

Decriminalised Parking Enforcement – Questions & Answers

Q: What is Decriminalised Parking Enforcement (DPE)?

Decriminalised Parking Enforcement is the term used when the powers necessary for parking enforcement are transferred to the local authority. Currently, Police Scotland undertakes the enforcement of parking duties within powers under the Road Traffic Act 1991. The introduction of DPE in East Lothian would allow this responsibility to be transferred from Police Scotland to East Lothian Council.

Under the current arrangements, when a fine is raised it is as a conditional offer payable within 30 days. If the matter is contested it can be referred to the Procurator Fiscal and may become an endorsable offence¹. Under DPE, a Penalty Charge Notice (PCN) is raised which is payable to the local authority. Non payment of a Penalty Charge Notice may be referred to the Courts and recovered as a private debt.

Q: Why does East Lothian Council need to introduce DPE?

There is no legal requirement to introduce DPE. The introduction of DPE is a voluntary measure undertaken by the local authority in agreement with the Police Authority. In February 2014, Police Scotland removed its Traffic Warden Service (the front line service that dealt with parking enforcement). General parking duties and responsibilities are now dealt with by police officers alongside all other public safety issues. It is recognised that although Police Scotland continues to enforce parking this is relatively a lower priority in the context of its wider public safety remit.

The vitality and vibrancy of our town centres is a key economic objective and it is widely recognised that good parking management helps the local economy. Concerns have also been raised over indiscriminate / dangerous parking, which is on the increase due to the lack of regular frequent enforcement.

Q: Who gets the money and what can it be used for?

Fines raised through Police enforcement activity are forwarded on to the United Kingdom Government, Treasury Department. The money raised through DPE is, however, treated differently and comes to the local authority to offset the running of the service. Any surplus to operating the service is controlled under statute and cannot be diverted into other Council Services.

Q: How will DPE affect me?

The introduction of DPE would simply move responsibility for enforcing parking restrictions from Police Scotland to East Lothian Council. This transfer of responsibility should allow for more resources to be focused on parking enforcement. East Lothian believes that the operation of a DPE service would have a positive effect on the local economy, road safety, improving journey times and assisting in addressing air quality concerns.

Q: Will it cost money to introduce DPE to East Lothian?

¹ An endorsable offence is one that may result in penalty points being added to the driver's driving license

To introduce DPE, the local authority must demonstrate to the Scottish Ministers that the service will not impact on other service areas. For example, the Council could not make a proposal to introduce DPE at the expense of education or social care or any other service that it currently provides. Consequently, the Council must present a business case to Transport Scotland, which demonstrates a cost neutral position after five years. It is expected that a small amount of income will be required to offset the running costs of the DPE service in East Lothian. The Council is currently exploring other income streams that may be able to contribute to this, for example, revenue from coastal car parking is one of the options being considered.

Q: Which areas will be covered by parking attendants?

The application to Transport Scotland will require the setting up of three statutory instruments - the Special Parking Area and Permitted Parking Area Order, the use of the Scottish Appeals Service Order and the East Lothian Parking Attendants Uniforms Order. The scope of the Orders will cover the whole of East Lothian.