

ANGUS COUNCIL

POLICY AND RESOURCES COMMITTEE – 1 DECEMBER 2015

DECRIMINALISED PARKING ENFORCEMENT

REPORT BY THE HEAD OF TECHNICAL AND PROPERTY SERVICES

ABSTRACT

Communities Committee previously established a Member Officer Group to develop Decriminalised Parking Enforcement. This report details the conclusion of this work and seeks Committee approval to submit the business case to Scottish Ministers.

1. RECOMMENDATION

It is recommended that the Committee:

- (i) note the survey and sample inspection results;
- (ii) note the Member Officer Group outcomes;
- (iii) agree the additional two number full time employees to provide the parking enforcement service and the financial implications given in this report;
- (iv) agree the submission of the business case to Scottish Ministers;
- (v) agree that the submission should allow for any potential future introduction of charging noting that no charging is proposed at this time;
- (vi) agree that this business case includes the penalty charge payable to be set at £60
- (vii) delegated powers to the Head of Technical and Property Services to decide upon appeals and informal representations made to the Council.
- (viii) delegated powers to the Head of Technical and Property Services to decide on the most appropriate approach for penalty charge notice payment processing taking recognisance to value for money.
- (ix) Agree the carry forward of Technical and Property Services revenue budhget underspend up to £135,000 to fund the set up costs.
- (x) Note the revenue budget submission for the annual running costs for the service will need to be considered as part of the council's revenue budget process.

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

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

- Our communities are prosperous and fair
- Our communities are safe and strong
- Our communities are sustainable

3. BACKGROUND

3.1 Report102/15 Decriminalised Parking Enforcement presented to Communities Committee on 3 March 2015 was agreed by Members as follows:

Having heard several members expressing concerns regarding the issues arising from the withdrawal by Police Scotland from enforcing on-street parking regulations, the Committee agreed:

(i) to note the progress of the Improvement Service Collaborative project initiated by the Improvement Service to assist the 18 local authorities in Scotland without decriminalised parking enforcement, to develop their proposals;

(ii) to note the outcome of the Council's feasibility study into Decriminalised Parking Enforcement (DPE) and the potential budget impact;

(iii) to note the potential impact of charging for car parking in Angus;

(iv) to continue the development of the proposal for DPE along with options for on-street and off-street charges to provide a funding source;

(v) to establish a Member Officer Steering Group of five elected members, supported by officers as detailed in paragraph 4.19 of the Report, and to report back to Angus Council; and

(vi) that Councillors Duff, Houston, Iain Gaul, McLaren and Fotheringham serve on the Member/Officer Working Group.

3.2 The Member Officer Group has met since the March Committee and has concluded its work as set out in this report

4. CURRENT POSITION

4.1 Survey

4.1.1 The business sector and community councils within the burgh town centres were notified of an online survey with letters issued to 730 recipients. Businesses in Arbroath precinct area were not consulted as on street parking is not an appropriate issue. There were 237 survey responses and the outcome is included in **Appendix 1**, and is summarised as:

- 84% of survey responders think inappropriate parking has got worse since the withdrawal of traffic wardens
- 79% of survey responders think time limited parking has got worse at the same time
- 73% of survey responders support the council providing on street parking control, although 20% oppose this view
- From the given the options to fund the costs of this service the majority first choice is by on street parking charges; off street charging as second choice

4.1.2 One retailer took the time to follow up with correspondence indicating that they considered that there had been a 12% downturn in business due to parking issues.

4.2 Sample Inspections

4.2.1 Sample inspections by Community Wardens were undertaken in town centres to gauge the extent of the parking issue and recorded the following offences:

Burgh	Single Yellow Line Offences	Double Yellow Line Offences
Arbroath	32	123
Brechin	1	47
Carnoustie	2	36
Forfar	15	32
Kirriemuir	1	25
Monifieth	2	24
Montrose	30	87
Total	137	374

The above is a snapshot of offences being committed during a two hour period in each town throughout the day of inspection. These numbers are considered to be

typical of the daily problems, the inference drawn from this data is quite apparent, illegal parking has become a significant issue throughout all the Burghs in Angus.

However it is also anticipated that if DPE is introduced the number of offences shown will be reduced as driver behaviour reverts to being more compliant with parking restrictions and therefore the survey is not indicative of potential future fines to be issued .

4.3 **MOG Criteria**

The Members indicated desirable outcomes which are summarised as:

- Maintaining free flow of traffic;
- Providing a service level comparable with the previous two traffic wardens;
- Be financially self-sufficient;
- Avoid introducing charging for parking.

4.4 **Business Case**

4.4.1 Report 102/15 noted that a number of options for staffing levels had been examined. Each option explored by the consultant requires start up funding and makes an annual deficit. Comparing the costs over the period of the first 5 years, the minimum cost to the council are circa £470,000 and none of the options will ever cover its own costs. Depending on the arrangements put in place and the resources deployed the predicted costs to the council are in the range set out below:

(Set up Costs) pre-commencement including capital £,000's	Annual deficit in year 5 £,000's	Years to cumulative surplus	(Deficit) after 5 years, including capital £,000's
240-310	50-175	never	470-1,100

4.4.2 An alternative option of using existing resources, namely the use of Community Wardens and off street parking enforcement officers to undertake yellow line enforcement instead of their other duties was explored as this would resource, at least in part, the annual staffing costs. It is feasible to break even and potentially generate a small income but would reduce the availability of wardens for their current duties.

4.4.3 The use of a pool of wardens had a number of advantages, providing a flexibility to manage resources from the pool to deal with peaks and troughs in workload and seasonal variations in both parking and other duties. The variation in staff gives benefits in varying the timing and approach of enforcement.

4.4.4 It was noted that there are potentially additional emerging burdens in regard to blue badge enforcement and potentially double parking and dropped crossing parking. Enforcement of this issues and time limited parking was not considered to be feasible within the existing resources and the service delivered would not meet the expectations of parking control service.

4.4.5 The MOG considered that it was not appropriate therefore to use the existing resources in terms of both the reduction in warden service and the service need for time restricted parking enforcement and the potential new burdens.

4.4.6 The MOG considered that a solution of extending the number of wardens by an additional two number full time employees to provide the required level of service

4.4.7 This option cannot be financially self-sufficient and this is addressed in the financial implications. A summary of the business case is given in **Appendix 2**. Members are asked to confirm the decision of the Member Officer Group in appointing two additional community wardens. The service would then be delivered at an equivalency to two full time wardens taken from the Community Wardens team giving a flexibility and pool of resource which can be responsive to demands both of traffic duties and other warden duties.

4.4.8 Thereafter Members are asked to agree to the submission of a business case to Scottish Ministers for their approval. Members are made aware that the process for Decriminalised Parking Enforcement once approved cannot be reversed with powers returning to Police Scotland. Police Scotland continue to have the powers, which do not transfer to the council, to deal with dangerous or obstructive parking or parking on zig zags..

4.4.9 Whilst the MOG Members were clear that parking charges were not considered appropriate, noting the submission to Ministers is a one off process that can not thereafter be amended, the MOG agreed that the business case submission should allow for any potential future introduction of charging. The Committee are asked to agree this potential option noting that there are no proposals to introduce on street or off street parking charges at this time and any future proposals would be the subject of Committee reports as appropriate..

4.4.10 If Members are minded to agree the submission of the Business Case to Scottish Ministers then Members are asked to agree some of aspects of that business case as below:

- i. The penalty charge payable was set at £60, with an early payment reduction to £30, as per the national figure and Committee are asked to agree this figure in terms of Section 74 of the Road traffic Act 1991.
- ii. The Council will have a duty to consider appeals against parking penalties and this includes making representation to Scottish Parking Appeals Service. Delegated powers are sought in order to give authority to the Head of Technical and Property Services to decide upon appeals and informal representations made to the Council.
- iii. A penalty charge notice payment process will need to be established. This may be outsourced or in house. Report 102/15 noted the work with the Improvement Service, and delegated powers are sought in order to give authority to the Head of Technical and Property Services to decide on the most appropriate approach taking recognisance to value for money.

4.4.11 At this time it is anticipated that the programme would be for the Business Case to be submitted by February 2016, to Ministers for approval with this timing matching the budget process timing. It is understood that Ministers' consideration of the Business Case takes circa 9 months. Recruitment, training and procurement would be undertaken as far as practically possible in parallel subject to the ministers' decision before the service would be initiated.

4.4.12 If Members are minded to agree the submission of the Business Case to Scottish Ministers then there would be a number of operational issues developed as necessary and Members will be advised as appropriate. At this time the following is noted:

- Operational management of the scheme would be carried out by members of the Public Protection and Enforcement Team;
- There would be an initial two week lead in period whereby motorists would be issued with warning tickets ahead of the introduction of issuing penalty notices;
- Income from the parking tickets issued is retained by the Road Authority, to be used to fund the scheme, with on-street surpluses being ring-fenced under Section 55 of the Road Traffic Regulation Act 1984 for parking, public transport and road. However it is not anticipated that there will be a surplus with any recovery from fines being needed to fund the resources (staffing, equipment etc). To maintain financial auditability the previous Parking Trading Account would be reactivate.

5. FINANCIAL IMPLICATIONS

5.1 The financial implications for the introduction of DPE consist of two parts initial set up costs and annual running costs.

5.2 For the set up costs the revised total estimate based on the above proposals are £198,000. This is a reduction on the initial estimates due to the proposals to utilise Community Wardens which bring the benefits of established practices such as uniforms, body cameras. The most significant aspect of the set up costs are in

reviewing the Traffic Orders to ensure the on street markings match the Orders and some work has already been done on assessing the existing traffic orders as part of the Roads Asset Management Plan processes. £75,000 was identified in 2014/15 and £35,000 of this funding was carried forward to 2015/16. Given the work and expenditure to date there is an estimated £100,000 requirement remaining. The remaining funding can be met from Technical and Property Services revenue budget underspend in 2015/16 subject to Committee approval for this funding to be carried forward along with any residue to the £35,000.

- 5.3 The annually running costs are set out in **Appendix 2** and have been estimated along with the potential cost recovery from fines. Whilst the figures are shown for full years, it is unlikely that the timing of the introduction of DPE will coincide with the start of the council's financial year and figures will therefore need to be adjusted for part years
- 5.4 There is an annual costs depreciation of the equipment, software licences, road lining replacement etc. Whilst the model used is based on experience from other authorities there is a risk in calculating both the expenditure of this new service and the cost recovery from fines. There is therefore a contingency allowance to ensure that the service is a success and the figures will need to be reviewed based on actual costs and recovery DPE is in place. At this stage the net cost to the council is estimated to be an additional £56,000 per annum, net of any income from fines. These costs cannot be met from the current budgets for Technical and Property or Regulatory Protective Services.
- 5.4 To present a business case to Scottish Government the council will need to commit to funding this shortfall and this will need to be considered as part of the council's revenue budget process.

6 RISK

- 6.1 As noted above there is a financial risk in establishing the new service based on the model although this has been mitigated by experience in use of the model and inclusion of the contingency sum. The risks involve both the level of cost recovery through fines, which may be lower or higher than expected, and the costs of delivering the service including the procurement of equipment, penalty charge notice payment process, and the level of staff costs for enforcement. The risk will be monitored in service and the level of enforcement will be managed accordingly.
- 6.2 There remains a risk that Scottish Government may not approve a model which does not generate a positive business case but preliminary dialogue with Scottish Government has indicated if the council gives the commitment to financially support the project that this should suffice.

7. CONSULTATION

The Chief Executive, Strategic Director of Resources, Head of Corporate Improvement & Finance, Head of Legal & Democratic Services, and the local Divisional Police Commander for Tayside have been consulted in the preparation of this report.

8. CONCLUSION

- 8.1 The Committee are asked to confirm the proposal for DPE and submission for approval to Scottish Ministers.

NOTE: The 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:

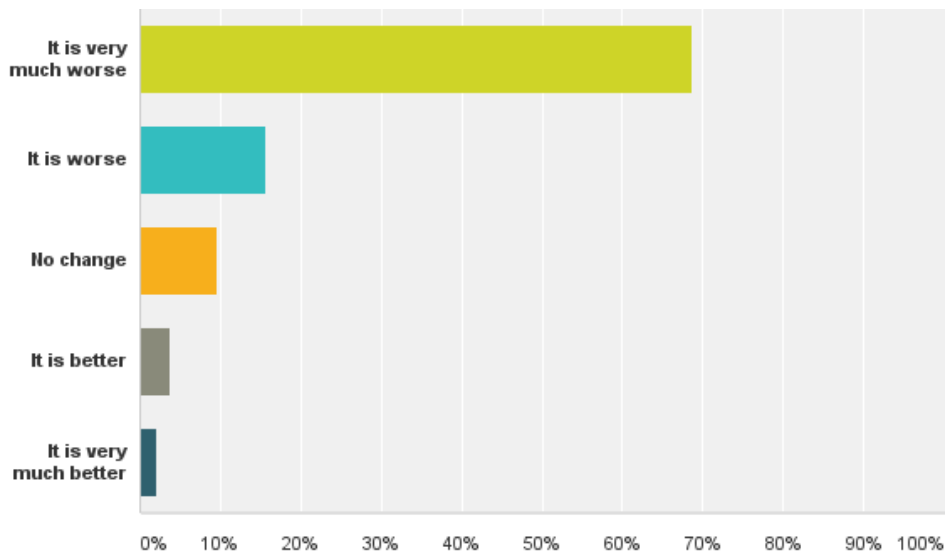
Report102/15 Decriminalised Parking Enforcement Communities Committee 3 March
2015

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Angus Council Town Centre Parking Survey 2015

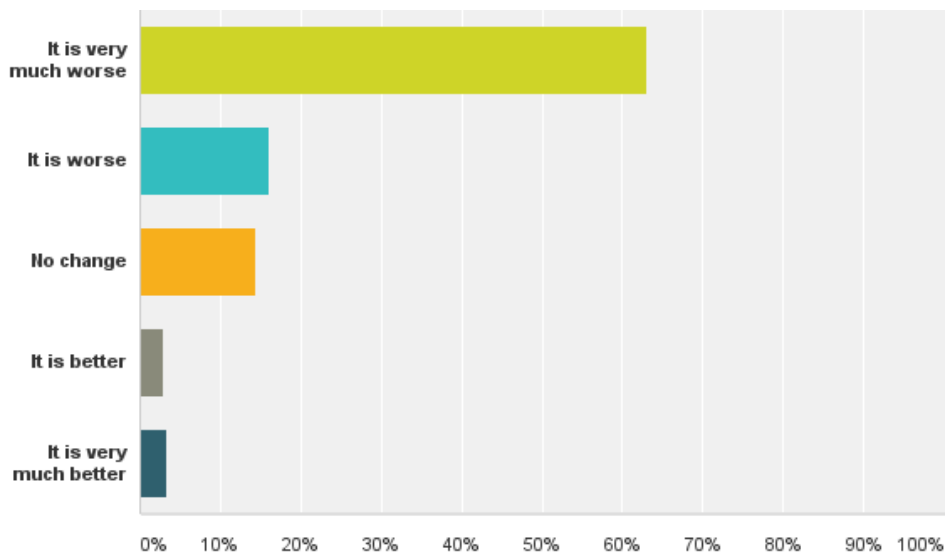
273 responses

Q1: What do you think about inappropriate parking on yellow lines (single or double) since the withdrawal of the traffic wardens?



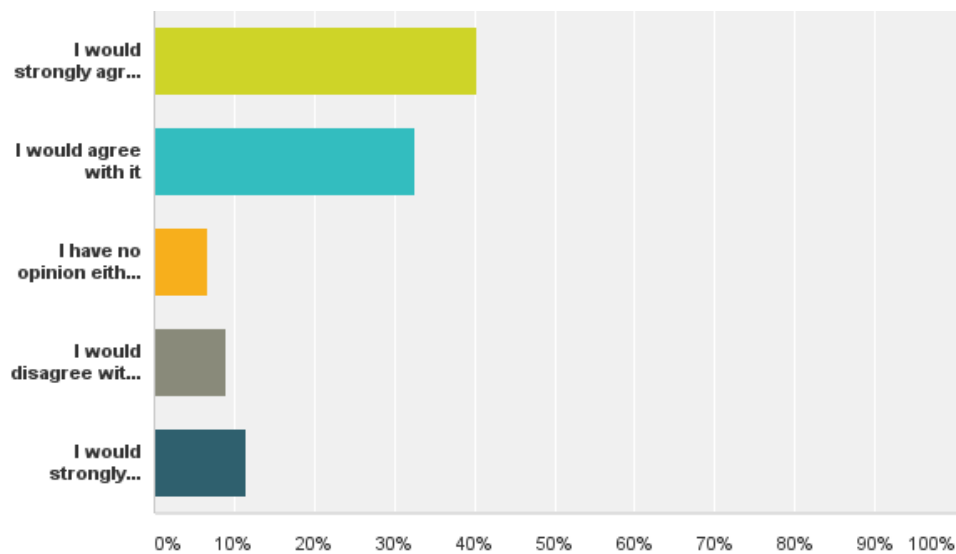
Answer Choices	Responses
It is very much worse	68.78% 163
It is worse	15.61% 37
No change	9.70% 23
It is better	3.80% 9
It is very much better	2.11% 5
Total	237

Q2: What do you think about inappropriate parking on time limited stay parking since the withdrawal of the traffic wardens?



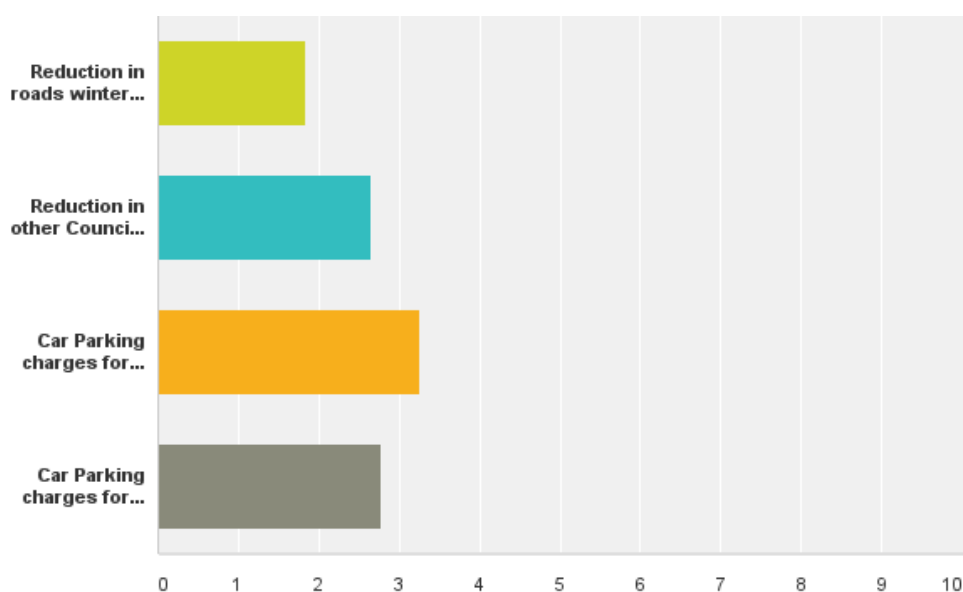
Answer Choices	Responses	
It is very much worse	62.98%	148
It is worse	16.17%	38
No change	14.47%	34
It is better	2.98%	7
It is very much better	3.40%	8
Total		235

Q3: What do you think about the introduction of Council controlled on-street parking?



Answer Choices	Responses	
I would strongly agree with it	40.25%	95
I would agree with it	32.63%	77
I have no opinion either way	6.78%	16
I would disagree with it	8.90%	21
I would strongly disagree with it	11.44%	27
Total		236

Q4: If the introduction of Council controlled parking has to be funded can you please indicate what way of funding you would consider appropriate – please indicate your preference using 1 to 4 for those options that you would prefer (you do not have to place a number next to all options if you do not consider an option appropriate).



	1	2	3	4	Total	Score
Reduction in roads winter maintenance	10.39% 8	19.48% 15	14.29% 11	55.84% 43	77	1.84
Reduction in other Council services	29.00% 29	21.00% 21	37.00% 37	13.00% 13	100	2.66
Car Parking charges for on-street parking	58.44% 90	17.53% 27	14.29% 22	9.74% 15	154	3.25
Car Parking charges for off-street parking	28.87% 41	40.85% 58	9.86% 14	20.42% 29	142	2.78

Q6: Please let us know where you are replying from

Answer Choices	Responses
Arbroath	13.10% 30
Brechin	5.68% 13
Carnoustie	3.49% 8
Forfar	26.20% 60
Kirriemuir	4.37% 10
Monifieth	2.18% 5
Montrose	44.98% 103
Total	229

APPENDIX 2

BUSINESS CASE FINANCIAL FORECAST SUMMARY

	Year 1	Year 2	Year 3	Year4	Year 5
INCOME					
PCN Payments	£39,186	£45,090	£45,090	£45,090	£45,090
Appeal/debt recovery	£958	£3,831	£3,831	£3,831	£3,831
Total	£40,144	£48,922	£48,922	£48,922	£48,922
EXPENSES					
Operational Management	£1,443	£1,486	£1,531	£1,577	£1,624
On & Off Street enforcement	£54,618	£55,056	£55,508	£55,973	£56,453
Ticket & permit processing	£15,008	£15,458	£15,922	£16,400	£16,892
Annual depreciation of equipment and lining	£15,000	£20,000	£20,000	£20,000	£20,000
Contingency/risk	£10,000	£10,000	£10,000	£10,000	£10,000
Total	£96,069	£102,000	£102,961	£103,950	£104,969
SUMMARY					
Annual Net Surplus or (deficit)	-£55,925	-£53,078	-£54,039	-£55,028	-£56,047

Notes

i) Annual expenditure is based on Year 1, with an allowance of +3% for subsequent years