

**ANGUS COUNCIL**

**COMMUNITIES COMMITTEE – 15 NOVEMBER 2016**

**DECRIMINALISED PARKING ENFORCEMENT - UPDATE**

**REPORT BY HEAD OF TECHNICAL AND PROPERTY SERVICES**

**ABSTRACT**

This report provides an up-date of progress for the introduction of DPE in Angus, with details of the application process to Transport Scotland, the publication of the Angus Council (Prohibition and Restriction of Waiting and Loading) (On-street Parking) (Decriminalised Enforcement) Order 201x, and recommends approval of the proposed Angus Council Parking Policy.

**1. RECOMMENDATIONS**

It is recommended that the Committee:

- i) notes the application has been made to Transport Scotland;
- ii) notes the intended start date of 01 April 2017;
- iii) notes no objections were received during the consultation process;
- iv) agrees to the making of the Order as published; and
- v) approves the adoption of the proposed Parking Policy for Angus Council.

**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 In February 2014 Police Scotland discontinued the Traffic Warden Service in Angus. Report 41/14, presented to Communities Committee on 21 January 2014, detailed the issues and the options available, and instructed the Head of Technical and Property Services to begin the process of decriminalised parking enforcement subject to the development of a business case.
- 3.2 A subsequent report, Report 102/15, presented to Communities Committee on 3 March 2015, noted the outcome of the council's business feasibility study into decriminalised parking enforcement (DPE) and agreed that the proposal for DPE was continued and that a Member Officer Steering Group be established to further investigate options.
- 3.3 The conclusions of the Member Officer Group were reported to Policy and Resources Committee on 1 December 2015 (Report No. 471/15) when the following was agreed:

- i) to note the survey and sample inspection results
- ii) to note the member officer group outcomes
- iii) the approval of the establishment of an additional 2 full time employees to provide the parking enforcement service and the consequential financial implications as detailed in the report
- iv) the submission of the business case to Scottish Ministers
- v) that the submission should allow for any future introduction of charging, noting that no charging was proposed at this time
- vi) that the business case includes the penalty charge payable to be set at £60
- vii) authority be delegated to Head of Technical and Property Services to decide upon appeals and informal representations made to the council
- viii) authority be delegated to the Head of Technical and Property services to decide on the most appropriate approach for penalty charge notice payment processing taking cognisance of value for money
- ix) approval of the carry forward of Technical and Property Services revenue budget underspend up to £135,000 to fund the set up costs. Subsequently, £5,000 was spent in 2015/16 and the remaining balance of £130,000 was carried over to 2016/17.
- x) to note that the revenue budget submission for the annual running costs for the service would require to be considered as part of the Council's revenue budget process.

3.4 This report up-dates on progress.

#### **4. CURRENT POSITION**

4.1 There are several procedures which are required to be followed when applying to Scottish Ministers for decriminalised parking enforcement. The process is outlined as follows:-

- i) the local authority prepares a draft application
- ii) the local authority consults with neighbouring authorities, emergency services, Traffic Commissioner, Tribunal Service, DVLA
- iii) a draft application is submitted to Transport Scotland (TS)
- iv) Transport Scotland replies to the local authority with comments and begins to prepare the necessary Scottish Statutory Instruments (SSI's) required in order to introduce DPE in the local authority area
- v) the local authority reviews the comments and submits a final application to Transport Scotland
- vi) Transport Scotland (TS) considers the final application and finalises the SSI's
- vii) TS consults on the draft SSI's
- viii) TS notifies Ministers of the outcome and finalises SSI's based on consultation outcome
- ix) subject to Ministerial approval, SSI's are made
- x) SSI's are laid in Scottish Parliament

4.2 Steps i) to v) are within the council's control and have been completed. The draft application was submitted to Transport Scotland on 29<sup>th</sup> February 2016 with an anticipated start date of 1<sup>st</sup> April 2017. Comments were subsequently received from Transport Scotland in July 2016, and the final application was lodged on 31<sup>st</sup> August 2016. Thereafter, the achievement of the scheme implementation date is dependent on government statutory consultation processes and the Parliamentary legal timetable, and the outcome of this process is awaited.

4.3 The effectiveness of DPE requires the enforcement process to be robust with all waiting restrictions clearly marked, associated signage checked to ensure consistency with one another and compliance with regulations, associated traffic regulation orders to be correct and everything is legally enforceable. Penalty Charge Notices (PCN's) will be issued by council staff to drivers disobeying the parking regulations. The initial response to appeals and representations would be decided by the Head of Technical and Property Services under delegated authority, but should further appeals be raised against PCN's they are decided by an independent adjudicator. The council must participate in an independent appeals mechanism known as the Parking and Bus Lane Tribunal for Scotland. An application to join this service is being progressed to allow sufficient time for the application process to be

completed which enables the Traffic Commissioner to make any provision for the additional service demand within the adjudication services.

- 4.4 Should there be any outstanding debts due to non-payment of PCN's, these would require to be dealt with by the Council's existing debt recovery process.
- 4.5 A survey of all on-street waiting restrictions has been carried out with survey information stored on GIS. This has enabled the production of map based schedules of all existing limited waiting, and waiting and loading restrictions which reflects the current waiting restrictions as they appear on street. The 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 detail in a presentable format. The schedules form part of the proposed Angus Council (Prohibition and Restriction of Waiting and Loading) (On-street parking) (Decriminalised Enforcement) Order 201x which enables 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.
- 4.6 The Notice of Proposals was published in the Courier and Advertiser on 9 September 2016 with a closing date of 30 September 2016 for receipt of any objections. Full details of the proposals contained in the draft order, together with plans showing the affected streets and the lengths of roads 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 all Angus ACCESS offices.
- 4.7 There were no letters of objection received in response to the publication of the proposals.
- 4.8 It is recommended that the committee approve the making of the Order as published.
- 4.9 The above Order will supersede parts of the various current Traffic Orders covering the individual Burghs and villages. These current Orders will remain until such time as DPE in Angus is granted by Scottish Government at which time the new Order will be implemented from 1 April 2017. The appropriate sections of the current Orders will be revoked and thereafter the enforcement of waiting and loading restrictions will become the responsibility of Angus Council.
- 4.10 The above new order relates to prohibition and restriction of loading and waiting on-street only. It should be noted that the introduction of DPE will also require new traffic regulation orders to allow decriminalised parking enforcement of off-street car parking and also disabled persons' parking spaces (on and off street), both of which will be the subject of a future report to Committee.
- 4.11 The introduction of DPE will assist with traffic management in Angus towns to encourage free flow of traffic, improved road safety especially for pedestrians and vulnerable groups, improve servicing for local shops as well as assisting to promote the economic viability of town centres with increased parking turn-over. Traffic management principles are supported by parking policy which in turn is underpinned by valid, up-to-date traffic regulation orders with parking restrictions (traffic signs and road markings) made clear to motorists to encourage compliance. It is an opportune time to ensure parking policy is reviewed. It is proposed that the draft Angus Council Parking Policy as contained in **Appendix A** is adopted.

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.

- 4.12 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 is being progressed. 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 Policy and Resources Committee, 1 December 2015 (Report 471/15), after £5,000 was spent in 2015/16.

## **6. RISK**

It should be noted that the project delivery and scheme implementation date of 1 April 2017 is 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 Police Scotland 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 41/14 – Traffic warden Review and Decriminalisation of Parking Enforcement – Communities Committee 21 January 2014
- Report 102/15 - Decriminalised Parking Enforcement - Communities Committee 3 March 2015
- Report 471/15 – Decriminalised Parking Enforcement – Policy and Resources Committee 1 December 2015

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List of Appendices: Appendix A - Angus Council Parking Policy