

**FALKIRK COUNCIL**

**Subject: POLICE SCOTLAND PROPOSALS TO WITHDRAW THE TRAFFIC  
WARDENS SERVICE AND DECRIMINALISATION OF PARKING  
ENFORCEMENT – UPDATE REPORT**

**Meeting: EXECUTIVE**

**Date: 15 MARCH 2016**

**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**1. BACKGROUND**

- 1.1 Members will recall the previous report to this committee at its meeting on 19 November 2013 regarding Police Scotland's proposals to withdraw the traffic warden service together with information on the process and potential implications for the council area of decriminalisation of parking enforcement.
- 1.2 In 2013, the then Chief Constable of Police Scotland commenced a review of their traffic warden provision and subsequently advised the Council that he proposed to withdraw the service. The Executive on 19 November 2013 endorsed a response to Police Scotland from the Council which was not in agreement with Police Scotland's proposal. The Director of Development Services was also instructed to begin preparation of a business case to support any application to the Scottish Ministers via Transport Scotland, seeking decriminalised parking enforcement (DPE) powers.
- 1.3 On 23 December 2013, Assistant Chief Constable Mawson wrote on behalf of the Chief Constable to the Council confirming the decision to withdraw the traffic warden service and advising that police officers would continue to be involved in enforcement where parking was dangerous or causing significant obstruction, and also enforcement in relation to disabled parking bays. He further advised that this decision would take effect from 3 February 2014 (subsequently extended to 28 February 2014).
- 1.4 At the Falkirk Council meeting of 12 March 2014, the Director of Development Services was authorised, in consultation with the relevant portfolio holders, to seek to agree a Service Level Agreement with the Local Area Police Commander to maintain the status quo. As a result, a formal agreement between Falkirk and Stirling Councils and Police Scotland, secured a traffic warden parking enforcement service initially until 30 June 2015, subsequently amended to continue indefinitely unless terminated by any of the involved partners. This arrangement has operated satisfactorily since its inception.
- 1.5 On 25 February 2016, Chief Superintendent John Hawkins wrote on behalf of the Chief Constable to the Council advising that, as a result of the remaining traffic wardens deciding to leave the employment of Police Scotland, Police Scotland intended, in accordance with the terms of the Agreement, to terminate the Agreement as of 31 March 2016 but provided reassurance of the commitment of the police service to continue to support the Council in the period before the implementation of any decriminalised parking regime. Unless and until it is decided to pursue such a course of action and DPE is implemented, breaches of on street parking regulations will remain criminal offences with the responsibility for any enforcement sitting with Police Scotland. Assurance has

been provided by the local Area Police Command that officers will continue in the interim to exercise these enforcement powers in the context of overall policing operational pressures and priorities. Liaison between officers of Police Scotland and the council will continue in relation to the implementation of these arrangements moving forward.

## **2. UPDATE REPORT**

- 2.1 A 5 year business model has been prepared which assesses the financial effect of implementing DPE considering both off-street and on-street revenue streams. Before approving an application from a local authority for DPE powers, the Scottish Ministers must be satisfied that the business case demonstrates the scheme will operate on, at least, a financially neutral footing by the end of the first 5 years operating period or receive an assurance that the local authority will finance any revenue shortfall. The Council now has a business model which is considered to satisfy Scottish Government's requirements. This allows officers to proceed to complete the business case referred to in paragraph 1.2 which, in turn, will form the basis for a future report to Members when they will be asked to consider whether or not a DPE regime is something they wish to formally pursue.
- 2.2 The Scottish Government expects local authorities to undertake a review of existing waiting restrictions in their area prior to submitting an application for DPE. This requirement ensures that DPE can be properly enforced, in that traffic signs and road markings are compliant with the corresponding Traffic Regulation Order. This is vital to the success of DPE and ensures it does not fall into disrepute.
- 2.3 Site surveys of waiting, loading and parking restrictions have now been carried out of all publically adopted roads across the Falkirk Council area. Work is on-going to complete the review of existing waiting restrictions and is estimated that this will take a further 3 months. Once this work is complete it is intended to promote a single Traffic Regulation Order for the whole Council area to regularise the position.
- 2.4 Officers have already engaged with their counterparts in Transport Scotland to scope out the terms of any application for DPE and it is intended that this work will be undertaken in parallel with the preparation of the replacement composite parking order referred to above.

## **3 LEGAL IMPLICATIONS**

- 3.1 Pursuance of a decriminalised parking regime is a prescribed process in terms of the Road Traffic Act 1991. The outcome of such a process in the Falkirk Council area would be to vest powers to enforce on street parking breaches in the Council, excluding endorsable parking offences, including those which involve dangerous or obstructive parking and trunk roads which are the responsibility of Transport Scotland.

## **4. FINANCIAL IMPLICATIONS**

- 4.1 The business model referred to indicates there would be a combination of one-off and ongoing costs to be met by the Council in connection with the DPE regime. The former would be associated with the provision of appropriate refreshing and remedial works to

existing road lining and replacement of damaged or defective signage referred to above whilst the latter relates to staffing and associated costs together with administration of the scheme. Full details on the costings and funding options, together with information on income projections will be included in the next report to Members referred to above.

## **5 PERSONNEL IMPLICATIONS**

- 5.1 Additional staff resource will be required and further detail will be provided as part of the report on the full business case referred to.

## **6. RECOMMENDATIONS**

That Members;

- 6.1 Note the terms of this report; and
- 6.2 Agree that a report on the full business case referred to above be presented to Members as soon as possible upon conclusion of the remaining tasks to allow a decision to be made on whether an application to Scottish Ministers seeking DPE powers should be made.

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**Director of Development Services**  
**Date: 3 March 2016**

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### **LIST OF BACKGROUND PAPERS**

1. Letter dated June 2013 from Chief Superintendent Flynn – Review of Traffic Warden Provision and Public Service and Opening Hours at Police Offices.
2. Letter dated 1 October from Chief Superintendent Flynn – Traffic Warden Review
3. Letter dated 7 November 2013 from Chief Executive – Review of Traffic Warden Provision
4. Letter dated 25 February 2016 from Chief Superintendent Hawkins – Traffic Wardens

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504827 and ask for Greg Pender, Engineering Design Manager.