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# Decriminalised Parking Enforcement

Local Authorities' Income and Expenditure:  
2018 to 2019

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## 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 and Orkney Islands 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.

DPE introduced	Actively working towards DPE	Not formally engaged with SG on a DPE proposal
Aberdeen City (2003)	North Ayrshire	Aberdeenshire
Angus (2017)	Orkney Islands	Clackmannanshire
Argyll and Bute (2014)		Dumfries & Galloway
Dundee City (2004)		Moray
East Ayrshire (2012)		Na h-Eileanan an Iar (Western Isles)
East Dunbartonshire (2014)		Scottish Borders
East Lothian (2017)		Shetland Islands
East Renfrewshire (2013)		West Dunbartonshire
City of Edinburgh (1998)		West Lothian
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)		

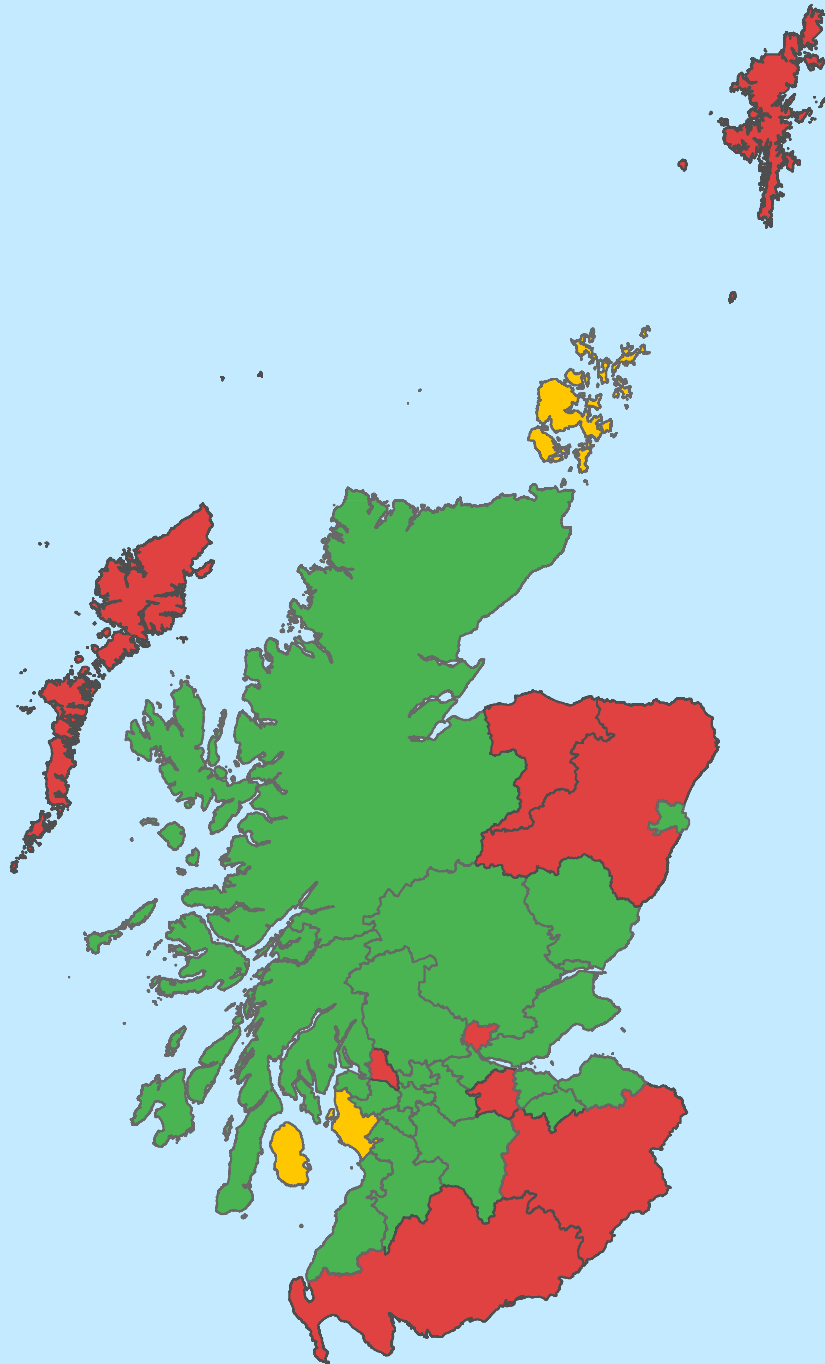
**Table 1 – Local authorities with or without DPE powers**

## Decriminalised Parking Enforcement (DPE) in Scotland at December 2019

### Legend

- Introduced
- Being Introduced
- Not Introduced

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



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Figure 1 – DPE map of Scotland

## 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.

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<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>

Local authority	2016/17	2017/18	2018/19
Aberdeen City	37,754	40,392	38,967
Angus	-	6,273	6,626
Argyll & Bute	3,018	6,269	6,696
City of Edinburgh	192,381	191,563	183,965
Dundee City	29,266	21,837	29,130
East Ayrshire	5,995	6,262	6,900
East Dunbartonshire	4,704	5,301	6,348
East Lothian	953	10,040	9,540
East Renfrewshire	3,742	5,176	4,859
Falkirk*	-	-	2,881
Fife	20,142	21,890	21,768
Glasgow City	133,901	125,505	146,412
Highland	4,101	9,477	10,000
Inverclyde	7,200	8,059	9,117
Midlothian*	-	-	6,855
North Lanarkshire*	-	-	6,018
Perth & Kinross	7,805	14,469	15,852
Renfrewshire	6,160	6,823	6,974
South Ayrshire	5,238	5,824	7,213
South Lanarkshire	23,693	20,952	21,281
Stirling	-	9,975	9,586

**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

2.5. 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
Aberdeen City	27,295
City of Edinburgh	28,668
Glasgow City	96,506

**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

- 2.6. 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.
- 2.7. 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.
- 2.8. 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 2018 to 2019.



Local authority	PCN income	Pay & display/ other income	Total income	Expenditure	Annual balance
Aberdeen City	1,382,885	7,275,402	8,658,287	3,867,695	4,790,592
Angus	204,548	0	204,548	313,207	-108,659
Argyll & Bute	210,522	1,005,509	1,216,031	323,128	892,903
City of Edinburgh	5,292,673	25,957,367	31,250,040	8,602,669	22,647,371
Dundee City	881,255	4,248,883	5,130,138	3,579,722	1,550,416
East Ayrshire	286,935	1,060,421	1,347,356	795,459	551,897
East Dunbartonshire	215,760	312,987	528,747	299,915	228,832
East Lothian	315,670	269,470	585,140	468,169	116,971
East Renfrewshire	186,868	0	186,868	238,506	-51,638
Falkirk*	57,321	189,697	247,018	361,568	-114,550
Fife	605,135	3,054,237	3,659,372	2,882,505	776,867
Glasgow City	5,023,405	17,150,983	22,174,388	7,242,852	14,931,536
Highland	306,958	514,978	821,936	717,897	104,039
Inverclyde	411,976	22,464	434,440	375,798	58,642
Midlothian*	161,240	31,072	192,312	297,993	-105,681
North Lanarkshire*	150,597	0	150,597	394,071	-243,474
Perth & Kinross	587,981	2,964,160	3,552,141	2,586,956	965,185
Renfrewshire	163,902	913,511	1,077,413	547,130	530,283
South Ayrshire	225,098	770,632	995,730	420,349	575,381
South Lanarkshire	724,800	1,576,567	2,301,367	2,298,660	2,707
Stirling	294,725	703,545	998,270	426,114	572,156

**Table 4 – Local authorities with DPE - income & expenditure (£) - financial year 2018 – 2019**

\* Falkirk Council's DPE data is from 19 November 2018 to 31 March 2019

\* Midlothian Council's DPE data is from 2 April 2018 to 31 March 2019

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

- 2.9. 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.
- 2.10. 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
  - East Lothian Council reported that it had spent the surplus on environmental improvements in coastal car parks
  - Inverclyde Council reported that the surplus was used for improvement to the road network and parking accommodation
- 2.11. 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



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