

The Highland Council
Community Services Committee
4 February 2016

Agenda Item	14
Report No	COM 11/16

Decriminalised Parking Enforcement

Report by Director of Community Services

Summary

The Highland Council has committed to the implementation of a Decriminalised Parking Enforcement (DPE) Scheme for our Statutory Boundary and officers have been analysing and amending all the existing Traffic Regulation Orders (TRO) in place across the Highlands. This is to ensure continuity for refurbishment of all on-street lining & signing, thus ensuring that these TROs are fully enforceable under DPE. A Draft Application has been made to Transport Scotland for authorisation of DPE in Highland. Remedial works have started and will continue during 2016. The conclusion of this exercise will lead to the establishment of a new service being delivered by the Highland Council. This report is to update Members on progress and seek authorisation for the next stages of the implementation process.

1. Background

- 1.1 Since 1997, any Scottish Local Authority may apply to decriminalise certain parking offences within their area and includes enforcement of on-street parking as well as waiting and loading restrictions. An Authority which operates a Decriminalised Parking Enforcement (DPE) regime employs Parking Enforcement Officers 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.
- 1.2 In order for a Local Authority to request the enforcement powers from Police Scotland, an application has to be made to Transport Scotland which will include a financial business case on how the scheme will be operated, as well as a commitment to ensure all TROs are enforceable. The application to the Scottish Government to decriminalise parking enforcement within the Council area will have the effect of the enforcing duties for waiting and parking restrictions, bus lane enforcement and uplift powers which are currently the responsibility of Police Scotland passing to The Highland Council.
- 1.3 A financial business case DPE model was constructed for The Highlands where service delivery options were considered by the Community Services Committee on 6th Nov 2014 and subsequently agreeing a preferred DPE delivery option to be taken forward with a view to implementation in April 2016 (subject to a DPE application to Transport Scotland) and working toward the new service being cost neutral to the Highland Council within three years.

- 1.4 A DPE Project Board meets on a monthly basis, chaired by the Depute Chief Executive, with Project Management from the Principal Traffic Officer. Membership also includes the Director of Community Services, Head of Roads and Transport, Head of Corporate Governance, Head of Housing, Finance Manager and HR Business Partner.

2. Project Scope

2.1.1 TROs (Traffic Regulation Orders) - Road Markings and Signs

One of the most important aspects of DPE is the TROs and whether these are legally enforceable. This is particularly important as PCNs (Penalty Charge Notices) issued where orders are incorrect, or 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 Scheme for processing the appeal.

- 2.1.2 An application requires to be made to Scottish Ministers for Decriminalised Parking and Bus Lane Enforcement in The Highland Council area and, as part of this Application, the Scottish Government requires to see evidence within the Application that a review has been carried out on the TROs. This has to review and assure the accuracy of the TROs on the ground and also review the appropriateness of the TROs.

- 2.1.3 A review of existing TROs, road signs and road markings, has been carried out with the assistance of RTA Associates. The review reporting on the current state of road markings and road signs that relate to TROs (Parking, Waiting and Loading restrictions) and details regarding compliance with the Traffic Signs Regulations and General Directions (TSRGD). The review includes details of remedial works required to the existing road markings and signs and any amendments. The remedial works for Inverness & Fort William are programmed from November 2015 to spring 2016 with the proposed completion of all remedial works phased and to be completed by August 2016. This review is the single largest Traffic Management exercise that has been undertaken by the Highland Council or indeed its predecessor The Highland Regional Council.

- 2.1.4 Map based schedules for all the existing Parking, Waiting and Loading restriction TROs that exist on the ground will also be produced and will be used to provide new TROs for on-street parking Highland wide. The map based schedules are programmed to be published for Inverness and Fort William by February 2016 and all other areas by July 2016. At these points new TROs will be promoted for these areas to allow the enforcement of illegally parked vehicles.

2.2 Application to Scottish Ministers for Decriminalised Parking Enforcement and Bus Lane Enforcement.

- 2.2.1 In addition to the works associated with the review of existing TROs, road signs and road markings, works are also progressing with regard to the Application to Scottish Ministers for legal application of Decriminalised Parking Enforcement and Bus Lane Enforcement and the draft Application was submitted to Transport Scotland in November 2015.

2.2.2 As part of the Application, a consultation was issued to the statutory consultees who are consulted with on any new draft TRO and we advised them of the application to Scottish Ministers for Decriminalised Parking Enforcement and Bus Lane Enforcement and for the Council requesting powers relating to parking enforcement under the 1991 Road Traffic Act. The consultees included: Police Scotland, Scottish Ambulance Service, Scottish Fire & Rescue Service, Freight Transport Association, Road Haulage Association, local bus companies, Council Members, Community Councils and Chief Executives of neighbouring local Roads Authorities. There were no objections to the proposals. Comments and suggestions were received from some Community Councils which will be incorporated into the scheme wherever possible.

2.2.3 A major risk to the project delivery and scheme implementation date is the Parliamentary legal timetable for the required Governmental consultation process and Statutory Instruments to be laid before the Scottish Parliament. The DPE Project Board is working on contingencies against this risk which will include alternative implementation dates.

2.3 **Back Office Recovery and Customer Services**

2.3.1 The agreed DPE delivery option includes the outsourcing of the back office recovery and customer services provider role and work is currently progressing with the back office recovery and customer services provider brief, specification and scope and procurement of this provider role is programmed to be complete by late February 2016. The Procurement team are advising on the proposals and current options are service level agreements (SLA's) with Glasgow City Council or Edinburgh City Council that have expertise in this field and are currently providing a service model to other Local Authorities.

3. **Benefits**

3.1 The implementation of DPE will aid with the traffic management of Highland towns and Inverness City, reducing potential congestion and the associated reduction in emissions will see benefits to the environment and aid with the Council's Carbon Clever programme.

3.2 Other benefits include:

- parking enforcement will be able to continue following the Police Scotland withdrawal of the Traffic Warden service across Scotland;
- an ability to design new parking controls in the light of Government pressures on traffic management policies, knowing that the Council has the ability to enforce the regulations;
- support for public transport initiatives through encouragement to consider alternatives to the private car;
- a coordinated parking enforcement service will be established, covering on and off-street parking across the Highlands ensuring continuity and consistency of charging;
- an ability to respond to growing pressures on parking provision, e.g. through the introduction of resident parking schemes, in the

knowledge that parking controls will be enforced as the Council decide;

- better use of the Council (and other) car parks, by encouraging drivers not to park illegally;
- improved compliance will be seen in permitted parking spaces;
- improved safety for pedestrians and other vulnerable groups;
- improved conditions for servicing (i.e delivery vehicles), particularly through reduced competition for road space;
- the service could be self-financing if the initial set up costs are funded through capital and or revenue streams;
- completion of a full Traffic Regulation Order review to ensure the restrictions are up to date and legal. This includes remedial works to the current signs and lines as well as deciding on the appropriateness of current legislation;
- overall improved environmental conditions, including safer traffic conditions, and less pollution will result from less illegal parking, fewer cars, and better circulation;
- parking enforcement will become more locally accountable, consistent and adaptable to local needs;
- a scheme with traffic management objectives and benefits;
- Police Scotland resources will be freed up to be diverted to other purposes; and
- targeted enforcement action in real time

4. Implications

4.1 Resources

The total estimated start-up costs reported at feasibility stage have been clarified as a result of the survey work. A large proportion of the budget requires to be allocated to the extent of remedial works required to rectify the existing road markings and signs. In order to control the budget pressure, consideration will be given to concentrating remedial works on the major conurbations which suffer from parking enforcement and resulting congestion issues, namely, Inverness and Fort William areas and remedial works to all other areas will follow as resources permit. The current budget allocation required is £550k.

The current project budget update is shown in **Appendix 1**.

4.2 Staffing - Enforcement Team

The current staffing structure (along with staff from Police Scotland entitled to TUPE) will be utilised to reflect developed needs of an enforcement team. New job roles have been designed, evaluated and approved by the Council's Scrutiny Panel. Trade Unions have been involved with the continued development of the project going forward with informal discussions undertaken with existing staff regarding process for moving forward. Discussions with Trade Unions and staff will continue to finalise the proposal, with approval sought from scrutiny for changes required to structure. It is proposed that the enforcement team will comprise of a Parking Supervisor, 10 Parking

Enforcement Officers & 2 Parking Attendants. See **Appendix 2**.

4.3 The legal risks mentioned in item 2.2 can be mitigated by amending the Implementation date of the scheme.

4.4 There are no other known Gaelic, Rural or Equalities implications.

Recommendation

The Committee is invited to:-

- i. Note the progress on the scheme delivery;
- ii. Note the risk of alternative implementation dates subject to Scottish Parliamentary timetables;
- iii. Agree that officers begin the process of implementing the new Traffic Regulation Orders and report back to committee if any unresolved objections exist;
- iv. Agree that discussions with Trade Unions and staff continue to affect a Parking Enforcement Team, presenting to the Scrutiny Panel for structure change as and when required to ensure appropriate delivery of posts required; and
- v. Agree we start active publicity of the scheme through a communications program with stakeholders and the media.

Designation: The Director of Community Services

Date: 21 January 2016

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Background Papers:

Report COM 23/14 – CS Committee 21st Aug 2014

http://www.highland.gov.uk/download/meetings/id/66273/item_15_decriminalised_parking_enforcement

Report COM 40/14 – CS Committee 6th Nov 2014

http://www.highland.gov.uk/download/meetings/id/66837/14_decriminalised_parking_enforcement

Appendix 1 – Budget update

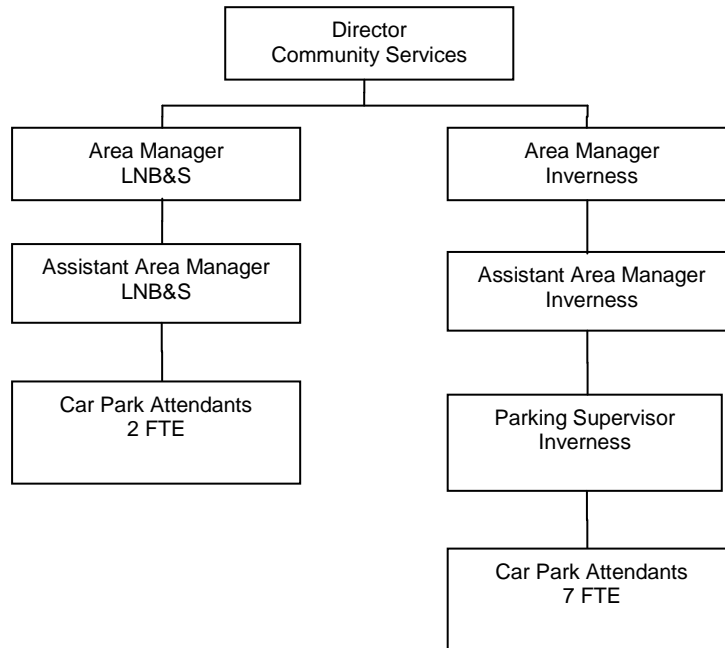
Estimated budget for implementation stage and set-up costs, as reported to the Capital Review Board on 17 February 2015 was £450k. After analysis of the TRO audits the budget has been revised to £550k to cover the extensive increase in the quantity of remedial measures required to implement the scheme.

Implementation and Set-up Costs, based on Feasibility Report 2014, and measurements from TRO audits:

	Original Budget	Revised Budget
TRO Audit process	141,934	141,934
Remedial works	144,782	244,782
Implementation Costs	146,406	146,406
	443,122	543,122
Contingency	6,878	6,878
Overall Budget	450,000	550,000

Appendix 2 - Decriminalised Parking Enforcement Structure

CURRENT



PROPOSED

