

Decriminalised Parking Enforcement – The Highland - 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 the Highlands would allow this responsibility to be transferred from Police Scotland to The Highland 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 offence.

Under DPE, a Penalty Charge Notice (PCN) is raised which is payable to the local authority. Non-payment of a Penalty Charge Notice may incur further costs and be recovered as a private debt by sheriff's officers.

Q: Why does The Highland 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 The Highland Council. This transfer of responsibility should allow for more resources to be focused on parking enforcement. The Highland Council 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: When will enforcement take place?

Our Enforcement team of 11 staff will operate between 08:00 and 22:00 seven days a week

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 Highland Parking Attendants Uniforms Order. The scope of the Orders will cover the whole of The Highlands.

Q: Will it cost money to introduce DPE to The Highland?

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 has presented a business case to Transport Scotland, which demonstrates a cost neutral position after five years.

Q: When will the parking enforcement come into effect?

Parking enforcement through DPE comes into effect from the 3rd of October 2016 for the whole of the Highlands

Q: What is a Traffic Regulation Order

A Traffic Regulation Order (TRO) is a legal order which makes the restrictions listed in it enforceable. Every time there is a need to vary the way in which you are permitted to use the road or a Council controlled off-street car park, the Council must promote a TRO or a variation to an existing TRO explaining the circumstances. TROs are consulted on with the public. The statutory public notice for a TRO will include the reasons for the proposed variations and the general effects they will have.

TROs are required for many different restrictions including:-

- Waiting and loading
- On street Parking
- One-way streets
- Speed limits
- Weight and width restrictions
- Access and turning restrictions
- Road and footway closures - both permanent and temporary
- Cycle and bus lanes
- Off street car parks

All new TROs will be Map based and published on the Council's website. TROs are also advertised in the local press and are displayed for public view in appropriate Council offices.

Q: Where can I see these Traffic Regulation Orders?

All TRO's will be available online at www.highland.gov.uk/parking so please visit and have your say on any consultations.

Q: If parking is decriminalised can I park where I like?

No. Parking offences have been decriminalised and powers have been given to The Highland Council to allow them to enforce parking restrictions. The increased level of enforcement under DPE means you could be more likely to receive a PCN if you contravene the Regulations.

Q: What is our Parking Policy?

The policy is designed to address parking issues in the Highlands. It provides parking opportunities for all road users by introducing signs and lines to advise where parking can take place and for how long. Most “Loading” restrictions are generally in operation from 08:00 to 18:00 Monday to Saturday. However there are also many “Waiting” and “Parking” restrictions which operate 7 days a week.

A key part of our parking strategy involved reviewing the existing TROs in the area. Our roads officers’ examined what was in place on some 5086 adopted roads and will promote two TROs to collect all the restrictions together into Off-Street & On-Street for ease of administration. The TROs cover:-

- All On-Street waiting, parking & loading
- All Off-Street Council Car Parks

Most details in the TROs except for Inverness did little more than record the existing restrictions that everyone was used to over the years. The Inverness details were revised in some places to allow more responsive restrictions that reflect current usage and to ensure their legality for enforcement purposes. We have also introduced a new Map based TRO system that is easier to understand and will be available online to view.

Q: How will I know if I am parked legally?

Read the signs next to the parking bays or yellow lines – they will explain when you can park, for how long and if you need to pay. For further advice on typical lines and signs please follow this link for the Highway Code at <https://www.gov.uk/highway-code>.

Q: How is decriminalised parking enforcement done?

Eleven Parking Enforcement Officers will patrol all areas of Highland where parking restrictions are in force. This will include yellow lines, limited waiting areas, loading and unloading areas, disabled bays, and Council controlled off-street car parks.

Q: If I receive a PCN will I get penalty points on my licence?

No. Penalty points are only received for offences dealt with by the Police under criminal law.

Q: What happens if I don’t pay the Penalty Charge Notice?

Non-payment of a PCN will result in the issue of a Charge Certificate which increases the value of the PCN from £60 to £90. If the penalty charge remains unpaid the Charge Certificate will be passed to debt recovery agents for collection

Q. How much will a Penalty Charge Notice (PCN) cost and how do I pay?

Parking Enforcement Officers will issue PCNs which are set at £60. The penalty charge is reduced by 50% to £30 if paid within 14 days of the date of issue. If a PCN remains unpaid after 56 days it will be increased by 50% to £90.

Should the Council need to remove parked vehicles, charges may be made for removal, storage and in extreme circumstances, the disposal of unclaimed vehicles to cover the Council's expenses. Parking Attendants cannot accept payment and are under strict instructions that once a PCN has been issued it cannot be withdrawn. Drivers will however be given the opportunity to appeal against any aspect surrounding the issue of a PCN where reasonable. Details of how to pay a PCN, how to make an appeal, etc. are displayed on the PCN and any correspondence you receive following the issue of a PCN such as a Notice to Owner.

Q: What methods are available to make payment of a PCN?

Details of how to pay a PCN is explained on the back of the PCN. From October 2016 Payment will be possible by:

- post to The Highland Council, Parking Services, PO Box 261, Sheffield, S98 1TP, with cheques or postal orders made payable to 'Highland Council'.
- payment by credit or debit card can be made by dialling an automated phone line number: - 0343 224 1888
- Pay online at www.highland.gov.uk/parking using details displayed on your PCN i.e. the PCN number and vehicle registration number.

Q: Can Motorists contest liability for a Penalty Charge Notice?

Motorists wishing to contest liability for PCN may make representations to the Council and, if rejected, may appeal to an independent adjudicator, whose decision is final. Visit www.highland.gov.uk/parking for information

Q: What do I do if I want to Appeal (challenge a PCN)?

Write to The Highland Council, Parking Services, PO Box 261, Sheffield, S98 1TP or go online to check or challenge your PCN at www.highland.gov.uk/parking with your reasons why you think you are not due to pay the penalty. If we receive a letter within 14 days, beginning with the date of issue of the PCN progression of the charge will be put on hold pending a decision. If the PCN is not withdrawn and remains unpaid a notice to owner will be sent to the registered owner/keeper of the vehicle. This will allow the owner/keeper to make formal representation against the issue of the PCN. Should this be accepted you will receive a notice of acceptance and the ticket will be withdrawn. Should the PCN be upheld then you will receive appeal forms along with a notice of rejection. This allows you to take your case to an independent adjudicator and have your case dealt with in person or by written submission.

Q: Do Parking Enforcement Officers have targets to meet?

No, there will be no target for the number of PCNs that an officer must issue.

Q: What are the benefits of local enforcement?

Local enforcement will keep Highland moving, discourage dangerous and inconsiderate parking, support local businesses, assist loading and unloading and assist Blue Badge holders.

Q: Will the police be responsible for any parking enforcement?

The Police will not be responsible for enforcing any permanent waiting, loading or parking restrictions except on most of the Trunk Road network. They will still enforce all “moving” traffic offences and matters of obstruction and some temporary waiting restrictions, such as areas marked with “Police No Waiting” cones at special events. Parking Enforcement Officers can only enforce restrictions that are marked with signs and yellow lines or white parking bays.

Q: How do I avoid getting a PCN?

Motorists who do not contravene parking regulations will not receive a PCN. Look out for the lines, signs and notices when you park. These will tell you about any restrictions or charges in force. The Highway Code will help explain what the signs and lines mean. Further useful information is contained on the Council website.

Q: Can I park on a single yellow line to pick up a newspaper or buy a sandwich?

No, unless you park at times when the regulations are not in force. The times of operation will be shown on adjacent signs usually located near to the kerb side. Parking for even short periods within these times is not permitted and you may be issued with a PCN.

Q: Can I park on a yellow line if there are no signs indicating times?

No, not all restrictions need a sign. For example double yellow lines indicate “No Waiting at any Time” and do not require a sign.

Q: I am a blue badge holder, will the changes affect me?

The Blue Badge scheme will continue to operate as before. If you park in accordance with the Blue Badge scheme rules you will not receive a PCN

Q: Will the restrictions apply on public holidays

Waiting and loading restrictions as indicated by white or yellow lines/ markings on the carriageway and/or kerbs will be in force throughout the year. Unless the on-street signs state expressly “except public holidays” the relevant restriction will apply on public holidays.

Q: Are there any exemptions to the Penalty Charge Notice

Emergency vehicles are exempt when undertaking their duties.

Statutory undertakers are exempt when undertaking emergency works such as Gas & Water services.

Council vehicles are exempt in the circumstances described:

Local Authority Vehicles (or those of contractual agents) whilst being used to carry out statutory duties (i.e. refuse collection, street cleansing, highway maintenance) or whilst carrying out duties that require the vehicle to be in close proximity (i.e. verge grass cutting).

Q: How do I park at a location to carry out maintenance etc?

There is a formal **DISPENSATION** process which will involve you notifying our office by telephone or email no less than 24 hours in advance for any planned works. The contact details and process is available online. Visit www.highland.gov.uk/parking

Q: Who do I contact with any problems?

All issues will be handled by calling **0343 224 1888 press option 2** or by using the online forms at www.highland.gov.uk/parking

Q: What happens with Funerals & Weddings?

There will be a blanket exemption for all official funeral & wedding vehicles as long as they are parked safely. It is advised that organisers contact the Parking Operations team at Car.Parks@highland.gov.uk or **01463 239786** to notify them in advance of activities.

Q: What is a Restricted Zone?

A restricted Zone is an area or group of streets marked on the entry points by a sign that indicates blanket restrictions for that zone. For example: restricted zones in Inverness state "No waiting or Loading expect in signed bays", this means we do not require yellow lines outside of bays and if you park your vehicle outside a bay you commit a contravention. There are restricted zones on the west riverside and in the city centre core streets.

CONTACT US

All matters relating to a **Penalty Charge Notice (PCN)** you have received:

Call: 0343 224 1888 option 1 to pay option 2 to discuss.

Visit: www.highland.gov.uk/parking

All matters relating to **operational** issues such as faults with ticket machines, report bad parking or dispensations and suspensions:

Call: 01463 239786

Seven days a week 8am to 6pm

Email: car.parks@highland.gov.uk

Visit: www.highland.gov.uk/parking