

The Highland Council
Community Services Committee

21 August 2014

Agenda Item	15
Report No	COM/23/14

Decriminalised Parking Enforcement

Report by Director of Community Services

Summary

This report updates Members on the work being undertaken to construct a decriminalised parking enforcement model (financial) for The Highlands, as well as noting the feedback received from the Member's workshop held on 20 June 2014.

1. Background

- 1.1 Car parking provision and its management and enforcement is vital to the traffic movement and quality of life in our towns and city. It directly affects the businesses, residences, and retailers located therein and hence the overall economy of The Highlands.
- 1.2 Since 1997, any Scottish Local Authority may apply to decriminalise certain parking offences within their area, including enforcement of on-street parking as well as waiting and loading restrictions. An Authority which operates a Decriminalised Parking Enforcement (DPE) regime employs parking attendants who place Penalty Charge Notices (PCNs) on vehicles parked in contravention of Traffic Regulation Orders (TROs). Under DPE, penalty charges are civil debts due to the Local Authority, rather than the former system where they would be criminal offences.
- 1.3 In order for a Local Authority to request the enforcement powers from Police Scotland, an application has to be made to Transport Scotland (TS) which will include a financial business case on how the scheme will be operated. Historically, Transport Scotland has required that any proposal is financially self-sustaining, i.e. makes enough money to pay for itself on an annual basis. It is understood that TS will now however accept submissions which show an annual deficit, provided the Local Authority is willing to cover the shortfall.
- 1.4 The withdrawal of Police Scotland's Traffic Warden Service has resulted in all remaining Authorities who have not implemented DPE now requiring to consider this option, as the alternative is to be left with no practical enforcement. No enforcement by either Police Scotland or the Local Authority could cause a significant detriment to the health and wellbeing of our towns and city.

1.5 The withdrawal of Police Scotland's Warden Service has come as a surprise to many Local Authorities, mainly due to the timing of the announcement combined with the 18 – 24 month process for a Council to take ownership of the parking enforcement service. There are however a number of benefits to DPE which include:-

- Councils being 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;
- Staff can be trained to a level which the Council considers commensurate to the required duties.
- Parking Attendants can be directed towards priority areas when required; and
- 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

1.6 While the financial model and business case being prepared will not attribute a monetary figure to improved traffic congestion, amenity of town centres, or reduction in road accidents, it is important to bear in mind that DPE would also bring these significant benefits.

2. **Member's Workshop**

2.1 A Member's workshop was held on 20 June 2014 to provide background information into decriminalised parking enforcement and discuss the potential service delivery options which may be available to The Highland Council. It was however recognised that without the financial model and business case evidence, it was impossible to determine what the end product would entail.

2.2 The workshop did however offer the opportunity to discuss the potential of shared services and scope to work with other Local Authorities to deliver DPE in The Highlands.

2.3 The workshop also allowed initial consideration to be given to how the Council could structure the delivery of DPE. Work has been undertaken to review the current enforcement activity undertaken by the Council and the scope for integration of these functions. Council enforcement activity currently involves:

Parking enforcement: Car Park Attendants are employed to manage off-street parking in Council owned car parks in Inverness, Fort William and Portree.

Environmental enforcement: Education and Enforcement Officers are involved in enforcement activity relating to dog fouling / litter and fly tipping. Enforcement activity is only a small part of the work these staff do, and the main focus of activity is prevention and education; and

Antisocial behaviour: Community Wardens are involved in enforcement in relation to low level antisocial behaviour. Their role tends to relate to environmental issues on housing estates, and again is preventative in nature.

2.4 The main options for future service delivery are:

Option 1: Develop a single enforcement officer role, with a generic enforcement officer post responsible for all enforcement activity in relation to the functions described above.

Option 2: Separate parking enforcement from community / environmental enforcement work, recognising that enforcement is not the primary function of work undertaken on these latter functions.

Option 3: Separate parking enforcement where there is a clear business case (most likely to be in Inverness) and adopt a more flexible / integrated approach elsewhere.

2.5 The issues considered at the workshop affecting choices between these options include:

- Affordability: staff numbers/ costs associated with providing on-street parking enforcement;
- Impact on salary levels / costs of an integrated Warden Service;
- Different “legal” processes for parking and environmental enforcement and effect on productivity;
- Balance of work/ priorities;
- Balance of enforcement and public engagement;
- Real extent of synergies; and
- Impact on business case for DPE.

2.6 Many of these issues will be clearer when the business case is developed.

3 Summary, Conclusions and Priorities from the Workshop

3.1 Following a breakout session, the summaries, conclusions, and priorities from the various groups were brought together. The bullet points below summarise the priorities and conclusions of the workshop, as established by the Members who attended.

- That Decriminalised Parking Enforcement should break even (cost neutral);
- Members leaning towards an in-house service delivery but happy that back office functions are explored as shared services with other Council's;
- A balance between enforcement, education, and traffic management needs to be struck;

- DPE should not be viewed primarily as a money making exercise but must take cognisance of costs so as not to add additional financial burden to the Council; and
- No unanimity from Members on options for front line delivery, i.e. a lenient or strict approach to parking enforcement, or whether it should be a dedicated parking Warden Service, or shared with other Council enforcement services.

3.2 The overriding theme from all groups was that a financial model/ business case is required to determine and recommend options for DPE within The Highlands

4 Base Financial Model/ Business Case

4.1 RTA Associates Ltd have been appointed to examine DPE and undertake the associated financial modelling exercise for The Highland Council. RTA has a wealth of knowledge and has helped a number of Council's in Scotland through the DPE process, up to and including the submission of the application to Transport Scotland.

4.2 The base financial model being constructed by RTA Associates considers that all functions of decriminalised parking enforcement would be undertaken by The Highland Council. This would include Wardens employed for full time parking enforcement duties as well as all of the back office processing requirements being undertaken by The Council.

4.3 From the financial modelling results of the base model, realistic options for The Highland Council can be determined and will cover the issues as identified in Section 2.4 above.

4.4 The base model is almost complete, and RTA have requested and are refining some final pieces of information to ensure the model is as accurate as can be expected. The results of the modelling exercise along with some variation options will be presented to the November Community Services Committee.

4.5 While it is understood that DPE operated as a going concern can be cost neutral, there will be initial start-up costs which the Council will have to absorb. The most significant of these relate to TRO/ GIS setup costs and remedial works for signing and lining to ensure that all parking restrictions are enforceable.

5 Traffic Regulation Orders (Signing & Lining)

5.1 One of the most important aspects of DPE is the Traffic Regulation Orders and whether these are legally enforceable. This is particularly important as penalty notices issued where orders are incorrect, or where associated signing and lining does not accurately reflect the order, can be successfully appealed. Successful appeals result in no revenue and an added cost to the Council for processing the appeal.

5.2 Appeals raised against PCNs are decided by an independent adjudicator. Outstanding debts are dealt with by the Council's existing debt recovery system. As part of the DPE process the Council must participate in an independent appeals mechanism, known as the Scottish Parking Appeals Service (SPAS).

6. Implications

6.1 As discussed, the consultant is still refining the potential works and associated costs as part of the financial modelling exercise, but it is believed that the costs for TRO review and signing & lining exercise alone could be in the region of £260,000. The full anticipated costs will be presented at the November Committee.

6.2 There are likely to be resource implications depending on the preferred model for service delivery.

6.3 Consultation with staff and Trade Unions will be required on any changes service delivery model proposed.

6.4 Support from various services will also be required for DPE implementation, including Legal and Human Resources.

6.5 There are no other known equalities, carbon clever or climate change implications as a result of this report.

Recommendation

The Committee is invited to

- (i) Note the progress which has been made;
- (ii) Agree the priorities and conclusions in Section 3; and
- (iii) Agree that options for DPE, informed by the business case, are presented at the November 2014 Community Services committee along with a recommendation by officers for a preferred service delivery mechanism

Designation: Director of Community Services

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