

Submitted to Scotland's pavement parking prohibitions - consultation on enforcement regulations for local authorities
Submitted on 2023-07-19 14:21:17

Enforcement regulations: proposed provisions under section 59(1) of the Act

1 Do you agree or disagree that the content of a PCN for a parking prohibition contravention should be as set out above?

Agree

Please explain your answer.:

Content that the proposal follows the information required when issuing a standard PCN with the addition of photographic evidence of the offence and relevant signage or road markings detailing the restrictions in place.

Method of notification of a PCN

2 Do you agree or disagree with the proposed method of the notification of a PCN as set out above?

Agree

Please explain your answer.:

So long as the PCN has been supplemented by photographic evidence as stated in response to Q1.

3 Do you agree or disagree with the proposal for a local authority to be able to issue a PCN to the registered keeper of the vehicle by post, if they have not been able to affix it to a vehicle or give it to the driver?

Agree

Please explain your answer.:

Partly agree

Careful consideration has to be given to the point at which the PCN is considered to have been issued. Is it when the CEO begins the issuance process, or when the PCN has been printed, or when it has been affixed to the vehicle? If it's either the first or second scenarios then the PCN could be posted to the registered keeper but, if it's the latter, this would not be necessary.

Based on the now extensive experience of decriminalised enforcement of the parking regulations, the usual approach is to consider it issued when it has been printed. Under these circumstances, if the driver returns and drives off, or the CEO is otherwise prevented from issuing the PCN, it is likely to be served by post.

However, if the driver returns before this point in the process, issuance of the PCN will be aborted.

Removal or interference with a PCN

4 Do you agree or disagree with the proposal to make the removal or interference with a PCN, by anyone other than the vehicle owner/person in charge of the vehicle or the enforcement authority, a criminal offence?

Agree

Please explain your answer.:

Consideration needs to be made as to how this will be enforced, particularly if this is a criminal offence, this legislation seeks to enable local authorities to take action but this would not be possible for this offence.

5 Do you agree with the level of fine which is being suggested?

Agree

Please explain your answer.:

Timing and manner of payment of a penalty charge

6 Do you agree or disagree with the proposed timing and level of discounts and surcharges of a PCN for a parking prohibition contravention as set out above?

Agree

Please explain your answer.:

This process currently works well for enforcement of the parking regulations.

The provision of the bill are established to recognise the needs of vulnerable users and emergency services, and these offences can cause an immediate and severe impact. In this regard the scope of PCNs in this case should not be merely discouraged but actively penalised. By following the same timescales it may seem to lessen the importance of this additional legislation and its great need for implementation.

The amount of a PCN in relation to pavement parking, dropped kerb parking or double parking

7 Do you agree or disagree with the proposed level of penalty for a PCN issued for a pavement parking, dropped kerb or double parking prohibition contravention as set out above?

Agree

Please explain your answer.:

As with previous response, the discounted PCN would be equivalent to 1 day of parking in some areas and not seen with the significance of a penalty.

Responsibility for paying the PCN

8 Do you agree or disagree that the registered owner of a vehicle should be responsible for the payment of a PCN for a parking prohibition contravention as set out above?

Agree

Please explain your answer.:

This process currently works well for enforcement of the parking regulations.

9 Do you agree or disagree that if a vehicle trader commits a parking prohibition contravention, they should be responsible for the payment of a PCN even if they are not the registered keeper?

Agree

Please explain your answer.:

Reviews and appeals (including grounds of review or appeal) in connection with the imposition of penalty charges

10 Do you agree or disagree that the process for appealing a PCN for a parking prohibition contravention as detailed above?

Agree

Please explain your answer.:

This process currently works well for enforcement of the parking regulations.

Enforcement regulations: proposed provisions under section 66 of the Act

11 Do you agree or disagree that local authorities should be required to keep accounts for a parking prohibition contravention, similar to the process, detailed above?

Agree

Please explain your answer.:

This ensures transparency for residents and others to understand where the revenue is directed to.

12 Do you agree or disagree that any surplus made by local authorities for the enforcement of the parking prohibitions should be ring-fenced and used for certain transport-related purposes, similar to the process detailed above?

Agree

Please explain your answer.:

This should be ringfenced but clearly defined when utilised in specific transport projects.

However it should be noted that many local authorities do not follow the spirit of the current legislation i.e the surplus is allocated before the start of a financial year as part of the budget setting process. While local authorities may argue that this is prudent financial management, it is then impossible to tell whether the surplus is being used to replace previous sources of funding or if it is truly additional finance as intended by the legislation.

ITEM B1.1

The legislation could be clarified in this regard.

13 Do you agree or disagree that local authorities should be required to submit their accounts in relation to the enforcement of the parking prohibitions, similar to the process, detailed above?

Agree

Please explain your answer.:

As to Q11.

About you

What is your name?

Name:
Peter Jackson

What is your email address?

Email:
peter.jackson@sestran.gov.uk

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:
South East of Scotland Transport Partnership (SEStran)

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government, including Transport Scotland, to contact you again in relation to this consultation exercise?

Yes

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:
Neither satisfied nor dissatisfied

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:
Neither satisfied nor dissatisfied

Please enter comments here.: