



**TRANSPORT
SCOTLAND**
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Decriminalised Parking Enforcement

Local Authorities' Income and Expenditure: 2020 to 2021

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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.

Local Authority	Status	Year
Aberdeen City	DPE	2003
Aberdeenshire	Non-DPE	N/A
Angus	DPE	2017
Argyll and Bute	DPE	2014
City of Edinburgh	DPE	1998
Clackmannanshire	Non-DPE	N/A
Comhairle nan Eilean Sar	Non-DPE	N/A
Dumfries & Galloway	Non-DPE	N/A
Dundee City	DPE	2004
East Ayrshire	DPE	2012
East Dunbartonshire	DPE	2014
East Lothian	DPE	2017
East Renfrewshire	DPE	2013
Falkirk	DPE	2018
Fife	DPE	2013
Glasgow City	DPE	1999
Highland	DPE	2016
Inverclyde	DPE	2014
Midlothian	DPE	2018
Moray	Non-DPE	N/A
North Ayrshire	Non-DPE	N/A
North Lanarkshire	DPE	2017

Local Authority	Status	Year
Orkney Islands	Non-DPE	N/A
Perth and Kinross	DPE	2002
Renfrewshire	DPE	2010
Scottish Borders	Non-DPE	N/A
Shetland	Non-DPE	N/A
South Ayrshire	DPE	2012
South Lanarkshire	DPE	2005
Stirling	DPE	2017
West Dunbartonshire	Non-DPE	N/A
West Lothian	Non-DPE	N/A

Table 1: Local authorities with or without DPE powers

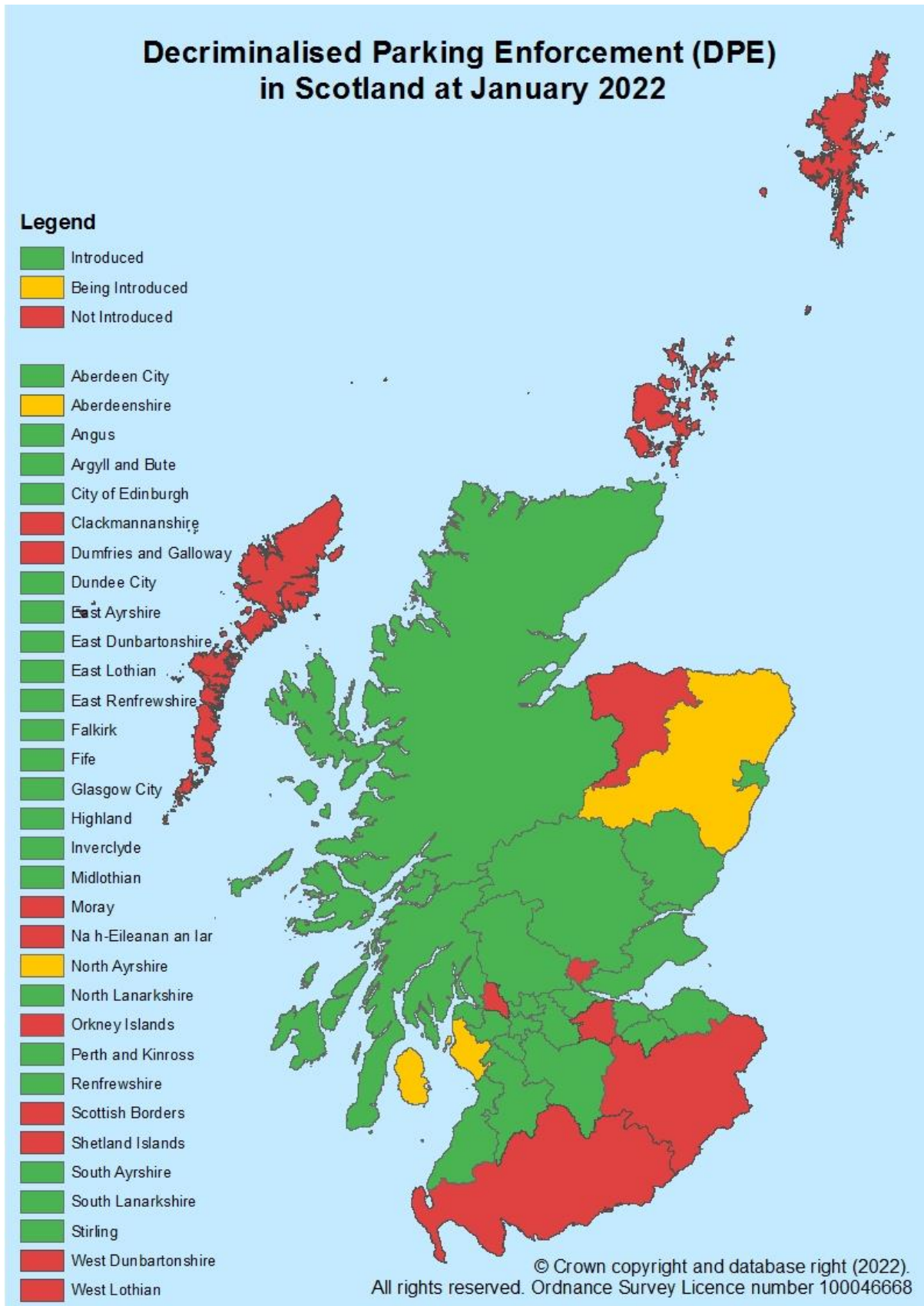


Figure 1: DPE map of Scotland

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 guidance 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.

Local Authority	2018/19	2019/20	2020/21
Aberdeen City	38,967	36,842	35,295
Angus	6,626	8,217	2,404
Argyll & Bute	6,696	5,775	4,401
City of Edinburgh	183,965	191,479	98,721
Dundee City	29,130	31,949	18,680
East Ayrshire	6,900	6,097	2,550
East Dunbartonshire	6,348	6,137	4,900
East Lothian	9,540	10,063	10,154
East Renfrewshire	4,859	3,614	77
Falkirk	2,881	7,689	2,741
Fife	21,768	19,864	7,294
Glasgow City	146,412	152,579	65,686
Highland	10,000	10,386	8,070
Inverclyde	9,117	8,635	1,017
Midlothian	6,855	6,939	4,696
North Lanarkshire	6,018	11,863	2,707
Perth & Kinross	15,852	13,401	5,872
Renfrewshire	6,974	5,191	2,470
South Ayrshire	7,213	8,991	3,025
South Lanarkshire	21,281	22,320	5,065
Stirling	9,586	12,189	4,551

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

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	2020/21
Aberdeen City	27,295	21,170	18,679
City of Edinburgh	28,668	54,586	36,492
Glasgow City	96,506	115,534	46,703

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 2020 to 2021.

Local authority	PCN income	Pay & display/other income	Total income	Expenditure	Annual balance
Aberdeen City	1,188,521	2,995,516	4,184,037	3,097,803	1,086,234
Angus	63,566	0	63,566	291,295	-227,729
Argyll & Bute	126,632	491,231	617,863	275,080	342,783
City of Edinburgh	2,882,089	16,379,602	19,261,691	7,007,419	12,254,272
Dundee City	528,396	1,092,090	1,620,486	2,508,488	-888,002
East Ayrshire	97,375	417,831	515,206	711,249	-196,043
East Dunbartonshire	155,412	92,547	247,959	316,396	-68,437
East Lothian	245,385	401,604	646,989	463,880	183,109
East Renfrewshire	12,282	0	12,282	150,954	-138,672
Falkirk	50,405	245,641	296,046	364,116	-68,070
Fife	243,572	1,136,342	1,379,914	2,440,614	-1,060,700
Glasgow City	1,992,145	7,742,307	9,734,452	6,964,955	2,769,497
Highland	251,783	337,398	589,181	822,878	-233,697
Inverclyde	57,251	4,554	61,805	330,327	-268,522
Midlothian	127,692	18,622	146,314	271,386	-125,072
North Lanarkshire	107,890	570	108,460	179,960	-71,500
Perth & Kinross	258,672	1,206,368	1,465,040	2,783,639	-1,318,599
Renfrewshire	36,508	190,034	226,542	336,657	-110,115
South Ayrshire	114,724	303,054	417,778	366,578	51,200
South Lanarkshire	254,008	241,556	495,564	1,508,280	-1,012,716
Stirling	155,156	296,344	451,500	716,464	-264,964

Table 4: Local authorities with DPE – income & expenditure (£) – financial year 2020-2021

The information provided in Table 4 has been provided by the local authorities concerned. Figures have 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.

Angus Council reported that there has been a reduction in PCN issue due to staff being non-operational during periods of lockdown.

East Ayrshire Council reported that they have reinvested in general roads related projects.

East Dunbartonshire Council reported that during the last two reporting years a DPE income surplus has been returned on by the Council – £288K surplus 2018/19 and £225K surplus 2019/20.

During the normal course of events a similar surplus would have been expected for the 2020/21 reporting year in this return. However, the COVID 19 pandemic has had negative impact in terms of DPE income during this period. A deficit of £68K is therefore being reported instead of a significant surplus.

East Lothian Council reported that the additional income was used to improve facilities at their coastal car parks.

City of Edinburgh Council reported that income is initially used to pay for the operational costs of the DPE scheme and thereafter any surplus is used to fund maintenance (parking lines and signs), Park and Ride Sites, supported bus services and road/transport improvements ranging from road safety initiatives and cycle lanes to active travel measures.

Falkirk Council reported that the additional income was used for road improvements.

Fife Council reported that there was no surplus for 2020/21 as the account was in deficit.

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.

Highland Council have reported a deficit due to reduced income from Covid 19 lockdowns.

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.

No surplus income in 2020/21 as figures affected by COVID-19 pandemic – particularly income which has significantly reduced due to there being no parking

activity for 4 months of the year and then a significant reduction in demand for the remaining 8 months.

South Ayrshire Council reported that they have reinvested in general roads related projects.

South Lanarkshire Council reported that due to the COVID pandemic the opening costs of the parking service exceeded the income received in 2020/21 resulting in an overall loss of £1,012,716.

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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Published by Transport Scotland, Month YYYY

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