

# East Lothian Council

FOI Ref: 2018/536589

*I have a series of questions about parking tickets and bus enforcement notices. Please note that for the questions 3 onwards I am after numbers for each year referenced in question 1 and 2. That's 2015/16, 2016/17 and 2017/18. So it would be a number of tickets for 2015/16, another number for 2016/17 etc.*

*If you feel that this inquiry can only be dealt with as an FOI, can I ask you that you pass that forward please.*

**1) How many parking tickets were appealed in each year between 2015/16 and 2017/18?**

2015/16 Not applicable, the enforcement of parking regulations lay with Police Scotland at that time.  
2016/17 2  
2017/18 16

**2) How many bus lane enforcement notices were appealed in each of these years.**

Nil

**3) How many of the appeals resulted in the parking ticket being cancelled as a result of appeal?**

|                                     | 2015/2016                 | 2016/2017                 | 2017/2018                 |
|-------------------------------------|---------------------------|---------------------------|---------------------------|
| <b>Outcome Event Code</b>           | <b>PATAS Appeal Count</b> | <b>PATAS Appeal Count</b> | <b>PATAS Appeal Count</b> |
| No outcome recorded awaiting appeal | 0                         | 0                         | 3                         |
| SPAS ALLOWED                        | 0                         | 1                         | 1                         |
| SPAS DNC                            | 0                         | 0                         | 6                         |
| SPAS REFUSED                        | 0                         | 1                         | 6                         |
| <b>Summary</b>                      | <b>0</b>                  | <b>2</b>                  | <b>16</b>                 |

**4) How many bus lane enforcement notices were cancelled as a result of appeal?**

Nil

## East Lothian Council

FOI Ref: 2018/536589

***5) How many times did the results of parking appeals become further challenged by the council through the appeals service.***

***5a) How many times did the council then have the decision overturned in their favour.***

East Lothian Council (ELC) does not record this information. In view of this, under Section 17(1)(b) of the Act, I must formally advise you that ELC has been unable to comply with this part of your request as the information you require is not held.

***6) How many times did the results of parking appeals become further challenged by the council through the appeals service "in the interests of justice".***

***6b) How many times did the council then have the decision overturned in their favour.***

ELC does not record this information. In view of this, under Section 17(1)(b) of the Act, I must formally advise you that ELC has been unable to comply with this part of your request as the information you require is not held.

***7) How many times did the results of bus lane enforcement appeals become further challenged by the council through the appeals service.***

***7a) How many times did the council then have the decision overturned in their favour.***

Not applicable

***8) How many times did the results of bus lane enforcement appeals become further challenged by the council through the appeals service "in the interests of justice".***

***8a) How many times did the council then have the decision overturned in their favour.***

Not applicable

## East Lothian Council

FOI Ref: 2018/536589

**9) How many times did the results of parking appeals become further challenged by the complainant through the appeals service.**

**9a) How many times did the complainant then have the decision overturned in their favour.**

**9b) When the complainant won, how many times was it the result of providing evidence that they had a disabled person's Blue Badge?**

ELC does not record this information. In view of this, under Section 17(1)(b) of the Act, I must formally advise you that ELC has been unable to comply with this part of your request as the information you require is not held.

**10) How many times did the results of bus lane enforcement appeals become further challenged by the complainant through the appeals service.**

**10a) How many times did the complainant then have the decision overturned in their favour.**

Not applicable

**11) How many times did parking ticket appeals end up being challenged further through a complaint by the complainant to the Scottish Public Services Ombudsman.**

**11a) How many times did the complainant then have the decision overturned in their favour.**

There have been no parking ticket or bus lane enforcement appeals further challenged through the Scottish Public Services Ombudsman (SPSO) during 2016/17 and 2017/18. It should be noted that the SPSO cannot consider a parking ticket or bus lane enforcement appeal as this is covered by a right of appeal. The appeal tribunal is final.

**12) How many times did bus enforcement appeals end up being challenged further through a complaint by the complainant to the Scottish Public Services Ombudsman.**

**12a) How many times did the complainant then have the decision overturned in their favour.**

Not applicable

## East Lothian Council

FOI Ref: 2018/536589

***13) How many times did parking ticket appeals end up being challenged further through a complaint by the complainant through court proceedings.***

***13a) How many times did the complainant then have the decision overturned in their favour.***

As per Q11 above, the appeal tribunal is final.

***14) How many times did bus enforcement appeals end up being challenged further through a complaint by the complainant through court proceedings.***

***14a) How many times did the complainant then have the decision overturned in their favour.***

Not applicable

***15) How many times did parking ticket appeals end up being challenged further through a complaint by the complainant that was reviewed in a judicial review.***

***15a) How many times did the complainant then have the decision overturned in their favour.***

As per Q11 above, the appeal tribunal is final.

***16) How many times did bus enforcement appeals end up being challenged further through a complaint by the complainant that was reviewed in a judicial review.***

***16a) How many times did the complainant then have the decision overturned in their favour.***

Not applicable

***17) How many times after a parking tickets appeal was won by the council did the council have to begin legal action to recover the money?***

***17a) How many of resulting court cases were found in favour of the council and how many were unsuccessful?***

Not applicable

## East Lothian Council

FOI Ref: 2018/536589

***18) How many times after a bus enforcement appeal was won by the council did the council have to begin legal action to recover the money?***

***18a) How many of resulting court cases were found in favour of the council and how many were unsuccessful?***

Not applicable

***19) What is the highest fine (again remember for each year) that was imposed on a complainant over parking fines as a result of council court action to recover what was owed to them? Note: This could be a collection of unpaid fines.***

Parking and bus lane enforcement within East Lothian has been decriminalised and therefore we do not take court action. However, if payment is not received within 14 days of the Charge Certificate being issued, then action may be taken by the Council to recover the charge through Sheriff Officers.

***20) What, if any, is the incentive scheme or targets given to traffic wardens / enforcement officers? I.e. is remuneration in any way affected by the number of tickets issued?***

Parking Attendants are salaried employees of our enforcement contractor, NSL Ltd. They do not receive a bonus or commission of any kind, other than an attendance allowance.