
ARGYLL AND BUTE COUNCIL

COUNCIL

ROADS AND INFRASTRUCTURE SERVICES

27 APRIL 2023

**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 391(T)49(r) of 1.

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

- 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