

## **Document 1 – Submission to Minister for Transport from Road Policy Team – 29 July 2022**

Transport Scotland  
29 July 2022

Minister for Transport

### **CONSULTATION ON PENALTY CHARGE NOTICE LEVELS FOR PARKING ENFORCEMENT – ANALYSIS REPORT & DIRECTION**

#### **Purpose**

To invite you to approve the publication of the analysis report for the consultation on penalty charge notices, (PCN) for traffic enforcement following summer recess. We also invite you to note the key findings of the report and provide your preference in relation to the level of fines associated with PCNs.

#### **Priority**

1. Routine: We are looking to publish the PCN analysis report as soon as possible, (following the Parliamentary summer recess return date of the 27th August 2022).

#### **Background**

2. In August 2021, following the former Minister of Transport Mr Dey's clearance, Transport Scotland published a public consultation on the levels of fine associated with Parking Charge Notices (PCNs)

3. The consultation was published on 4 August 2021 and closed on the 4 October 2021. It sought views from stakeholders and interested parties on proposals to increase current PCN levels for existing offences (these were last reviewed in 2010/11 and have remained at current levels of £60 discounted to £30 if paid within 14 days since 2001). In addition it sought views on the levels of PCNs in relation to the new prohibitions relating to pavement parking, double parking and dropped footway parking resulting from the passing of the Transport (Scotland) Act 2019.

4. We received 345 responses to the consultation and the key findings are summarised in this submission. A copy of the full analysis report is also attached in Annex A.

#### **The Consultation**

5. Five questions were asked in total. Two questions were in relation to contravention codes and the newly introduced parking provisions, two questions concerned PCN levels and one sought views on potential negative impacts of increasing levels. We have broken down the findings below and a copy of the full consultation as published is also attached in Annex B.

## PCN Levels

11. PCN levels in Scotland have not changed in 21 years and there is growing evidence that the level of fine is not a sufficient deterrent. The consultation set out two defined proposals for an increase in PCN levels and the level of fine differs depending on when a person pays the fine.

12. As a baseline the current higher PCN level is £60 which reduces to £30 if paid within 14 days. Proposal (a) increases the amount broadly in line with inflation since 2001 to £100 reducing to £50 if paid within 14 days. Proposal (b) is based on inflation costs plus an uplift to £120 reducing to £60 if paid within 14 days. Proposal (c) left it up to respondents to set out what they felt was the appropriate levels if they did not agree with (a) or (b).

13. The below table is an extract from the consultation which shows the differing amounts of current PCN fines and our suggested proposals.

14. 70% of respondents (243 out of 345) agreed that PCN's should be increased. Some arguments for the increase were; it is currently cheaper to incur a fine than park in a private car park and it is believed to not be a sufficient deterrent to the average motorist. It is clear that from the evidence presented that the majority of respondents wish for fines to be increased. However, there was no clear majority for what the level of increase should be, as detailed below.

15. 12% of respondents (42 out of 343) had opted for 'Proposal a'. Comments received for this were that inflation increase was enough, however, PCN's should be reviewed on a regular basis. All other proposals were a financial burden on motorists and any higher would be more expensive than a private car park.

16. 51% (175 out of 343) had opted for 'Proposal b'. Comments received were that a larger fine would act as a suitable deterrent to stop motorists from reoffending. This would also mean less PCN's would be issued. In addition, some responses had explained that the offences should be equal to the distress caused to the public for blocking pavements and being inconsiderate when parking.

17. 37% (126 out of 343) opted for 'Proposal c'. Common proposal themes received were that the increase should only be for repeat offenders and we should keep the fines as is. Fines should be income proportionate and some respondents had suggested that fines should be much higher than what was proposed.

## Negative Impacts

18. When asked if they anticipated any negative impacts from the proposals presented, 52% of the public had said 'yes'. Some suggestions received were that there may be some negative behaviour from motorists towards enforcement officers. There was also a clear suggestion that the media would portray this change unfavourably and that motorists would also be financially impacted unnecessarily.

Implementation of the Transport (Scotland) Act 2019 Parking Provisions and PCN Levels

Regulations

19. The analysis of the consultation responses and presentation of a recommendation relating to the new offences contained in the Transport Scotland Act 2019 is required to be completed in order to directly inform the Regulations required to enforce the pavement parking prohibitions.:

20. We are therefore looking to publish the PCN analysis report as soon as possible following the Parliamentary summer recess return date of the 27th August 2022.

Parking Standards Guidance

21. The outcome of the PCN consultation will also be required to inform relevant guidance to local authorities who will be responsible for enforcing parking

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Document 2 – Response from Ministers Private Office to Road Policy – 5  
August 2022**

Hi [REDACTED],

Ms Gilruth would be grateful for a discussion with officials on this.

[REDACTED]

PO will be in touch with a suitable time. Adding Kate for SpAds, grateful if she can be kept copied into all submissions.

Many thanks,

[REDACTED]

**Document 3 – Response from Special Advisor to Road Policy – 11 August 2022**

██████████

I had a couple of queries on the PCN charges, if you or someone could give me a quick call that would be great?

There are clearly going to be challenges about raising these charges as you highlight in the advice, now amplified by wider cost of living and economic issues. I wonder if this is one that is put into the mix of discussing greater fiscal flexibilities/fiscal framework/budget work with COSLA this year rather than Ministers making a decision now?

Kate  
Kate Higgins  
Special Advisor to the First Minister  
Local Government and Transport

**Document 4 – Internal email within the Road Policy team – 11 August 2022**

Hi [REDACTED]

I took a call from Kate today regarding the PCN submission. [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

**Document 5 – Internal email response within the Road Policy Team – 11  
August 2022**

Hmm, need to have a think about that one. Not sure we have the powers to simply say that LAs can raise fines if they wish, we would need to couch it in terms of "this is the max you can go to". Might need some further SGLD advice but we can have a chat about this early next week.

Cheers,

■



**Document 6 – Email from Special Advisors to Road Policy Team – 15 August 2022**



Thanks for the discussion last week - will a revised note be coming up to Ms Gilruth on how to proceed?

Also if not already in, can we make sure under the 2019 Act measures, we include regs on extending measures on parking is included to cover pavemenet parking etc

Thanks

Kate Higgins  
Special Advisor to the First Minister  
Local Government and Transport

**Document 7 – Updated Submission to the Minister for Transport from Road Policy Team – 30 August 2022**

Transport Scotland  
30 August 2022

Minister for Transport

**CONSULTATION ON PENALTY CHARGE NOTICE LEVELS FOR PARKING ENFORCEMENT – ANALYSIS REPORT & DIRECTION - UPDATE**

Purpose

- This is an updated submission flowing feedback from Minister and SPADs following our first submission dated 29 July 2022.
- To invite you to approve the publication of the analysis report for the consultation on penalty charge notices, (PCN) for traffic enforcement following summer recess.
- We invite you to note the key findings of the report.

Priority

1. Routine: We are looking to publish the PCN analysis report as soon as possible, but note that you have asked for a discussion on this with officials and that has been scheduled for 6th September.

Background

2. In August 2021, following the former Minister of Transport Mr Dey's clearance, Transport Scotland published a public consultation on the levels of fine associated with Parking Charge Notices (PCNs)
3. The consultation was published on 4 August 2021 and closed on the 4 October 2021. It sought views from stakeholders and interested parties on proposals to increase current PCN levels for existing offences (these were last reviewed in 2010/11 and have remained at current levels of £60 discounted to £30 if paid within 14 days since 2001). In addition it sought views on the levels of PCNs in relation to the new prohibitions relating to pavement parking, double parking and dropped footway parking resulting from the passing of the Transport (Scotland) Act 2019.
4. We received 345 responses to the consultation and the key findings are summarised in this submission. A copy of the full analysis report is also attached in Annex A.

The Consultation

5. Five questions were asked in total. Two questions were in relation to contravention codes and the newly introduced parking provisions, two questions concerned PCN levels and one sought views on potential negative impacts of increasing levels. We have broken down the findings below and a copy of the full consultation as published is also attached in Annex B.

6. It should be noted that the consultation was undertaken before the full impacts of the current cost of living crisis took effect. The recent DFM commission regarding the possibility of suspending work that has an impact on businesses or individuals will need to be considered when making any decision to raise PCN levels. The proposed rises are of course to a penalty rather than a service and do not require a change in legislation but will of course have an increased impact on those who receive a fine.

### PCN Levels

12. PCN levels in Scotland have not changed in 21 years and there is growing evidence that the level of fine is not a sufficient deterrent. The consultation set out two defined proposals for an increase in PCN levels and the level of fine differs depending on when a person pays the fine.

13. As a baseline the current higher PCN level is £60 which reduces to £30 if paid within 14 days. Proposal (a) increases the amount broadly in line with inflation since 2001 to £100 reducing to £50 if paid within 14 days. Proposal (b) is based on inflation costs plus an uplift to £120 reducing to £60 if paid within 14 days. Proposal (c) left it up to respondents to set out what they felt was the appropriate levels if they did not agree with (a) or (b).

14. The below table is an extract from the consultation which shows the differing amounts of current PCN fines and our suggested proposals.

15. 70% of respondents (243 out of 345) agreed that PCN's should be increased. Some arguments for the increase were; it is currently cheaper to incur a fine than park in a private car park and it is believed to not be a sufficient deterrent to the average motorist. It is clear that from the evidence presented that the majority of respondents wish for fines to be increased. However, there was no clear majority for what the level of increase should be, as detailed below.

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19. When asked if they anticipated any negative impacts from the proposals presented, 52% of the public had said 'yes'. Some suggestions received were that there may be some negative behaviour from motorists towards enforcement officers. There was also a clear suggestion that the media would portray this change unfavourably and that motorists would also be financially impacted unnecessarily.

#### Implementation of the Transport (Scotland) Act 2019 Parking Provisions and PCN Levels

##### Regulations

20. The analysis of the consultation responses and presentation of a recommendation relating to the new offences contained in the Transport Scotland Act 2019 is required to be completed in order to directly inform the Regulations required to enforce the pavement parking prohibitions.

21. We are therefore looking to publish the PCN analysis report as soon as possible following the Parliamentary summer recess. This allows us to further our work on the above regulations which will be laid in Parliament next year to allow enforcement of the national prohibitions on pavement, dropped kerb and double parking to begin in December 2023.

##### Parking Standards Guidance

22. The outcome of the PCN consultation will also be required to inform relevant guidance to local authorities who will be responsible for enforcing parking. Drafting of the Parking Standards guidance document is currently scheduled for completion by December 2022.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## Recommendation

32. You are invited to:

- Note the contents on the PCN Consultation Analysis Report at Annex A.
- Agree to the publication of this report following the Parliamentary summer recess.

[REDACTED]

[REDACTED]

Senior Road Policy Officer

30 August 2022

**Document 8 – Email to Minister for Transport Office from Road Policy Team– 6 September 2022**

Dear [REDACTED],

Following on from today's 13:30 meeting with the Minister and our discussion afterwards, please find below a summary of our understanding of how the Minister wishes to proceed. I'd be grateful for confirmation of this:

- The Minister is content for the PCN consultation analysis response to be published but does not wish to see a raise in the PCN levels at this time.

[REDACTED]

- We will however investigate further Kate Higgins suggestion in relation to the fiscal flexibility discussions to be had with COSLA.
- The Minister is also content for us to carry on forming a Scottish version of the parking contravention codes to ensure that pavement parking, dropped kerb parking and double parking are covered by this to allow local authorities to ticket for these offences.

Regards,

[REDACTED]

**Document 9 – Email from Road Policy Team to Transport Scotland Chief Executives Office – 6 September 2022**

Hi Michelle,

Having discussed this with Stewart I wanted to send you a quick note of the meeting we had with Minister today on the Penalty Charge Notice submissions that we have sent up on the 29 July and 30 August.

Minister only had 10 mins before the PfG so we quickly ran over the two submissions that had gone up and the points we needed answered. In attendance were the Minister, [REDACTED] and myself. Kate Higgins wasn't in the meeting but was messaging the Minister during it.

[REDACTED]

Minister was keen to publish the consultation findings but want's this framed that although the results point towards an increase being desired now is not the time due to the cost of living crisis. We are working with comms to get some lines together on that and get lines cleared by Kate before we publish. We will also discuss if we should put lines in saying we will review this in a year or so.

As always happy to discuss if you want any further information.

Regards,

[REDACTED]



**Document 10 – Email from Minister for Transports Office to Road Policy Team  
– 18 September 2022**

Hi Fred,

Appreciate that things have moved on since then / been verbally cleared – just confirming in writing that the Minister is content.

Many thanks,

██████████ | Private Secretary to Minister for Transport – Jenny Gilruth MSP |  
Scottish Government | St Andrew's House, Regent Road, Edinburgh, EH1 3DG

