

Penalty Charge Notices for Parking Enforcement

Cycling Scotland Submission October 2021

Question 1 - Do you agree with the proposal to create a Scottish equivalent of the contravention codes?

- Yes

We particularly welcome that the contravention '49 Parked wholly or partly on a cycle track' will be higher as it creates a significant potential risk to people cycling. However, in line with the contravention in England, we believe this should also apply to cycle lanes where prohibitions apply.

We are unclear why the following contraventions, used in England, are not being introduced in Scotland. We would strongly support their introduction, or at least for a clear reason to be given for why they are not being introduced, given their support of numerous Scottish Government policy objectives:

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| 8 | Stopped in a restricted area outside a school, a hospital or a fire, police or ambulance station when prohibited | Higher |
| 43 | Stopped on a cycle docking station parking place | Lower |
| 61 | A heavy commercial vehicle wholly or partly parked on a footway, verge or land between two carriageways | Higher |
| 63 | Parked with engine running where prohibited | Lower |
| 99 | Stopped on a pedestrian crossing or crossing area marked by zigzags | Higher |

With regard to point 63 above – parked with engine running – we note that vehicle idling is illegal under the terms of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003, and so believe it should be included and categorised as a higher-level contravention.

Question 2 - Do you agree in principal that PCN levels should be increased?

- Yes

Parking penalties are not acting as sufficient deterrent for parking behaviour which may increase risks to other road users. It is right that they are reviewed, especially given that 20 years have passed since the last review.

Question 3 - We have set out two proposals, (proposal (a) and proposal (b)). Which one do you prefer? If you do not prefer (a) or (b), please select (c).

- Proposal (b)

We support proposal b as it is clearly necessary to provide a deterrent to inconsiderate or dangerous parking. Higher penalty charges are known to be more of a deterrent, which is why proposal b is preferred.

Question 4 - Do you agree with our proposals to place the new provisions within the Transport (Scotland) Act 2019 as higher level contraventions (Double Parking, Parking over a dropped kerb and Pavement Parking)?

- Yes

Double parking, parking over a dropped kerb (or raised crossing - also included in the act) or on a pavement can increase road hazards, especially to more vulnerable road users. It is right that legislation is enacted and there is no suggestion through parking decisions that these are lower-order offences.

Better enforcement of parking will improve the safety for children and young people crossing the road at dropped kerbs, cycling in streets without double parking and walking along the footway without vehicles driving on the footway.

Pavement parking can also damage pavements, creating trip hazards for pedestrians, costing local authorities, and therefore all of us, millions of pounds in maintenance and preventive measures.

For these higher-level contraventions to be effective, they need to be properly and consistently enforced, both within and between local authority areas.

Question 5 - Do you anticipate any potentially negative implications of the proposed changes to the PCN levels?

- Yes

There may be unintended consequences if fines remain too low. For example, if cycle lanes are not a specific contravention, there could be increased parking on lanes where fines may be lower. In this regard, we would like to see parking in cycle lanes included as a specific higher-level contravention, with an appropriate level of fine.