

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 17 JANUARY 2017

DECRIMINALISED PARKING ENFORCEMENT - UPDATE

REPORT BY HEAD OF TECHNICAL AND PROPERTY SERVICES

ABSTRACT

This report provides an update on the progress for the introduction of DPE in Angus, with details of the publication of the following orders:-

Angus Council (Off Street Car Parks) (Decriminalised Enforcement) Order 201X

Angus Council (Disabled Persons' Parking Places) (Street Parking Places) (Decriminalised Enforcement) Order 201X

and provides an update on the procurement of 3rd party back office services.

1. RECOMMENDATIONS

It is recommended that the Committee agrees:

- i) to note no objections were received during the publication period for the above Orders;
- ii) to the making of the Orders as published; and
- iii) to note progress on the establishment of back office services for the delivery of DPE.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/COPORATE PLAN

This report contributes to the following local outcome contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are safe, secure and vibrant.

3. BACKGROUND

- 3.1 A report to the Communities Committee on 15 November 2016 (Report No. 400/16) provided an update of progress on the introduction of DPE in Angus, giving details of the application process to Transport Scotland and progress made in this respect, the outcome of publication of the Angus Council (Prohibition and Restriction of Waiting and Loading) (On-street parking) (Decriminalised Enforcement) Order 201X and recommended approval of the Angus Council Parking Policy.

4. CURRENT POSITION

- 4.1 It was noted in Report No. 400/16 that the introduction of DPE will also require further new traffic regulation orders to allow decriminalised parking enforcement of Council off-street car parks and disabled persons' parking places (on and off street).

- 4.2 The proposed traffic regulation order for off-street car parks, 'Angus Council (Off Street Car Parks) (Decriminalised Enforcement) Order 201X' will enable Angus Council to introduce decriminalised parking enforcement to control the use of Council car parks under the Road Traffic Act 1991.
- 4.3 The location of all on-street disabled parking persons' places has been surveyed and stored on GIS. This has enabled the production of map based schedules of all existing spaces as they appear on street. These map based schedules will assist with the enforcement process associated with DPE and any subsequent adjudication process by offering ease of access to the Traffic Regulation Order details in a presentable format. The schedules will form the basis of the proposed Angus Council (Disabled Persons' Parking Places) (Street Parking Places) (Decriminalised Enforcement) Order 201X which will enable Angus Council to introduce decriminalised parking enforcement under the Road Traffic Act 1991. The effect of the proposed order is not to change or vary the location or extent of any existing parking or waiting restrictions or permitted parking areas.
- 4.4 The Notices of Proposals for the orders mentioned in paragraph 4.2 and 4.3 were published in the Courier and Advertiser on 11 November 2016 with a closing date of 2 December 2016 for receipt of any objections relating to either of the proposed orders. Full details of the proposals contained in the draft orders, together with plans showing the affected on-street disabled persons' parking spaces were available for inspection on the Angus Council website and also available for examination during normal office hours at Angus Council, County Buildings and Angus House premises, as well as at all Angus ACCESS offices.
- 4.5 There were no objections received in response to the publication of the Angus Council (Disabled Persons' Parking Places) (Street Parking Places) (Decriminalised Enforcement) Order 201X. Likewise, no letters of objection were received in response to the publication of the Angus Council (Off Street Car Parks) (Decriminalised Enforcement) Order 201X.
- 4.6 It is therefore recommended that the Committee agrees to the making of both Orders as published.
- 4.7 The above Orders will supersede parts of various current Traffic Orders covering the individual burghs and villages. The current Orders will remain in place until such time as DPE in Angus is granted by the Scottish Government at which time the new Orders will be made with implementation from 1 April 2017, noting the risk as per Section 6 of this report. The appropriate sections of the current Orders will then be revoked and thereafter the enforcement of waiting and loading restrictions, on- street disabled bays and Council's off-street car parks will become the responsibility of Angus Council.
- 4.8 It should be noted that the disabled persons' street parking order allows DPE enforcement of on-street disabled persons' parking spaces. The off street car parks order will allow DPE enforcement of all council operated off-street car parking spaces, including any disabled persons' parking spaces located within these car parks. A further new traffic regulation order will also be required, i.e. 'Angus Council (Disabled Persons Parking Places) (Off-street Parking Places) (Decriminalised Enforcement) Order 201X' which will allow decriminalised parking enforcement of disabled persons' parking spaces not located on a road, such as within Council premises and also private car parks subject to the agreement of owners. This additional new order will be the subject of a future Committee report.
- 4.9 The financial model used to establish the possible outcomes of a range of DPE delivery options demonstrated that it would be more cost efficient for Angus Council to use the services of an external processing service provider for back office services, rather than utilise all services in-house, principally due to the predicted relatively low issue number of Penalty Charge Notices.
- 4.10 The Head of Technical and Property Services, under delegated powers, has investigated service delivery options, and the procurement of external back office services and associated management for the processing of Penalty Charge Notices has been progressed. Following initial exploration with other Scottish councils, a collaborative approach was not feasible and a contract was tendered and has been awarded for these services. This will allow the further

development of the back office services to proceed and assist with the training and preparation of the enforcement team element to be provided by the Community Warden services.

5. FINANCIAL IMPLICATIONS

All set up costs associated with the implementation of decriminalised parking will be met from the 2016/17 revenue budget allocation of £130,000. This being the remaining available balance of the initial £135,000 as approved by the Policy and Resources Committee, 1 December 2015 (Report No. 471/15), after £5,000 was spent in 2015/16. The outcome of the tendering process can be contained within the existing budgets.

6. RISK

It should be noted that the project delivery and scheme implementation date of 1 April 2017 remains dependent on the Parliamentary legal timetable for the Governmental consultation process and Statutory Instruments to be laid before Parliament. Any delay in this process may require an alternative implementation date. New Traffic Regulation Orders for the purpose of DPE should be made to commence on the date of implementation.

7. CONSULTATION

The Chief Executive, Strategic Director – Resources, the Head of Corporate Improvements & Finance, Head of Legal and Democratic Services and the local Police Commander of Tayside Division were consulted in the preparation of this report.

NOTE: The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), which were relied on to any material extent in preparing the above report are:

- Report No. 41/14 – Traffic Warden Review and Decriminalisation of Parking Enforcement – Communities Committee, 21 January 2014
- Report No. 102/15 - Decriminalised Parking Enforcement - Communities Committee, 3 March 2015
- Report No. 471/15 – Decriminalised Parking Enforcement – Policy and Resources Committee, 1 December 2015
- Report No. 400/16 - Decriminalised Parking Enforcement Update –Communities Committee, 15 November 2016

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