

**ROAD TRAFFIC ACT 1991 – REVIEW OF PENALTY CHARGE NOTICE FOR
PARKING ENFORCEMENT**

1.0 EXECUTIVE SUMMARY

- 1.1 In August 2021, Transport Scotland undertook a consultation on Parking Charge Notices (including a review of Contravention Codes and the setting of Fees). The analysis of the consultation was published in September 2022 and the majority view from responders including Local Authorities across Scotland was that Parking Charge Notice (PCN) fines should be increased. The current PCN fine of £60 (reduced to £30 if paid within 14 days) has been **in force for 22 years**.
- 1.2 Transport Scotland wrote to the Decriminalised Parking Enforcement (DPE) Local Authorities on 17 February 2023 to advise that Ministers had now agreed to increase PCN fees to £80 (£40 if paid within 14 days) Lower and £100 (£50 if paid within 14 days) Higher fee dependent on what the Local Authority considers appropriate.

RECOMMENDATIONS

It is recommended that Council:-

- Agree the Higher PCN fee which is set at £100 but reduced to £50 if paid within 14 days is adopted with immediate effect.

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2.0 INTRODUCTION

- 2.1 This report details the current DPE process in place within Argyll and Bute Council and advises that Scottish Ministers have agreed to an increase to PCN fees to £80 (£40 if paid within 14 days) Lower and £100 (£50 if paid within 14 days) Higher fee dependent on what the Local Authority considers appropriate.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that Council:-
- Agree the Higher PCN fee which is set at £100 but reduced to £50 if paid within 14 days is adopted with immediate effect.

4.0 DETAIL

- 4.1 The Road Traffic Regulation Act 1984 allows the Council, as the roads/traffic authority, to implement Traffic Regulation Orders (TROs). This includes loading and waiting restrictions (“double” and “single” yellow lines) and on and off street parking.
- 4.2 The Road Traffic Act 1991 introduced provisions enabling the decriminalisation of the majority of non-endorsable parking offences in London and this was subsequently rolled out across the remainder of the UK. As of April 2022, 21 of the 32 Scottish Local Authorities were operating Decriminalised Parking Enforcement (DPE).
- 4.3 The Road Traffic (Permitted Parking Area and Special Parking Area) (Argyll and Bute Council) Designation Order 2014 came into force on 12 May 2014. This is the instrument which permits Argyll and Bute Council to operate DPE.

From this point, most stationary traffic offences ceased to be criminal offences enforced by Police Scotland but instead become civil penalties (via Penalty Charge Notices, “PCNs”) imposed by local traffic authorities. Note, the enforcement of certain parking offences such as obstructive or dangerous parking remains the responsibility of Police Scotland.

- 4.4 Ultimately, the goal of DPE is to ensure that the parking policy is effective and the operation achieves 100% compliance without any PCNs being issued. While this remains the aim, officers recognise that this is unlikely to ever be achieved and it is more likely that PCNs will, at some time, plateau at a “mean” figure per annum. It is officers’ view that PCNs and warden presence, will remain the principle method to encourage responsible parking behaviours by motorists.
- 4.5 The level of fee for PCNs is set by the Scottish Government. This was last amended **22 Years ago** on 10 April 2001.
- 4.6 In August 2021, Transport Scotland undertook a consultation on PCNs (including a review of Contravention Codes and the setting of Fees). The analysis of the consultation was published in September 2022. The full report can be reviewed in the link noted below.

[Penalty Charge Notice for Parking Enforcement](#)

Overall the majority view from those who responded to the consultation **was that PCNs should be increased.**

- 4.7 Transport Scotland wrote to the DPE authorities on 17 February 2023 to advise that Ministers had now agreed to increase PCN fees (this letter is included under Appendix 1) with a lower and higher fee dependant on what the Local Authority consider appropriate.

- 4.8 The table below outlines current and new charges:

Level of PCN	Paid within 14 Days	Paid between 15 days and service of Notice to Owner	Paid between issue of Notice to Owner and service of charge certificate	Paid after service of charge certificate
Current	£30	£60	£60	£90
Lower	£40	£80	£80	£120
Higher	£50	£100	£100	£150

- 4.9 In regard to the setting of PCN levels, officers are of the view that it is entirely appropriate after no increases in 22 years to agree to use the higher level fees (as per the table above). This opinion is based on the following:

- i. In using the Bank of England's Inflation Calculator that the £60 fee set in 2001 would be £103.11 now if inflation had been applied;
 - ii. An increased rate of PCN should lead to a greater compliance. This includes, a reduction in irresponsible parking, increased turnover in bays (good for economic activity in towns) and improve on road safety/access (e.g. by reducing parking in disabled bays, loading bays and on no waiting restrictions);
 - iii. The increase in income from PCNs should make the operations entirely self-financing; subject to any decrease in PCNs due to better compliance;
 - iv. That the view of Ministers where they suggest the lower rate is preferred due to the ongoing cost of living crisis, has a flawed foundation. Motorists **will only** receive a PCN if they breach legislation/TRO (for example, parked in a disabled bay without a Blue Badge or on double yellow lines). Motorists must pass a test to drive on the UK road network and the Highway Code is clear on where not to park. The PCN issue must be taken into account alongside our communities concerns in regards to inconsiderate and at times dangerous parking.
- 4.10 In addition to the above points, Members should also be aware that the provision within the Transport (Scotland) Act 2019, including footway parking, double parking and parking at crossing points, have yet to receive the Commencement Order, however, it is expected to do so within the next 12 months. Once this is effective, the enforcement of breaches will be carried out by the existing warden service. While this will likely increase income from fines, **it will also increase demand for enforcement which**, with the current available resource, will be difficult to accomplish across the whole Council area and potentially cause far more complaints as our communities realise that parking in certain areas on the pavement/verge is illegal.
- 4.11 Officers will consider whether any additional income could be used to employ further resource to enforce these measures and officers will report an update to a future meeting of the Environment, Development and Infrastructure Committee.

5.0 CONCLUSION

- 5.1 The report advises of the current process for PCNs in Argyll and Bute, and provides information on Scottish Ministers' decision to increase the PCN fee for the first time in 22 years. The report also notes that officers will explore options for additional warden resource using any additional income generated from the higher fee recommended by officers.

6.0 IMPLICATIONS

- 6.1 Policy – Parking Policy Framework 2014.
- 6.2 Financial – It is expected to increase PCN income. Any additional warden costs should be affordable within the forecast surplus income.

- 6.3 Legal – In line with national guidance.
- 6.4 HR – None known.
- 6.5 Fairer Scotland Duty:
 - 6.5.1 Equalities - protected characteristics – None known.
 - 6.5.2 Socio-Economic Duty – None known.
 - 6.5.3 Islands – None arising from this report.
- 6.6 Climate Change – The higher fee is preferred as this would discourage people from using cars, which causes more emissions, and members of the public may therefore opt to use public transport.
- 6.7 Risk – Safer roads for all road users.
- 6.8 Customer Service – In line with Parking Policy Framework 2014.

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APPENDIXES

Appendix 1 – PCN Guidance Letter