
DECRIMINALISED PARKING

Report by Service Director Commercial Services

Scottish Borders Police, Fire and Rescue and Safer Communities Board

13 November 2015

1 PURPOSE AND SUMMARY

- 1.1 This report updates the Board on the progress of the Council in relation to Decriminalised Parking Enforcement.**
- 1.2 Following the withdrawal of the traffic warden service there has been a much reduced monitoring and enforcement service of vehicular waiting and loading restrictions within the area's towns and villages. This in turn has led to reduced compliance, poorer traffic management and increased public complaints.
- 1.3 An officer/member Working Group was set up in the summer of 2014 to explore the options available to the Council in relation to the future control of on-street parking.
- 1.4 The Working Group has made good progress and reached consensus on a way forward. It is currently exploring those options with a wider Council membership.

2 RECOMMENDATIONS

- 2.1 I recommend that the Board:**
 - a) Notes the updated position in regard to on-street parking control**

3 BACKGROUND

- 3.1 In February 2014 Police Scotland withdrew their traffic warden service in Scotland.
- 3.2 On-street parking transgressions in the Scottish Borders Council administrative area remain a criminal offence and enforcement responsibility lies solely with Police Scotland regardless of the fact that they no longer have a dedicated Traffic Warden Service.
- 3.3 Legislation is available however, that allows roads authorities to 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. A number of authorities have gone down this route in the past but, as the map in Appendix A illustrates, to date this has primarily been urban authorities for whom it was commercially attractive to implement.
- 3.4 One benefit the Scottish Borders has over other areas, yet to go down the DPE route is that it has successfully operated off-street pay and display parking for quite a number of years. This means that as well as having established a level of expertise it already has some of the required operational systems in place.
- 3.5 A member/officer working group was established in July 2014 to further explore the different options available to the Council in regard to on-street parking enforcement. The group has met on a number of occasions and made good progress in a number of areas.
- 3.6 CoSLA (the Convention of Scottish Local Authorities) has also been working on the issue on behalf of its member authorities; particularly in relation to economies of scale and potential joint working across authority boundaries.
- 3.7 Officers have also had background discussions with neighbouring authorities in terms of options available and the potential for sharing back, and/or front, office resources or alternatively “piggy-backing” on existing DPE operations.

4 DECRIMINALISED PARKING ENFORCEMENT

- 4.1 In a Decriminalised Parking Enforcement (DPE) scheme, parking contraventions cease to be criminal offences and therefore Police Scotland cease to have any enforcement role in the matter. The enforcement is instead pursued by the Local Authority. If implemented “penalty charges” replace “fines”.
- 4.2 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.
- 4.3 The thorough checking of existing Traffic Regulation Orders (TROs) and their application on the ground is another vitally important part of the process.
- 4.4 DPE can only be introduced on an authority wide basis.

5 DPE WORKING GROUP PROPOSALS

- 5.1 The Member/Officer Working Group has had a number of meetings since its first one on 23 July 2014. The meetings concentrated on the options available and the staffing and financial implications for each.
- 5.2 The main decision to be made is whether to accept the current situation of limited control and enforcement through Police Scotland, or to seek to introduce a Council controlled DPE regime. Within the latter there are several different operating models that can be employed; both in terms of back office processing and on the ground operations.
- 5.3 The Working Group has identified that the best way forward for the Council in terms of traffic management in our towns is to apply to Scottish Ministers to introduce Decriminalised Parking Enforcement. It should be emphasised however that Scottish Borders Council has yet to determine its position on a preferred way forward.

6 IMPLICATIONS

6.1 Financial

There are a number of financial implications for the Council to consider in relation to DPE.

- (a) Significant set-up costs have been identified and there is no current allocation in either the Council's Revenue or Capital Financial Plans for this. The Council needs to resolve how it would fund these set up costs as part of its decision on whether to proceed with DPE.
- (b) It is estimated that a DPE scheme will run at an operating loss each year. Again there is no current funding stream for this and the Council needs to establish how these costs would be met before reaching a decision on proceeding with DPE.
- (c) It should be noted that the previous requirement that DPE had to at least reach a break-even position has now been relaxed. It is now sufficient for authorities to demonstrate that there is a method of sustainably funding the process.

6.2 Risk and Mitigations

- (a) An application to Scottish Ministers may be unsuccessful and any costs incurred will be lost to the Council. This can be mitigated against through close liaison during the application process and by limiting expenditure as far as possible until a decision is forthcoming.
- (b) There is a risk that the service will be unpopular with the public attracting negative publicity for the Council. There is however a similar risk for the Council in not being seen to take action on this subject.
- (c) If the Council decides not to go down the route of DPE then there is a likelihood that the increased level of parking infringements, reduced

turn-over of spaces and poor traffic management will continue to get worse and that public dis-satisfaction and complaints may increase.

- (d) There is a risk that the financial projections prove to be insufficient and the cost to the Council in either, or both, initial set-up or running costs is greater than projected.

6.3 Equalities

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

6.4 Acting Sustainably

It is anticipated that the introduction of DPE would have a positive impact on town centres improving traffic management and the environment as well as aiding economic and social activities.

6.5 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.

6.6 Rural Proofing

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

6.7 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

7 CONSULTATION

- 7.1 The Monitoring Officer, the Chief Legal Officer, the Service Director Strategy and Policy, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council have being consulted on this report and comments incorporated in the final report.

Approved by

Andrew Drummond-Hunt
Service Director Commercial Services **Signature**

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Background Papers: None

Previous Minute Reference: None

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Appendix A

