

Report

Report to:	Executive Committee
Date of	13 September 2023
Meeting: Report	Executive Director (Community and Enterprise Resources)

Subject	Parking – Penalty Charge Notices (PCNs)
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1. Purpose of Report

1.1. The purpose of the report is to: -

- ◆ provide an update on the revised range of maximum amounts payable by a motorist issued with a Penalty Charge Notice (PCN) and to seek approval to adopt the higher levels.

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s): -

- (1) that the contents of this report be noted and the revised amounts payable are approved and introduced as soon as practicably possible.

3. Background

- 3.1. In 1997, South Lanarkshire Council produced a Parking Charter. Consequently, on-street waiting and loading restrictions were reviewed and amended to meet the needs of the people working, living, and visiting the Council's urban areas.
- 3.2. Following extensive investigations and discussions, it was concluded that South Lanarkshire Council operate a Decriminalised Parking Enforcement (DPE) regime. A business plan was developed, and the Council gave its approval to proceed with the introduction of DPE commencing in 2005, taking over the responsibility of enforcement of waiting and loading restrictions from the Police.
- 3.3. Demand management measures (e.g. waiting/loading restrictions and parking charges) are a recognised tool to keep our transportation network and town centres operating safely. They ensure junctions are free from parked cars, loading bays, that businesses can continue to operate effectively, and deliveries can reach their destination. Importantly, though, they also assist in encouraging greater use of active/sustainable travel in place of the private car.
- 3.4. Car parking management within town centres is a balance between the supply of parking facilities, both on and off street, and managing demand for parking to ensure that accessibility is maintained for all road users to facilitate economic growth and employment opportunities.

- 3.5. The Council has the power under civil law to issue a Penalty Charge Notice (PCN) to a vehicle which contravenes any of the restrictions in place. The process for the handling of PCNs is statutory in accordance with the Road Traffic Act 1991, as amended.
- 3.6. Currently a penalty charge of £60.00 is issued, however, if payment is made within 14 days from the date of issue, it is reduced by 50% to £30.
- 3.7. Should someone wish to appeal the charge formally they must await the Notice to Owner which will be sent 28 days after the PCN is issued. This will advise the recipient to make payment of £60.00 or appeal by completing and returning the document or by using the online appeals portal. If neither is received, the PCN rises to £90, and a charge certificate is issued. If no payment is received, the case will be passed to the Sheriff Officer, which incurs further charges.

4. Penalty Charge Notice (PCN) Amounts

- 4.1. Local Authority Circular 1/95 "Guidance on Decriminalised Parking Enforcement outside London" set out the procedures local authorities outside London in England and Wales must follow when applying for decriminalised parking enforcement powers. Scottish local authorities have used this guidance when creating decriminalised parking regimes within their local authority areas.
- 4.2. This Circular set out the guidance on the level of charges for Penalty Charges which were linked with the level of fixed penalty notices for non endorsable parking offences. The Scottish Government undertook a public consultation which considered the levels of fines associated with Penalty Charge Notices (PCNs) and published the analysis of the responses in September 2022.
- 4.3. At that time, Scottish Ministers did not feel that it was appropriate to raise the levels due to the cost of living crisis but committed to keeping that decision under review in the coming year. Since that decision was made, there have been increased calls from local authorities and other interested parties asking Scottish Ministers to review that decision and asking for local authorities be given further fiscal powers to decide if they wish to increase the levels of PCN, or not, given that rates have not increased for 22 years.
- 4.4. Earlier this year, Scottish Ministers issued revised guidance to local authorities in Scotland with a decriminalised parking regime notifying them of revised levels of the maximums that can be charged for penalty charges notices.
- 4.5. From the 1 April 2023, the lower and higher maximum amounts payable by a motorist issued with a Penalty Charge Notice (PCN) are shown below shaded grey:-

Level of PCN	Paid within 14 days	Paid between 15 days and Notice to Owner	Paid between Notice to Owner and Charge Certificate	Paid After Service of Charge Certificate
Current	£30.00	£60.00	£60.00	£90.00
Lower	£40.00	£80.00	£80.00	£120.00
Higher	£50.00	£100.00	£100.00	£150.00

- 4.6. Given the current financial climate, the Scottish Government urged local authorities to be aware of the implications this increase may have on members of the public and advised that local authorities be mindful to use the lower limit where appropriate.
- 4.7. However, as town centres seek to recover, post covid, we must ensure that restrictions are enforced appropriately and effectively and that any deterrents (e.g. PCNs) are sufficient to ensure continued operation of the enforcement regime and in line with emerging guidance and legislation.
- 4.8. Subsequently, it proposed to set PCN levels at the higher limit as shown in the table above, meaning a revised discount PCN charge of £50.00 if payment reaches the Council within 14 days of issue or full payment of £100.00 if made after the 14 days and within 28 days from the date the PCN was issued.
- 4.9. As before, should someone wish to appeal the charge formally, they must await the Notice to Owner which will be sent 28 days after the PCN issue. This will advise the recipient to make payment of £100.00 or appeal by completing and returning the document or by using the online appeals portal. If neither is received, the PCN rises to £150 with follow up sheriff officer action necessary.
- 4.10. Other councils across Scotland with a DPE regime have already, or are planning to, implement the same level of revised charges. This includes Edinburgh City, East Renfrewshire, Argyll and Bute, Angus, Dundee City, Perth and Kinross and Highland Council.

5. Employee Implications

- 5.1. There are no current employee implications associated with this report.

6. Financial Implications

- 6.1. The total budgeted income for 2023/24 associated with PCN income for the current year is approximately £2,460,000. This is formed of income associated with Penalty Charge Notices, Parking Charges (both on and off street), season tickets and management of private parking areas. The most recent forecasted shortfall is approximately £0.800 million. This shortfall, due to several reasons including reduced demand across our town centres, is being monitored and managed with support from central budgets associated with covid recovery.
- 6.2. The adoption of the higher maximum PCN amounts payable by a motorist is expected to assist in managing the shortfall as well as acting as a more significant deterrent for those motorists contravening those restrictions. It is difficult to definitively predict what such an increase in PCN amount is likely to achieve, but a figure in the range of £0.100 to £0.200 million is not unrealistic across a full financial year.
- 6.3. We are also continuing to assess parking demands across our town centres, post covid, and consideration is being given to the level of parking tariffs currently in place and this is expected to be reported to a future committee.

7. Climate Change, Sustainability and Environmental Implications

- 7.1. While there are no defined environmental implications or implications for sustainability in terms of the information contained within this report, failure to have effective demand management measures in place across our towns could see the use of the private car begin to increase at the expense of more active/sustainable modes.

8. Other Implications

- 8.1. There are no other implications or risks in relation to the information contained within this report.

9. Equality Impact Arrangements and Consultation Arrangements

- 9.1. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function, or strategy and, therefore, no impact assessment is required.

David Booth

Executive Director (Community and Enterprise Resources)

24 August 2023

Link(s) to Council Values/Priorities/Outcomes

Values

- ◆ Focused on people and their needs
- ◆ Accountable, effective, efficient, and transparent
- ◆ Ambitious, self-aware, and improving
- ◆ Fair, open, and sustainable

Priorities

- ◆ We will work to put people first and reduce inequality
- ◆ We will work towards a sustainable future in sustainable places
- ◆ We will work to recover, progress, and improve

Outcomes

- ◆ Good quality, suitable and sustainable places to live
- ◆ Thriving business, fair jobs and vibrant town centres
- ◆ Caring, connected, sustainable communities
- ◆ People live the healthiest lives possible

Previous References

- ◆ None

List of Background Papers

- ◆ None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:

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