

The Highland Council

Community Safety, Public Engagement and Equalities Committee 5 December 2013

Agenda Item	8ii
Report No	CPE 51/13

Decriminalised Parking Enforcement

Report by Depute Chief Executive

Summary

Recommended action following the Police Scotland Review of Traffic Wardens.

1. Background

Police Scotland Review of Traffic Wardens

- 1.1 The Review consultation phase ended on 31 October 2013 and the proposal to cease providing a Traffic Warden Service is likely to be fully implemented on 31st December 2013.
- 1.2 In Highland, the number of Traffic Wardens has already reduced from a complement of eighteen on 31 March 2013 to seven. In Inverness three out of eleven Wardens remain in post.
- 1.3 In local authority areas where parking offences have not been “decriminalised” (see Appendix A and para 1.4 below onwards) the onus remains with the police to continue to enforce parking law.

Decriminalised Parking Enforcement

- 1.4 Since 1997 any Scottish local authority may apply to decriminalise certain parking offences within their area. Offences cease to be the responsibility of the police and instead become the responsibility of the local authority.
- 1.5 An authority which operates a Decriminalised Parking Enforcement (“DPE”) regime employs parking attendants who place Penalty Charge Notices (“PCN”)s on vehicles parked in contravention of parking regulations.
- 1.6 Penalty charges are civil debts, due to the local authority. Motorists wishing to contest a penalty charge may first appeal to the authority and then to independent adjudicators whose decision is final.
- 1.7 Benefits of DPE include;
 - Councils are able to ensure that their parking policies are implemented effectively i.e. improved traffic flow, fewer accidents, a fairer distribution of parking places, a more pleasant environment.
 - Integration of enforcement and policy responsibilities should provide

better monitoring of the effectiveness and value of controls, so that parking provision is more responsive to the public's needs.

- Revenue from PCNs can be used to fund enforcement activities. Surpluses can be used to improve off-street parking facilities, or other transport-related purposes.

- 1.8 The DPE process requires local consultation on proposals, usually involving a review and consolidation of the existing traffic orders within the area. An application is submitted to Transport Scotland for review. Transport Scotland then drafts and consults on the Scottish Statutory Instruments required which, subject to Ministerial approval, are then laid before the Scottish Parliament.
- 1.9 Certain traffic/parking offences which still constitute a criminal act, including dangerous parking, continue to be enforced by police officers. Authorities may exclude some roads e.g. motorways, greenways, from DPE scope. Trunk road agencies are involved in the application process.
- 1.10 Eleven Scottish Councils have successfully completed the DPE process, having demonstrated that their DPE applications were self-financing. In big cities there is significant revenue from PCNs and Edinburgh and Glasgow City Councils were quick to introduce DPE. Three applications for DPE are pending. Eighteen authorities (including Highland) have not yet applied for DPE.
- 1.11 Estimates on the time to complete the DPE process vary between sixteen months and two years. The Transport Scotland part of the process for the DPE schemes already in place has taken eight to nine months.
- 1.12 Once authorised Councils may contract out the enforcement service or create an in-house service. Some Councils have contracted out the "back office" services but retained frontline enforcement in-house.

2. Conclusions

- 2.1 Initial research on implementation of DPE has been carried out with Police Scotland, Transport Scotland, other Local Authorities and senior Council Managers. Various options for action have been considered.
- 2.2 The option of taking no action, i.e. not applying for DPE, is not recommended. Likely consequences of a long-term reduction in or removal of on-street parking enforcement include "driver anarchy" with potential road safety and traffic management issues. No enforcement of on-street parking is likely to result in reduced off-street parking income.
- 2.3 An application for DPE is recommended. There is an opportunity to realise the benefits stated above while making alternative provision for specific aspects of the withdrawn Traffic Warden service.
- 2.4 If approved, a draft application including a business case and a service delivery model would be prepared with recommendations for appropriate

arrangements across the Council area, assessing the different options for parking control. An immediate consideration would be combining on-street enforcement with the Council's existing function of monitoring off-street parking (in Inverness, Fort William and Portree).

- 2.5 More qualitative/quantitative information is required from the Police, and further research with other Councils, to inform the draft parking control strategy which would underpin a DPE application. The initial data received suggests that the vast majority of fixed penalty tickets issued by Traffic Wardens in Highland were in Inverness. Given that estimated income from PCNs forms part of the business case for a DPE application, the option appraisal would consider whether the Inverness area might merit separate treatment.
- 2.6 DPE is not going to result in the Council replicating the Traffic Warden Service. DPE does present an opportunity for the Council to consider a fresh approach to parking enforcement, and whether or not that might be integrated with other enforcement functions within the Council.
- 2.7 Further research on the scope for an "Integrated Warden" service is therefore also recommended. This work would be done in parallel with the DPE application.
- 2.8 Officers would research the scope for an innovative approach to deliver flexible, effective responses to target a range of activities which impact greatly on quality of life within Highland communities. Service responsibilities might include tackling anti-social behaviour, litter and fly tipping, dog fouling, pest control and commercial waste issues, as well as a range of parking problems.

3. Implications

- 3.1 **Resources and Legal**
The business case in the DPE application will detail the resource implications for parking enforcement. Support from various services will also be required for DPE implementation, including Legal and Human Resources. An outline business case for an Integrated Warden service would be founded on existing Council resources. The option appraisal will also include assessing whether all or part of the service might be more effectively commissioned or procured externally instead of in-house provision. Trade unions and staff would be consulted as part of this process.
- 3.2 There are no other known equalities, carbon clever or climate change implications as a result of this report.

Recommendation

The Committee is invited to agree:

- (i) initiation of the process of applying for Decriminalised Parking Enforcement; and
- (ii) further research into the scope for creating an integrated Warden Service and the preparation of a business case for the preferred service delivery model.

Designation: Depute Chief Executive

Date: 22 November 2013

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Background Papers: Department of Transport Local Authority Circular 1/95:
“Guidance on Decriminalised Parking Enforcement
Outside London”



TRANSPORT
SCOTLAND

Decriminalised Parking Enforcement (DPE) in Scotland

