

South Ayrshire Council

**Report by Deputy Chief Executive and Director
of Housing, Operations and Development
to Cabinet
of 29 August 2023**

Subject: Penalty Charge Notice Increase

1. Purpose

- 1.1 This report seeks approval to increase the Penalty Charge Notice (PCN) value following national guidance issued by Scottish Ministers on the revised levels that can be charged for parking contraventions.

2. Recommendation

- 2.1 It is recommended that the Cabinet agrees to adopt the higher rate increase in PCN value from £60 to £100, from the end of October 2023.**

3. Background

- 3.1 Motorists receive a PCN when parked in contravention of parking regulations. Most PCNs issued relate to parking restrictions that have been introduced to support road safety (double yellow lines, school keep clear markings), accessibility (disabled parking bays), and local business activity (loading bays).
- 3.2 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. All the Scottish Local Authorities who responded to the consultation agreed that PCN levels should be increased, which is also consistent with the COSLA position.
- 3.3 The current PCN value administered by Scottish Councils operating Decriminalised Parking Enforcement (DPE) is £60, reduced to £30 if paid within 14 days of issue. The PCN value increases by 50% to £90 if the ticket remains unpaid and no appeal is submitted.
- 3.4 The £60 PCN value has not been increased since DPE was introduced nationally in April 2001 (SAC introduced DPE in 2012). Had the PCN value been reviewed in line with inflation over the intervening years, the current value would be approximately £105 (Bank of England Inflation Calculator). It is not known when Scottish Ministers will next review the PCN value, however factoring inflation, future PCN income will be subject to real terms decline until that review takes place.

4. Proposals

- 4.1 The new guidance allows a local authority to set a new PCN value at a lower rate of £80, discounted by 50% if paid with 14 days or a higher rate of £100, discounted by 50% if paid within 14 days. These rates are increased by 50% if the PCN remains unpaid. Table 1 below breaks these options down for ease of reference.

Table 1 – PCN Options

PCN Options	Rate	Paid within 14 Days	Paid after Charge Certificate Served
Status Quo	£60	£30	£90
Lower Increase	£80	£40	£120
Higher Increase	£100	£50	£150

- 4.2 It is noted that an £80 PCN value is lower than the adjusted 2001 value when inflation in the intervening period is accounted for. An increase in the cost of a PCN will support behaviour change and improvement in parking compliance in the important areas described at paragraph 3.
- 4.3 Of the other Scottish Local Authorities who have already increased the PCN rates, including Glasgow, Edinburgh, Dundee and Aberdeenshire, the higher rate increase has been the approved option and all other roads authorities which are in the process of presenting recommendations to their respective administrations, such as South Lanarkshire and Argyll and Bute, are also seeking approval to adopt the higher rate increase.
- 4.4 PCN income is reinvested in parking services, public transport, and road/environmental improvements. The adoption of the higher rate increase may see PCN income increase by 25% or £70,000. This estimate accounts for a potential reduction in the number of PCNs issued should the new value serve as a more effective deterrent to non-compliance, and also allows for potential increases in appeals and bad debt.
- 4.5 It is, therefore, the officer recommendation to approve the adoption of the higher rate increase.

5. Legal and Procurement Implications

- 5.1 There are no legal implications arising from this report.
- 5.2 There are no procurement implications arising from this report.

6. Financial Implications

- 6.1 Any costs incurred to facilitate the required changes to existing stationery and adjustments to the parking database shall be minimal and resourced from the existing ARA parking budget.
- 6.2 Parking levels have yet to return to pre-Covid levels, this coupled with the 2 hour free parking to be introduced and the replacement of machines at a cost of

£100,000 to facilitate this, it is unlikely that income recovery this financial year will have a significant impact on resources.

7. Human Resources Implications

7.1 Not applicable.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

8.1.1 There are no risks associated with adopting the recommendations.

8.2 *Risk Implications of Rejecting the Recommendations*

8.2.1 As stated within the report this is the first opportunity local authorities have had since the introduction of DPE powers 22 years ago to adjust PCN values and bring them more in line with inflationary adjustments. If the recommendations are not accepted the opportunity may not arise again for many years.

9. Equalities

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 1](#).

10. Sustainable Development Implications

10.1 ***Considering Strategic Environmental Assessment (SEA)*** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. Options Appraisal

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. Link to Council Plan

12.1 The matters referred to in this report contribute to Priority 1 of the Council Plan: Spaces and Places/ Moving around and the environment (Outcome 1)..

13. Results of Consultation

13.1 There has been no public consultation on the contents of this report.

13.2 Consultation has taken place with Councillor Bob Pollock, Portfolio Holder for Economic Development and the contents of this report reflect any feedback provided.

14. Next Steps for Decision Tracking Purposes

14.1 If the recommendations above are approved by Members, the Depute Chief Executive and Director of Housing, Operations and Development will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Cabinet in the 'Council and Cabinet Decision Log' at each of its meetings until such time as the decision is fully implemented:

Implementation	Due date	Managed by
Apply PCN increase	31 October 2023	Head of Roads

Background Papers **None**

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Date **18 August 2023**



South Ayrshire Council Equality Impact Assessment Scoping Template

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: [Equality Impact Assessment including Fairer Scotland Duty](#)

Further guidance is available here: [Assessing impact and the Public Sector Equality Duty: a guide for public authorities \(Scotland\)](#)

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. See information here: [Interim Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018.

1. Policy details

Policy Title	Penalty Charge Notice Increase
Lead Officer (Name/Position/Email)	Kevin Braidwood, Head of Roads - Kevin.Braidwood@ayrshireroadsalliance.org

2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	No	Yes
Disability	No	Yes
Gender Reassignment (Trans/Transgender Identity)	No	Yes
Marriage or Civil Partnership	No	Yes
Pregnancy and Maternity	No	Yes
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	No	Yes
Religion or Belief (including lack of belief)	No	Yes
Sex – gender identity (issues specific to women & men or girls & boys)	No	Yes
Sexual Orientation – person's sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	No	Yes
Thematic Groups: Health, Human Rights & Children's Rights	No	Yes

3. What likely impact will this policy have on people experiencing different kinds of social disadvantage? (Fairer Scotland Duty). Consideration must be given particularly to children and families.

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	-	-
Low and/or no wealth – 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	-	-
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	-	-
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	-	-
Socio-economic Background – social class i.e. parent’s education, employment and income	-	-

4. Do you have evidence or reason to believe that the policy will support the Council to:

General Duty and other Equality Themes Consider the ‘Three Key Needs’ of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	No adverse impact identified. Low
Advance equality of opportunity between people who share a protected characteristic and those who do not	No adverse impact identified. Low
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	No adverse impact identified. Low
Increase participation of particular communities or groups in public life	No adverse impact identified. Low
Improve the health and wellbeing of particular communities or groups	High positive impact. SAC shall be seen to offer facilities which encourage tourists and positive impacts on the local economy.
Promote the human rights of particular communities or groups	No adverse impact identified. Low
Tackle deprivation faced by particular communities or groups	No adverse impact identified. Low

5. Summary Assessment

<p>Is a full Equality Impact Assessment required? (A full Equality Impact Assessment must be carried out if impacts identified as Medium and/or High)</p>	<p>_____ YES</p> <p>_____ NO</p>
<p>Rationale for decision:</p> <p>There are no negative implications associated with these proposals which are designed to deal with known issues around unregulated parking. All objectives shall be applied to ensure equality in approach and inclusion</p>	

Signed : Kevin Braidwood

Head of Roads

Date: 26 May 2023