

## **Decriminalised Parking Enforcement – Q&A**

### ***What is Decriminalised Parking Enforcement?***

Decriminalised Parking Enforcement (DPE) is a regime which enables a local authority to administer its own parking penalties, including the issuing of Penalty Charge Notices (PCNs) to vehicles. In areas with DPE, stationary traffic offences cease to be criminal offences enforced by the police and instead become civil penalties enforced by the local authority.

Local authorities retain the income from penalty charges and from on and off street parking to finance the operation, enforcement and adjudication of the DPE regime. Any surpluses are used firstly for the provision and maintenance of off-street parking facilities and secondly for road improvement and public transport purposes in the local authority area.

### ***Why should a local authority consider putting DPE in place?***

A local authority may wish to apply for DPE powers if it would like more control over the enforcement of parking restrictions in its area. Local knowledge can enable a local authority to tailor parking enforcement to meet specific needs, taking into account wider traffic management issues and aligned with other policies, such as town regeneration and road safety.

### ***How does a local authority go about applying for DPE powers?***

Before formally applying for DPE powers, a local authority should consult with key stakeholders, including neighbouring authorities and Police Scotland. Transport Scotland would also encourage any local authority interested in DPE to engage directly with Transport Scotland at the earliest opportunity, to help streamline the application process as far as possible.

Applications are then submitted to Transport Scotland, who will assess the application on behalf of Scottish Ministers.

### ***What is involved in the process to acquire DPE powers and how long does the process take?***

The process is set out below. The timescale for the entire DPE process varies between local authorities, as much of the time is spent undertaking feasibility work, consulting locally and preparing the draft application.

Local authority prepares draft application
Local authority consults locally on draft proposals
Local authority submits draft application to Transport Scotland
Transport Scotland replies to local authority with comments, and begins to prepare the necessary Scottish Statutory Instruments (SSIs)
Local authority reviews comments and submits final application to Transport Scotland
Transport Scotland considers final application, and finalises SSIs
Subject to Ministerial approval, Transport Scotland consults on draft SSIs.

Transport Scotland notifies Ministers of the consultation outcome and finalises SSIs
Subject to Ministerial approval, SSIs are made and laid before the Scottish Parliament (negative statutory instrument process – 28 days)
Provided there are no objections raised, SSIs come into force

The length of time between Transport Scotland receiving the application and the SSIs coming into force will depend on a number of factors, including the quality of the application, the level of readiness of the local authority, its level of engagement throughout the application process and parliamentary recess dates. Transport Scotland is continually exploring ways to condense the timescale by sharing best practice and working with local authorities at an early stage to help ensure that robust applications are submitted in the first instance.

***What is Transport Scotland’s role?***

Transport Scotland assesses DPE applications on behalf of Scottish Ministers. Provided that Ministers are content, Scottish Statutory instruments are then drafted which will decriminalise parking offences and allow the local authority to take over enforcement from the police.

***Can one local authority share services with other service providers or other local authorities? If so, can this extend to one local authority issuing tickets in another?***

Local authorities may consider putting in place arrangements to share resources with other local authorities in order to reduce operating costs. However local authorities should take legal advice when developing any such plans to ensure compliance with legislation.

***Does a DPE regime need to be self-financing?***

DPE regimes should be financially sustainable as far as is possible, using the revenue from penalty charge notices and other parking income to meet the costs of the regime. If a regime is not projected to covers its running costs, local authorities may wish to explore the scope for sharing services with other authorities or for integrating parking attendant responsibilities into existing posts.

If a strong financial case still cannot be made, the local authority would need to explain how it would meet any shortfall in the long term, before Transport Scotland could make a decision on the application. Where a regime does not appear to be financially sustainable, it may also be that there is not a significant parking issue which requires dedicated traffic warden provision.

***Can a DPE regime be operated without any on-street charging?***

Yes. Although local authorities have the power to introduce on street charging, this is not mandatory in a DPE scheme. The regime can be operated from penalty charge income alone.

***Can parking attendant duties be merged with other community functions?***

Yes. One potential way of improving the financial sustainability of DPE is to integrate parking attendant responsibilities within existing posts, such as community wardens. This would, of course, ultimately be a decision for each local authority.

***Can a local authority with DPE powers amend its enforcement area?***

Yes. Transport Scotland would encourage any local authority that wishes to amend its enforcement area to speak to Transport Scotland at an early opportunity. Note that any changes will require a new application and appropriate consultation undertaken, both locally and by Transport Scotland.

Given these timing implications, Transport Scotland would encourage any local authorities considering applying for DPE to think carefully about their proposed enforcement area and aim for this to meet their long term requirements.