

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 3 MARCH 2015

DECRIMINALISED PARKING ENFORCEMENT

REPORT BY THE HEAD OF TECHNICAL AND PROPERTY SERVICES

ABSTRACT

Changes in on-street enforcement parking enforcement by Police Scotland have necessitated examination of the potential of the council undertaking enforcement. The report details the outcome of the feasibility study and recommends the way forward.

1. RECOMMENDATION

It is recommended that the Committee:

- (i) notes the progress of the Improvement Service Collaborative project;
- (ii) notes the outcome of the council's feasibility study into Decriminalised Parking Enforcement (DPE) and the potential budget impact;
- (iii) notes the potential impact of charging for car parking in Angus;
- (iv) agrees the proposal for DPE is continued to be developed along with options for on street and off-street charges to provide a funding source;
- (v) agrees to establish a Member Officer Steering Group;
- (vi) agrees representation from Elected Members on the Steering Group.

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

2.1 This report contributes to the following local outcomes 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 In February 2014 Police Scotland discontinued the Traffic Warden service in Angus.

3.2 Report 41/14 Traffic Warden Review and Decriminalisation of Parking Enforcement presented to Communities Committee on 21 January 2014 detailed the issues and options as a consequence. The Committee instructed the Head of Technical and Property Services to begin the process of decriminalised parking enforcement, subject to the development of a business case, and a further report being submitted to this Committee in due course.

3.3 Police Scotland gave commitment at the meeting to deal with dangerous and obstructive parking. In the period since the withdraw of Traffic Wardens there have been a variety of parking problems across the County and Police Scotland have deployed resources on a number of occasions.

3.4 Whilst there is some enforcement by Police Scotland there have been reported parking issues and time limited parking is potentially being abused with possible impact on the wider economy of the retail sector.

4. CURRENT POSITION

4.1 The Improvement Service initiated a collaborative project to assist the 18 local authorities without DPE develop their proposals. As part of this project they appointed a consultant and a project update is attached in Appendix 1. Progress through the collaborative project has been limited to establishing a national position, and the more localised situation has had therefore to be developed independently. The benefits of managed parking arrangements are highlighted on the third page of the update.

4.2 To do so the same consultant has been appointed to review the Angus situation and produce a feasibility study report which was completed in January. This report has looked at in detail the geographic characteristic of Angus with the Burgh towns and smaller villages and taken an overview of our existing Traffic Orders and parking restrictions. From this it has been possible to develop a number of scenarios which use differing resources to undertake enforcement and thereby calculate the costs of the resources and the potential parking fine recovered.

4.3 The costs and resources considered in the feasibility are in addition to those already deployed in delivering the existing off-street car parking service and on-street road marking/signage. These costs are contained within the existing Roads revenue account.

4.4 The main variables for councils introducing DPE are found to be:

- the number of PCNs which are likely to be issued;
- the number of staff required to patrol the areas defined;
- the value of the PCN;
- to a lesser degree, the effectiveness of the debt recovery operation
- The parking space occupation level, both on and off street.

4.5 At this stage there are a number of options for staffing levels, including the potential to use Community Wardens part time are still in need of refinement. However the strategic direction is emerging and it is clear in that the introduction of DPE alone will need to be funded from council resources. 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

4.6 This deficit would need to have a funding source identified if it is not to significantly impact on existing council Roads or wider service delivery.

4.7 As an optional means of funding this deficit the potential of on-street and off street parking charges has been considered by the consultant. The introduction of on-street parking charges is potentially sufficient to meet the costs of DPE.

4.8 As an example to illustrate the potential outcome from charging has been looked at. Provisionally using a financial model which used charges at £0.40 per 30minutes for on-street or £0.60 per 60 minutes off street, this could potentially provide in the order of £375,000 or £500,000 p.a. respectively. If combined this would be potentially be in

the order of £875,000 p.a. Changing the tariff will change the potential revenue receipt.

- 4.9 It is noted that the 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 management. The use of off-street surplus income is not ring fenced. VAT is applicable to off-street parking charges.
- 4.10 It would be proposed to re-activate the previous Parking Trading Account. Any excess income could initially be used to upgrade the existing off-street facilities including the surfacing and thereby improve the appearance of our car parks which are often gives the first impression of the area to visitors. Any further excess income could be used to offset the current Roads service budget.
- 4.11 The feasibility study considered potential use of Community Wardens in a dual role to enforce parking. For this to provide a solution then the current wardens' service would have to be re-designed with a reduction of some 50% of the current functions (anti-social behaviour; dog fouling; litter fines etc). However utilising the current funding of these staff can offset the revenue costs of administering DPE. There would also be minor reductions in the capital costs as wardens already have some of the equipment and training required.
- 4.12 At this stage there is still a significant amount of work needed to progress the introduction of DPE and develop the detail around resources, costs and a review of existing Traffic Orders to ensure they are compliant. The impact of DPE on off street parking and potentially other consequences would also need to be considered. There would be still further work, possibly with collaborative partners such as arranging for issue of Penalty Charge Notices, recruiting and training staff.
- 4.13 However at this stage there is a milestone in the project in that it is clear that the introduction of DPE by itself would result in a new budget burden in future years and indeed may not be approved by Scottish Ministers unless it has a positive business case.
- 4.14 Members are reminded of the options presented in Report 41/14 which are replicated in **Appendix 2**.
- 4.15 Whilst Option 1 'Do nothing' was not agreed previously it can be still be an option with the Committee agreeing to abandon the introduction of DPE.
- 4.16 Option 2A, introducing DPE only, and a traffic warden type service will require revenue funding year on year in the range above and is not considered sustainable. Option 2C, using community wardens, is one of the higher costing models although this would provide some of the existing staff funding.
- 4.17 Option 2B remains the only model which delivers a positive cost model although from the current analysis this would seem to be achievable with on-street parking charges only.
- 4.18 Members are asked to determine, in light of the information developed in the feasibility study at this stage whether:
 - i) The proposals for DPE should now be abandoned based on the experience over the last 12 months and the knowledge of the potential impact on the funding;

or

 - ii) The proposal for DPE is continued to be developed along with options for on street and off-street charges to provide a funding source. Further details would be presented to Committee prior to submission for approval to Scottish Ministers. This option is recommended.
- 4.19 If the Committee agree to develop ii) it is proposed that a Member/Officer Steering Group is established to give guidance on the proposals. Members are asked to

consider representation on the group with the likelihood of bi-monthly meetings, with officers developing work as necessary in the interim. It is suggested that a total of five Elected Members form the group, with final report being taken back to full council. It is proposed that the officer support for the project will be required from Technical and Property Services with input by colleagues in Corporate Improvements and Finance, Legal and Democratic Services, HR and Communications, along with Police Scotland representatives as appropriate. These officers will attend the Member/Officer Steering Group when necessary. Secretarial support to group will be provided as previously by Democratic Services.

5. FINANCIAL IMPLICATIONS

- 5.1 The financial implications for the introduction of DPE are set out in the report highlighting that there is a minimum investment needed to establish DPE of £240,000 to £310,000 and an annual running cost of a deficit of between £50,000 and £175,000. There is an existing £75,000 allocation for the development of DPE, with existing commitments for costs in this financial year with provision to carry over the balance as set out in Report 504/14. However the set up costs and annual running costs cannot be accommodated within existing Roads budgets without significant impact on services.
- 5.2 Charging for parking offers an option to meet these costs as set out in the report.
- 5.3 Use of existing funding for community wardens may be a source of funding and staff resources, but would require re-design of the service and substantial reduction in the current service delivery which Members and the public are currently accustomed to.

6. CONCLUSION

- 6.1 The Committee are asked to confirm the proposal for DPE is continued to be developed along with options for on street and off-street charges to provide a funding source. Further details would be presented to Committee prior to 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:

Report 41/14 - Traffic Warden Review and Decriminalisation of Parking Enforcement - 21 January 2014

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Decriminalised Parking Enforcement Project

Project Summary Report

30 November 2014

Background

The Roads Collaboration Programme (RCP) team has completed the first stage of a project to consider the extent of adoption of Decriminalised Parking Enforcement (DPE) across Scotland and the options for maximising the benefits of a collaborative approach to the development and implementation of DPE. This approach is in-line with the overall remit of the RCP, to explore and support the implementation of shared services within Roads Authorities, as recommended in the National Roads Maintenance Review Option 30 Report, published in 2012.

A survey of all Scottish local authorities and Regional Transport Partnerships (RTP) provided baseline information and confirmed that 14 authorities currently have taken on DPE powers and 18 have not. Of these 18, all are at different stages of development of proposals, with some having no plans to introduce DPE at this time.

Parking enforcement, in the absence of DPE, will continue to be undertaken by Police Scotland, with specific (and prioritised) needs identified at community level and agreed between the local Police Area Commander and the appropriate senior roads officer from each authority. This will typically focus on dangerous/obstructive parking causing potential risk to safety, and blue badge enforcement.

Project Approach

The project was overseen at a high level by a Steering Group comprising local authority officers responsible for DPE, RTPs, Transport Scotland, COSLA and Police Scotland. The Steering group elected a smaller working group in June 2014, and having agreed the scope of the project, they agreed to engage expert consultants RTA Associates to carry out an options appraisal to assess and compare collaborative delivery models.

The consultant's brief was to analyse the survey findings, to consider existing parking management data from authorities, to develop cost models and consider a series of options for delivering frontline services and a back-office function for DPE on a collaborative basis. These options ranged from each authority working independently, through cluster-working (clusters similar to Governance First¹), to all authorities working together.

¹ *Governance First is the RCP's flagship initiative aimed at supporting local authorities and partners to deliver collaborative roads services from an accountable Governing body.*

Authorities already delivering a DPE service were also included in the modelling exercise to assess the potential benefits of utilising this existing knowledge base, including the option of such an authority delivering enforcement and/or back-office support for other authorities.

The Steering Group was invited to a meeting on 3 November, where the consultant presented the report and survey findings. After a general discussion, the feedback from this meeting has been used to identify further follow-up activities to support authorities make a decision on whether to deliver a DPE service.

This will in turn inform the development of a generic approach to preparing the necessary business case information, and will assist authorities in seeking direction from their respective administrations.

Key findings

From the options considered by the consultant, there is a clear benefit to Councils working collaboratively to deliver DPE, primarily from economies of scale from the sharing of frontline staff and/or back office functions.

There are a number of collaborative models which authorities could consider, including delivering DPE in a cluster arrangement of partner authorities, with an existing DPE lead authority providing back-office and/or frontline services to others in the cluster.

The project working group has reviewed the options and findings from the consultant and whilst supporting the overall recommendations, it was agreed that further work is needed to consider the risks of there being no DPE in areas where illegal parking is not a problem.

The opportunity to work collaboratively to survey Traffic Regulation Orders under a single contract has been researched and will not benefit from economies of scale. It is also now clear that there is not a need to review all existing Traffic Regulation Orders as part of the DPE application process and it is a decision for each authority as to what level of detail (and format) they wish to use for recording their Traffic Orders for future use in legal proceedings etc.

There were some areas of clarification identified around the application process for DPE, and Transport Scotland, who act on behalf of Scottish Ministers in considering all applications from Councils for DPE powers, have reviewed their guidance and processes.

It has been concluded from the research and discussion with local authorities and Police, that the risks of poor or illegal parking are:

- Traffic flows impeded by reduced road capacity;
- Road safety affected by for example obstructing sight-lines causing danger to road users;
- Bus operations affected by reducing capacity, obstructing bus stops, bus lanes etc;
- The local economy affected by reducing servicing opportunities and parking available for shoppers, business use and tourists;
- Pedestrians, cyclists and the mobility impaired affected by obstruction of footways, crossing points and other facilities;
- Reduced space for Blue badge holders to park; and
- Local residents have reduced space, particularly where there is a high level of commuting or tourist parking demands (often seasonal).

Not all of these risks have equal priority for enforcement - there will be local variations in different communities. Any enforcement reaction must be proportionate to the scale of the problem.

It is also noted that some Elected Members may be concerned at a perception that they are the enforcers of parking in their local area.

Conclusions

For those local authorities wishing to develop a DPE service, collaborative delivery of DPE is the recommended option, ideally in clusters (for example aligned to Governance First).

Based on the survey responses, the current intention of all local authorities with regard to DPE has been confirmed at officer level, and those willing to assist others have been identified - with shared information available to all.

Background information on DPE is now available for officers to fully brief their Elected Members to seek direction from their own administrations.

Potential clusters of authorities have been identified, and there is the opportunity for these (or other clusters) to now appraise the various collaborative delivery options available, including options for enforcement and administration. Some further support could be provided to these authorities through the programme.

In the absence of DPE, Police Scotland is the only authority with the power to enforce parking restrictions. Guidance to help to develop a consistent approach to prioritising requests for enforcement has been developed, focussed on regular and effective communication between local Police Area Commanders and senior Council Roads officers.

Programme Recommendations

Following review of the consultant's report and engagement with the steering group, the RCP recommend the following:

- All local authorities use the reports to inform a decision on whether to introduce a DPE service at this time, engaging Directors, CEOs and Elected Members.
- Should an authority choose to progress with DPE at this time, it should be pursued on a collaborative cluster arrangement, in-line with the Governance First clusters, and should include an existing provider to undertake back-office and/or enforcement on behalf of the other authorities.
- SCOTS and/or the RCP should continue to support authorities during the engagement and endorsement stage.
- SCOTS and/or the RCP should provide support to DPE clusters to identify, design and deliver the most appropriate collaborative delivery model

Next steps

The following next steps are recommended by the RCP:

- Consultant's DPE report and the RCP Project Summary Report will be circulated to all SCOTS members;
- The RCP and SCOTS will agree the process and timing of taking the report's findings to Council Directors and Chief Executives;
- Additional support from the RCP to future clusters is to be considered and agreed with SCOTS;

- Option 1 Do nothing – allow the period of non-enforcement in Angus over an initial period of 6 months to inform the council's approach to these changes and review the situation in 6 months.
- Option 2 Progress the implementation of DPE. This may include, subject to the development of a business case:

Option A -Introduce an equivalent "Traffic Warden" service through the employment of full time wardens to enforce on-street parking only, funded in part by fine income and in part by revenue costs. The council would be able to respond to the concerns of our communities. It remains unclear whether Scottish Ministers will approve a case which is not self-financing.

Option B -Introduce an equivalent "Traffic Wardens" service as Option A but include parking charges at a level appropriate in order to deliver a positive business case which will enable Scottish Ministers to approve proposals. Parking charges would apply to both on-street and off-street parking.

Option C - Introduce a service to meet our communities' needs with appropriate parking enforcement in order to ensure free flow of traffic, with some enforcement of time restricted and disabled bay parking. This option would require a redesign of existing off-street enforcement to utilise existing officers supplemented by community wardens to undertake patrols at times to deliver the most impact on parking provision. It is unlikely that this option would generate a positive business case but costs would be reduced.