

CAR PARKING – INTRODUCTION OF DECRIMINALISED ENFORCEMENT

1. SUMMARY

- 1.1 Effective car parking provision, management and enforcement is important to the economy, traffic management and quality of life of our towns and villages within Argyll & Bute.
- 1.2 With the withdrawal of Strathclyde Police's traffic warden service, the Council is asked to consider introducing Decriminalised Parking Enforcement (DPE) , also known as Civil Parking Enforcement, whereby enforcement powers are transferred from the Police to the Council. Once undertaken, this process which allows for enforcement of on street parking, waiting and loading restrictions, cannot be reversed. A financial modelling exercise has been carried out to examine the financial sustainability of DPE against different scenarios. The financial modelling process has demonstrated that the introduction of DPE when applied to the enforcement of existing Council car parking policy is financially sustainable.
- 1.3 The process for the introduction of DPE is summarised within the paper. Subject to Council approval to proceed, DPE will come into force from April /May 2014. In 2013, the Service will put the Implementation Plan into effect which provides for:
- 1.3.1 Effective enforcement until DPE is introduced – which will be provided by the Council and the Police
 - 1.3.2 Investment required to upgrade car parking assets and lining in advance of DPE commencement
 - 1.3.3 Policy development and associated performance framework which supports corporate objectives and is reflective of local businesses and community needs.
- 1.4 This paper summarises the main issues associated with current car parking management provision and the rationale for the proposed introduction of Decriminalised Parking Enforcement.

2. RECOMMENDATIONS

- 2.1 It is recommended that the Council:
- 2.1.1 Mandates the Executive Director of Development & Infrastructure to commence the process for the introduction of DPE.
 - 2.2 That the Executive Director for Development & Infrastructure provide a further report to the Council in April 2013 which will inform Members with regard to the progress of the DPE Implementation Plan, parking policy development proposals and the Enforcement Plan for 2013.

3. DETAIL

3.1 In 2011, following advice from Strathclyde Police that it was their intention to remove traffic wardens from service, Roads & Amenity Services commissioned a DPE feasibility study from RTA Associates Ltd. The feasibility study, whilst useful in terms of providing important information with regard to DPE, was considered to be unrealistic in terms of the scale of the proposed enforcement operation. The feasibility study did not provide a dynamic financial model which could model different scenarios and consequently, the Service was required to develop a Car Parking financial model which was subsequently successfully developed over the period July – September 2012. This model indicates that DPE can be introduced on a financially sustainable basis.

3.2 Car Parking Enforcement

In June 2012, Roads & Amenity Services introduced weekly enforcement performance measures. Streetscene's focus upon enforcement allied with a highly effective pilot project with Strathclyde Police has improved enforcement in all Council areas. A comparator of statistics on the enforcement activity which shows the number of Penalty Charge Notices (PCNs) that were issued during the month of August for off street parking across all areas is at Table 3.2.1.

Table 3.2.1

Area	Tickets
Mid Argyll, Kintyre and Islay	67
Oban, Lorn and the Isles	184
Bute and Cowal	72
Helensburgh and Lomond	56
Total	379

The initiative with the Police in Oban resulted in 176 Fixed Penalty Charges being issued for on street parking during August. This joined up approach produced a sharp rise in car parking income in Oban & Lorn, as summarised in Table 3.2.2, and reversed the first quarter trend.

Table 3.2.2

Month	2009-10	2010-11	2011-12	2012-13
Oban, Lorn and The Isles	-55,058.98	-42,473.32	-39,750.87	-41,788.47
April	-43,621.01	-22,908.61	-5,642.35	-26,820.17
May	-34,152.95	-50,539.88	-63,710.43	-32,229.79
June	-60,012.25	-54,199.38	-54,122.19	-31,726.99
July	-69,690.09	-52,551.98	-41,328.69	-49,097.63
August	-72,169.69	-67,035.77	-37,567.95	-74,330.52
Total	-279,645.99	-247,235.62	-202,371.61	-214,205.10

The total cost to the Council of the initiative was £1625.

3.3 The conclusion reached from this summer's focus on enforcement is that it is possible to deploy effective enforcement in partnership with the Police in 2013 until the planned introduction of DPE in 2014. Following a meeting held with Strathclyde Police in October, the Executive Director has written to the Police with regard to the scope to deploy Wardens and Police staff in an integrated and joined up manner to improve not only enforcement, but also address other community and public nuisance issues.

3.4 Commencement of DPE Process and Interim Enforcement Regime

The timescale for the introduction of DPE typically takes between 15 and 18 months. Approval from the Council to commence the process for the introduction of DPE from April 2014 is therefore sought. In tandem with the introduction of DPE, the Council should put in place an effective enforcement regime for 2013/14 in partnership with Strathclyde Police.

A summary of the DPE process is at Appendix 1.

4 APPENDIX

Appendix 1 Decriminalised Parking Enforcement Summary

5 IMPLICATIONS

- 5.1 Policy
- There are no direct policy implications associated with the decision to commence the DPE process. There requires to be a strategic focus in 2013 on developing car parking policy to make it consistent across Argyll & Bute whilst ensuring that it remains effective and accountable at Area Committee level. The aim must be for an annual review and approval of Car Parking Policy, which will ensure that policy is effected through and is reflective of relevant Traffic Orders, which must underpin charging policy and ensure long term financial sustainability.
- As Car Parking policy has not been considered at a strategic level by the Council since 2004, and is in effect as per local Traffic Orders, it is considered both impractical and unrealistic to seek to amend car parking policy at a strategic level at this time. Clearly changes to car parking policy will require considerable levels of business and community consultation and will require to be exposed to the rigour of scrutiny at Area Committee level prior to being formalised as policy options which can be considered by the Council. Consequently, the financial model for the introduction of DPE has been modelled against existing car parking policy in practical effect.
- 5.2 Financial
- The DPE financial model indicates that the introduction of DPE can maintain the required annual surplus income generation of £480K and payback initial investment costs within 5 years. If DPE is not introduced then the financial impact over the next 5 years represents a minimum cost pressure of £1.5M (£300K per annum) to the Council. The provision of the proposed interim car parking enforcement regime for 2013 in partnership with the Police will be funded from the car parking account and arrangements will be reported to the Council in April 2013. The pilot project undertaken in Oban in 2012 evidenced that this initiative led to a significant upturn in car parking revenues both from on street and off street; a clear business case.
- 5.3 Legal
- The process of introducing DPE is irreversible and will require Scottish Government approval. Support for the DPE process will be required from Legal Services.
- 5.4 HR
- Details of staffing requirements will be reported to the Council

within the Implementation Plan in April 2013.

5.5 Equalities There is a requirement to ensure that equality issues are considered in the development of future car parking and charging policy

5.6 Risk The Executive Director for D&I has written to Strathclyde Police to confirm the continuation of the proposed interim enforcement partnership arrangements for 2013. The Police are supportive of this proposal however agreement on the scope and scale of the proposed community focussed arrangements are yet to be finalised.

Risks associated with the implementation of DPE will be captured and managed through the Implementation Plan which will be governed and project managed in accordance with the Council's PRINCE principles.

5.7 Customer Services None

Executive Director of Development & Infrastructure

December 2012

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Decriminalised Parking Enforcement

High level summary of the steps required for the introduction of DPE.

- 1) Development of financial model covering all aspects of the introduction of DPE – completed October 2012.
- 2) Development of business case for the introduction of DPE – completed November 2012.
- 3) Council approval to:
 - i. Carry out focused consultation with stakeholders as required by regulations
 - ii. Traffic Regulation Orders within the whole of the Council area to be reviewed, amended and updated (to ensure that the lines and sign align with the schedules in the Orders)
 - iii. Application to Scottish Government for the introduction of DPE throughout Argyll and Bute. To acquire the DPE powers, the Council will have to formally apply to the Scottish Government for a Designation Order which decriminalises parking enforcement across the whole Argyll & Bute. From the date set in this Order, the Police will be unable to enforce the majority of parking related offences, and the Council must be ready to undertake the responsibilities. The Police have indicated that they will support the principle of a Special Parking Area (SPA) which covers the whole of the Council's area, excluding the "Clear Way" order on the A82. Their support is paramount to the success of an Application to the Scottish Government for DPE powers.
 - iv. As part of the DPE process the Council must participate in an independent appeals mechanism, known as the Scottish Parking Appeals Service (SPAS). The SPAS, is now established and functional. The Council should therefore apply to join this service, which will meet the need to have a source of hearings for appeals, when the Application for the powers is made to the Scottish Government.
 - v. Invite tenders for back office support for processing PCNs
 - vi. Invite tenders for procurement of 'management system' to run DPE and to issue and process PCNs.
 - vii. Recruit a Parking Manager to run the day to day operation once DPE has been introduced and also to assist with the implementation.
- 4) Penalties for failing to comply with on-street parking restrictions are currently issued by Strathclyde Police. The penalty is a fine issued under criminal law because a criminal offence has been committed. Fine revenue is collected by the Exchequer and appeals are dealt with by the courts.

The enforcement of restrictions in off-street car parks under their control is the responsibility of Argyll and Bute Council.

In June 2011 Strathclyde Police terminated the Traffic Warden Services as an efficiency saving. Police Officers are still responsible for dealing with parking offences. However, this is only possible when their other duties permit.

- 5) A DPE scheme is able to improve the management of parking, provide better availability of spaces, improve pedestrian safety, improve access for those with impaired mobility, help businesses by providing specific delivery bays and promote a safer and more pleasant town centre environment. Parking Attendants employed by the Council will patrol the streets of all the towns and villages of Argyll and Bute and the controlled car parks in the Council area. The Road Traffic Act, 1991, provides for the decriminalisation of most non-endorsable on-street parking offences. The Act allows local authorities to apply to Scottish Ministers for Orders to decriminalise parking offences within the Council area. This means that Parking Attendants sourced by the Council would enforce parking offences and issue penalty charge notices (PCNs), for non-compliance.

Once DPE is implemented the Police have no role in enforcing parking restrictions. However, endorsable and other 'moving' offences do remain the responsibility of the Police.

Any fines issued by Parking Attendants are treated as civil debts and therefore income generated through the issue of PCNs, is retained by the Council and goes towards scheme running costs or, if in surplus, other transport related schemes. The new *on-street* income surplus from penalty charges is ring-fenced, as defined in S55 of the 1984 Road Traffic Regulation Act. However, the use of *off-street* surplus income is unaffected by this change.

Appeals raised against PCNs are decided by an independent adjudicator. Outstanding debts are dealt with by the Council's existing debt recovery system. As part of the DPE process the Council must participate in an independent appeals mechanism, known as the Scottish Parking Appeals Service (SPAS). The guidance document for DPE, The Department of Transport's "Guidance on Decriminalised Parking Enforcement Outside of London, recommends that a DPE scheme should pay for itself as soon as possible, such that the scheme places no extra burden on the public purse. The revenue generated by the scheme pays for capital loan repayments, running costs and scheme maintenance.

Although it has not been tested to date, the Scottish Government has suggested they may be willing to grant applications for DPE schemes where the scheme does not earn enough revenue to pay for itself and where the Local Authority subsidy is used to make up the shortfall. In this instance, the Financial Model developed by the Council indicates that the DPE business case will be self financing and will be a net contributor to the Council.

Prior to the introduction of DPE, local authorities must:

- i. Review all existing waiting restrictions that they confirm to current regulations;
- ii. Assess the anticipated costs and incomes and prepare a business case; and
- iii. Make a successful application to the Scottish Government for an Order under the Roads Traffic Act 1991, for the implementation for DPE.

DPE is enacted by Statutory Instruments and requires Scottish Ministers' approval using their powers set out in the Road Traffic Act 1991. The decision to introduce DPE is irreversible.

There are a number of advantages and disadvantages to DPE. They are detailed in Table 1.

Table 1: Advantages and Disadvantages of DPE

Advantages	Disadvantages
<ul style="list-style-type: none"> • Enforcement under Council control i.e. PAs can be directed to priority areas when required • Parking provision responsive to public needs • Well managed, safer network • Congestion removed • Retain PCN income 	<ul style="list-style-type: none"> • Permanent obligation on the Council - there is no opportunity to reverse the process once an Order is made. This implies that once decriminalised, the Council has to make the system work. • Risk that over time PCN income does not meet all costs • Need to charge for some parking or subsidise scheme • Parking charges are unlikely to be popular

In Scotland, DPE schemes are being operated in Edinburgh, Glasgow, Dundee, Aberdeen, Perth and Kinross, South Lanarkshire, Renfrewshire and East Ayrshire. Councils actively pursuing DPE include North Ayrshire, South Ayrshire, East Renfrewshire and Inverclyde.

- 6) The key component in the success of the strategy is its enforcement. For this reason it is essential that parking enforcement is decriminalised to allow Argyll and Bute Council to target problem areas throughout Argyll and Bute.

- 7) It is proposed that DPE is introduced with the existing charging regimes and TROs in place (albeit the TROs will be reviewed). DPE will result in a higher turnover of 'free' parking spaces being available by enforcing the duration of stay to give everyone a fair chance to park long enough to be able to suit their purposes. On-street charges exist in some streets in Oban. This situation will continue where drivers will purchase a time limited ticket for the duration of their parking. Free on-street parking places will require the driver to park within the parking bay. The time the individual will be allowed to park will be determined by the time restriction of the TRO. Parking Attendants will observe the time and duration of vehicles being parked. Any vehicles exceeding the time limit, where observed, will be subject to a PCN. In the car parks where parking charges are proposed, the driver will be required to "pay and display" a ticket from a machine. Fines will be issued where tickets are not displayed or where tickets or observed times exceed the permitted time limit.

Based on the experience of other authorities and our specialist advisor's assessment, it is unlikely that enough income could be earned by the Council to employ its own fine processing staff. It is proposed that Argyll and Bute Council develop options for fine processing and debt recovery which will include the scope for 'shared service' arrangement with a neighbouring local authority to provide the back office service which processes fines and deals with complaints and challenges.

DPE costs have been split into three parts for ease of understanding: preparation costs, operational set-up costs and annual running costs. Preparation costs cover the work to update the Council's traffic regulation orders, revise their wording to suit the DPE legislation and refurbish all the road markings and signs in Argyll and Bute. Set-up costs include the

capital necessary to buy Parking Attendant uniforms, equipment and computers plus their training. Annual running costs include Parking Attendant wages, the hire of the PCN processing service, the replacement of uniforms and equipment through wear and tear and the purchase of ticket stock and other consumables.