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Decriminalised Parking Enforcement

Local Authorities' Income and Expenditure: 2019 to 2020

Contents

Background	3
Scottish Government position on DPE	3
Local authorities with DPE powers	3
Penalty Charges.....	6
Penalty Charge Levels – Background	6
Number of PCNs Issued by local authorities	6
Number of Bus Lane Enforcement Charges issued by local authorities	8
Financing of DPE	8
Glossary	11

Background

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.

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

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.

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

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, Orkney Islands Council and Aberdeenshire Council, or are authorities who have decided that enforcement powers are not necessary or are not desired for reasons such as cost of implementation.

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

DPE introduced	Actively working towards DPE	Not formally engaged with SG on a DPE proposal
Aberdeen City (2003)	Aberdeenshire	Clackmannanshire
Angus (2017)	North Ayrshire	Dumfries & Galloway
Argyll and Bute (2014)	Orkney Islands	Moray
City of Edinburgh (1998)		Na h-Eileanan an Iar (Western Isles)
Dundee City (2004)		Scottish Borders
East Ayrshire (2012)		Shetland Islands
East Dunbartonshire (2014)		West Dunbartonshire
East Lothian (2017)		West Lothian
East Renfrewshire (2013)		
Falkirk (2018)		
Fife (2013)		
Glasgow City (1999)		
Highland (2016)		
Inverclyde (2014)		
Midlothian (2018)		
North Lanarkshire (2017)		
Perth and Kinross (2002)		
Renfrewshire (2010)		
South Ayrshire (2012)		
South Lanarkshire (2005)		
Stirling (2017)		

Table 1: Local authorities with or without DPE powers

Decriminalised Parking Enforcement (DPE) in Scotland at September 2020

Legend

- [Green] Introduced
- [Yellow] Being Introduced
- [Red] Not Introduced

- [Green] Aberdeen City
- [Yellow] Aberdeenshire
- [Green] Angus
- [Green] Argyll and Bute
- [Green] City of Edinburgh
- [Red] Clackmannanshire
- [Red] Dumfries and Galloway
- [Green] Dundee City
- [Green] East Ayrshire
- [Green] East Dunbartonshire
- [Green] East Lothian
- [Green] East Renfrewshire
- [Green] Falkirk
- [Green] Fife
- [Green] Glasgow City
- [Green] Highland
- [Green] Inverclyde
- [Green] Midlothian
- [Red] Moray
- [Red] Na h-Eileanan an Iar
- [Yellow] North Ayrshire
- [Green] North Lanarkshire
- [Yellow] Orkney Islands
- [Green] Perth and Kinross
- [Green] Renfrewshire
- [Red] Scottish Borders
- [Red] Shetland Islands
- [Green] South Ayrshire
- [Green] South Lanarkshire
- [Green] Stirling
- [Red] West Dunbartonshire
- [Red] West Lothian

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Figure 1: DPE map of Scotland

Penalty Charges

Penalty Charge Levels – Background

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.

The current guidance¹ 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.

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

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.

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

Local Authority	2017/18	2018/19	2019/20
Aberdeen City	40,392	38,967	36,842
Angus	6,273	6,626	8,217
Argyll & Bute	6,269	6,696	5,775
City of Edinburgh	191,563	183,965	191,479
Dundee City	21,837	29,130	31,949
East Ayrshire	6,262	6,900	6,097
East Dunbartonshire	5,301	6,348	6,137
East Lothian	10,040	9,540	10,063
East Renfrewshire	5,176	4,859	3,614
Falkirk*	-	2,881	7,689
Fife	21,890	21,768	19,864
Glasgow City	125,505	146,412	152,579
Highland	9,477	10,000	10,386
Inverclyde	8,059	9,117	8,635
Midlothian*	-	6,855	6,939
North Lanarkshire*	-	6,018	11,863
Perth & Kinross	14,469	15,852	13,401
Renfrewshire	6,823	6,974	5,191
South Ayrshire	5,824	7,213	8,991
South Lanarkshire	20,952	21,281	22,320
Stirling	9,975	9,586	12,189

Table 2: Number of PCNs issued by local authorities with DPE

- * Falkirk Council's DPE regime commenced on 19 November 2018
- * Midlothian Council's DPE regime commenced on 2 April 2018
- * North Lanarkshire Council received their powers in November 2017 however their DPE regime did not commence until November 2018

Number of Bus Lane Enforcement Charges issued by local authorities

Table 3 below indicates the number of Bus Lane Enforcement Charges that have been issued by local authorities with DPE and Bus Lane Enforcement powers in the last financial year. 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.

Local Authority	2018/19	2019/20
Aberdeen City	27,295	21,170
City of Edinburgh	28,668	54,586
Glasgow City	96,506	115,534

Table 3: Number of Bus Lane Enforcement Charges issued by local authorities with DPE (only applicable to local authorities with Bus Lane Enforcement powers)

Financing of DPE

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.

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. The following table provides the income and expenditure figures for each of the 21 local authorities who have been operating DPE regimes in their areas from 2019 to 2020.

Local authority	PCN income	Pay & display/other income	Total income	Expenditure	Annual balance
Aberdeen City	1,311,333	7,288,265	8,599,598	3,521,099	5,078,499
Angus	187,339	0	187,339	314,918	-127,579
Argyll & Bute	178,419	1,024,112	1,202,531	360,375	842,156
City of Edinburgh	5,898,735	27,207,305	33,106,040	9,230,474	23,875,566
Dundee City	1,059,719	4,141,757	5,201,476	2,871,520	2,329,956
East Ayrshire	258,568	1,127,677	1,386,245	782,107	604,138
East Dunbartonshire	204,174	345,474	549,648	323,798	225,850
East Lothian	316,255	295,388	611,643	448,363	163,280
East Renfrewshire	133,257	0	133,257	220,481	-87,224
Falkirk	270,215	497,182	767,397	421,718	345,679
Fife	523,000	3,318,000	3,841,000	2,840,000	1,001,000
Glasgow City	5,484,781	19,305,557	24,790,338	8,547,211	16,243,127
Highland	306,453	829,908	1,136,361	1,144,081	-7,720
Inverclyde	369,421	39,103	408,524	390,975	17,549
Midlothian	184,224	51,922	236,146	282,632	-46,486
North Lanarkshire	369,108	1,410	370,518	282,873	87,645
Perth & Kinross	526,945	3,028,038	3,554,983	2,528,140	1,026,843
Renfrewshire	131,316	759,506	890,822	569,525	321,297
South Ayrshire	296,999	798,687	1,095,686	355,877	739,809
South Lanarkshire	748,579	1,577,928	2,326,507	2,326,507	0
Stirling	332,070	713,824	1,045,894	739,660	306,234

Table 4: Local authorities with DPE – income & expenditure (£) – financial year 2019-2020

The information provided in Table 4 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.

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:

- Aberdeen City Council reported that the Bus Lane Infringement Surplus was used for strategic road improvements, transport and roads related projects.
- Argyll and Bute Council reported that the surplus income is used to maintain the car park facilities (including surface maintenance and upgrading parking machines to cashless) and for road improvements. Road improvements included: high friction surfacing to carriageways, footway improvements (incl. crossing points), pedestrian barrier and vehicles activated warning signs.
- East Dunbartonshire Council reported that as part of the Council's budget setting process, a significant additional capital commitment of £7.5m was agreed for 2020/21 and beyond to support the need of sustained and increasing investment in the roads network.

This capital allocation supplements previous additional sums from the General Fund Revenue Budget for reactive roads maintenance. Such developments and additional commitments would not have been possible, to this extent, without the contribution from the surpluses generated by decriminalised parking enforcement.

- East Lothian Council reported that the additional income was used to improve passenger facilities at their coastal car parks.
- Glasgow City Council reported that the surplus income is used to assist in the strategic transport management objectives including the expansion of new parking zones and other transport related matters.
- Perth and Kinross Council reported that the income provides investment and maintenance funding for car parks. If it is not utilised in-year, it is held in the Car Park Trading Account.
- Stirling Council reported that the surplus will be used for the provision of additional and revised on-street parking within the Council area.

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

Glossary

DPE Decriminalised Parking Enforcement

FPN Fixed Penalty Notice

LA Local Authorities

PCN Penalty Charge Notice



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