ITEM NO 17

TRAFFIC WARDEN REVIEW

Report by the Director of Environment and Infrastructure

SCOTTISH BORDERS COUNCIL

12 December 2013

1  PURPOSE AND SUMMARY

1.1 The purpose of this report is to agree a response to Police Scotland’s Traffic Warden Review which is proposing to withdraw the role of Traffic Wardens from its service.

1.2 On 1 October 2013 the Chief Executive received a letter from Police Scotland on the outcome of Traffic Warden Review (see Appendix A), and requesting comments on its proposals.

1.3 Police Scotland is indicating that it is proposing to withdraw the role of Traffic Wardens and it believes that this service would best be provided in the future by local authorities. This would require to be carried out within a decriminalised parking enforcement regime.

1.4 The procedure for a local authority to be authorised to undertake Decriminalised Parking Enforcement (DPE) is complex and can be very time consuming. In addition it requires the Business Case presented to Transport Scotland to demonstrate that the service can be achieved on at least a break-even basis.

1.5 The resource and staffing implications for Scottish Borders Council to make such a change are potentially significant. These implications need to be fully understood, and there will also be a need for a review to be carried out of car parking policy and all existing Traffic Regulation Orders (TROs) before any future delivery options can be presented to the Council. This means any change would have to be carried out over an appropriate planned timescale. In considering the implications of this the Council will place a priority on the economic vitality of town centres and the importance of ensuring that shoppers are not inconvenienced.
2 RECOMMENDATIONS

2.1 It is recommended that the Board agrees to respond to the Police Scotland’s Traffic Warden’s Review as follows:

- While fully recognising the significant financial pressure on Police Scotland, it is unlikely that SBC would be in a position to introduce Decriminalised Parking Enforcement on an efficient and effective basis for two to three years. As such there is considerable concern over the proposal for the withdrawal of the role of Traffic Wardens.

- It is feared that in rural areas such as the Scottish Borders it may not be possible to present the break-even case currently required by Transport Scotland to introduce Decriminalised Parking Enforcement (DPE). This would mean that the only control available would be ‘appropriate enforcement activity’ by Police Officers ‘where parking is dangerous or causes significant obstruction’. This gives the Council serious concern for effective traffic management and road safety within our towns and villages. We are also concerned about the impact on the economic vitality of our town centres.

- In the Scottish Borders any change would need to be carried out following a comprehensive review of car parking policy and existing Traffic Regulation Orders. During this and the application period there would effectively be an enforcement void outwith those areas that the police have identified that they would remain involved with.

- It is accepted that the legislation to introduce DPE has been available for a considerable period of time. The fact that so few rural authorities have taken advantage of this is however a clear indication that the business case for so doing has either not existed or been attractive enough.

- There is a need to clarify and understand the implications for traffic management in the Scottish Borders of removing Traffic Wardens and relying on the ‘appropriate enforcement activity’ by Police Officers ‘where parking is dangerous or causes significant obstruction’.

- In the wider context the Government needs to consider the implications that this move may have on its objectives set out in the National Review of Town Centres and the Town Centres Action Plan – The Scottish Government Response.

- It is vital that any change to traffic management is undertaken in a planned way which would allow time for the resource and staffing implications to be fully understood and the review of car parking policy to take place. It is therefore requested that the withdrawal of Traffic Wardens is delayed for a period of two years until 2016.
3 BACKGROUND

3.1 On 1 October 2013 the Chief Executive received a letter from Chief Superintendent Jeanette McDiarmid, Local Police Commander, setting out the conclusions of the Traffic Warden Review by Police Scotland (see Appendix 1), and requesting comments on these.

3.2 The letter stated that ‘Police Scotland is proposing to withdraw the role of Traffic Wardens across the divisions where the role still exists’ and goes on to say that ‘where parking is dangerous or causes significant obstruction Police Scotland will task Police Officers to resolve the issue using the appropriate enforcement activity, including parking tickets, other direct measures or prosecution reports.’

3.3 Reference is made in the letter to the Road Traffic Act 1991 which introduced provisions enabling the decriminalisation of non-endorsable parking offences, which was extended to Scotland in June 1997. The letter states that ‘since this time a number of Councils have adopted the legislation and have decriminalised parking enforcement’. The letter also indicates that ‘if decriminalised the parking charges and associated fixed penalty notices are paid to the relevant local authority rather than the Chancellor of the Exchequer.

3.4 Decriminalised Parking Enforcement (DPE) is the name given in the UK to the civil enforcement of car parking regulations, carried out by civil Enforcement Officers operating on behalf of either a local road authority or a private firm.

3.5 Preparation of DPE is a lengthy process which requires significant in-house preparation followed by the approval of Scottish Ministers and the making of a number of Statutory Instruments, which are then laid before the Scottish Parliament. A summary of this procedure is supplied in Appendix B.

3.6 The process has to date being adopted in 12 authorities in Scotland with a further two currently going through the process. In the main it has been urban authorities (see Appendix C) who have been at the forefront of introducing DPE as it has been felt that it is only a viable proposition where there is a significant amount of on-street charged parking. Some authorities who undertake DPE are understood to do so at an annual loss. Previous research carried out for the South East of Scotland Transport Partnership (SEStran) indicated that only Fife and Falkirk of the six partners without DPE, at that time, would be able to operate at a profit. This is a critical as one of the criteria required for permission to be granted to operate DPE is that a local authority must demonstrate that it can do so without operational loss.

3.7 Current Council policy is to only charge for car parking in a number of off-street car parks in some of our larger and busier towns. The rationale for this has been based on traffic management rather than revenue generation, albeit most of the towns do provide a very modest profit.
3.8 Currently Police Scotland has 2.8 full time equivalent (FTE) Traffic Wardens in the Scottish Borders. One covers the Galashiels, Melrose, Peebles area. Another covers the Hawick, Selkirk, Jedburgh area and the remaining 0.8 FTE covers Duns, Eyemouth, Coldstream, Kelso, Earlston area. In the last 12 months, 613 vehicle excise licence tickets and 1102 parking tickets were issued by these Wardens. It should be noted however that the force operates on the basis of advising drivers of the issues and moving them on where possible and only issues tickets as something of a last resort.

3.9 Resource levels for a Council DPE system would depend on what model the Council chose to follow. To replicate what the Police have in place at the moment would involve the direct employment of a similar level of personnel, the provision of suitable operating bases, uniforms, vehicles and equipment as well as some form of back office processing. The level of penalty charge fee is set at £60 with reductions for early payment and penalties for late payment. Income at the parking ticket levels above might generate between £40,000 and £60,000 dependent on the mix of early and late payment. On this basis alone an annual operational loss of at least a similar value could be anticipated. The introduction of on-street charging would offer greater potential benefits in terms of traffic management but would have significant set up costs and require additional investment in back office resource as well as on-street personnel. Operationally it is anticipated that it may also run at a loss. Considerably more research would however be required into these and other possible scenarios.

4. PROPOSED RESPONSE

4.1 It is considered that the withdrawal of the role of Traffic Wardens by Police Scotland on a national basis is now somewhat inevitable. It is hoped however that their withdrawal locally can be delayed so that it is carried out in tandem with the decriminalisation of parking legislation and other minor road traffic offences.

4.2 In the Scottish Borders any change would need to be carried out following a major review of car parking policy and existing TROs. This would provide the operational context for a future DPE regime and highlight the work required to introduce and operate such a system.

4.3 For this reason it is vital that any change to the Traffic Wardens’ service is undertaken in a planned way which allows time for the resource and staffing implications to be fully understood. A particular fear for the area is that it will not be able to demonstrate the break-even position that is required by Transport Scotland for an application to operate DPE to be successful.

4.4 There is a need to clarify with Police Scotland the implications for traffic management in the Scottish Borders of removing Traffic Wardens and relying on the ‘appropriate enforcement activity’ by Police Officers ‘where parking is dangerous or causes significant obstruction’. This information is important in order to understand the work that would be required by Traffic Wardens if there is to be transfer of responsibility to the Council.
5 **IMPLICATIONS**

5.1 **Financial**

a) There are no direct financial costs associated with agreeing the recommendation in this report.

b) There is however potentially significant costs to the Council associated with Police Scotland’s decision to withdraw the role of traffic wardens. These can be summarised under three discrete headings:

i) Feasibility and Application costs (particularly if external consultants are used)

ii) Set up costs for introducing any DPE regime (particularly if on-street parking charges are implemented)

iii) Operational costs of DPE (Staff, Uniforms, Equipment, Back-office processing of penalty charges)

5.2 **Risk and Mitigations**

a) There are risks that if the Traffic Wardens service is removed altogether from the Scottish Borders, that there would be significant parking problems across the Scottish Borders, which could have an adverse economic impact on town centres and lead to traffic congestion in particular areas.

b) There is a risk that Scottish Borders Council is unable to provide a positive business case for the introduction of DPE.

5.3 **Equalities**

An Equality Impact Assessment is not required at this stage, but will be required if in the future the Traffic Wardens service is transferred to the Council.

5.4 **Acting Sustainably**

Any options developed for the future delivery of the Traffic Wardens service would be expected to take full account of the need to act sustainably.

5.5 **Carbon Management**

Any options developed for the future delivery of the Traffic Wardens would need to be sensitive to the need for carbon management.

5.6 **Rural Proofing**

The needs of communities and people living in rural areas would be taken account of in the development of any options for the future delivery of the Traffic Wardens service. However, the main focus of the service would be in towns and town centres.

5.7 **Changes to Scheme of Administration or Scheme of Delegation**

There will be no changes required to either the Scheme of Administration or the Scheme of Delegation as a result of the response set out in this report.
6 CONSULTATION

6.1 The Corporate Management Team, the Chief Financial Officer, Head of Corporate Governance, Clerk to the Council, Head of Strategic Policy, Head of Risk and Audit and HR Manager have been consulted and their comments have been incorporated into this report.

Approved by

Director of Environment and Infrastructure Signature .................................

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Background Papers: None

Previous Minute Reference: None

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Contact us at Jacqueline Whitelaw, Environment and Infrastructure, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 01835 825431, Fax 01835 825071, email e&itranslationrequest@scotborders.gov.uk.
Dear Ms Logan

TRAFFIC WARDEN REVIEW

I wrote to you earlier this year to advise that Police Scotland were embarking on a review of the service delivered by traffic wardens. At that time I advised that I would provide further information as it became available and would provide an opportunity for you to comment on the proposals being made.

Enforcement of parking in Scotland has historically been delivered by traffic wardens employed by legacy forces across Scotland. The Road Traffic Act 1991 introduced provisions enabling the decriminalisation of most non-endorsable parking offences in London and permitted similar arrangements to be introduced elsewhere throughout the UK. The relevant provisions of the 1991 Act were commenced in Scotland in June 1997. Since this time a number of councils have adopted the legislation and have decriminalised parking enforcement.

Enforcement of parking legislation and other minor road traffic matters (greenways enforcement etc) can be conducted by police traffic wardens or can be decriminalised and become the responsibility of local authorities. If decriminalised the parking charges and associated fixed penalty notices are paid to the relevant local authority rather than to the Chancellor of the Exchequer.

This letter is to advise you that Police Scotland is proposing to withdraw the role of traffic warden across the divisions where the role still exists. This is to allow Police Scotland to focus on the core activity of keeping people safe. Where parking is dangerous or causes significant obstruction Police Scotland will task police officers to resolve the issue using the appropriate enforcement activity, including parking tickets, other direct measures or prosecution reports.

I am keen to hear your views and would be grateful if you could send any correspondence by email to TrafficWardensReview@scotland.pnn.police.uk or to Traffic Warden Review Team, Business Change Office, Police Scotland, Pitt Street, Glasgow, G24JS. If, however, you wish to discuss the matter with a member of staff from Lothians and Scottish Borders Division please email lothianscotborderscommandsupport@scotland.pnn.police.uk

Thank you again for your support and interest in the service that we provide.

Yours sincerely

Divisional Commander
DPE Application Process – Part 1

- Feasibility study to ascertain viability
- Approval from Members
- LA prepares draft application (refer to DIT circular Guidance on DPE outside London)
- Establish steering group to oversee DPE implementation
- Review parking, waiting and loading restrictions (TROs) and draft consolidated orders
- Set up procedures for implementation of DPE e.g. staffing/ back office
- LA consults on draft proposals (e.g. neighbouring LAs, SPAs, DVLA, local business/public etc)
- LA submits draft application to Transport Scotland

DPE Application Process – Part 2

- LA submits draft application to Transport Scotland
- TS comment on draft application and prepare necessary SSIs
- LA reviews comments and submits final application
- TS consider final application and consult on draft SSIs (3 months)
- SSIs made and laid in Scottish Parliament (28 days)
- SSIs come into force

Part 1 + Part 2 = 18 months