

Jenny Gilruth MSP  
Minister for Transport  
Scottish Parliament

Date 16 September 2022

MinisterFT@gov.scot

Dear Ms Gilruth,

### **Additional Powers for Local Authorities**

I understand that you recently gave a keynote speech at the Parking Scotland Expo event which covered the delay to work being undertaken by Transport Scotland after the 2021 consultation on Penalty Charge Notices (PCN).

Whilst I appreciate that the LEZ regulations have taken precedence, which has also affected implementing parking prohibitions in the Transport Scotland Act (2019). I do still believe that there is a requirement for local authorities to have additional civil parking and traffic enforcement powers.

As you know the Road Traffic Act (RTA) 1991 is still the primary legislation for decriminalised parking enforcement in Scotland. The Traffic Management Act (TMA) was introduced in England and Wales in 2004 which included new powers for local authorities to tackle parking enforcement. In Edinburgh, these additional powers would be of great benefit to the City.

The TMA introduces powers that would enhance the current Scottish regulations- These include:

- Introduces proportionality - allows for differential charging (high and low level contraventions) to better reflect the seriousness of a contravention.
- Allows the use of approved devices for enforcement of:
  - School Keep Clears
  - Bus Stop Clearways

**Cllr Scott Arthur, Transport and Environment Convener**

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- Red Routes
- Bus Lanes – currently available in Scotland and in use in Edinburgh.
- Persistent evaders – drivers who regularly park incorrectly may have penalties which are more punitive than first-time offenders.
- PCNs can be issued by post in a number of situations:
  - when using camera devices
  - where CEOs (Parking Attendants) are prevented from serving notices by threat or actual violence
  - where motorists drive away before being issued with a ticket.

I suggest that the introduction of some or all of these measures would help to improve parking management and enforcement in Edinburgh to enhance compliance with our parking regulations and make our streets safer.

At a recent Transport and Environment Committee there was cross party support for introducing higher penalty charge notice fees for parking enforcement to encourage higher compliance rates. Committee are keen to ensure momentum from the 2021 Scottish Government consultation on this matter, given that PCN rates have not been increased since 1998.

Alternatively, Transport Scotland could allow authorities to set their own charge bands, as authorities can currently do for pay and display parking and parking permit prices in their areas. This would allow Councils to raise charges in line with inflation.

I would be happy to meet to discuss this further, please contact [Victoria.baillie@edinburgh.gov.uk](mailto:Victoria.baillie@edinburgh.gov.uk) to arrange.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Arthur', with a stylized flourish at the end.

Councillor Scott Arthur  
Transport and Environment Convener