
ON-STREET PARKING AND TRAFFIC MANAGEMENT

Report by Chief Roads Officer

SCOTTISH BORDERS COUNCIL

10 NOVEMBER 2016

1 PURPOSE AND SUMMARY

- 1.1 This report provides an update to Council in relation to on-street parking and in particular reports on the findings of the town centre parking surveys.**
- 1.2 Following the withdrawal of the traffic warden service in February 2014 there has been concern, in some quarters, that a reduced level of enforcement has led to a deterioration in parking behaviour in some town centres.
- 1.3 Comprehensive three day parking surveys were undertaken in 12 town centres to ascertain the extent of on-street parking issues and this is discussed under section 4 of the report.
- 1.4 Analysis of the survey returns demonstrates that town centres are very busy in terms of parking and on occasions some operate at or above capacity. In general there appears to be reasonable observance of waiting restrictions but there are specific areas where there is greater mis-use; some of which is for prolonged periods. Turn-over and duration of stay were positive with a high percentage of vehicles, in all towns, only staying for an hour or less.
- 1.5 Other sources, such as the Household Survey and the Annual Footfall Survey, have also been examined to help determine how the removal of traffic wardens has impacted on town centres.
- 1.6 Feedback from the Scottish Borders Household Survey suggests that the majority of respondents do not perceive parking as a common problem, but that the level of concern has increased since previous surveys.
- 1.7 Analysis of the Annual Footfall Survey does not suggest that the removal of traffic wardens has had an impact on the number of pedestrians in town centres.
- 1.8 While Officers recognise that there are intermittent traffic management issues in some locations in the Borders, at this stage they consider that the introduction of Decriminalised Parking Enforcement (DPE) would be disproportionate, unnecessary and resource as well as cost prohibitive and would instead suggest an alternative approach of requesting increased

enforcement through Police Scotland, utilising powers in the Police and Fire Reform (Scotland) Act 2012.

2 RECOMMENDATIONS

2.1 I recommend that Council agrees:

- (a) to note the results of the parking surveys and the updated position in regard to on-street parking;**
- (b) (i) that, while commending Police Scotland on their work to date on parking enforcement, make stronger representations to enforce parking regulations, in particular in hot spots e.g. Gala, Hawick, Peebles and Selkirk, and to that end**
(ii) to the use of the powers provided within the Police and Fire Reform (Scotland) Act 2012 to inform the Local Policing Plan as a mechanism for greater control of on-street parking enforcement, using a targeted approach where necessary;
- (c) to instruct the Chief Officer Roads to establish a rolling programme of inspections to ensure that all signage and line markings in restricted parking areas are clear, visible and enforceable; and**
- (d) to instruct the Chief Officer Roads to investigate the costs, resource, staffing requirements and financial viability of introducing a disc-based parking system for use in restricted parking areas to assist Police Scotland in their parking enforcement role and bring back a report on such a system to Council no later than 31 March 2017.**

3 BACKGROUND

- 3.1 Following the withdrawal of the traffic warden service in February 2014 there has been concern, in some quarters, that a reduced level of enforcement has led to a deterioration in parking behaviour in town centres.
- 3.2 A Member/Officer Working Group was established to further explore the different options available to the Council in regard to on-street parking enforcement.
- 3.3 At its meeting of 29 June 2016, Scottish Borders Council determined that parking surveys should be commissioned in key town centres within the region in order to ascertain the nature and level of parking issues that are occurring.
- 3.4 It was also agreed at the Council meeting in June that the proposed details of any public consultation, in relation to the proposals, be presented to the Council in September.

4 RESULTS OF RECENT PARKING SURVEYS

- 4.1 In order to establish the scale of parking issues, three-day parking surveys were undertaken in each of 12 selected town centres across the Scottish Borders. The surveys were all undertaken in August 2016. As with any survey what is measured is essentially a snapshot in time. August is, however, widely recognised as the busiest month of the year in terms of vehicle numbers on the road so should have provided a good indicator of parking requirements and motorist behaviour in town centres.
- 4.2 Following a competitive tender process, the surveys were undertaken by Streetwise.
- 4.3 The results and information provided from the surveys is of a scale that cannot be readily reproduced as it consists of multiple graphs and tables for each day in each town.
- 4.4 For each site the key areas looked at were occupancy levels, duration of stay and turnover. In addition the parking of individual vehicles was analysed to illustrate illegal parking behaviour such as parking on single and/or double yellow lines.
- 4.5 Consequently summary pages of the findings for each town are provided as Appendix A, with an example of the typical output provided for each day at each town reproduced in Appendix B.
- 4.6 Analysis of the survey returns demonstrates that certain town centres are very busy in terms of on-street parking and can, on occasions, operate at or above capacity. In overall town centre terms, this was relatively rare with only a 14% incidence of a town centre being at or over parking capacity in a half hour period. These occurrences were restricted to Galashiels, Kelso, Peebles and, to a much lesser extent, Selkirk. It should also be noted that this was only in relation to on-street parking and there

was likely to have been spare capacity in nearby off-street car parks. No on-street capacity issues were found in Eyemouth, Lauder, Melrose or West Linton, while Hawick, Duns, Innerleithen and Jedburgh tended to fall between these two extremes in terms of how busy they were.

- 4.7 In general there appears to be a better observance of no-waiting restrictions than is generally perceived. There are, however, specific areas in most towns where there is greater misuse, as well as evidence of some parking on both single and double yellow lines being for prolonged periods of the day. There was also observation of low levels of misuse of disabled bays, bus stops, dropped kerbs and zig-zag markings at some locations.
- 4.8 Turn-over levels and length of stay is very positive with a significant majority of vehicles in all towns being in place for an hour or less. This in turn resulted in a good turn-over of vehicles at most locations. This is the most important measure of a successful parking regime and is noteworthy in demonstrating that there is no widespread or significant issue with parking in town centres.
- 4.9 A similar on-street parking survey was undertaken in Peebles in May 2013, prior to the withdrawal of traffic wardens. The two Peebles surveys are not directly comparable for a number of reasons, but some broad comparators can be drawn. Length of stay was broadly similar, particularly in terms of the percentage of vehicles staying three hours or more. Overall capacity levels were also similar, particularly at the upper end of the range. Illegal parking on double yellow lines was observed to be at similar levels in both surveys. This supports the view that the withdrawal of traffic warden has led to no significant change in behaviour.

5 OTHER RESEARCH : SCOTTISH BORDERS HOUSEHOLD SURVEY & TOWN CENTRE FOOTFALL SURVEY

- 5.1 In addition to the primary research conducted recently, officers have looked at two key sources of information, namely the Scottish Borders Household Survey (biennial, last undertaken in 2015) and SBC's Town Centre Footfall Survey, undertaken each year by the Forward Planning team within Regulatory Services every year in nine main towns.
- 5.2 Questions 1 and 20 within the 2015 Scottish Borders Household Survey directly related to people's perception of parking problems.
- 5.3 In question 1 of the 2015 survey, people were asked to think about their neighbourhood and how they would rate it as a place to live. They were then given 22 reasons (both positive and negative) to indicate on what they based their response. Reassuringly, the overall response to this question was very positive with most aspects ranked as fairly or very good. "Problems with parking" was identified as fairly or very poor by only 4.6% of respondents. This was the equal lowest of the fourteen "negative reasons" listed.
- 5.4 Somewhat contrary to this when asked, in question 20, about neighbourhood problems in general (and given a list to choose from) the most common problem identified was parking with 42.5%. This, however, must be treated with a significant caveat in that responders were not asked

specifically about town centre parking and could equally have been referring to the difficulty in finding residential parking near their homes.

- 5.5 Of more significance perhaps, albeit with the same caveat as above, is the comparison across the last three Household Surveys:

Perception that parking problems are not common in the local area			
	2010	2013	2015
Berwickshire	58%	68%	60%
Cheviot	61%	66%	57%
Eildon	60%	59%	52%
Teviot & Liddesdale	58%	61%	51%
Tweeddale	55%	57%	51%

From this it would appear clear that, although the majority of people still do not see parking problems in general as common, the perception of parking problems has heightened over the period of the last three household surveys.

It should also be noted that in each set of returns that, over and above the figures displayed in the table, there was a small percentage (typically about 5 %) who answered "Don't Know" to this question.

- 5.6 The Council also carries out an annual footfall survey in nine town centres across the Scottish Borders. A graph of the annual findings from those surveys for the period 2007 to 2015 is reproduced as Appendix C. The pattern changes from town to town with some showing year on year declines but others maintaining or even increasing footfall levels. The average footfall across the surveyed settlements actually increased by 13% last year (compared to a 2% increase nationally), but the long-term trend continues to be a downward one.
- 5.7 There are several factors, not least underlying economic trends; out of town development; and the weather at the time of the survey, that can impact on the results so it is difficult to draw firm conclusions from the findings. There is, however, nothing to suggest that the withdrawal of traffic wardens (which occurred prior to the 2014 results) has impacted detrimentally on the established footfall trends across the various towns.
- 5.8 As part of the consultation on the Council's Local Access and Transport Strategy consultees were asked "Have you noticed a difference in parking behaviour since the removal of traffic wardens". The response levels to this were very low but 8 said they had while 2 disagreed.

6 DECRIMINALISED PARKING ENFORCEMENT

- 6.1 The Member/Officer Group has concluded that, purely in operational terms and not considering cost implications, the best way forward for the Council would be to apply for the introduction of DPE. Decriminalised Parking Enforcement (DPE) is a regime which enables a local authority to administer its own parking penalties, including the issuing of Penalty Charge Notices (PCNs). In areas with DPE, stationary traffic offences cease to be criminal offences enforced by the Police and instead become civil

penalties enforced by the local authority.

- 6.2 A local authority may apply to Scottish Ministers to introduce Decriminalised Parking Enforcement (DPE) in their area. This process allows a Council to undertake the management and enforcement of on-street parking. It is, however, a protracted legal process with significant set-up and running costs associated with it.
- 6.3 DPE can only be introduced on an authority wide basis. There is no mechanism for pilot studies or permanent schemes on a reduced area or town by town basis. It is, however, entirely up to individual local authorities how it applies its resources once DPE is introduced. For clarity, the Council would be responsible for parking control over the wider Council area but could choose to concentrate on certain towns or areas within that area.
- 6.4 A comprehensive business case and application to Scottish Ministers is required. A key component of the business case is that a scheme must be financially sustainable. The preparation of a business case and the application to Scottish Ministers is a complex and specialist task that is likely to require the appointment of external consultants to undertake it. An important aspect of the process is the thorough examination and checking of existing Traffic Regulation Orders (TROs) and their application on the ground. This latter activity would be particularly onerous for the council given the historic nature of many of its TROs.
- 6.5 Once DPE has been introduced in an authority it is deemed unlikely that Police Scotland would consider accepting the return of any enforcement duties in the future given their own financial and resource constraints. As such any decision to implement DPE is unlikely to be reversible. Consequently the decision to implement DPE or not is particularly significant.

7 ALTERNATIVE MECHANISMS FOR TRAFFIC MANAGEMENT IN TOWN CENTRES

- 7.1 The Police and Fire Reform (Scotland) Act 2012 provides the Council with the mechanism to require the police to address parking enforcement as part of the local policing plan through section 45 (3) of the Act, which states "a local authority may specify policing measures that it wishes the local commander to include in a local policing plan". The Council is also afforded the opportunity to request performance information on parking enforcement through section 45(5)(a) of the Act which states "A local commander must provide to the local authority such reports on the carrying out of police functions in its area (including by reference to any local policing plan in force for the area)".
- 7.2 For clarity, this course of action could go considerably beyond the current process where Police Scotland have undertaken sporadic checking and enforcement in certain towns. In relation to the current enforcement regime, Police Scotland advises that in the six month period from 1 April to the end of September 2016 they issued a total of 312 penalty charges. These were primarily in relation to single and double yellow line offences and ranged across the Scottish Borders, but particularly in the towns of Galashiels, Hawick, Kelso and Peebles.

- 7.3 The local Police Commander can be held to account for the action suggested in 7.1 through the Police, Fire and Rescue and Safer Communities Board. Informal discussions with Police Scotland at a senior level suggest that they would be open to proceeding on this basis.
- 7.4 A recent Police Scotland statement indicates that they..." recognise the concerns of communities around dangerous or inconsiderate parking and continue to respond to concerns about dangerous parking as part of our commitment to our shared road safety priority. Through local engagement we additionally work towards educating around inconsiderate parking where our resources allow."
- 7.5 The introduction of disc parking in the Scottish Borders was one of the recommendations of the Member/Officer Working Group should DPE be pursued. This disc system could, however, also be introduced as part of the proposal for utilising the Police and Fire Reform (Scotland) Act 2012. Essentially it would allow police officers to know how long a vehicle had been in position when they first attend a location with restrictions in place, rather than assume it had recently arrived, and have to recheck following the allowed time period.

8 CONCLUSION

- 8.1 In arriving at these conclusions, proportionality, resource availability and value for money have been fundamental considerations by officers. While there are undoubtedly some issues in certain locations, it should be noted that average occupancy and turn-over were actually significantly better than anticipated.
- 8.2 In the current economic climate, and during a period of significant transformational change within the authority, any application for DPE would present a significant risk to the Council. Officers have concluded that to implement DPE would be disproportionate (given the survey results), resource intensive and demonstrate poor value for money at this time. As such, Officers can not recommend implementation of this course of action while viable alternatives exist which would potentially address the limited number of 'hot spot' areas.
- 8.3 It is apparent from the extensive surveys undertaken that some sporadic traffic management issues or hot spot areas exist in the larger towns in the Scottish Borders. Equally however, it would appear (from both the survey and other available information such as the household survey) that the issues are not as widespread or acute as is sometimes perceived and there is not what could be described as a major problem at this point in time.
- 8.4 Comparisons with previous similar surveys carried out in Peebles, combined with the annual footfall surveys, would appear to confirm that any traffic management issues identified were, to a large extent, equally prevalent when traffic wardens were operating and therefore are not entirely a result of their withdrawal.

- 8.5 As a first step in trying to address traffic management issues, it is recommended that the Council takes advantage of the powers contained within the Police and Fire Reform (Scotland) Act 2012 to request a much more robust enforcement regime.
- 8.6 Such a recommendation would not prevent the Council from reconsidering its future position on Decriminalised Parking Enforcement should current challenges not be addressed and traffic management becomes a more significant problem in future years. In the event that there is any further deterioration in the issues identified (and particularly should this occur in Galashiels, Peebles or Kelso) it is recommended that at that time, as an initial first stage, a Feasibility Study is commissioned in order to obtain an independent assessment on whether the full enactment of DPE would be the most appropriate and cost effective method of implementing a robust parking regime, which would include public consultation, as outlined in section 9.
- 8.7 It is also recommended that further exploration of the potential introduction of parking discs, in order to assist Police Scotland in the process of enforcement should be considered. While such a regime may, in itself, engender greater compliance of existing restrictions it is unlikely however to prevent illegal or inconsiderate parking out-with these areas where they exist within the town centres, i.e. double yellow lines, as noted previously in paragraph 4.7.

9 PROPOSED CONSULTATIONS

- 9.1 It was agreed at the Council meeting held on 29 June 2016 that should the Council decide to support DPE then a full public consultation will need to be carried out, and that proposed details on this consultation should be presented to the Council in September 2016.
- 9.2 Should Council agree to seek public opinion on introducing DPE and to allow the public to make as informed a decision as possible, on what is a complex issue, a clear statement would need to be provided that explains what DPE is, what it will mean for the public and what will be the estimated costs to the Council. It is suggested that a one-question consultation be undertaken, the question being, "Do you support Decriminalised Parking Enforcement (DPE) in the Scottish Borders?" Response options would be yes, no or don't know.
- 9.3 Due to the large number of people potentially affected by the nature of the proposal it is important that the consultation is visible and widely accessible. It is therefore proposed that, in order to engage as many people as possible, staff would canvas public opinion at a number of public spaces across the Borders on a face to face basis during the consultation period. The consultation would also be available in both paper and electronic formats.
- 9.4 If a consultation went ahead, a detailed communications plan would be undertaken with advice from the Communications and Marketing Team and would use :
- Local media
 - SBC's social media channels and website

- Intranet sites (SBC and partners where possible)
- Community newsletters
- External and internal council publications
- Council Contact Centre plasma Screens
- Partner organisations
- Community groups, including community councils and chamber of trades
- Third sector
- Appropriate trade organisations

9.5 If public consultation was to be undertaken it is imperative that the results be carefully considered and that it can be clearly demonstrated how public opinion has contributed to the decision making process.

10 IMPLICATIONS

10.1 Financial

- (a) Initial set-up costs of £220,500 have been identified for DPE as detailed in previous reports. It should be noted that £60,000 of this is required to introduce a map based Traffic Regulation Order system and while this is something that the Council may be required to implement in the future, it is not currently scheduled in any ICT programme. It should also be noted however that no optimism bias has been included in arriving at the figure above and consequently it is an initial estimate and not a figure that could be used as anything more than 'indicative'.
- (b) It is estimated that a DPE scheme would run at an initial operating loss of £15,390 per annum. An option for funding this would be to run it in conjunction with the existing off-street Pay & Display regime. The average surplus for the current off-street regime is £36,163 per annum (calculated over a six year period) with Galashiels providing the majority of this surplus. It should also be noted that for the introduction of DPE to be successful in addressing traffic management issues there needs to be a direct drop off in non-compliance. As this directly equates to reduced income from parking charges the projected deficit for the Council increases. Essentially the more effective DPE is in addressing traffic management issues the less viable it becomes financially.
- (c) There is currently no provision in the 2016/17 Financial Plan for any of the expenditure previously described. Provision of this service would require an ongoing and continual year on year subsidy from the Council and would require reductions in other service budgets in order to fund this additional expenditure at a time when resources are continuing to diminish.

10.2 Risk and Mitigations

- (a) There is a risk that the proposed measures, including a full DPE implementation, do not fully address the issues and concerns that have been raised. This could be partially mitigated through close liaison with Police Scotland and monitoring of the effect that the changes make.

- (b) There is a risk that any disc based parking system, if implemented, could prove to be unpopular with residents and visitors causing reputational damage to the authority. This could be partially mitigated through careful planning and a comprehensive explanation of the reasons and wider benefits for such a move utilising available social media options as appropriate.

10.3 Equalities

An Equalities Impact Assessment has been carried out on this proposal and it is anticipated that there are no adverse equality implications.

10.4 Acting Sustainably

There are no significant impacts on the economy, community or environment arising from the proposals contained in this report.

10.5 Carbon Management

It is not anticipated that the Council’s carbon emissions will be effected by the Council’s decision in regard to this report.

10.6 Rural Proofing

It is anticipated there will be no adverse impact on the rural area from the proposals contained in this report.

10.7 Changes to Scheme of Administration or Scheme of Delegation

If the Council decides to proceed down the route for introducing DPE it is likely that some amendments will be required to the Scheme of Administration and Scheme of Delegation

11 CONSULTATION

- 11.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR, and the Clerk to the Council have been consulted and comments received incorporated in the report.

Approved by

David Girdler
Chief Roads Officer

Signature

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Background Papers: None

Previous Minute Reference: Scottish Borders Council, 29 June 2016

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