK by secondary legislation. Currently 21 local authorities in Scotland operate Decriminalised Parking Enforcement (DPE) regimes in their areas. DPE is a regime that enables a local authority to enforce its own parking policies, including the issuing of Penalty Charge Notices (PCNs) to motorists breaching parking controls in specified areas. DPE seeks to ensure that parking policies are implemented effectively and the underlying objective of DPE operation should be to achieve 100% compliance with parking controls and therefore no penalty charges.

1.2 In areas with DPE, stationary traffic offences cease to be criminal offences enforced by the police and instead become civil penalties imposed by local authorities. Enforcement of certain parking offences such as obstructive or dangerous parking remains the responsibility of Police Scotland.

## **Scottish Government Position on DPE**

1.3 The Scottish Government's position is that decriminalised parking enforcement powers should contribute to a local authority's overall transport objectives and thereby contribute to National and Regional Transport Strategies. Parking policies are an essential part of a local authority's traffic management strategy and should be designed to manage the traffic network effectively, improving or maintaining traffic flow and reducing congestion. This improves road safety and the local environment and encourages, where appropriate, increased use of more sustainable and healthy forms of travel.

1.4 The integration of enforcement powers and parking policy should enhance local authority accountability to its residents for overall parking policy, as well as enabling better monitoring of the effectiveness and value of parking controls to ensure that such parking policy is responsive to public needs.

## **Local Authorities with DPE powers**

1.5 There are 21 local authorities in Scotland that have acquired DPE powers and these are listed in table 1. The remaining local authorities, also listed in the table, are either actively working towards DPE, such as North Ayrshire Council who are currently exploring the opportunity of DPE, or are authorities who have decided that enforcement powers are not necessary or are not desired for reasons such as cost of implementation.

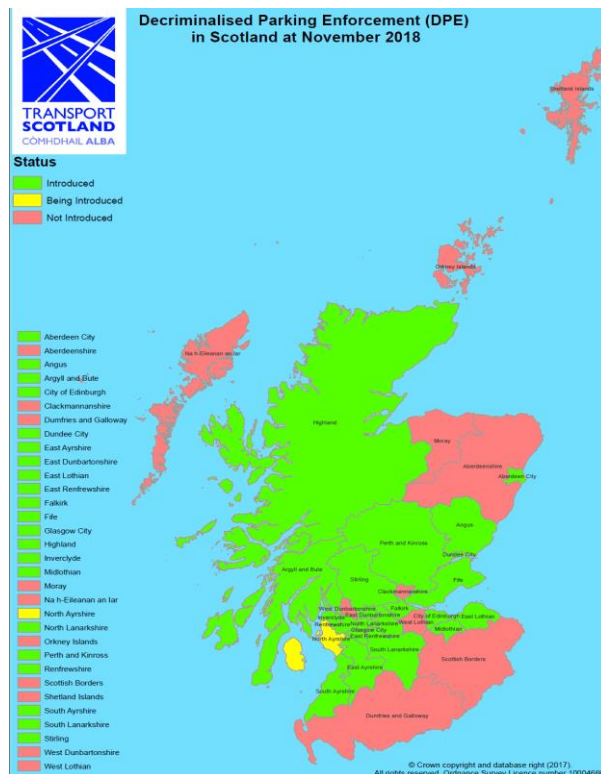
**Table 1 Local Authorities with or without DPE powers**

DPE INTRODUCED	ACTIVELY WORKING TOWARDS DPE	NOT CURRENTLY ENGAGED WITH SG ON A DPE PROPOSAL
Aberdeen City (2003)	North Ayrshire	Aberdeenshire
Angus (2017)		Clackmannanshire
Argyll and Bute (2014)		Dumfries & Galloway
Dundee (2004)		Moray
East Ayrshire (2012)		Orkney Islands
East Dunbartonshire (2014)		Scottish Borders
East Lothian (2017)		Shetland Islands
East Renfrewshire (2013)		West Dunbartonshire
Edinburgh City (1998)		West Lothian
Falkirk (2018)*		Western Isles
Fife (2013)		
Glasgow (1999)		
Highland (2016)		
Inverclyde (2014)		
Midlothian (2018)*		
North Lanarkshire (2017)		
Perth and Kinross (2002)		
Renfrewshire (2010)		
South Ayrshire (2012)		
South Lanarkshire (2005)		
Stirling (2017)		

\* Midlothian Council's DPE regime commenced on 2 April 2018

\* Falkirk Council's DPE regime commenced on 19 November 2018

**Figure 1 – DPE Map of Scotland**



## 2. Penalty charges

### Penalty charge levels – Background

2.1 Under section 74 of the Road Traffic Act 1991, as amended by the Orders designating the permitted and special parking areas in the local authority area, it is the duty of the local authority operating DPE to have regard to any guidance issued by the Scottish Ministers in respect of the levels of parking charges.

2.2 The current guidance<sup>1</sup> dates to April 2001. The amounts payable by a motorist issued with a PCN by a local authority and - for general context – in respect of parking related Fixed Penalty Notices (FPNs) issued by Police Scotland, are as follows.

2.3 PCNs (DPE) are in an initial amount of £40, £50 or £60. Those amounts are discounted by 50% if paid within 14 days or increased by 50% if certain follow-up enforcement action is required. FPNs (not DPE) are in an initial amount of £30, rising to £45 if certain follow-up enforcement action is required.

### Number of PCNs issued by Local Authorities

2.4 Table 2 below indicates the number of PCNs that have been issued by local authorities with DPE powers over the last three financial years. The information is collated from information provided by the local authorities in question. Further information on these figures can be obtained from the relevant local authority.

**Table 2 – Number of PCNs issued by local authorities with DPE**

<b>Local Authority</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
Aberdeen City	37,754	37,754	40,392
Angus	-	-	6,273
Argyll & Bute	8,123	3,018	6,269
City of Edinburgh	184,964	192,381	191,563
Dundee City	31,332	29,266	21,837
East Ayrshire	5,391	5,995	6,262
East Dunbartonshire	3,331	4,704	5,301
East Lothian	-	953	10,040
East Renfrewshire	5,696	3,742	5,176
Fife	19,904	20,142	21,890
Glasgow City	118,902	133,901	125,505
Highland	-	4,101	9,477
Inverclyde	6,260	7,200	8,059
North Lanarkshire*	-	-	-
Perth & Kinross	7,133	7,805	14,469
Renfrewshire	7,588	6,160	6,823
South Ayrshire	5,968	5,238	5,824
South Lanarkshire	23,513	23,693	20,952
Stirling	-	-	9,975

<sup>1</sup> Road Traffic Act 1991 – Review of Penalty Charge Notice Levels Revised Guidance (2001), Scottish Executive <http://www.gov.scot/Resource/Doc/918/0096509.pdf>

\* North Lanarkshire Council received their powers in November 2017 however their DPE regime did not commence until November 2018

## **Financing of DPE**

2.5 Ministers' guidance to local authorities seeking to acquire DPE powers is that the system should insofar as possible be self-financing. Section 55 of the Road Traffic Regulation Act 1984 provides that any deficit accrued by a local authority as a result of the authority's operation of DPE must be made good out of the local authority's general fund. Section 55 also requires that any surplus may only be used to make good any amount charged to the general fund over the preceding 4 years or for certain transport-related purposes including; the provision and maintenance of off-street parking or, where the local authority consider that further provision of off-street parking is not necessary or desirable, the provision or operation of (or facilities for) public passenger transport services; or for road improvement projects in the local authority area.

2.6. Under Section 55 of the 1984 Act, as amended, a local authority operating a DPE regime is required to keep an account of their income and expenditure in respect of designated parking places and additional parking charges, in the permitted and special parking areas.

2.7 The following table provides the income and expenditure figures for each of the 19 local authorities who have been operating DPE regimes in their areas from 2017 to 2018.

**Table 3: Local authorities with DPE - income & expenditure (£) - Financial Year 2017 – 2018**

Local Authority	PCN Income	Pay & Display/other income <sup>^</sup>	Total Income	Expenditure	Annual Balance
Aberdeen City	1,736,479	6,660,278	8,396,757	4,146,126	4,250,631
Angus	219,310	0	219,310	297,721	-78,411
Argyll & Bute	186,980	864,516	1,051,496	315,820	735,676
City of Edinburgh	5,903,306	25,165,491	31,068,797	7,620,553	23,448,244
Dundee City	1,266,860	3,829,424	5,096,284	4,029,566	1,066,718
East Ayrshire	216,427	1,067,853	1,284,280	695,105	589,175
East Dunbartonshire	171,448	51,639	223,087	229,106	-6,019
East Lothian	278,696	55,000	333,696	433,902	-100,206
East Renfrewshire	190,438	-	190,438	184,463	5,975
Fife	586,273	2,847,969	3,434,242	2,679,017	755,225
Glasgow City	4,420,776	15,687,397	20,108,173	6,691,598	13,416,575
Highland	264,597	410,776	675,373	648,039	27,334
Inverclyde	279,285	73,532	352,817	350,465	2,352
North Lanarkshire	0	0	0	213,623	-213,623
Perth & Kinross	516,608	2,710,115	3,226,723	2,684,135	542,588
Renfrewshire	179,819	840,890	1,020,709	452,385	568,324
South Ayrshire	192,756	606,960	799,716	400,719	398,997
South Lanarkshire	698,198	1,576,616	2,274,814	2,272,117	2,697
Stirling*	295,449	1,569,534	1,864,983	1,761,923	103,060

\*Stirling Council's DPE data is from 3 May 2017 to 31 March 2018

2.8 The information provided in table 3 has been provided by the local authorities concerned. Figures from the councils who have recently set up DPE regimes may be affected by initial setting-up costs. Figures have also been provided for pay & display income, vehicle impound income and permit income, to inform our understanding of the overall position.

2.9. The precise uses to which any DPE surpluses have been put are a matter for the relevant local authority. For the purposes of this report to committee, the Scottish Government has been advised by local authorities of the following:-

- South Lanarkshire Council spent £0.939 million of its surplus in 2017/18 towards road improvement schemes in their area.
- The City of Edinburgh Council reported that it had spent over £86,000 on operating car clubs within their area to help reduce congestion and improve journey times and over £33,000 on bus lane camera maintenance.

2.10. Further details on how each local authority has spent any surplus generated from DPE in a particular year should be obtained from the local authority concerned.

## **Glossary**

DPE            Decriminalised Parking Enforcement

FPN            Fixed Penalty Notice

LA             Local Authorities

PCN            Penalty Charge Notice