



**TRANSPORT
SCOTLAND**
CÒMHDHAIL ALBA

DECRIMINALISED PARKING ENFORCEMENT

LOCAL AUTHORITIES' INCOME AND EXPENDITURE: 2016 to 2017

21 December 2017



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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. 19 local authorities in Scotland currently 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 19 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 Falkirk Council and Midlothian Council who are heading into the latter stages of the process, or the 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) | Falkirk | Aberdeenshire |
| Angus (2017)* | Midlothian | Clackmannanshire |
| Argyll and Bute (2014) | | Dumfries & Galloway |
| Dundee (2004) | | Moray |
| East Ayrshire (2012) | | North Ayrshire |
| East Dunbartonshire (2014) | | Orkney Islands |
| East Lothian (2017)^ | | Scottish Borders |
| East Renfrewshire (2013) | | Shetland Islands |
| Edinburgh City (1998) | | West Dunbartonshire |
| Fife (2013) | | West Lothian |
| Glasgow (1999) | | Western Isles |
| Highland (2016) | | |
| Inverclyde (2014) | | |
| North Lanarkshire (2017)* | | |
| Perth and Kinross (2002) | | |
| Renfrewshire (2010) | | |
| South Ayrshire (2012) | | |
| South Lanarkshire (2005) | | |
| Stirling (2017)* | | |

* Angus & Stirling Councils' DPE regimes commenced on 3 May and North Lanarkshire's commenced on 24 November 2017

^ East Lothian Council's DPE regime commenced on 23 January 2017

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 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.

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

| Local Authority | 2014/15 | 2015/16 | 2016/17 |
|------------------------|--------------------|----------------|----------------|
| Aberdeen City | 46,450 | 37,754 | 37,754 |
| Argyll & Bute | 5,929 | 8,123 | 3,018 |
| City of Edinburgh | 179,340 | 184,964 | 192,381 |
| Dundee City | 25,415 | 31,332 | 29,266 |
| East Ayrshire | 6,232 | 5,391 | 5995 |
| East Dunbartonshire | 3,948 [^] | 3,331 | 4704 |
| East Lothian* | - | - | 953 |
| East Renfrewshire | 4,322 | 5,696 | 3,742 |
| Fife | 19,248 | 19,904 | 20,142 |
| Glasgow City | 116,937 | 118,902 | 133,901 |
| Highland [^] | - | - | 4,101 |
| Inverclyde | 3,439 [^] | 6,260 | 7,200 |
| Perth & Kinross | 9,077 | 7,133 | 7805 |
| Renfrewshire | 7,497 | 7,588 | 6160 |
| South Ayrshire | 6,716 | 5,968 | 5238 |
| South Lanarkshire | 22,412 | 23,513 | 23,693 |

[^] Highland Council's DPE regime did not commence until 3 October 2016

* East Lothian Council's DPE regime did not commence until 23 January 2017.

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>

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 16 local authorities who have been operating DPE regimes in their areas from 2016 to 2017.

Table 3 – Local authorities with DPE - income & expenditure - Financial Year 2016 – 2017

| Local Authority | PCN Income | Pay & Display/other income [^] | Total Income | Expenditure | Annual Balance |
|-----------------------|------------|---|--------------|-------------|----------------|
| Aberdeen City | 1,612,940 | 6,427,373 | 8,040,313 | 4,104,338 | 3,935,975 |
| Argyll & Bute | 417,502 | 811,319 | 1,228,821 | 272,457 | 956,364 |
| City of Edinburgh | 5,610,507 | 23,467,560 | 29,078,067 | 8,277,146 | 20,800,922 |
| Dundee City | 1,014,301 | 3,698,870 | 4,713,171 | 3,644,591 | 1,068,580 |
| East Ayrshire | 246,230 | 1,113,516 | 1,359,746 | 862,808 | 496,938 |
| East Dunbartonshire | 143,412 | 40,195 | 183,608 | 187,798 | - 4,190 |
| East Lothian* | 28,170 | 55,000 | 83,170 | 182,454 | -99,284 |
| East Renfrewshire | 211,568 | - | 211,568 | 186,671 | 24,898 |
| Fife | 612,723 | 2,787,817 | 3,400,540 | 2,680,432 | 720,108 |
| Glasgow City | 4,805,727 | 290,766 | 5,096,493 | 5,064,306 | 32,187 |
| Highland [^] | 70,575 | 867,927 | 938,502 | 1,043,213 | -104,711 |
| Inverclyde | 313,848 | 37,923 | 351,771 | 334,678 | 17,093 |
| Perth & Kinross | 313,247 | 2,592,183 | 2,905,430 | 3,700,916 | -795,486 |
| Renfrewshire | 163,110 | 889,035 | 1,052,145 | 433,520 | 618,625 |
| South Ayrshire | 197,752 | 766,632 | 964,384 | 429,116 | 535,268 |
| South Lanarkshire | 756,140 | 1,595,423 | 2,351,563 | 2,352,597 | -1,034 |

*East Lothian's DPE data is from 23 January 2017 to 31 March 2017

[^] Highland Council's DPE data is from October 2016 to 31 March 2017

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 £0.58 million of its surplus in 2016/17 towards road improvement schemes in the area and another £0.258 million on improving public passenger transport.
- The City of Edinburgh Council reported that it had spent nearly £0.579 million on subsidising taxi fares and over £84,000 on operating car clubs within the area to help reduce congestion and improve journey times.
- While Dundee, Glasgow, Inverclyde, Renfrewshire and Argyll and Bute Councils used £0.314 million of their surpluses on the maintenance of existing car parks, as well as, maintaining the enforcement regimes within their areas.
- Perth & Kinross Council reported that it spent £0.960 million on the monies obtained from decriminalised parking enforcement on refurbishing their off-street car parks and a further £0.239 million was spent on upgrading their on-street parking bays. The Council also spent a further £0.264 million on improving their Park & Ride facilities within the area.

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