

**ANGUS COUNCIL**

**COMMUNITIES COMMITTEE – 23 MAY 2023**

**PARKING ENFORCEMENT – INCREASE IN TARIFF LEVEL OF PENALTY CHARGE NOTICE**

**REPORT BY GRAEME DAILLY, DIRECTOR OF INFRASTRUCTURE AND ENVIRONMENT**

**ABSTRACT**

Elected members are asked to agree an increase in the rate for Penalty Charge Notices (PCN) for parking contraventions in line with recommendations from Transport Scotland and the Scottish Government.

**1. RECOMMENDATIONS**

It is recommended that the Committee:

- (i) note the contents of this report; and
- (ii) agree to increase the nationally prescribed rate for a PCN from £60 to £100 in the Angus Council area.

**2. ALIGNMENT TO THE COUNCIL PLAN**

2.1 This report also contributes to the following priorities contained within the Angus Council Plan 2023-2028:

Caring for our Place:

- We will maintain our roads, pavements, lighting, and other infrastructure efficiently and will focus on our priority routes and infrastructure.

**3. BACKGROUND**

3.1 Reference is made to [Report 471/15](#) agreed at the meeting of the Policy and Resources Committee on 1 December 2015. The committee agreed to the submission of a business case to Scottish Ministers for their approval regarding the implementation of decriminalised parking enforcement in Angus.

3.2 In 2016, Angus Council applied for delegated powers to undertake decriminalised parking enforcement which were adopted in May 2017.

3.3 The charge payable for Penalty Charge Notices was aligned with the level of fixed penalty notices for non-endorsable parking offences as laid out in Section 74 of the Road Traffic Act 1991.

3.4 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.

**4. CURRENT POSITION**

4.1 At present, anyone who parks in contravention to restrictions in place in Angus can be subject to a Penalty Charge Notice of £60. If this is paid within 14 days, a reduced amount of £30 is applied. If it is not paid within 56 days, it increases to £90.

- 4.2 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. 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 that Scottish Ministers review that decision and asking for local authorities to be given further fiscal powers to decide if they wish to increase the levels of PCN or not given that rates have not increased since 1992.
- 4.3 In light of this the Scottish Ministers 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.
- 4.4 From the 1st April 2023, the maximum amounts payable by a motorist issued with a Penalty Charge Notice (PCN) may now be in the range of:

<b>Level of PCN</b>	<b>Paid within 14 Days</b>	<b>Paid between 15 days and service of Notice to Owner</b>	<b>Paid between issue of Notice to Owner and service of Charge Certificate</b>	<b>Paid after service of Charge Certificate</b>
<b>Lower</b>	£40	£80	£80	£120
<b>Higher</b>	£50	£100	£100	£150

## **5. PROPOSALS**

- 5.1 It is proposed that Angus Council increase the rate that may be charged to a motorist parking in contravention of restrictions to £100, with a discount to £50 if paid within the first 14 days and increasing to £150 if not paid after 56 days. The target date for the change coming into effect would be 1 July 2023.
- 5.2 This increase is necessary as the current rate is an insufficient deterrent to many motorists and persistent offenders. This is demonstrated by the number of PCNs that are being issued, for example 3913 PCNs were issued in Angus in 2022/23. Increasing to the higher rate would mean that there would be less need to increase the charge again soon in the future.
- 5.3 In addition, as noted above, the tariff of a PCN has not increased since 1992. Increasing by the rate of inflation from 1992 to 2023, the £30 chargeable in 1992 is equivalent to £62 today (Consumer Price Index Inflation Calculator as provided by Bank of England).
- 5.4 It is hoped that this increase will also act as a better deterrent against parking in contravention in the first instance. Through discussions with other local authorities, most have indicated they will seek to apply the higher rate. This includes City of Edinburgh Council, Glasgow City Council, Aberdeen Council, Dundee City Council, Perth and Kinross Council and Highland Council.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 A change to the higher tariff would represent an approximate 20% uplift in the excess revenue potentially brought in from parking enforcement. It is hoped however that increased penalty charge would act as a greater deterrent that will reduce the number of PCNs that are issued.
- 6.2 Income from PCNs in 2022/23 was provisionally £86,319. An increase of 20% could yield £17,264 on this figure, the potential increased deterrent aspect notwithstanding. Income from the PCNs issued is retained by the Road Authority, to be used to fund the scheme, with surpluses being ring-fenced under Section 55 of the Road Traffic Regulation Act 1984 for parking, public transport and roads improvement.

## **7. OTHER IMPLICATIONS**

- 7.1 Potential to increase the need for deferred payment plans to allow offenders to make payments over time. This could be sustained within current administrative processes.

## **8. EQUALITY IMPACT ASSESSMENT**

An Equality Impact Screening Assessment has been completed.

## **9. CONSULTATION**

- 9.1 The Directors of Finance, Legal & Democratic Services and Vibrant Communities and Sustainable Growth were consulted in the preparation of this report.

**NOTE:** The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- [Report 471/15](#)

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## Equality Impact/Fairer Scotland Duty Assessment Form

(To be completed with reference to Guidance Notes)

### Step 1

#### Name of Proposal

PARKING ENFORCEMENT – INCREASE IN TARIFF LEVEL OF PENALTY CHARGE NOTICE

### Step 2

Is this only a **screening** Equality Impact Assessment

Yes

**(A)** If Yes, please choose from the following options **all** reasons why a full EIA/FSD is not required:

(i) It does not impact on people

No

(ii) It is a percentage increase in fees which has no differential impact on protected characteristics

Yes

(iii) It is for information only

No

(iv) It is reflective e.g. of budget spend over a financial year

No

(v) It is technical

No

If you have answered yes to any of points above, please go to **Step 16**, and sign off the Assessment.

**(B)** If you have answered No to the above, please indicate the following:

Is this a full Equality Impact Assessment

Yes/No

Is this a Fairer Scotland Duty Assessment

Yes/No

If you have answered Yes to either or both of the above, continue with Step 3.

If your proposal is a **strategy** please ensure you complete Step 13 which is the Fairer Scotland Duty Assessment.

### Step 3

(i)Lead Directorate/Service:

(ii)Are there any **relevant** statutory requirements affecting this proposal? If so, please describe.

(iii)What is the aim of the proposal? Please give full details.

(iv)Is it a new proposal?      Yes/No      Please indicate      OR

Is it a review of e.g. an existing budget saving, report, strategy, policy, service review, procedure or function?      Yes/No      Please indicate

### Step 4: Which people does your proposal involve or have consequences for?

Please indicate all which apply:

Employees                      Yes/No

Job Applicants                Yes/No

Service users                 Yes/No

Members of the public      Yes/No

**Step 5: List the evidence/data/research that has been used in this assessment (links to data sources, information etc which you may find useful are in the Guidance). This could include:**

**Internal data** (e.g. customer satisfaction surveys; equality monitoring data; customer complaints).

**Internal consultation** (e.g. with staff, trade unions and any other services affected).

**External data** (e.g. Census, equality reports, equality evidence finder, performance reports, research, available statistics)

**External consultation** (e.g. partner organisations, national organisations, community groups, other councils.

**Other** (general information as appropriate).

**Step 6: Evidence Gaps.**

Are there any gaps in the equality information you currently hold?      Yes/No

If yes, please state what they are, and what measures you will take to obtain the evidence you need.

**Step 7: Are there potential differential impacts on protected characteristic groups?** Please complete for each group, including details of the potential impact on those affected. Please remember to take into account any particular impact resulting from **Covid-19**.

**Please state if there is a potentially positive, negative, neutral or unknown impact for each group. Please state the reason(s) why.**

Age

**Impact**

Disability

**Impact**

Gender reassignment

**Impact**

Marriage and Civil Partnership

**Impact**

Pregnancy/Maternity

**Impact**

Race - (includes Gypsy Travellers)

**Impact**

Religion or Belief

**Impact**

Sex

**Impact**

Sexual orientation

**Impact**

**Step 8: Consultation with any of the groups potentially affected**

If you have consulted with any group potentially affected, please give details of how this was done and what the results were.

If you have not consulted with any group potentially affected, how have you ensured that you can make an informed decision about mitigating action of any negative impact (Step 9)?

**Step 9: What mitigating steps will be taken to remove or reduce potentially negative impacts?**

**Step 10: If a potentially negative impact has been identified, please state below the justification.**

**Step 11: In what way does this proposal contribute to any or all of the public sector equality duty to:** eliminate unlawful discrimination; advance equality of opportunity; and foster good relations between people of different protected characteristics?

**Step 12: Is there any action which could be taken to advance equalities in relation to this proposal?**

### **Step 13: FAIRER SCOTLAND DUTY**

This step is only applicable to **strategies** which are key, high level decisions. If your proposal is **not** a strategy, please leave this Step blank, and go to Step 14.

Links to data sources, information etc which you may find useful are in the Guidance.

**Step 13(A) What evidence do you have about any socio-economic disadvantage/inequalities of outcome in relation to this strategic issue?**

**Step 13(B) Please state if there are any gaps in socio-economic evidence for this strategy and how you will take measures to gather the evidence you need.**

**Step 13(C) Are there any potential impacts this strategy may have specifically on the undernoted groupings?** Please remember to take into account any particular impact resulting from **Covid-19**.

**Please state if there is a potentially positive, negative, neutral or unknown impact for each grouping.**

**Low and/or No Wealth** (e.g. those with enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future.

#### **Impact**

**Material Deprivation** (i.e. those unable to access basic goods and services e.g. repair/replace broken electrical goods, warm home, leisure and hobbies).

#### **Impact**



**Area Deprivation** (i.e. where people live (e.g. rural areas), or where they work (e.g. accessibility of transport)).

**Impact**

**Socio-economic Background** i.e. social class including parents' education, people's employment and income.

**Impact**

**Other** – please indicate

**Step 13(D) Please state below if there are measures which could be taken to reduce socio-economic disadvantage/inequalities of outcome.**

**Step 14: What arrangements will be put in place to monitor and review the Equality Impact/Fairer Scotland Duty Assessment?**

**Step 15: Where will this Equality Impact/Fairer Scotland Duty Assessment be published?**

**Step 16: Sign off and Authorisation.** Please state name, post, and date for each:

Prepared by: Isla Davidson, Team Leader – Community Enforcement, 27.03.23

Reviewed by: Doreen Phillips, Equalities Officer, 02.05.23

Approved by: Graeme Dailly, Director of Infrastructure and Environment, 02.05.23

NB. There are several worked examples of separate EIA and FSD Assessments in the Guidance which may be of use to you.

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